

# OHIO DEPARTMENT OF NATURAL RESOURCES

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## General information (DNR)

### Duties

The Ohio Department of Natural Resources is charged with the protection and conservation of Ohio's diverse natural landscape. We oversee and operate the state's 150 Wildlife Areas, 147 State Nature Preserves, 76 State Parks, and 24 State Forests. We regulate the oil and gas industry, as well as surface and underground mining operations across the state. We preserve the state's valuable water resources and dam inventory, protect Ohio's Lake Erie and Ohio River coastlines, study the state's geologic history and protect and rehabilitate the state's abundant wildlife populations.

### Membership *(Current members, chairperson and other officers, and selection process.)*

ODNR is an administrative department as established in section 121.02(F) of the Ohio Revised Code. Department operations are overseen by a director.

### Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

As of September 25, 2024, the Ohio Department of Natural Resources (ODNR) has an operating budget of \$675,561,567 in FY 2025. Of this amount, \$360,574,876 (53%) is from dedicated purpose funding, \$165,168,083 (24%) is General Revenue Funding, \$119,207,208 (18%) is federal funding, and \$30,611,400 (5%) comes from various other streams including internal service activity funds, capital projects funds, and fiduciary and holding account funds.

The budget process for ODNR begins with the preparation of a biennial budget request in accordance with the guidance provided by the Office of Budget and Management (OBM). The budget request is then reviewed by OBM and the Governor's Office. After funding decisions are made, ODNR's budget is incorporated into the Executive Biennial Budget request which is submitted to the Legislature. The House and the Senate review the Executive Budget and make changes as appropriate and pass the final biennial budget by June 30th of each odd numbered year. After the budget is passed by the Legislature, ODNR annually allots the funded amounts across payroll, contracts, maintenance, equipment, and subsidy, for each of our divisions and programs. The budget for each division and program is monitored over the course of

**Budget** *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

the fiscal year and adjustments are made as needed to ensure the programs have the needed funding and the budget remains in balance. If additional federal or dedicated purpose funding becomes available during the biennium, ODNR will seek Controlling Board Approval to increase appropriation in those funds.

**Workload** *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The Department's workload in relation to occupational regulation and the issuance of licenses and certifications has remained stable in recent years.

**Staffing** *(How many staff are currently employed by the Department? What are their roles? Are staffing levels proportionate to the Department's current and anticipated workload?)*

ODNR is a diverse and expansive state agency, consisting of eleven divisions. The work of these divisions varies, as do the job types/classifications. ODNR employs people in more than 220 different classifications thus it is difficult to summarize their roles. As of September 2024, ODNR has 2567 employees: 1617 full-time, 126 part-time and 824 non-permanent employees. Each year from mid-November through March, the number of non-permanent employees decreases as these employees are primarily utilized between April – November. ODNR has an approved staff ceiling of 2701, with 134 positions available in the headcount. Currently, the Office of Human Resources has 99 active positions in process with 34 additional requests pending. Based on the current position request activity, we believe our staffing ceiling is appropriate for both current and anticipated workload.

**Administrative hearings and public complaints** *(Describe the Department’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The department’s oversight and disciplinary authority varies by license/certification type. For more information on disciplinary action the department is permitted to take, please see the “*Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation*” sections for each license/certification type below.

## Aquaculture

### Survey response (DNR)

#### Description

“Aquaculture” means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limited to, for the purpose of sale for consumption as food. A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility. Each permit shall be in such form as the chief prescribes. The permits shall be classified as either class A or class B. A class A permit shall be required for all class A aquaculture species that are designated by rule as a class A aquaculture species. Class B permits shall be issued on a case-by-case basis.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	1,119 (2019-2023 average). Aquaculture permits may be either class A or class B. The average number of permits issued annually for each class during this period was 1,068 and 51, respectively.
<b>Number renewed annually</b>	541 (2019-2023 average). Licensees must apply annually pursuant to section 1533.632 of the Revised Code and section 1501:31-39-01(A)(3) of the Administrative Code. Aquaculture permits may be either class A or class B. The average number of renewal permits issued for each class during this period was 506 and 35, respectively.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No. The number of licenses issued each year has remained consistent since 2019.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$50.00 – Class A aquaculture \$100.00 – Class B aquaculture

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Licenses are valid from the date of issuance through December 31 <sup>st</sup> of each year, except a permit issued after November 30 <sup>th</sup> is valid until December 31 <sup>st</sup> of the following year.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$50.00 – Class A aquaculture \$100.00 – Class B aquaculture
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license pertains to the propagation and rearing of aquatic species in an aquaculture production facility located in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes. A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility. Class B permits shall be issued on a case-by-case basis. In determining whether to issue a class B permit, the chief shall take into account the species for which the class B permit is requested, the location of the aquaculture production facility, and any other information determined by the chief to be necessary to protect the wildlife and natural resources of this state. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility.

“Aquaculture production facility” means a facility that has suitable infrastructure and equipment, as determined by the chief, and that is solely dedicated to the propagation and rearing of an aquaculture species.

“Suitable infrastructure” includes ponds, raceways, and tanks.

“Rearing unit” means any of the following when associated with an aquaculture facility:

“Cages” means an open or covered, enclosed structure constructed with netting, mesh or any porous material, allowing natural water interchange. These structures may be floating, suspended, or fixed to the substrate but still permitting water interchange from below.

“Enclosures and pens” means water areas confined by netting, mesh and other barriers allowing uncontrolled water interchange and distinguished by the fact that enclosures occupy the full water column between substrate and surface; pens and enclosures will generally enclose a relatively large volume of water.

“Hatcheries” means installations for housing facilities for breeding, nursing and rearing seed of fish, or invertebrates to fry, fingerlings or juvenile stages.

“Ponds and tanks” means artificial units of varying sizes constructed above or below ground level capable of holding and interchanging water.

“Raceways” means artificial units constructed above or below ground level capable of high rates of water interchange.

A holder of an aquaculture permit may receive a permit issued under section 1533.301 or 1533.40 of the Revised Code without payment of the fee for that permit if the conditions for the issuance of the permit have been met.

A class B aquaculture production facility must have a minimum of two levels of escapement prevention.



**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.632

Ohio Administrative Code Section: 1501:31-1-02, OAC 1501:31-39-01

No person shall knowingly sell any aquatic species under an aquaculture permit issued under this section that was not raised in an aquaculture production facility. In addition to any other penalties prescribed for violation of this division, the chief may revoke the permit of any person convicted of a violation of this division for any period of time the chief considers necessary.

A person who does not hold a current valid aquaculture permit shall not knowingly sell an aquaculture species while claiming to possess an aquaculture permit.

Pursuant to section 1533.632 of the Revised Code, the chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the regulation of aquaculture.

Aquaculture permit holders are required to keep accurate daily records of all sales or purchases of aquaculture species. The required records must include the type of species bought or sold, the amount of species in gallons, numbers, or pounds, the date of sale or purchase, and the name and address of the buyer and seller. They must also be maintained for a minimum of two years and open for inspection by any Division of Wildlife employee at all reasonable hours.

A wild animal found to have been inadvertently imported into the state of Ohio at an aquaculture production facility will be destroyed or brought into conformity with Chapter 941. of the Revised Code and 901:1-17-01 of the Administrative Code.

A class B aquaculture production facility must have a minimum of two levels of escapement prevention. A class B aquaculture permit will not be used unless the applicant's facility has been inspected by a representative of the Division of Wildlife and is determined to be in compliance.

The chief may revoke a permit upon a determination that the person to whom the permit was issued has violated any rule adopted under this section. The permit shall be reissued upon a showing by the person that the person is in compliance with the rules adopted under this section.

A violation of the rules pertaining to aquaculture is a fourth-degree misdemeanor except for a violation of division (C) or (D) of section 1533.632 of the Revised Code if a felony of the fifth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Aquaculture license fees annually contribute approximately \$58,500 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections.

The annual fee for a class B aquaculture permit is \$100.00. The fee accounts for the additional costs to the Division for the inspection of aquaculture facilities used to raise a given class B aquaculture species.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate aquaculture production facilities in Ohio.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The state has a vested interest in the regulation of wild animals, including fish and amphibians, for the purpose of protecting wild populations from illegal harvest, ensuring fish and amphibian health, and minimizing impacts to native wildlife by the local production of non-native species. Unregulated possession, importation, and distribution of aquatic species in Ohio would pose a significant risk for the introduction of invasive species and diseases that would impact Ohio's native wildlife and their habitats. This regulation is aimed to ensure the protection and preservation of the native wildlife and natural resources of this state.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The limited adverse regulatory impacts are offset by the long-term benefits of defining species available for aquaculture production and sale, prescribing the levels of escapement prevention, and requiring record-keeping. These measures limit the pathways for the introduction of injurious aquatic invasive species (IAIS) and disease. Record-keeping requirements allow the agency to track the movement of IAIS and aquatic species that may have been exposed to certain diseases. Further, the regulation establishes a level playing field for all industry participants and provides a viable source of organisms raised in captivity.

**Are there any changes the Department would like to see implemented?**

N/A

**Surrounding state survey (LSC)**

LSC staff determined that an aquaculture license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Bait dealer

### Survey response (DNR)

Description	
Each person, firm, partnership, association, or corporation that buys, sells, or deals in minnows, crayfish, or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the Division of Wildlife a “bait dealer permit” and shall operate under such rules as the chief adopts.	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	2,029 (2019-2023 average)
Number renewed annually	727 (2020-2023 average). Licensees must apply annually pursuant to section 1533.40 of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. There was an increase in active registrations from 2020 to 2021. The active registrations have remained consistent since then.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$40.00 or free. The holder of an aquaculture permit may receive a bait dealer permit issued under section 1533.40 of the Revised Code without payment of the fee.
<b>Duration</b>	Licenses are valid from the date of issuance until December 31 <sup>st</sup> .
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$40.00 or free. The holder of an aquaculture permit may receive a bait dealer permit issued under section 1533.40 of the Revised Code without payment of the fee.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license pertains to buying, selling, or dealing in minnows, crayfish, or hellgrammites in Ohio and to collecting the listed species for sale from the wild in Ohio. Nonresidents engaging in the collecting, seining, or picking of minnows, crayfish, or hellgrammites for bait are required to have a nonresident fishing license as prescribed in section 1533.32 of the Revised Code.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No. A permit shall be issued upon application and the payment of a fee of forty dollars.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A bait dealer permit holder is required to operate under the rules the chief adopts.  Nonresidents engaging in the collecting, seining, or picking of minnows, crayfish, or hellgrammites for bait shall have a nonresident fishing license as prescribed in section 1533.32 of the Revised Code.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.40

Ohio Administrative Code Section: OAC 1501:31-13-04

Pursuant to section 1533.40 of the Revised Code, each person, firm, partnership, association, or corporation that buys, sells, or deals in minnows, crayfish, or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the Division of Wildlife a permit and shall operate under such rules as the chief adopts.

Bait dealer permit holders cannot possess minnows, listed baitfish, crayfish, or hellgrammites at any place, except at the address listed on that person's application for the permit, without having each receptacle containing minnows, fish, crayfish, and hellgrammites marked with that person's name, address, and permit number in letters and numerals at least one-half inch high in the English language.

In order to sell certain species of fish, a bait dealer permit holder is required to provide a receipt with the date and time of sale, the number of fish by species, and the name and address of the seller. A copy of the receipt must be retained for two years.

A bait dealer permit holder is required to keep accurate daily records of all transactions with a person permitted under section 1533.40 or section 1533.632 of the Revised Code that include all sales and purchases of minnows, fish, crayfish, hellgrammites, and other larval aquatic insects, the type of animal bought or sold, the amount of animals in gallons, numbers, or pounds, the date of sale or purchase, and the name and address of the buyer and seller. The records must be maintained for a minimum of two years.

These records shall be open for inspection by any wildlife officer at all reasonable hours. Provided further, such officers may enter and inspect any premises where minnows, fish, crayfish, and hellgrammites are bought, sold, or held under a permit issued under section 1533.40 of the Revised Code and any box, package, or receptacle and the contents for the purpose of determining whether any provision of Chapter 1531. or 1533. of the Revised Code or Division order is being violated.

It shall be unlawful for any person to sell as bait fish or use as bait any fish or minnow not already established in the waters of Ohio over which the Wildlife chief has control.

A violation of section 1533.40 of the Revised Code is a misdemeanor of the third degree. A violation of any of the rules pertaining to bait dealers is a misdemeanor of the fourth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Bait dealer permit fees annually contribute approximately \$59,160 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections. Notably, the agency annually issues approximately 550 free bait dealer permits pursuant to 1533.632 of the Revised Code.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate the buying, selling, or dealing in minnows, crayfish, or hellgrammites or collecting the listed species for sale.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation specifies the species of fish and other aquatic species that may be collected from the wild or raised in captivity and sold as bait. In addition, this rule specifies those records that must be kept by bait dealers to provide protection for wild populations as well as tracking for potential invasive species. The regulatory intent is to allow the collection and sale of certain aquatic species while protecting the resource from injurious aquatic invasive species and disease transmission. These regulations also support the perpetuity and profitability of the industry.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The limited adverse regulatory impacts to the industry are offset by the long-term benefits of defining species eligible for collection and sale and documenting their use, thereby establishing a level playing field for all industry participants and providing a viable source of organisms collected in the wild or raised in captivity. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of injurious aquatic invasive species and aquatic species that may have been exposed to certain diseases. Further, there are restrictions on selling or using as bait any fish or minnow not already established in the waters of the state.

**Are there any changes the Department would like to see implemented?**

N/A

**Surrounding state comparison (LSC)**

LSC staff determined that a bait dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Blaster

### Survey response for surface mine blaster (DNR)

Description	
A surface mine blaster conducts surface blasting operations in coal and industrial minerals mines, including surface blasting incident to underground mining and blasting on coal exploration operations.	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
Government Certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Average about 12 per year.
Number renewed annually	Average about 50 renewals per year. (Currently, 151 certified blasters.)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	A minimum of 40 hours of classroom-type training covering explosives, blast designs, blasthole loading, initiation systems, ground vibration, airblast, flyrock, fumes, secondary blasting, federal and state regulations, blast records, blast schedules, preblast surveys, blast plan requirements, certification requirements, signs, warning signals and site control, and preventing and mitigating potential hazards.
<b>Experience requirements</b>	Applicant must have worked on a blasting crew for at least two years in mining, excavation, or an equivalent working environment, and received on-the-job training from a blaster certified or licensed in any state.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The exam is administered by the Division of Mineral Resources Management (DMRM) blasting specialists, under the authority of the DMRM chief. A fee of ten dollars is charged each time a candidate takes the exam. Part One of the exam covers general blasting principles, including: explosives (characteristics and selection of); initiation systems; blasthole loading; blast design; potential hazards; ground vibration, airblast and flyrock; and handling, transportation and storage of explosives. Part Two of the exam covers Ohio's blasting regulations as they pertain to coal and industrial minerals mining.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	During each renewal period, a certified blaster must receive a minimum of 24 hours of continuing education by attending blasting-related courses, seminars or conferences approved by the chief of DMRM or an authorized representative, with at least eight hours obtained from an organization or person other than the blaster's employer or its parent company or explosives supplier. Typical topics include safety in the handling, transportation and storage of explosives; designing and loading blasts that meet mining customers' needs while preventing injuries and minimizing the risk of off-site damage from flyrock, ground vibration and airblast; and applications of new technology.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Initial fee</b>	Zero
<b>Duration</b>	A surface mine blaster certification lasts three years before having to be renewed.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Zero
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Per OAC 1501:13-9-10 (A)(3), "the chief may grant reciprocity to any blaster who holds a valid certification or license issued under any state or federal blaster certification or license program approved by the U.S. department of the interior's office of surface mining reclamation and enforcement. However, to obtain certification under this rule, the blaster must apply for and pass an examination on Ohio blasting regulations pertaining to coal and industrial minerals mines, and meet any other requirement deemed necessary by the chief."
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Similar certifications or licenses are administered by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) and numerous states with programs approved by OSMRE. Such certifications or licenses may be used in a reciprocal manner per OAC 1501:13-9-10 (A)(3), as explained in the response to the previous question about reciprocity.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	ODNR/DMRM only regulates mining-related blasting. It does not regulate construction or demolition blasting that is not affiliated with a regulated mining permit, or the use of explosives for seismic exploration or oil/gas well fracking.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, as granted in OAC 1501:13-9-10.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The chief of the DMRM may suspend or revoke a blaster's certification for: noncompliance with any order of the chief, any order issued by a regulatory authority having jurisdiction over the use of explosives, or any order issued by a court of law, relative to the use of explosives; violation of any provision of state or federal explosives laws or regulations, a blasting-related permit condition, or any condition of certification; unlawful use in the workplace of, or current addiction to, alcohol, narcotics, or other dangerous drugs; providing false information or a misrepresentation on any application for certification or recertification; falsification of blast records; or conducting a blast where flyrock was cast beyond the permit boundary of any mine.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Around \$200.00 per year in fees are paid into the mining regulation and safety fund to support the operations of the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The federal Office of Surface Mining Reclamation and Enforcement (OSMRE) requires the state to regulate the certification of blasters who conduct surface blasting in coal mines, and the DMRM's regulations are subject to review and approval by OSMRE.

The federal Mine Safety and Health Administration (MSHA) has regulations that apply to the safe handling and storage of explosives exclusively on mine sites, but does not require a blaster to possess a personal license or certification. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requires persons to have clearance in the form of a user permit to possess or use explosives in all settings (not just mines), but does not require a blaster to obtain a personal license or certification.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The goal is to prevent injury to persons, both on and off the regulated mining permit area, from flyrock, airblast and toxic fumes; and damage to off-site structures (e.g., dwellings, public and commercial buildings, and utilities) from flyrock, ground vibration and airblast.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above. Evidence of injury to persons is very rare. (As an example, there have been no reports of blasting-related injuries in the last 10 years.) Also, verified damage to off-site structures from ground vibration and airblast is almost non-existent, partly because the DMRM's vibration and airblast limits are very conservative, and certified blasters exercise due diligence in complying with those limits. The DMRM is not aware of other, less restrictive ways to prevent the potential adverse effects of mine blasting which, in fact, is considered to be an ultra-hazardous activity.

**Are there any changes the Department would like to see implemented?**

The ten-dollar fee to take the blaster certification exam is outdated, as it currently costs more money to collect and cash the check than it does to collect no fees at all. The Division has made changes in Administrative Code to allow the fee to be set “at the discretion of the Chief,” and would be interested in having that change codified in statute. Division staff is currently discussing what amount would be a reasonable fee for the administration of the certification and will set a more reasonable fee after conferring with industry and other stakeholders.

**Survey response for surface mine blaster – limited (DNR)****Description**

A surface mine blaster-limited conducts small-scale blasting on industrial minerals mining permits, but only when the blasting operations meet all of the following conditions:

- (a) The primary purpose is to split natural stone deposits into rectangular blocks, or “dimension stone,” for use in buildings, landscaping projects, break walls, or similar purposes;
- (b) Detonating cord is the primary explosive charge in all blastholes; small-diameter cartridges, if used, occupy no more than twenty percent of the blasthole length;
- (c) The blastholes do not exceed three inches in diameter, are spaced no greater than thirty-six inches apart in a single row for each fracture plane desired, and are connected on the surface with detonating cord and no delays between the holes; and
- (d) The weight of explosives per hole does not exceed five pounds, and the total weight of explosives per blast does not exceed two hundred pounds.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Limited certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Less than one.
<b>Number renewed annually</b>	About one per year, on average. (Currently, we have four Limited certified blasters.)
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	The same as described in the previous section for an “unlimited” surface mine blaster, but the Division of Mineral Resources Management (DMRM) chief may waive some of the required training hours and topics, making them relevant to the limited blasting conditions listed above.
<b>Experience requirements</b>	Worked on a blasting crew for at least two years in mining, excavation, or an equivalent working environment, and received on-the-job training from a blaster certified or licensed in any state.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	The exam is administered by DMRM blasting specialists, under the authority of the DMRM chief. A fee of ten dollars is charged each time a candidate takes the exam. Part One of the exam covers general blasting principles, including: explosives (characteristics and selection of); initiation systems; blasthole loading; blast design; potential hazards; ground vibration, airblast and flyrock; and handling, transportation and storage of explosives. Part Two of the exam covers Ohio's blasting regulations as they pertain to industrial minerals mining. For this Limited type of certification, the exam covers only the topics that are relevant to the limited blasting conditions explained above.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	During each three-year renewal period, a Limited certified blaster must receive a minimum of eight hours of blasting-related training approved by the chief of DMRM or an authorized representative. Typical topics for such small-scale blasting include safety in the handling, transportation and storage of explosives.
<b>Initial fee</b>	Ten dollars is charged when a candidate takes the exam.
<b>Duration</b>	A Limited surface mine blaster certification lasts three years.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Per OAC 1501:13-9-10 (A)(3), "the chief may grant reciprocity to any blaster who holds a valid certification or license issued under any state or federal blaster certification or license program approved by the U.S. department of the interior's office of surface mining reclamation and enforcement. However, to obtain certification under this rule, the blaster must apply for and pass an examination on Ohio blasting regulations pertaining to coal and industrial minerals mines, and meet any other requirement deemed necessary by the chief."

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Pennsylvania offers a similar type of blaster licensure for dimension stone blasters, which could be used in a reciprocal fashion to obtain the limited surface mine blaster certification in Ohio.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	ODNR/DMRM only regulates mining-related blasting. It does not regulate construction or demolition blasting that is not affiliated with a regulated mining permit, or the use of explosives for seismic exploration or oil/gas well fracking.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes, as granted in OAC 1501:13-9-10.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	None.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
The chief of the DMRM may suspend or revoke a blaster's certification for: noncompliance with any order of the chief, any order issued by a regulatory authority having jurisdiction over the use of explosives, or any order issued by a court of law, relative to the use of explosives; violation of any provision of state or federal explosives laws or regulations, a blasting-related permit condition, or any condition of certification; unlawful use in the workplace of, or current addiction to, alcohol, narcotics, or other dangerous drugs; providing false information or a misrepresentation on any application for certification or recertification; falsification of blast records; or conducting a blast where flyrock was cast beyond the permit boundary of any mine.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Around \$10.00 per year in fees is paid into the mining regulation and safety fund to support the operations of the division.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

The federal Mine Safety and Health Administration (MSHA) has regulations that apply to the safe handling and storage of explosives exclusively on mine sites, but does not require a blaster to possess a personal license or certification. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) requires persons to have clearance in the form of a user permit to possess or use explosives in all settings (not just mines), but does not require a blaster to obtain a personal license or certification.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

Injury to persons, both on and off the regulated mining permit area, from flyrock, airblast and toxic fumes; and damage to off-site structures (e.g., dwellings, public and commercial buildings, and utilities) from flyrock, ground vibration and airblast.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective. Evidence of injury to persons is very rare. (As an example, there have been no reports of injuries in the last 10 years.) And verified damage to off-site structures from ground vibration and airblast is almost non-existent, partly because the DMRM's vibration and airblast limits are very conservative, and certified blasters exercise due diligence in complying with those limits. The DMRM is not aware of other, less restrictive ways to prevent the potential adverse effects of mine blasting which, in fact, is considered to be an ultra-hazardous activity.

**Are there any changes the Department would like to see implemented?**

The ten-dollar fee to take the blaster certification exam is outdated, as it currently costs more money to collect and cash the check than it costs to collect no fees at all. The Division has made changes in Administrative Code to allow the fee to be set "at the discretion of the Chief," and would be interested in having that change codified in statute. Division staff is currently discussing what amount would be a reasonable fee for the administration of the certification and will set a more reasonable fee after conferring with industry and other stakeholders.

**Surrounding state comparison (LSC) (as of September 12, 2024)**

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License  (Surface mine blaster certificate; limited blaster certificate for small-scale blasting on industrial	License  (Certified blaster) <i>(Ind. Code 14-34-12-1 and 14-34-12-2(4); 312 Ind. Admin. Code 25-1-21 and 25-9-3(a) and (b) to 25-9-8)</i>	License  (Blaster license; limited blaster license)  <i>(Ky. Rev. Stat. 351.315(1) and 351.325; 805 Ky. Admin. Regs.</i>	License  (Blaster certification)  <i>(Mich. Comp. Laws 324.63527(2)(o) (iv); Mich. Admin. Code R. 408.42705)</i>	License  (Blaster license issued for specific classifications)  Blaster licenses include classifications for the following	License  (Certified blaster)  <i>(W. Va. Code R. 38-2-25 and 38-3-6.8)</i>

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	minerals mining permits) <i>(R.C. 1514.12(D), 1561.20, and 1561.23(A)(10); O.A.C. 1501:13-9-10(A)(1) and (4))</i>		<i>4:010(1), (13), and (14))</i>	The federal Office of Surface Mining Reclamation and Enforcement (OSMRE) regulates surface and coal mining and reclamation in Michigan and therefore blaster certification  Michigan adopts by reference the standards in federal OSHA regulations for “Blasting and Use of Explosives” in 29 C.F.R. 1926.901  <i>(Mich. Dept. of Labor and Economic Opportunity, <a href="#">Construction Standard, Part 27, Blasting and Use of Explosives</a>; U.S. Dept. of Interior,</i>	blasting activities: (1) general (all classifications except demolition, mine opening blasting, and underground noncoal mining), (2) trenching and construction, (3) limited (law enforcement, research, seismic work, and industrial processes), (4) surface mining, (5) underground noncoal mining, (6) mine opening blasting, (7) industrial, (8) limited, and (9) demolition  <i>(52 P.S. 1396.4b(b) and 3311; 25 Pa. Code 210.11 to 210.17; see Pa. Dept. of</i>	

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<a href="#"><u>OSMRE Blaster Certification</u></a>	<a href="#"><u>Environmental Protection, Blaster Licensing and Certification</u></a>	
Education or training	At least 40 hours of training courses covering several blasting-related topics, such as explosives and blast designs, taught under the supervision of the Ohio Department of Natural Resources, Chief of the Division of Mineral Resources Management, or through training courses the Chief determines are equivalent and received direction and on-the-job training from a blaster certified or	Indiana Department of Natural Resources-approved training in several blasting-related topics, such as explosives and blast designs  (312 Ind. Admin. Code 25-1-21, 25-1-38, and 25-9-3 (c))	At least two years of blasting experience under supervision of experienced blaster or one year of blasting experience and Kentucky Department for Natural Resources-approved formal training program  (Ky. Rev. Stat. 351.315(1)(a) and (b))	Qualified, by reason of training, knowledge, or experience in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local explosives laws and regulations  (29 C.F.R. 1926.901(c) and (e))	Completion of Department of Environmental Protection class on explosives and successfully passing the Department's blaster license exam  General license: 16-hour Department-approved class on explosives  Limited license: eight-hour Department-approved class on explosives  (25 Pa. Code 210.14(a)(3) and (4))	Completion of the West Virginia Surface Mine Blasters Self-Study Guide Course and a classroom review of the self-study guide course, the training program administered by the Secretary of Environmental Protection, Mining, and Reclamation  Some first-time applicants may not be required to complete the classroom review  All applicants for certification must attend a two-hour Blaster's

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>licensed in any state</p> <p>For limited blaster certificates, the Chief may waive some required training hours and topics, such that training is relevant to small-scale blasting described above</p> <p><i>(O.A.C. 1501:13-9-10(B) and (C)(1))</i></p>					<p>Responsibilities training session regarding responsibilities and the disciplinary provisions describing certification suspension, revocation, and reinstatement</p> <p><i>(W. Va. Code. R. 38-2-25.2 and 38-2-25.2a)</i></p>
Experience	<p>At least two years of practical experience on a blasting crew in mining, excavation, or an equivalent working environment in the judgment of Chief</p>	<p>At least one year of supervised blasting operations experience</p> <p><i>(312 Ind. Admin. Code 25-1-21)</i></p>	<p>Must be at least 21 years of age</p> <p>At least two years of supervised blasting operations experience or one year of blasting experience and Department-approved formal training program</p>	N/A	<p>Must be at least 21 years of age</p> <p>At least one year of field experience as a blaster learner in preparing blasts in classification for which a license is sought</p> <p><i>(25 Pa. Code 210.14(a)(1) and (2))</i></p>	<p>Must be at least 21 years of age</p> <p>One year of active blasting experience within the last three years and demonstrated working knowledge and skills regarding federal and West Virginia explosive laws and the</p>

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 1561.20(A); O.A.C. 1501:13-9-10(C)(2))</i>		<i>(Ky. Rev. Stat. 351.315(1)(a) and (b) and (5))</i>			storage, handling, transportation, and use of explosives  <i>(W. Va. Code. R. 38-2-25.1.b)</i>
Exam	Yes  <i>(R.C. 1561.13, 1561.20, and 1561.23(A)(10); O.A.C. 1501:13-9-10(C)(5))</i>	Yes  <i>(312 Ind. Admin. Code 25-1-21 and 25-9-5)</i>	Yes  <i>(Ky. Rev. Stat. 351.315(1)(a) and (b) and (6); 805 Ky. Admin. Regs. 4:010(1))</i>	Satisfactory evidence of competency in handling explosives  <i>(29 C.F.R. 1926.901(d))</i>	Yes  <i>(25 Pa. Code 210.16)</i>	Yes  <i>(W. Va. Code. R. 38-2-25.1.b and 38-2-25.3b)</i>
Continuing education	For blaster certificates, at least 24 hours continuing education every three years that includes approved blasting-related courses, seminars, or conferences, eight hours of which are not from the blaster's employer or its parent company	15 hours every three years  <i>(312 Ind. Admin. Code 25-9-8(b)(3))</i>	Eight hours per year of Department-approved blaster's training during the preceding three years, no more than four hours of which may be from attending a conference unless otherwise	N/A	At least eight hours every three years of Department-approved blasting and safety courses  <i>(25 Pa. Code 210.17(d))</i>	12 hours every three years  <i>(W. Va. Code. R. 38-2-25.6.a)</i>



Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	or an explosives supplier  For limited blaster certificates, at least eight hours every three years of approved blasting-related training  <i>(O.A.C. 1501:13-9-10(D)(2)(b))</i>		Department-approved  For limited blaster licenses, at least four hours of Department-approved blaster's training during the preceding three years  <i>(Ky. Rev. Stat. 351.315(4)(a) and (b))</i>			
Initial licensure fee	\$10 exam fee <i>(Ohio Dept. of Natural Resources, <a href="#">Application for Examination and Certification As a Surface Mine Blaster (PDF)</a>)</i>	N/A	\$25 plus exam fee not to exceed \$40 <i>(Ky. Rev. Stat. 351.315(2))</i>	N/A	\$50 application fee and \$50 materials fee <i>(25 Pa. Code 210.15; Pa. Dept. of Environmental Protection, <a href="#">Application for Examination and Blaster's License</a>)</i>	\$50 application fee <i>(W. Va. Code. R. 38-2-25.1.c)</i>

Blaster/Surface Mine Blaster						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years <i>(O.A.C. 1501:13-9-10(D)(1))</i>	Three years <i>(312 Ind. Admin. Code 25-9-7(a))</i>	Three years <i>(Ky. Rev. Stat. 351.315(4))</i>	N/A	Three years <i>(25 Pa. Code 210.17(c) and (e))</i>	Three years <i>(W. Va. Code. R. 38-2-25.6.b and 38-2-25.6.d)</i>
Renewal fee	N/A	N/A	Not more than \$60 <i>(Ky. Rev. Stat. 351.315(6); 805 Ky. Admin. Regs. 4:010(4))</i>	N/A	\$30 renewal application fee <i>(25 Pa. Code 210.17(e))</i>	\$30 reapplication fee <i>(W. Va. Code. R. 38-2-25.6.b)</i>

## Captive white-tailed deer propagator

### Survey response (DNR)

Description
A “captive white-tailed deer propagation license” permits the licensee to propagate captive white-tailed deer, hold the animals in captivity, and sell the animals and carcasses. The fee for such a license is forty dollars. The license is valid until the license holder ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	12 (2018-2023 average)
<b>Number renewed annually</b>	Zero. Under section 1533.71(A)(1) of the Revised Code, the license is valid until the license holder ceases to hold captive white-tailed deer or the license is revoked, whichever occurs earlier.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	During the past six years (2018-2023), 73 new captive white-tailed deer permits were issued. Since these licenses only expire when the permit holder no longer holds captive white-tailed deer in captivity, newly issued licenses increase the total. However, the number of new licenses issued each year has remained consistent over the past six years, with a slight decrease in 2023.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$40.00
<b>Duration</b>	This license does not expire unless the license holder ceases to hold captive white-tailed deer in captivity.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Not applicable. There are no renewals for this license.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license pertains to holding and propagating white-tailed deer in captivity in an authorized enclosure in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated white-tailed deer held in captivity and sold in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	A United States Department of Agriculture dealer license may be required in addition to the captive white-tailed deer propagation license. A USDA dealer license is generally applicable to dealers or when there are a certain number of breeding pairs. While there are housing and care conditions, these requirements are not directly applicable to maintaining captive white-tailed deer in captivity. The USDA dealer license would not be a suitable substitute for the captive white-tailed deer propagation license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No. If the applicant's authorized enclosure complies with all the applicable requirements, the chief of the Division of Wildlife shall review the application and shall issue or deny the license. If the chief denies the license, the chief shall return the application to the applicant with an explanation of the reasons for denial. The applicant may correct the deficiencies in the application and submit a revised application. If the applicant corrects the deficiencies, the chief shall issue the license.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A person who wishes to obtain a captive white-tailed deer propagation license, prior to applying for the license, shall construct an authorized enclosure that is surrounded by a fence that is eight feet in height with a minimal deviation not to exceed four percent, is constructed in a manner that prevents ingress and egress of deer, and is constructed of materials that are approved by the chief of the Division of Wildlife in consultation with the animal and plant health inspection service in the United States Department of Agriculture, the Ohio Department of Agriculture, and representatives of the cervid industry in this state. The current minimum standard is woven wire mesh fencing.

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74</p> <p>Ohio Administrative Code Sections: 1501:31-15-02, 1501:31-19-04 After the initial inspection, the Division of Wildlife may only inspect a facility to which a captive white-tailed deer propagation license has been issued at reasonable times and when the inspection is in connection with a criminal investigation.</p> <p>Each holder of a captive white-tailed deer propagation license issued under section 1533.71 of the Revised Code shall maintain all records that are required in rules adopted under section 943.24 of the Revised Code. The records shall be kept permanently on the premises stated in the</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

license and shall be open for inspection by any authorized representative of the Department of Agriculture at all reasonable times and of the Division of Wildlife at all reasonable times in conjunction with an active criminal investigation.

The chief of the Division of Wildlife, with the approval of the director of Agriculture, may suspend or revoke a captive white-tailed deer propagation license issued to a person who also has been issued a valid license under section 943.03 or 943.031 of the Revised Code for the same facility if the person fails to comply with Chapter 943 and Chapter 1531 of the Revised Code, division rules, and rules adopted under section 943.24 of the Revised Code.

A violation of the rules pertaining to a captive white-tailed deer propagation license is a third-degree misdemeanor.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The fees for this license contribute approximately \$480.00 annually to the Division of Wildlife. These fees are used to administer the licensing program, including the initial inspection of the facility to be licensed.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate captive white-tailed deer propagation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

White-tailed deer are an important natural resource for the citizens of the state of Ohio. Captive white-tailed deer propagation licenses allow individuals the opportunity to propagate captive white-tailed deer. The regulation is intended to prevent co-mingling of captive white-tailed deer with native, wild white-tailed deer to prevent disease transmission. Chronic Wasting Disease (CWD) prevention/control is an important consideration of this regulation. This rule is necessary to prevent the escape of captive white-tailed deer and the possible spread of disease to Ohio's wild deer herd. The rule is aimed at limiting the potential spread of disease by establishing standards to properly contain captive white-tailed deer, requiring notification to the Division of Wildlife should one escape, and defining how to properly dispose of carcasses. This regulation protects the wild white-tailed deer herd and those deer held in captivity from the spread of disease. Healthy deer herds are important for the key contributions hunting makes to Ohio's economy, the management of wild white-tailed deer, and the protection of the private interests of the individuals who legally hold white-tailed deer in captivity.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

While escapes from captive white-tailed deer facilities occur, timely notification aids the Division of Wildlife in limiting exposure to the wild deer herd. In 2014, the first confirmed case of CWD in Ohio was found in a captive deer at a shooting preserve in Holmes County. Since then, 24 additional deer from three other captive facilities in Holmes and Wayne counties tested positive for CWD. After detection, the regulatory framework between the Division of Wildlife and the Ohio Department of Agriculture allowed the agencies to identify the impacted facilities and constrain the spread of the disease.

**Are there any changes the Department would like to see implemented?**

No.

## Surrounding state comparison (LSC) (as of August 16, 2024)

Captive White-Tailed Deer Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Captive white-tailed deer propagation license, dealer license, small dealer license, wild animal hunting preserve license) <sup>1</sup>  (R.C. 1533.71 (A)(3) and (B) and 1533.731(B)(1) and (F); O.A.C. 1501:31-19-04)	No clear equivalent (See Ind. Dept of Natural Resources (DNR), <a href="#">Indiana DNR Game Breeder's License Information, third paragraph (PDF)</a> )	License <sup>2</sup> (Permit to hold captive cervids) (Ky. Rev. Stat. 150.010 and 150.730; 301 Ky. Admin. Regs. 2:083)	License (Cervidae livestock facility registration) (Mich. Comp. Laws 287.955)	License (Cervidae livestock operation license, wildlife propagation permit)  (3 Pa. Cons. Stat. 2380.2 and 34 Pa. Cons. Stat. 102 and 2930)	License (Captive cervid farming facility Class 1 license, captive cervid farming facility Class 2 license)  (W. Va. Code 19-2H-2(b), 19-2H-3, and 19-2H-4)
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> A person may propagate captive deer with status or captive deer with certified chronic wasting disease status under a dealer license or small dealer license, but the person also must have a captive white-tailed deer propagation license (R.C. 943.20(A)).

<sup>2</sup> Regulations specify that no new noncommercial captive cervid permits may be issued after February 28, 2016. Those permit holders may hold captive cervids for the life of the animals and after which the permit is no longer valid. (301 Ky. Admin. Regs. 2:083, section 8(9).)



Captive White-Tailed Deer Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	<p>\$40 for captive white-tailed deer propagation license</p> <p>\$25 for small dealer license</p> <p>\$50 to \$250 for dealer's license with fee depending on number of head</p> <p><i>(R.C. 934.04(B) and (C) and 1533.71(A)(3))</i></p>	N/A	<p>\$150 per facility for captive cervid permit</p> <p>\$75 per facility for noncommercial captive cervid permit</p> <p><i>(301 Ky. Admin. Regs. 5:022, sections 5(5) and 5(6))</i></p>	<p>\$750 for ranch and full registration</p> <p>\$450 for hobby and exhibition registrations</p> <p><i>(Mich. Comp. Laws 287.958(5))</i></p> <p>Other fees: \$250 application fee; \$250 initial inspection fee for 40 acres or less or \$500 initial inspection fee for more than 40 acres; \$100 second inspection fee, if needed</p> <p><i>(Mich. Comp. Laws 287.958(3) and (4))</i></p>	<p>\$150 for cervidae livestock operation license</p> <p>\$25 for one species plus \$10 for each additional species</p> <p>Total fees for a license are multiplied by the license duration selected by the applicant for wildlife propagation permit</p> <p><i>(3 Pa. Cons. Stat. 2380.3(b) and 34 Pa. Cons. Stat. 2903, 2904(a)(16), and 2930)</i></p>	<p>\$375 for Class 1 license</p> <p>\$750 for Class 2 license</p> <p><i>(W. Va. Code 19-2H-4)</i></p>

Captive White-Tailed Deer Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	<p>Until licensee ceases to hold captive white-tailed deer or until the license is revoked, whichever is earlier for captive white-tailed deer propagation license</p> <p>One year for dealer and small dealer licenses (R.C. 943.03(A)(1), 943.031(B), and 1533.71(A)(3))</p>	N/A	<p>One year for captive cervid permit</p> <p>Three years for noncommercial captive cervid permit (301 Ky. Admin. Regs. 5:022, sections 5(5) and 5(6))</p>	<p>Three years (Mich. Comp. Laws 287.958(1))</p>	<p>Two years for cervidae livestock operation license</p> <p>One to three years selected by applicant for wildlife propagation permit (3 Pa. Cons. Stat. 2380.5(a) and 34 Pa. Cons. Stat. 2903)</p>	<p>One year (W. Va. Code 19-2H-6(b))</p>
Renewal fee	<p>N/A (captive white-tailed deer propagation license)</p> <p>\$25 plus \$25 more if renewal application is received after March 31 for</p>	N/A	<p>\$150 per facility for captive cervid permit</p> <p>\$75 per facility for noncommercial captive cervid permit (301 Ky. Admin. Regs. 5:022,</p>	<p>\$750 for ranch and full registration</p> <p>\$450 for hobby and exhibition registrations (Mich. Comp. Laws 287.958(5))</p>	<p>\$150 for cervidae livestock operation license</p> <p>\$25 for one species plus \$10 for each additional species</p> <p>Total fees for a license are multiplied by the</p>	<p>\$375 for Class 1 license</p> <p>\$750 for Class 2 license (W. Va. Code 19-2H-6(b))</p>

Captive White-Tailed Deer Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	small dealer license  \$50 to \$250 as described above plus \$100 late fee if renewal application is received after March 31 for dealer license  <i>(R.C. 934.04(B) and (C))</i>		<i>sections 5(5) and 5(6))</i>		license duration selected by the applicant for wildlife propagation permit  <i>(3 Pa. Cons. Stat. 2380.3(b) and 34 Pa. Cons. Stat. 102, 2903, 2904(a)(16), and 2930)</i>	

## Certified prescribed fire manager

### Survey response (DNR)

Description
<p>This certification is granted by the Division of Forestry within the Department of Natural Resources. Certification is the primary basis for granting an individual a waiver to R.C. 1503.18 (c). Rules and requirements are located in OAC 1501:3-13.</p>

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	25
<b>Number renewed annually</b>	40
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No
<b>Education or training requirements</b>	30 hours of training in prescribed fire and wildland fire suppression.
<b>Experience requirements</b>	10 days of experience on wildland fires

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>Division of Forestry administers the exam at the completion of the Ohio Prescribed Fire Manager course provided by the division.</p> <p>No fees are charged for the exam. Eighty dollars (\$80) is currently charged for the course that the division provides, but an interested party can obtain alternative training if it meets the requirements in OAC.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There is no requirement for continuing education.
<b>Initial fee</b>	None.
<b>Duration</b>	Recertification requires documented experience in prescribed burning in the preceding 5-year period.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	No fees charged
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The department recognizes the equivalent national certification under the National Wildfire Coordinating Group (NWCG) or from other states with substantially similar requirements.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	Prescribed Fire Burn Boss Type 2 is a NWCG recognized national standard that is recognized by wildland fire agencies. The department recognizes this as equivalent.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	The Division of Forestry offers two additional pathways to having a fire waiver granted under R.C. 1503.18 (c). The first is a landowner burning their own property with written permission from their fire department. The second is a land clearing contractor with appropriate permits granted by Ohio EPA.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes. OAC provides that the department may deny or withdraw a fire waiver if an individual is determined to have endangered public safety, violated waiver conditions, conducted a burn without receiving a required waiver, conducted a burn without obtaining any required permission from Ohio EPA or not met reporting requirements under the rule.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	In cases of denial or withdrawal of fire waivers the department is required to provide written explanation and requirements to obtain future waivers.

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>The department's authority with respect to discipline for this occupation is limited to the denial of granting written waivers to R.C. 1503.18 (c). Oversight is limited to monitoring the compliance of individuals to conditions set forth in fire waiver letters and education requirements for initial certification.</p> <p>Violation of R.C. 1503.18 is a third-degree misdemeanor. This can be enforced by peace officers within the department or from other agencies that have authority to enforce it.</p>

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No revenue is generated.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

None.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

Every prescribed burn has the potential to escape and become a wildfire. Wildfires can damage property and put human life at risk. As such, requirements for training and application are necessary to prevent these outcomes.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The department is unaware of any certified prescribed fire manager causing significant harm through a prescribed fire authorized under a fire waiver.

In Ohio there are over 500 wildfires annually, of which approximately 2/3rds are caused by planned fires that escaped and were not permitted under these rules. These cause significant damage and personal injuries.

**Are there any changes the Department would like to see implemented?**

This program has buy-in from key stakeholders. This includes government and non-profit land managing agencies, sister state agencies, and the Ohio Prescribed Fire Council. The Ohio Prescribed Fire Council is made up of prescribed fire practitioners and is consulted when any changes to the program are made. The department feels there are no changes currently needed.

**Surrounding state comparison (LSC) (as of July 31, 2024)**

Certified Prescribed Fire Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Certified prescribed fire manager) (O.A.C. 1501:3-13-01)	No clear equivalent (The Department of Natural Resources must establish and equip a firefighting organization in	License (Certified Burn Boss) (Ky. Rev. Stat. 149.175; Ky. Prescribed Fire Council, <a href="#">Kentucky Prescribed Fire</a>	License (Certified prescribed burn manager) (Mich. Admin. Code R. 281.424, 281.425, and 281.426)	License (Certified prescribed burn manager/boss) (32 P.S. 425.4(2) and 425.6; Pa. Prescribed Fire Council, <a href="#">Appendix</a>	License (Certified prescribed fire manager) (W. Va. Code 20-3-5a)



Certified Prescribed Fire Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		the Division of Forestry for detecting, preventing, fighting, and controlling fires in state forest land.) <i>(Ind. Code 14-23-5-1)</i>	<a href="#"><u>Council Administrative Policy for Kentucky Certified Burn Bosses and Kentucky Prescribed Fire Crew Members (PDF)</u></a>		<a href="#"><u>D: Certified Prescribed Burn Manager Program (1) (PDF)</u></a>	
Education or training	At least six hours of training in wildland fire suppression and at least 24 hours of training in prescribed fire management <i>(O.A.C. 1501:3-13-01(C)(1)(a) and (b))</i>	N/A	Completion of following: (1) National Wildfire Coordinating Group-prescribed burn boss qualifications, (2) Nature Conservancy's Workshop on Ecological Burning, including prerequisites, or (3) Kentucky Certified Burn Boss Workshop, including prerequisites	Completion of certified National Wildlife Coordinating Group training courses or equivalent as approved by Michigan Dept. of Natural Resources and Department-prescribed burn manager course <i>(Mich. Admin. Code R. 281.426 (2)(a)(i) and (ii))</i>	Completion of Certified Prescribed Burn Manager course <i>(32 P.S. 425.6; Pa. Prescribed Fire Council, <a href="#"><u>Certified Prescribed Burn Manager and Appendix D: Certified Prescribed Burn Manager Program (1.2U) (PDF)</u></a>)</i>	An employee of Division of Forestry, Division of Natural Resources, or any federal employee who has (1) completed prescribed fire course developed by Director of the Division of Natural Resources or equivalent or (2) demonstrated past relevant experience and completed a review course

Certified Prescribed Fire Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(Ky. Prescribed Fire Council, <a href="#">Kentucky Certified Burn Boss</a>)</i>			<i>(W. Va. Code 20-3-5a(a) and (c))</i>
Experience	<p>Prior professional experience in at least ten wildfires on at least ten days, ten prescribed fires on at least ten days, or a combination of these</p> <p><i>(O.A.C. 1501:3-13-01(C)(1)(c))</i></p>	N/A	<p>Minimum 18 years of age</p> <p>Before training workshop: Participation on five prescribed burns or wildfires as proven by affidavit</p> <p>After training workshop: Completion of three apprentice burns under supervision of mentoring certified burn boss</p> <p><i>(Ky. Prescribed Fire Council, <a href="#">Kentucky Certified Burn Boss</a>)</i></p>	<p>Proof of direct experience on five prescribed burns either by actively participating in the management of at least two prescribed burns as a prescribed burn manager trainee or written documentation detailing experience</p> <p><i>(Mich. Admin. Code R. 281.426 (2)(a)(iii))</i></p>	<p>Must participate on at least five burns as a crew member, one of which may be a wildfire assignment and two apprentice burns under guidance and evaluation of a qualified certified prescribed burn manager or burn boss within three years of course completion</p> <p><i>(Pa. Prescribed Fire Council, <a href="#">Appendix D: Certified Prescribed Burn Manager Program (1.3, 1.4, and 1.5) (PDF)</a>)</i></p>	<p>Must demonstrate past relevant experience if (2) described in "Education or Training" above is pursued for certification</p> <p><i>(W. Va. Code 20-3-5a(c)(3))</i></p>

Certified Prescribed Fire Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	N/A	N/A	N/A	N/A	N/A	Yes <i>(W. Va. Code 20-3-5a(c)(1) and (2))</i>
Continuing education	For recertification, completion of (1) over a five-year rotating schedule following initial certification (a) service as manager for at least two prescribed fires or (b) participation in an operational role for at least five prescribed fires or (2) maintained national qualification as a Prescribed Fire Burn Boss Type 2 as certified by a National Wildfire Coordinating	N/A	N/A	For certificate renewal, (1) at least eight hours of related prescribed fire training, as approved by Department or attendance at annual Michigan Prescribed Fire Council annual meeting and (2) proof of participation in certain prescribed burns or completion of Michigan prescribed burn manager course  Failure to renew within one year of expiration requires	Eight hours of training relevant to prescribed fire every two years and service as lead for one burn in a three-year period  <i>(Pa. Prescribed Fire Council, <a href="#">Appendix D: Certified Prescribed Burn Manager Program (2) (PDF)</a>)</i>	N/A

Certified Prescribed Fire Manager						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Group member agency (O.A.C. 1501:3-13-01(C)(2))			completion of requirements for original certification  (Mich. Admin. Code R. 281.427 (1) and (2))		
Initial licensure fee	N/A	N/A	N/A	N/A	Department, by regulation, may collect a fee for training programs (32 P.S. 452.6)	Director may charge a reasonable fee (W. Va. Code 20-3-5a(b))
License duration	Five years (O.A.C. 1501:3-13-01(C)(2))	N/A	N/A	Five years (Mich. Admin. Code R. 281.426 (3))	Indefinite, unless revoked (Pa. Prescribed Fire Council, <a href="#">Appendix D: Certified Prescribed Burn Manager Program (9) (PDF)</a> )	Indefinite, unless revoked (W. Va. Code 20-3-5a(e))
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Commercial bird shooting preserve

### Survey response (DNR)

Description	
<p>A “commercial bird shooting preserve” is an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72 of the Revised Code. Mallard or black ducks and other game birds upon which there is an open season in this state, which the chief of the Division of Wildlife may approve for such use, and that have been legally acquired or propagated under the authority of a propagating license issued under section 1533.71 of the Revised Code may be released and harvested by shooting within the confines of any licensed commercial bird shooting preserve between sunrise and sunset, without regard to sex, daily bag limit, or open season.</p>	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
<p>License.</p>	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	66 (2019-2023 average)
Number renewed annually	45 (2019-2023 average). License holders are required to apply annually pursuant to section 1533.72(D) of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No. The number of licenses issued each year has remained consistent for the past six years.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$200.00
<b>Duration</b>	Licenses are valid from the date of issuance until April 30th.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$200.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The agency does not allow reciprocity. This license is only applicable to commercial bird shooting preserves located in Ohio. Any person (resident or nonresident) may hunt game birds other than wild turkeys on a commercial bird shooting preserve without first obtaining a hunting license otherwise required by the Ohio Revised Code.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	The chief of the Division of Wildlife, upon payment of the license fee, may issue to the applicant a commercial bird shooting preserve license if the operation of the preserve does not conflict with a prior reasonable public interest. If the agency were to determine that a conflict exists and did not approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Commercial shooting preserves must be at least 80 acres, but not more than 640 acres in size, and cannot be located within 1500 feet of any other such preserve. The preserve's boundaries must be marked with signs placed no more than 200' apart. The holder of a commercial bird shooting preserve license shall raise, or purchase, and release on the licensed commercial bird shooting preserve at least five hundred pheasants annually. With the approval of the chief of the Division of Wildlife, the license holder may raise, or purchase, and release, in lieu of pheasants, a like number of other game birds.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.72, 1533.73, 1533.74

Ohio Administrative Code Section: 1501:31-31-02

In accordance with Chapter 119 of the Revised Code, the chief of the Division of Wildlife may suspend or revoke a commercial bird shooting preserve license if he or she finds that the license holder has violated or is violating Chapter 1533 or Chapter 1531 of the Revised Code or any division rule.

Operating a commercial bird shooting preserve without a license is a third-degree misdemeanor, and violating other commercial bird shooting preserve rules is a fourth-degree misdemeanor.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The fees for this license contribute approximately \$13,200.00 annually to the Division of Wildlife. These fees are primarily used to administer the licensing program, including an initial inspection of the preserve to ensure it meets the requirements of sections 1533.72 and 1533.73 of the Ohio Revised Code.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal laws require the state to regulate commercial bird shooting preserves.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

These regulations are necessary because licensed commercial bird shooting preserves may operate outside the statewide hunting seasons and bag limits established for the protection of game birds. These regulations ensure that game birds taken from commercial bird shooting preserves are identified as such and that the hunting activity takes place on land clearly delineated as a commercial bird shooting preserve. These regulations allow game birds to be released without attaching bands as long as the birds are tagged or banded before transportation from the preserve.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

This regulation protects wild game bird populations while allowing limited hunting and dog training in the closed season. Hen pheasants may be taken, which allows all propagated birds to be utilized regardless of sex. Game birds do not have to be banded before release. However, game birds must be banded before transportation. The transportation band also meets the requirements of a food tag under 1533.74 of the Ohio Revised Code. Transportation bands allow officers to quickly ascertain whether game birds possessed in the closed season were taken legally from a commercial bird shooting preserve.

**Are there any changes the Department would like to see implemented?**

No.

### Surrounding state comparison (LSC) (as of August 1, 2024)

Commercial Bird Shooting Preserve						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Commercial bird shooting preserve license) (R.C. 1533.72(A))	License (Shooting preserve license) (Ind. Code 14-22-31-1 and 14-22-31-7; 312 Ind. Admin. Code 9-10-22)	License (Shooting area permit) (Ky. Rev. Stat. 150.240(2); 301 Ky. Admin. Regs. 2:041, section 4(1)(a))	License (Game bird hunting preserve) (Mich. Comp. Laws 324.41701)	License (Regulated hunting grounds permit) (34 Pa. Cons. Stat. 2901, 2904, and 2928)	License (Commercial shooting preserve) (W. Va. Code 20-2-54(1))
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$200 (R.C. 1533.72(B))	\$100 (Ind. Code 14-22-31-2)	\$150 (301 Ky. Admin. Regs. 5:022, section 2(3))	\$105 for preserves of 320 acres or less; \$180 for preserves of more than 320 to 640 acres	\$100 for first 100 acres; \$25 for each additional 100 acres; total fees for a license are then multiplied by the license duration	\$50 for first 300 acres of the preserve area plus \$25 for each additional 300 acres or part thereof

Commercial Bird Shooting Preserve						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<i>(Mich. Comp. Laws 324.41702 and 324.41703)</i>	selected by the applicant  <i>(34 Pa. Cons. Stat. 2903 and 2904(a)(10)(i))</i>	<i>(W. Va. Code 20-2-54(10))</i>
License duration	One year <i>(R.C. 1533.72(B) and (D))</i>	One year <i>(Ind. Code 14-22-31-5)</i>	One year <i>(301 Ky. Admin. Regs. 2:041, section 4(3)(b))</i>	Three years <i>(Mich. Comp. Laws 324.41702)</i>	One to three years (selected by applicant)  <i>(34 Pa. Cons. Stat. 2903)</i>	One fiscal year  <i>(W. Va. Code 20-2-54(10))</i>
Renewal fee	\$200  <i>(R.C. 1533.72(B))</i>	\$100  <i>(Ind. Code 14-22-31-2)</i>	\$150  <i>(301 Ky. Admin. Regs. 5:022, section 2(3))</i>	\$105 for preserves of 80 to 320 acres or less; \$180 for preserves of more than 320 to 640 acres  <i>(Mich. Comp. Laws 324.41702 and 324.41703)</i>	\$100 for first 100 acres; \$25 for each additional 100 acres; total fees for a license are then multiplied by the license duration selected by the applicant  <i>(34 Pa. Cons. Stat. 2903 and 2904(a)(10)(i))</i>	\$50 for first 300 acres of the preserve area plus \$25 for each additional 300 acres or part thereof  <i>(W. Va. Code 20-2-54(10))</i>

## Commercial fishing

### Survey response (DNR)

Description	
<p>A “commercial fishing license” is issued to those entities licensed to use or operate, for the purpose of taking fish, a boat, net, or device other than a minnow net or hook and line with bait or lure, wherein such activity is permitted to occur, and subsequently profit from the sale, trade, or consideration of those fish. Only those fish species defined as “commercial fish” in Division of Wildlife rule OAC 1501:31-1-02 may be taken by commercial fishers and only in accordance with the Ohio Revised Code and other division rules. Licenses are issued for four types of gear: trap nets, seines, carp aprons, and trotlines.</p>	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	40 (2018-2023 average)
Number renewed annually	33 (2018-2023 average)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There have not been significant fluctuations in the number of licensed commercial fishers in the preceding six years.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	Ohio Revised Code 1533.342 requires two years of commercial fishing gear experience or being the holder of a commercial fishing license for other gear.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	<p>Commercial fishing license applicants are assessed as follows per Ohio Revised Code 1533.342:</p> <p>Trap and fyke nets, for the first twenty nets or any portion thereof, \$800.00; and for each additional group of ten such nets or any portion thereof, \$400.00.</p> <p>For each seine of 150 rods or less in length other than an inland fishing district seine, \$400.00.</p> <p>For each seine over 150 rods in length other than an inland fishing district seine, \$600.00.</p> <p>For each inland fishing district seine, \$100.00.</p> <p>For each carp apron, \$100.00.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>For one trotline with seventy hooks or less attached thereto, \$20.00.</p> <p>For each trotline, or trotlines, with a total of more than seventy hooks attached thereto, \$100.00.</p>
<b>Duration</b>	A commercial fishing license is valid for the calendar year for the specified gear's open season.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Renewal fees are equivalent to initial fees. However, royalty fees on the prior year's catches are assessed for the following fish species: catfish - \$.02/pound, white bass - \$.02/pound, and yellow perch - \$.05/pound.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Commercial fishing gear owned or used by a nonresident may be licensed in this state only if a reciprocal agreement is in effect, as provided for in section 1533.352 of the Revised Code. No current reciprocal agreements are in place.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>However, there are two exemptions for nets otherwise regulated through commercial fishing rules:</p> <p>Nets, traps, or other devices for catching fish in the possession of the owner of a private artificial fish pond or privately owned lake for use only in that pond or lake.</p> <p>Nets, gill nets, traps, or other devices in the possession of bona fide manufacturers or dealers when the nets, gill nets, traps, or other devices are kept in the regular places of business of</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	those manufacturers or dealers, or are in course of transportation, or other devices in the possession of common carriers for transportation.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	<p>No. Notwithstanding trap net and seine licenses, which are restricted to limited entry by 1501:31-3-03 of the Administrative Code, the agency shall issue a commercial fishing license to those who satisfy all requirements.</p> <p>As it applies to trap net and seine licenses, only those persons previously issued a commercial fishing license by the chief of the Division of Wildlife or their authorized agent, or a commercial fishing license transferred by the chief or their authorized agent, or a license in reserve in the prior fishing season will be issued a commercial fishing license by the chief or their authorized agent, provided that they have made proper application and paid the required fees on or before the first day of the current season for the type of commercial gear sought to be licensed.</p>
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	<p>Applicants must:</p> <p>Be over eighteen years of age.</p> <p>Have no prior conviction of or plea of guilty on or after October 10, 2007, to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p> <p>Have ninety days of Ohio residency immediately preceding application.</p> <p>Post a refundable \$1000.00 performance bond or cash deposit in a like amount.</p> <p>As it applies to trap net and seine licenses, only those persons previously issued a commercial fishing license by the chief of the Division of Wildlife or their authorized agent, or a commercial fishing license transferred by the chief or their authorized agent, or a license in reserve in the prior fishing season will be issued a commercial fishing license by the chief or their authorized agent, provided that they have made proper application and paid the required fees on or before the first day of the current season for the type of commercial gear sought to be licensed.</p>

### Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.34, 1533.341, 1533.342, 1533.343, 1533.35, 1533.351, 1533.352, 1533.36, 1533.41, 1533.42, 1533.43, 1533.431, 1533.44, 1533.45, 1533.46, 1533.48, 1533.49, 1533.50, 1533.52, 1533.55, 1533.62

Ohio Administrative Code Sections: 1501:31-3-01, 1501:31-3-02, 1501:31-3-03, 1501:31-3-04, 1501:31-3-05, 1501:31-3-06, 1501:31-3-07, 1501:31-3-08, 1501:31-3-09, 1501:31-3-10, 1501:31-3-12, 1501:31-3-13, 1501:31-3-14, 1501:31-3-15

Since March 1, 2008, no commercial fishing licensee may use or engage in fishing with commercial gear unless the licensee uses vessel and catch monitoring devices following requirements and procedures established by the chief of the Division of Wildlife. It is unlawful for a licensed commercial fyke net or trap net fishermen to engage in setting, pulling, or maintaining commercial fishing gear without having the approved vessel monitoring system and electronic catch reporting system turned on and fully operational on the vessel from the time it leaves port until its return to any port.

The taking of fish and other activities of commercial fishers are highly regulated in the state. This fishery is managed through a cooperative framework whereby all the states bordering upon and owning a portion of Lake Erie and Ontario, Canada, work in concert using the best available science to ensure the sustainability of yellow perch stocks in Lake Erie. Commercial fishers are allocated a quota of yellow perch that they cannot exceed.

If a person is convicted of or pleads guilty to a felony related to commercial fishing activities for a violation of state or federal law, all commercial fishing licenses issued under section 1533.35 of the Revised Code and all permits to handle commercial fish or other fish at wholesale issued to that person under section 1533.631 of the Revised Code are permanently revoked by operation of law.

If a commercial fishing licensee, such a licensee's authorized representative, a person that has been issued a permit under section 1533.631 of the Revised Code to handle commercial fish or other fish at wholesale, or such a permittee's authorized representative is convicted of or pleads guilty to a violation of section 1533.341, 1533.343, 1533.41, 1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised Code or any Division of Wildlife rule pertaining to those sections, the licensee's license or the permittee's permit, as applicable, shall be suspended for a period of thirty fishing season days.

If a person is convicted of or pleads guilty to a second violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be suspended for a period of sixty fishing season days.

If a person is convicted of or pleads guilty to a third violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be permanently revoked.



**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

During any period of suspension of a license or permit, no person shall use or engage in fishing with commercial gear, or in handling commercial fish or other fish at wholesale with equipment, owned, used, or controlled at the time of conviction or plea by the license holder or the license holder's authorized representative or by the permit holder or the permit holder's authorized representative, as applicable.

A person whose license has been suspended by operation of law pursuant to a violation of Chapter 1531 of the Revised Code, Chapter 1533 of the Revised Code, or Division of Wildlife rule is not eligible to apply for or receive a new commercial fishing license issued under section 1533.35 of the Revised Code or a permit to handle commercial fish or other fish at wholesale issued under section 1533.631 of the Revised Code during the period of the suspension.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

In 2023, \$19,720.00 in licensing fees and \$45,427.72 in royalty fees were collected. The fees are used to administer the commercial fishing licensing program, law enforcement and monitoring, and associated fisheries management efforts supporting the industry.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation protects the fish stocks in Lake Erie from overharvest. Robust and sustainable fish stocks are important for the key contributions fishing makes to Ohio's economy. Proper Lake Erie fisheries management ensures that both commercial and sport fishing activities can continue without adversely impacting the fishery or economy. This regulation seeks to prevent the overharvest of commercial fish that would be detrimental to the fishery, sport fishing, and Ohio's economy.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Ohio is a participating member of the internationally recognized Great Lakes Fisheries Commission (GLFC) and its various committees with an interest in Lake Erie fisheries management. The GLFC is comprised of all the states, tribes, and Canadian provinces with territorial interest in the Great Lakes and has been successfully managing fish species within the Great Lakes since 1955 (<https://glfc.org>). The GLFC annually establishes total allowable catches (TACs) for individual fish species in each of the Great Lakes based on fisheries science and studies conducted by the cooperating members. Each territorial jurisdiction is granted its portion of the (TAC) based on the percentage of its share of the lake. Ohio's TACs for Lake Erie are further distributed as quotas for sport fishing and commercial fishing. Using historical data and other law-supported parameters, commercial fishing quotas are allocated to specific commercial fishing licenses. Ohio commercial fishing regulations and licensing ensure Ohio does not exceed TACs, thereby protecting the fishery from overharvest. Notably, Ohio's jurisdiction of Lake Erie annually contributes approximately \$1 billion to the economy, primarily due to sport or recreational fishing.

**Are there any changes the Department would like to see implemented?**

No.

### Surrounding state comparison (LSC) (as of August 1, 2024)

Commercial Fishing						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Commercial fishing license) <i>(R.C. 1533.342, 1533.343, and 1533.35)</i>	License (Inland water commercial fishing license) <i>(Ind. Code 14-22-13-1; 312 Ind. Admin. Code 9-8-1, 9-8-2 and 9-8-6)</i>  (Ohio River commercial fishing license) <i>(Ind. Code 14-22-13-7)</i>	License (Commercial fishing license) <i>(Ky. Rev. Stat. 150.175(3) and (4) and 150.450)</i>	License (Commercial fishing license) <i>(Mich. Comp. Laws 324.47328 to 324.47332)</i>	License (Commercial fishing license) <i>(58 Pa. Code 69.22 and 69.28)</i>	License (Commercial license to take fish or mussels from Ohio River) <i>(W. Va. Code 20-2-59)</i>
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Must be at least 18 years of age  Two years commercial fishing gear experience or holder of an Ohio commercial	N/A	N/A	N/A	Must be at least 18 years of age <i>(58 Pa. Code 69.22(e))</i>	N/A

Commercial Fishing						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	license of another gear (R.C. 1533.342(C))					
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	Varies based on the type of equipment used (R.C. 1533.35)	Varies based on the body of water being fished and the type of equipment used \$20 (inland commercial fishing license and four commercial gear tags \$4 (a bundle of four gear tags for dip-net, hoop-net, basket trap, basket net, trap-net, seine, or fyke net) \$125 (Ohio River commercial fishing license and	\$150 (resident fee with ten fishing gear tags); \$600 (nonresident fee with ten gear tags) (301 Ky. Admin. Regs. 5:022, section 1(2); Ky. Dept. of Fish & Wildlife Resources, <a href="#">Commercial Fishing</a> )	\$50-\$200 (resident fee based on overall length of boat(s), if a boat is used) \$250-\$1,000 (nonresident fee based on overall length of boat(s), if a boat is used) (Mich. Comp. Laws 324.47329(2) and 324.47330)	\$50-\$80 (resident fee based on type of equipment used) \$100-\$160 (nonresident fee based on type of equipment used) (30 Pa. Cons. Stat. 2903)	\$25 (West Virginia resident fee) \$100 (Ohio resident fee) (W. Va. Code 20-2-59)

Commercial Fishing						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		ten gear tags; for each block of ten gear tags, \$15) <i>(Ind. Code 14-22-13-1(b) and 14-22-13-2(b))</i>				
License duration	One year <i>(R.C. 1533.35(A))</i>	One year <i>(Ind. Code 14-22-13-9)</i>	One year <i>(301 Ky. Admin. Regs. 5:022, section 1)</i>	One year, expires on December 31 of year issued <i>(Mich. Comp. Laws 324.47332)</i>	One year, expires on December 31 of year issued <i>(58 Pa. Code 69.27)</i>	Expires on January 1 following the date of issue <i>(W. Va. Code 20-2-59)</i>
Renewal fee	Varies based on the type of equipment used <i>(R.C. 1533.35)</i>	Varies based on the body of water being fished and the type of equipment used <i>(Ind. Code 14-22-13-1(b) and 14-22-13-2(b))</i>	\$150 (resident fee with ten fishing gear tags); \$600 (nonresident fee with ten gear tags) <i>(301 Ky. Admin. Regs. 5:022, section 1(2))</i>	\$50-\$200 (resident fee based on overall length of boat(s), if a boat is used) \$250-\$1,000 (nonresident fee based on overall length of boat(s), if a boat is used) <i>(Mich. Comp. Laws 324.47329(2) and 324.47330)</i>	\$50-\$80 (resident fee based on type of equipment used) \$100-\$160 (nonresident fee based on type of equipment used) <i>(30 Pa. Cons. Stat. 2903)</i> Licensee ineligible to renew if unable to show proof of minimum days of	\$25 (West Virginia resident fee) \$100 (Ohio resident fee) <i>(W. Va. Code 20-2-59)</i>

Commercial Fishing						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					commercial fishing with licensed gear  (58 Pa. Code 69.2(e))	

## Commercial nuisance wild animal control operator

### Survey response (DNR)

Description
<p>A “commercial nuisance wild animal control operator” is an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner’s or operator’s authorized agent of property or a structure. No person shall provide nuisance wild animal removal or control services for hire without obtaining a commercial nuisance wild animal control operator license from the Division of Wildlife.</p> <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator who is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction for nuisance wild animal control. The certification must be renewed every three years.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a commercial nuisance wild animal control operator license is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p>

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Licenses: 830 (2018-2023 average)
<b>Number renewed annually</b>	505 (2018-2023 average). Licensees are required to apply annually pursuant to section 1531.40(A)(2) of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. As the number of new licenses has decreased slightly, the number of renewals has increased over the past six years, resulting in an increase in the total number of active licenses over the past six years. For unknown reasons, there was a significant increase in active licenses from 2020 to 2023.
<b>Education or training requirements</b>	There are no education or training requirements other than successful completion of the exam described below.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>A commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction that complies with rules adopted under division (F) of 1531.40 of the Revised Code. This certification must be renewed every three years. The course includes public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. To receive a certification of completion, the operator must pass an examination.</p> <p>The examination is administered through an online portal offered through Classmarker. The examination is free and consists of 100 questions. There is no limit to the number of attempts.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements other than successful completion of the exam every three years.
<b>Initial fee</b>	\$40.00
<b>Duration</b>	The license is valid from the date of issuance through the last day of February and must be renewed annually.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$40.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	<p>No. There is no reciprocity for the license. This license pertains to the control of nuisance wild animals in Ohio and exempts those operating under the license from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>However, the agency does recognize reciprocity for the certification. Under section 1531.40 of the Revised Code, the chief shall issue a license to provide nuisance wild animal removal or control services in accordance with Chapter 4796. of the Revised Code to an applicant if the</p>



If the regulation is a registration, certification, or license requirement, please complete the following:	
	applicant holds a license in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an individual who provides nuisance wild animal removal or control services in a state that does not issue that license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>Employees of a licensed commercial nuisance wild animal control operator who are under the on-site supervision of a certified operator or employee are exempt from certification. On-site supervision means staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	<p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under section 1531.40 of the Revised Code is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>If an individual who is licensed under this section uses a pesticide in the removal or control of a nuisance wild animal, the individual shall obtain the appropriate license under Chapter 921. of the Revised Code.</p>
Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.	
<p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1531.40</p> <p>Ohio Administrative Code Section: 1501:31-15-03</p> <p>Except as provided in division (H) of section 1531.40 of the Revised Code, the chief shall adopt rules under section 1531.10 of the Revised Code establishing all the following:</p> <p>Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators.</p> <p>Procedures for issuing, denying, suspending, and revoking a license.</p> <p>Requirements governing the certification course. The rules shall specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. The</p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

rules also shall specify who may conduct such a course. The rules shall require that, in order for an operator to receive a certification of completion, the operator shall pass an examination.

Any other requirements and procedures necessary to administer and enforce this section.

In accordance with Chapter 119. of the Revised Code and with rules adopted under this section, the chief may suspend or revoke a license issued under this section if the chief finds that the holder of the license is violating or has violated this chapter, Chapter 1533. of the Revised Code, or rules adopted under those chapters.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Nuisance wild animal control operator license fees annually contribute approximately \$33,200 to the Division of Wildlife. The fees are used to administer the license program and certification examinations.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal law requires the state to regulate commercial nuisance wild animal control.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The examination certification, licensing, and rules for nuisance wild animal control aim to ensure that nuisance wild animal control is conducted in a controlled and uniform manner to protect wild animals in Ohio. The regulations provide a level playing field for participants and reasonable restrictions for taking wildlife that balance the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals. For example, restricted periods for bat exclusion from structures seek to protect these sensitive populations after widespread population declines associated with White Nose Syndrome. However, there are exemptions in place for testing related to zoonotic exposure.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulations associated with nuisance wild animal control provide a level playing field for participants while also providing reasonable restrictions for the taking of wildlife that balances the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals.

**Are there any changes the Department would like to see implemented?**

N/A

## Surrounding state comparison (LSC) (as of August 5, 2024)

Commercial Nuisance Wild Animal Control Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License  (Commercial nuisance wild animal control operator)  (R.C. 1531.40 (B)(1); O.A.C. 1501:31-15-03(A), (I), (L), and (M))	License  (Nuisance wild animal control permit—commercial)  (312 Ind. Admin. Code 9-10-11)	License  (Nuisance wildlife control operator permit)  (Ky. Rev. Stat. 150.235 and 150.275; 301 Ky. Admin. Regs. 3:120)	License  (Damage and nuisance animal control permit)  (Mich. Dept. of Natural Resources, <a href="#">Wildlife Conservation Order, Chapter V, Special Permit Regulations (PDF)</a> )	License  (Nuisance wildlife control operator permit)  (34 Pa. Cons. Stat. 2901; 58 Pa. Code 147.721)	License  (Wildlife damage control agent)  (W. Va. Code 20-2-50a; W. Va. Code R. 58-41-3.1.b and 58-41-7.1)
Education or training	Education courses that are conducted in accordance with Ohio Department of Natural Resources Chief of the Division of Wildlife policies and procedures  (R.C. 1531.40 (C)(1) and (F)(3)); O.A.C. 1501:31-15-03 (J)(3) and (L))	N/A	National Wildlife Control Training Program course and if using a gun, the Kentucky Hunter Education Program or other course meeting standards set by the International Hunter Education Association  (301 Ky. Admin. Regs. 3:120,	Department-sponsored training specifically required for a damage and nuisance animal control permit to handle and transport geese or handle or destroy Canada goose eggs and nests  (Mich. Dept. of Natural Resources,	N/A	Yes (online course at a cost of \$200 for first two attempts, \$100 for subsequent attempts)  (W. Va. Code R. 58-41-6; W. Va. Dept. of Natural Resources, <a href="#">How to Become a Licensed Wildlife Damage Control Agent</a> )

Commercial Nuisance Wild Animal Control Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>sections 2(3) and 5(2))</i>	<a href="#"><u>Wildlife Conservation Order Chapter V, section 5.51b (PDF)</u></a>		
Experience	N/A	N/A	Must be at least 18 years of age <i>(301 Ky. Admin. Regs. 3:120, section 2(3)(a))</i>	N/A	Must be at least 18 years of age <i>(34 Pa. Cons. Stat. 2901(a))</i>  No (but experience and qualifications must be listed on application) <i>(58 Pa. Code 147.723(b))</i>	Must be at least 18 years of age <i>(W. Va. Code R. 58-41-3.1.a.1)</i>
Exam	Yes <i>(R.C. 1531.40 (F)(3))</i>	Yes <i>(312 Ind. Admin. Code 9-10-11(d)(1))</i>	Yes <i>(301 Ky. Admin. Regs. 3:120, section 2(3)(c))</i>	N/A	Yes (plus a \$25 nonrefundable exam fee for new agents or agents whose permits lapse for two or more years) <i>(58 Pa. Code 147.722,</i>	Yes <i>(W. Va. Code R. 58-41-3.2)</i>

Commercial Nuisance Wild Animal Control Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					147.723(a) and (d), and 147.724)	
Continuing education	Renewal of certification required every three years through exam of knowledge of Division of Wildlife presented continuing education material <i>(R.C. 1531.40 (C)(1) and (F)(3); O.A.C. 1501:31-15-03(J)(9) and (L))</i>	16 hours of continuing education as approved by Division of Fish and Wildlife every four years or required to pass exam again <i>(312 Ind. Admin. Code 9-10-11(d) (2))</i>	N/A	N/A	N/A	Agents tested at five-year intervals for license renewal <i>(W. Va. Code R. 58-41-3.4-3.2.a)</i>
Initial licensure fee	\$40 <i>(R.C. 1531.40 (B)(2))</i>	\$25 application fee <i>(Ind. Dept. of Natural Resources, <a href="#">Permits &amp; Commercial Licenses</a>)</i>	\$100 <i>(301 Ky. Admin. Regs. 5:022, section 2(6))</i>	\$200 to \$500 fee for a nuisance control business, animal control agency, or non-profit nuisance animal control organization <i>(Mich. Dept. of Natural Resources,</i>	\$50 per year (plus \$25 examination fee) <i>(34 Pa. Cons. Stat. 2903, 2904(a)(17), and 2905; 58 Pa. Code 147.723(a))</i>	\$50 for individual agents who charge a fee for service; \$50 plus \$10 per agent for entity having multiple agents <i>(W. Va. Code R. 58-41-4)</i>

Commercial Nuisance Wild Animal Control Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				<a href="#"><u>Wildlife Conservation Order Chapter V, section 5.110(5), (6), and (12) (PDF)</u></a>		
License duration	One year (R.C. 1531.40 (B)(2))	One year (312 Ind. Admin. Code 9-10-11(k) and (l))	One year (301 Ky. Admin. Regs. 3:120, section 2(5))	Three years; one year for Canada goose permit valid March 11 to August 31; one year for common merganser control permit  (Mich. Dept. of Natural Resources, <a href="#"><u>Wildlife Conservation Order Chapter V, section 5.52(1), 5.52b, and 5.52d (PDF)</u></a> )	One, two, or three years as selected by applicant (if permit lapses for more than two years, must reapply as a new applicant)  (34 Pa. Cons. Stat. 2903; 58 Pa. Code 147.723(d))	One year (W. Va. Code R. 58-41-3.4)
Renewal fee	\$40 (R.C. 1531.40 (B)(2))	N/A	\$100 (301 Ky. Admin. Regs. 5:022, section 2(6))	\$200 to \$500 fee for a nuisance control business, animal control agency, or nonprofit nuisance animal	\$50 per year (34 Pa. Cons. Stat. 2904(a)(17))	\$50 for individual agents who charge a fee for service; \$50 plus \$10 per agent for entity having multiple agents



Commercial Nuisance Wild Animal Control Operator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				control organization  (Mich. Dept. of Natural Resources, <a href="#">Wildlife Conservation Order Chapter V, section 5.110(5), (6), and (12) (PDF)</a> )		(W. Va. Code R. 58-41-4)

## Commercial nuisance wild animal control operator – employee

### Survey response (DNR)

Description
<p>A “commercial nuisance wild animal control operator” is an individual or business that provides nuisance wild animal removal or control services for hire to the owner, the operator, or the owner’s or operator’s authorized agent of property or a structure. No person shall provide nuisance wild animal removal or control services for hire without obtaining a commercial nuisance wild animal control operator license from the Division of Wildlife.</p> <p>A commercial nuisance wild animal control operator and any individual who is employed by an operator who is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction for nuisance wild animal control. The certification must be renewed every three years.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a commercial nuisance wild animal control operator license is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p>

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Certifications: 479 (2019-2023 average)
<b>Number renewed annually</b>	Certifications must be renewed every three years pursuant to section 1531.40(C)(1). The agency does not distinguish new certifications from those renewing their certification.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. Over the past five years, active certifications have increased. The number of completed certifications significantly increased from 2019 through 2021. The number of completed certifications remained more consistent from 2021 through 2023.
<b>Education or training requirements</b>	There are no education or training requirements other than successful completion of the exam described below.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	<p>A commercial nuisance wild animal control operator and any individual who is employed by an operator that is engaged in activities that are part of or related to the removal or control of nuisance wild animals, including setting or maintaining traps, shall obtain a certification of completion of a course of instruction that complies with rules adopted under division (F) of 1531.40 of the Revised Code. This certification must be renewed every three years. The course includes public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. To receive a certification of completion, the operator must pass an examination.</p> <p>The examination is administered through an online portal offered through Classmarker. The examination is free and consists of 100 questions. There is no limit to the number of attempts.</p>
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements other than successful completion of the exam every three years.
<b>Initial fee</b>	There is no fee for certification.
<b>Duration</b>	A certification is valid for three years from the date of completion.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	There is no fee for certification.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Under section 1531.40 of the Revised Code, the chief shall issue a license to provide nuisance wild animal removal or control services in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a license in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an individual who provides nuisance wild animal removal or control services in a state that does not issue that license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national licenses.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under this section is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>Those who provide nuisance wild animal control but do not receive compensation are not required to obtain a license or certification.</p> <p>Employees of a licensed commercial nuisance wild animal control operator who are under the on-site supervision of a certified operator or employee are exempt from certification. On-site supervision means staying within a distance from the person that enables uninterrupted, unaided visual and auditory communications.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No. Upon successfully passing an examination, the operator will receive a certification. There is no limit to the number of attempts.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	<p>An individual who is providing nuisance wild animal removal or control services for hire under a license issued under section 1531.40 of the Revised Code is exempt from obtaining a hunting license under section 1533.10 of the Revised Code, a fur taker permit under section 1533.111 of the Revised Code, or a fishing license under section 1533.32 of the Revised Code for the purposes of performing those services.</p> <p>An individual who is employed by the state, a county, or a municipal corporation and who performs nuisance wild animal removal or control services on land that is owned by the state, county, or municipal corporation, as applicable, as part of the individual's employment is exempt from obtaining a license under this section.</p> <p>If an individual who is licensed under this section uses a pesticide in the removal or control of a nuisance wild animal, the individual shall obtain the appropriate license under Chapter 921. of the Revised Code.</p>
Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.	
<p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1531.40</p> <p>Ohio Administrative Code Section: 1501:31-15-03</p> <p>Except as provided in division (H) of section 1531.40 of the Revised Code, the chief shall adopt rules under section 1531.10 of the Revised Code establishing all the following:</p> <p>Appropriate methods for trapping, capturing, removing, relocating, and controlling nuisance wild animals by operators.</p> <p>Procedures for issuing, denying, suspending, and revoking a license.</p> <p>Requirements governing the certification course. The rules shall specify the minimum contents of such a course, including public safety and health, animal life history, the use of nuisance wild animal removal and control devices, and the laws and rules governing those activities. The</p>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

rules also shall specify who may conduct such a course. The rules shall require that, in order for an operator to receive a certification of completion, the operator shall pass an examination.

Any other requirements and procedures necessary to administer and enforce this section.

An operator that holds a license issued under 1531.40 of the Revised Code is responsible for the acts of each of the operator's employees in the removal or control of a nuisance wild animal.

In accordance with Chapter 119. of the Revised Code and with rules adopted under this section, the chief may suspend or revoke a license issued under this section if the chief finds that the holder of the license is violating or has violated this chapter, Chapter 1533. of the Revised Code, or rules adopted under those chapters.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

There is no revenue derived from certification.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal law requires the state to regulate commercial nuisance wild animal control.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The examination certification, licensing, and rules for nuisance wild animal control aim to ensure that nuisance wild animal control is conducted in a controlled and uniform manner to protect wild animals in Ohio. The regulations provide a level playing field for participants and reasonable restrictions for taking wildlife that balance the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals. For example, restricted periods for bat exclusion from structures seek to protect these sensitive populations after widespread population declines associated with White Nose Syndrome. However, there are exemptions in place for testing related to zoonotic exposure.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulations associated with nuisance wild animal control provide a level playing field for participants while also providing reasonable restrictions for the taking of wildlife that balances the needs of those experiencing human-wildlife coexistence issues with protecting these wild animals.

**Are there any changes the Department would like to see implemented?**

N/A

**Surrounding state comparison (LSC) (as of October 17, 2024)**

Ohio has a certification for the employees of a licensed commercial nuisance wild animal control operator. The employees must complete a certification course with examination, as established by the Chief of the Division of Wildlife. The certification is valid for three years. Additionally, a certified employee must complete a course of continuing education with a required examination once

every three years. There is no initial licensure fee or renewal fee.<sup>3</sup> The other states – Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia – have no clear equivalent to this certification requirement.

## Commercial propagator

### Survey response (DNR)

#### Description

A “commercial propagating license” permits the licensee to propagate game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve the location of which is stated in the license and the application, and to sell the propagated game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals and ship them from the state alive at any time. A commercial propagating license permits the licensee to kill such animals and sell the carcasses for food subject to sections 1533.71 to 1533.79 of the Revised Code.

**Type** (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

License.

<sup>3</sup> R.C. 1531.40(C); O.A.C. 1501:31-15-03.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	393 (2018-2023 average)
<b>Number renewed annually</b>	249 (2018-2023 average). Licensees must apply annually pursuant to section 1533.71(F) of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The new applications have remained consistent over the past six years. However, the renewals have increased steadily over that period, resulting in an overall increase in active licenses over the past six years.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$40.00
<b>Duration</b>	Licenses are valid from the date of issuance until March 15th.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$40.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license pertains to holding and propagating certain wild animals in captivity in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated wild animals held in captivity or sold in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	A United States Department of Agriculture dealer license may be required in addition to the commercial propagating license. A dealer license is only applicable for warm-blooded animals, not reptiles and amphibians. While there are housing and care conditions, these requirements are not directly applicable to the record-keeping and licensing requirements intended to protect native wildlife from exploitation. The dealer license would not be a suitable substitute for a commercial propagating license.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>Although still regulated by the agency, a juvenile may collect certain species of reptiles and amphibians from the wild and hold up to four individuals or twenty-five eggs, tadpoles, or larvae of each species of reptile or amphibian without obtaining a license otherwise required by 1533.71 of the Ohio Revised Code.</p> <p>Otherwise, individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	When the application is made in good faith and upon payment of the fee for each license, the Division of Wildlife may issue a commercial propagating license to the applicant. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

A commercial propagating license allows the license holder to propagate game birds, game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals in the wholly enclosed preserve.

A “wholly enclosed preserve” means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the Division of Wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Section: 1501:31-15-02, OAC 1501:31-25-04

Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds or fur-bearing animals were received as a gift or given as a gift or purchased or sold alive or sold for food, and the date of each transaction. These records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the Division of Wildlife at all reasonable times.

Records for the possession and sale of reptiles and amphibians must be maintained for five years. The agency can inspect the reptiles and amphibians possessed and the corresponding records.

A violation of the rules pertaining to a commercial propagating license is a third-degree misdemeanor. A violation of the agency rules for reptiles and amphibians is a misdemeanor of the fourth-degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Commercial propagating license fees annually contribute approximately \$15,720 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate the commercial propagation of game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for collection and sale and documenting their use. The regulation establishes a level playing field for all industry participants and provides a viable source of organisms collected in the wild or raised in captivity. The regulation also provides an avenue to hold live wild animals in captivity and to possess such animals during the closed season. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of animals that may have been exposed to certain diseases. Further, there are certain restrictions for releasing or introducing captively raised species into the wild.

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of August 6, 2024)**

Commercial Propagating						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Commercial propagating license) <i>(R.C. 1533.71 (A)(1))</i>	License (Game breeder's license for game birds, game mammals, and fur-bearing mammals; reptile)	License (Commercial fish propagation farm permit; commercial captive wildlife permit)	License (Game propagation license; game fish propagation license) <i>(Mich. Comp. Laws 324.1301(f)(xxx),</i>	License (Propagating permit for game bird, wild bird, game animal, and wild animal) <i>(34 Pa. Cons. Stat. 2903, 2904(a)(16),</i>	License (Propagation of wild animals and birds, fish, frogs, turtles, and other forms of aquatic life for

Commercial Propagating						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		captive breeding license for snakes) (Registration required for breeding marten, mink, and chinchilla, and domesticated rabbits, except cottontail) <i>(Ind. Code 14-22-20-1 to 14-22-20-4; 312 Ind. Admin. Code 9-5-9 and 9-10-4)</i>	<i>(Ky. Rev. Stat. 150.183, 150.280, and 150.290)</i>	324.42702, 324.45902, and 324.45904) (Aquaculture facility registration) <i>(Mich. Comp. Laws 286.872 and 286.876)</i>	<i>and 2930; 58 Pa. Code 147.201(b))</i> (Registration for artificial propagation for fish, registration for artificial propagation for reptiles and amphibians) <i>(3 Pa. Cons. Stat. 4220, 4221, and 4223; 58 Pa. Code 79.8)</i>	commercial purposes license) <i>(W. Va. Code 20-2-47 and 20-2-48)</i>
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	Must be at least 18 years of age <i>(34 Pa. Cons. Stat. 2901)</i>	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Commercial Propagating						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$40 <i>(R.C. 1533.71 (A)(1))</i>	\$15 <i>(Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 section 9(c))</i>	\$50 (commercial fish propagation farm permit) \$150 (commercial captive wildlife permit) <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(9))</i>	\$45-\$150 (\$45 for game numbering up to 500 or \$45 for propagation area of 40 acres or less, if impracticable to count game, plus an additional \$15 for each additional number of game that is 500 or less or \$15 for each additional 40 acres or less, if impracticable to count game) \$5 (game fish) <i>(Mich. Comp. Laws 324.42704 and 324.45903)</i> \$100 (aquaculture facility registration) <i>(Mich. Comp. Laws 286.877(9)(a))</i>	\$25 (propagating permit for one species; \$10 for each additional species with the total fee multiplied by the license duration selected by the applicant) <i>(34 Pa. Cons. Stat. 2903 and 2904 (a)(16))</i> \$150 (artificial propagation registration) <i>(3 Pa. Cons. Stat. 4220)</i>	\$10 <i>(W. Va. Code 20-2-47 and 20-2-48)</i>

Commercial Propagating						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year <i>(R.C. 1533.71 (A)(1))</i>	One year <i>(312 Ind. Admin. Code 9-5-9 section 9(c) and 9-10-4 section 4(o))</i>	One year <i>(301 Ky. Admin. Regs. 5:022, section 2)</i>	Three years (game propagation license)  One year (game fish propagation license)  <i>(Mich. Comp. Laws 324.1301(f)(xxx), 324.42702(4), and 324.45902)</i>  One year (aquaculture facility registration)  <i>(Mich. Comp. Laws 286.877(10))</i>	One to three years as selected by applicant (propagating permit)  <i>(34 Pa. Cons. Stat. 2903)</i>  Five years (artificial propagation registration)  <i>(3 Pa. Cons. Stat. 4220)</i>	One year  <i>(W. Va. Code 20-2-47 and 20-2-48)</i>
Renewal fee	\$40  <i>(R.C. 1533.71 (A)(1))</i>	\$15  <i>(Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 section 9(c))</i>	\$50 (commercial fish propagation farm permit)  \$150 (commercial captive wildlife permit)  <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(9))</i>	\$45-\$150 (\$45 for game numbering up to 500 or \$45 for propagation area of 40 acres or less, if impracticable to count game, plus an additional \$15 for each additional	\$25 (propagating permit for one species; \$10 for each additional species with the total fee then multiplied by the license duration selected by the applicant)	\$10  <i>(W. Va. Code 20-2-47 and 20-2-48)</i>



Commercial Propagating						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				number of game that is 500 or less or \$15 for each additional 40 acres or less, if impracticable to count game) \$5 (game fish) <i>(Mich. Comp. Laws 324.42704 and 324.45903)</i> \$75 (aquaculture facility registration) <i>(Mich. Comp. Laws 286.877(9)(b))</i>	<i>(34 Pa. Cons. Stat. 2903 and 2904 (a)(16))</i> \$150 (artificial propagation registration)  <i>(3 Pa. Cons. Stat. 4220)</i>	

## Commercial raptor propagator

### Survey response (DNR)

Description	
<p>A “commercial raptor propagation permit” authorizes the permit holder to propagate, sell, offer for sale, trade, and barter raptors, raptor eggs, and raptor semen produced in captivity. It is unlawful to place raptors in a breeding situation, attempt to breed raptors naturally or by artificial insemination, sell, offer for sale, trade, or barter raptors, raptor eggs, or raptor semen without first obtaining a raptor propagation permit from the Division of Wildlife and United States Fish and Wildlife Service.</p>	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
<p>License.</p>	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1-3 (on average)
Number renewed annually	1-3 (on average)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No.
<b>Education or training requirements</b>	A raptor propagation permit may only be issued to a licensed falconer. Licensed falconers have different education and training requirements, ranging from apprentice class to general class to master class.
<b>Experience requirements</b>	A federal permit is required for raptor propagation in addition to the state permit. The federal permit requires two years of experience handling raptors.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	A raptor propagating permit is only issued to the holder of a falconry permit. A falconry permit will not be issued unless the applicant correctly answers at least eighty percent of the questions on a supervised examination provided by the Division of Wildlife and approved by the U.S. Fish and Wildlife Service. The examination may relate to basic biology, care, and handling of raptors, regulations, and other appropriate subject matter. A person who fails to pass the examination is not eligible to submit another application for six months following the examination;
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$50.00 for each year.
<b>Duration</b>	Permits may be issued for a period not exceeding three years and expire at midnight on the date specified on the permit. Under section 1533.051 of the Revised Code, the duration of the permit must be consistent with the applicable federal requirements.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$50.00 for each year.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The chief of the Division of Wildlife shall issue a commercial raptor propagation permit in accordance with Chapter 4796 of the Revised Code to an applicant if the applicant holds a license or permit in another state, or the applicant has satisfactory work experience, a government certification, or a private certification as described as a person who propagates raptors in a state that does not issue that license or permit.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	<p>Yes. A federal raptor propagation permit is also required under 50 C.F.R. 21.85. The federal permit could not feasibly be used as a substitute because, under the federal framework, the states are entrusted with administering the functional provisions of the program. A state may have a falconry program only if it administers the program and the state's program is not less restrictive than the corresponding federal rules.</p> <p>Relying on the federal permit would also require the addition of specific exemptions to be included in the Revised Code to rely on the federal permit in lieu of the current state-issued raptor propagation permit. The current legal framework only allows the possession of raptors under certain conditions, including a raptor propagation license.</p>
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>A raptor propagation permit is not required for the propagation of raptors by the state, any agency of the state, the United States, any agency or instrumentality thereof, or any zoological park.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Upon receipt of an application and applicable fees and after an inspection of the facilities by authorized Division of Wildlife personnel, the chief of the Division of Wildlife may issue a permit authorizing raptor propagation in accordance with 50 C.F.R. 21.85. If the agency were not to approve a raptor propagation permit application, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Raptors held under a propagation permit will be held in an approved facility with a total of at least one hundred twenty square feet of floor space and a minimum height of six feet. Provided further, raptor propagation facilities will meet or exceed federal guidelines unless otherwise approved by the chief of the Division of Wildlife in writing.

A raptor propagating permit is only issued to the holder of a falconry permit. There are three classes of Ohio falconry permits:

Apprentice class falconry permit holders will be at least sixteen years of age and have a qualifying sponsor.

General class falconry permit holders will be at least eighteen years of age, have at least two years of experience in falconry while holding an apprentice class falconry permit, and be able to demonstrate that they have achieved a generally accepted standard of proficiency in falconry.

Master class falconry permit holders will have at least five years of experience in falconry at the general class level or its equivalent.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.051

Ohio Administrative Code Section: 1501:31-37-02

The chief of the Division of Wildlife may authorize commercial raptor propagation by rules adopted pursuant to section 1531.08 of the Revised Code. The rules shall be consistent with federal regulations governing raptor propagation.

No person shall propagate raptors without a permit issued by the chief. The duration of the permit shall be consistent with applicable federal requirements.

The chief shall set the fees for permits in amounts sufficient to cover the division's expenses in exercising its authority over raptor propagation. The fees may vary according to the type of permit.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Commercial raptor propagation license fees annually contribute approximately \$50 to \$150 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

50 C.F.R. 21 authorizes but does not require the state to have a program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for propagation and sale and documenting their use. The regulation establishes a level playing field for all industry participants and provides a viable source of organisms collected in the wild or raised in captivity. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and provides the agency the ability to track the movement of animals that may have been exposed to certain diseases while also ensuring the highest probability of quality care for the animals being held under the authority of the permit.

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of August 12, 2024)**

Commercial Raptor Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Commercial raptor propagation permit; raptor propagation permit from U.S.	License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service)	License (Kentucky captive wildlife permit; wildlife transportation permit; raptor propagation permit from U.S.	License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service)	License (Raptor propagation permit; raptor propagation permit from U.S. Fish and Wildlife Service)	License No clear requirement (but requires raptor propagation permit from U.S. Fish and Wildlife Service)

Commercial Raptor Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	Fish and Wildlife Service) <i>(R.C. 1533.051; O.A.C. 1501:31-37-02(B); 50 C.F.R. 21.85; see 16 U.S.C. 703; 50 C.F.R. 21.85; U.S. Fish &amp; Wildlife Service, 3-200-12: <a href="#">Migratory Bird – Raptor Propagation</a>)</i>	<i>(312 Ind. Admin. Code 9-4-2(q) and 9-10-13.1(nn); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column	Fish and Wildlife Service) <i>(Ky. Rev. Stat. 150.180, 150.183, 150.280(1), and 150.290; 301 Ky. Admin. Regs. 2:081; 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column	<i>(Mich. Comp. Laws 324.40114(4)(h) and 324.36505(6); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column	<i>(58 Pa. Code 147.204(a) to (c); 50 C.F.R. 21.85)</i> See federal requirements as described in Ohio column	Service in order to propagate) <i>(W.Va. Code R. 58-65-13 (13.3); 50 C.F.R. 21.82(f)(7) and 21.85)</i> See federal requirements as described in Ohio column
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Must be at least 18 years of age At least two full years of experience handling raptors <i>(50 C.F.R. 21.85 (w))</i>	See federal requirements as described in Ohio column	See federal requirements as described in Ohio column <i>(301 Ky. Admin. Regs. 2:081, section 5(2)(d))</i>	See federal requirements as described in Ohio column	See federal requirements as described in Ohio column <i>(58 Pa. Code 147.204(a) to (c))</i>	See federal requirements as described in Ohio column
Exam	N/A	N/A	N/A	N/A	N/A	N/A



Commercial Raptor Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$50 for each year permit is issued <i>(O.A.C. 1501:31-37-02(B)(1))</i>  \$100 fee for federal permit application <i>(50 C.F.R. 13.11(d)(4))</i>	See federal requirements as described in Ohio column	\$150 for captive wildlife permit; \$250 for wildlife transportation permit  <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(11))</i>  See federal requirements as described in Ohio column	See federal requirements as described in Ohio column	\$100 for state permit <i>(58 Pa. Code 147.204(d))</i>  See federal requirements as described in Ohio column	See federal requirements as described in Ohio column
License duration	Up to three years <i>(O.A.C. 1501:31-37-02(B)(1))</i>  Up to five years unless state permit is for a longer period, or unless U.S. Fish and Wildlife Service amends, suspends, or	See federal requirements as described in Ohio column	One year <i>(301 Ky. Admin. Regs. 5:022, section 2(8))</i>  See federal requirements as described in Ohio column	See federal requirements as described in Ohio column	One year <i>(58 Pa. Code 147.204(d) and (e))</i>  See federal requirements as described in Ohio column	See federal requirements as described in Ohio column

Commercial Raptor Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	revokes the permit <i>(50 C.F.R. 21.85(y))</i>					
Renewal fee	\$50 for each year permit is issued <i>(O.A.C. 1501:31-37-02(B)(1))</i> \$100 fee for federal permit application <i>(50 C.F.R. 13.11(d)(4))</i>	See federal requirements as described in Ohio column	\$150 for captive wildlife permit; \$250 for wildlife transportation permit <i>(301 Ky. Admin. Regs. 5:022, sections 2(8) and 2(11))</i> See federal requirements as described in Ohio column	See federal requirements as described in Ohio column	\$100 for state permit <i>(58 Pa. Code 147.204(d) and (g))</i> See federal requirements as described in Ohio column	See federal requirements as described in Ohio column

## Fire boss

### Survey response (DNR)

Description	
This certification is no longer offered as these duties are now combined with the Foreperson gaseous mine certificate.	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
N/A	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	N/A
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	N/A
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	N/A
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A
Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.	
N/A	

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

This certification is no longer offered as these duties are now combined with the Foreperson- Gaseous Mine certificate. The Fire Boss certificate can be removed from statute.

### Surrounding state comparison (LSC) (as of September 19, 2024)

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Fire boss certificate) <i>(R.C. 1561.13(D), 1561.22, and 1561.23)</i>	License (Mine examiner certificate) <i>(Ind. Code 22-10-3-10, 22-10-3-11.1, and 22-10-3-12)</i>	License (Mine foreman certificate, assistant mine foreman certificate, either may act as fire	No clear equivalent	License (Mine examiner certificate of qualification, mine foreman and assistant mine foreman may act	License (Mine foreman-fire boss certification, assistant mine foremen-fire boss certification)

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			boss or mine examiner) <i>(Ky. Rev. Stat. 351.010(1)(j) and 351.120(1) and (4))</i>		as a mine examiner) <i>(52 P.S. 70-201, 70-205, 690-201(3), and 690-202 and 71 P.S. 240.7A)</i>	<i>(W. Va. Code 22A-2-7 and 22A-7-5)</i>
Education or training	Knowledge of the dangers and nature of noxious and explosive gases gained by practical experience <i>(R.C. 1561.22(A))</i>	Knowledge of the nature and properties of poisonous, noxious, and explosive gases; methods for their detection and control and practical aspects of coal mining especially regarding ventilation and roof control; and the legal responsibilities of a mine examiner <i>(Ind. Code 22-10-3-10(c))</i>	See “ <b>Mine Forepersons</b> ” table, below	N/A	For an anthracite mine, demonstrated knowledge of anthracite mining techniques and use of mine gas detection equipment <i>(See Pa. Dept. of Environmental Protection, Certifications and Forms, 2023 <a href="#">Anthracite Mine Official Training and Examination Notice (PDF)</a>)</i>  For a bituminous mine, mine examiner must	See “ <b>Mine Forepersons</b> ” table, below



Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<p>give satisfactory evidence of ability to perform mine examiner duties and Department-approved training in determining presence of explosive and noxious gases and in use of gas detection devices and at least a 75% average in mine examiners exam and after being certified, at least two weeks of training before assuming duties</p> <p><i>(52 P.S. 690-202 (b)(4) and (7))</i></p>	
Experience	At least three years of practical experience in underground workings of gaseous mine or equivalent	Either (1) at least three years of underground coal mine experience or (2) two years of experience and a degree in	See “ <b>Mine Forepersons</b> ” table, below	N/A	For an anthracite mine, at least 25 years of age with five years of practical experience as a miner	See “ <b>Mine Forepersons</b> ” table, below

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(R.C. 1561.22(A))	engineering or an associate's in applied science degree in coal mining technology (Ind. Code 22-10-3-10(c))			For a bituminous mine, have either (1) three years of experience in underground mine, one of which in a working section or (2) two years of experience, one of which is in a working section and a bachelor's degree in mining engineering or an associate's degree in mining technology (52 P.S. 690-202 (a)(1) and (2))	
Exam	Yes (R.C. 1561.13(D), 1561.22(A), and 1561.23)	Yes (Ind. Code 22-10-3-10(a))	Yes (Ky. Rev. Stat. 351.120(1)); see <b>"Mine Forepersons"</b> table, below)	N/A	Yes (52 P.S. 70-201 and 70-205; 71 P.S. 240.7A)	Yes (W. Va. Code 22A-7-5, 22A-1-27, and 22A-1-29; see <b>"Mine Forepersons"</b> table, below)

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	N/A	No, unless mining examiner is placed on probation for any of a list of offenses and required to continue or renew professional education under a Mining Board-approved practitioner until satisfactory degree of skill is attained <i>(Ind. Code 22-10-3-11.1(e)(5)(C))</i>	See “ <b>Mine Forepersons</b> ” table, below	N/A	N/A	See “ <b>Mine Forepersons</b> ” table, below
Initial licensure fee	None, other than \$10 exam fee <i>(R.C. 1561.22(A))</i>	None, other than \$25 exam fee, but Board may set a different fee by rule <i>(Ind. Code 22-10-3-10(h))</i>	See “ <b>Mine Forepersons</b> ” table, below	N/A	\$5 fee (in addition to \$50 application fee for anthracite mine examiner), \$2 payable before exam and \$3 after successful completion of exam and before	See “ <b>Mine Forepersons</b> ” table, below

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					receiving certificate  \$25 fee (in addition to \$100 application fee, for bituminous mine examiner)  <i>(52 P.S. 70-205; 71 P.S. 240.7A; see also Pa. Anthracite Coal Mine Act, Section 205; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, <a href="#">Application for Anthracite Mine Official Certification (PDF)</a> and <a href="#">Application for Bituminous Mine Official Certification (PDF)</a></i>	

Fire Boss						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	N/A	N/A	See “ <b>Mine Forepersons</b> ” table, below	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Fishing guide

### Survey response (DNR)

Description
<p>A “fishing guide license” permits a person to, for consideration or hire, operate a boat, rent, lease, or otherwise furnish angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompany, guide, direct, or assist any other person in order for the other person to engage in fishing in the Lake Erie fishing district.</p>
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
<p>License.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	883 (2019-2023 average)
<b>Number renewed annually</b>	662 (2019-2023 average). Licensees must apply annually pursuant to section 1533.51(D) of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The number of Lake Erie fishing guides has increased over the past six years. This increase coincides with walleye abundance following strong recruitment across the last decade. With exceptional fishing, the number of guides has increased.
<b>Education or training requirements</b>	Under 1501:31-3-11 of the Administrative Code, Ohio fishing guide license applicants who wish to operate a vessel for hire with passengers are required to provide a valid United States Coast Guard Merchant Mariner Credential. Applicants who will not have clients on their vessels for hire are not required to provide this credential.
<b>Experience requirements</b>	There is no state experience requirement; the United States Coast Guard Merchant Mariner Credential has an experience requirement.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There is no state examination requirement; the United States Coast Guard Merchant Mariner Credential has an examination.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$50.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Duration</b>	Fishing guide licenses are valid from the date of issuance and expire on April 15th.
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$50.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Per section 1533.51(C) of the Revised Code, the chief of the Division of Wildlife shall issue a fishing guide license in accordance with Chapter 4796 of the Revised Code to an applicant if the applicant holds a license in another state, or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a fishing guide in a state that does not issue that license.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There is not a similar license that could be used as a substitute.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	Elements of the occupation may be practiced in areas of the state not included in the Lake Erie fishing district as defined under 1533.02 of the Revised Code.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	When the application is made in good faith, the Division of Wildlife will issue a Lake Erie fishing guide license to the applicant upon meeting all requirements and paying the fee for each license. If the agency were not to approve a Lake Erie fishing guide license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	There are no other significant attributes or prerequisites to licensure.

### Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Sections: 1501:31-15-02, 1501:31-19-04

No person shall be or serve as a fishing guide in the Lake Erie fishing district without a license from the chief of the Division of Wildlife. With the approval of the Wildlife Council, the chief may establish the qualifications for such a license and the terms, conditions, and restrictions thereof. Such qualifications, when applicable, shall include that the applicant possesses a power boat operator's license from a department, agency, commission, or instrumentality of the United States.

No person shall fail to comply with any provision of 1533.51 of the Revised Code or division rule adopted pursuant to it.

It shall be unlawful for any person to operate a boat for consideration or hire as a fishing guide in the Lake Erie fishing district without properly displaying a fishing guide decal furnished by the Division of Wildlife.

A violation of 1533.51 of the Revised Code is a misdemeanor of the first degree.

### How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

The fees for this license contribute approximately \$44,150.00 annually to the Ohio Department of Natural Resources Division of Wildlife. The fees collected are used to administer the licensing program and fund the enforcement/monitoring efforts and associated fisheries management efforts supporting the industry.

All money derived from fishing guide licenses issued pursuant to section 1533.51 of the Revised Code shall be appropriated exclusively for the use of the Department of Natural Resources for the following purposes as prescribed under 1533.33 of the Revised Code:

For the purchase, protection, propagation, preservation, and stocking of fish.

For the construction of fish chutes and dams.

For the securing of more public fishing waters, including leasing, purchasing, or otherwise acquiring stream banks, bottoms, and marginal strips, headwaters and other lakes, ponds, quarries, gravel pits, and other suitable public fishing grounds with marginal strips as provided in section 1531.06 of the Revised Code.

For the improvement of streams, lakes, and ponds, including food, cover, breeding conditions, erosion, and reforestation.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

For the cooperation with other agencies as provided in section 1501.02 of the Revised Code, to assist in stabilizing water levels and in controlling ditching, dredging, straightening, debrushing, the removal of aquatic vegetation in streams, and to assist in other proper land and water use problems to control stream, lake, and pond turbidities.

For other practical fish management work, including biological investigations and printing the summarized fishing laws, the fish and game lawbook, conservation bulletins, and practical fish management leaflets, pamphlets, and books.

For promoting educational and research activities, other methods of fish propagation and fish culture, and other proper conservation activities.

For use as provided in sections 1531.05, 1531.12, 1531.13, 1531.27, 1531.28, and 1533.67 of the Revised Code.

No funds derived from fishing guide licenses shall be spent for other than fishing purposes as defined in this section. Not more than twenty-five percent of such moneys shall be used for the payment of administration or other overhead expenses of the Division of Wildlife and the Wildlife Council, and the remaining seventy-five percent shall be used exclusively for the purchase, protection, propagation, preservation, stocking of fish, and for the purposes listed in this section.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Ohio fishing guide license applicants who wish to operate a vessel for hire with passengers are required to possess a valid United States Coast Guard Merchant Mariner Credential. No federal law requires the Division of Wildlife to regulate this occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

Lake Erie is a large body of water known to be hazardous in inclement weather. This regulation seeks to establish qualifications that provide a minimum level of safety for occupants on vessels for hire. These requirements and licensure legitimize participants and increase consumer confidence for those seeking to hire a guide. In turn, Ohio fishing guides can list their services publicly with the Division of Wildlife.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

This regulation has been effective because applicants for an Ohio fishing guide license whose intent is to take clients on their vessel for hire where a United States Coast Guard merchant mariner credential is required must submit a copy of their valid United States Coast Guard merchant mariner credential along with their application. This credential is already federally required and provided for in the Revised Code. Providing a copy of their credential with their application for an Ohio fishing guide license is less restrictive than meeting another standard developed by the agency.

**Are there any changes the Department would like to see implemented?**

No.

## Surrounding state comparison (LSC) (as of August 19, 2024)

Fishing Guide						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License  (Fishing guide license in Lake Erie fishing district)  (R.C. 1533.51; O.A.C. 1501:31-3-11(C))	License  (Fishing guide license)  (Ind. Code 14-22-15-1; 312 Ind. Admin. Code 9-7-17)	License  (Commercial guide license)  (Ky. Rev. Stat. 150.175(11); 301 Ky. Admin. Regs. 2:030, section 2(1))	License  (Sport fishing guide license)  (Mich. Comp. Laws 324.48714a)	License  (Fishing guide permit)  (30 Pa. Cons. Stat. 2715 and 2907.3; 58 Pa. Code 51.130)	License  (Outfitter and guide license)  (W. Va. Code 20-2-23(a) and (b) and 20-2-26; W. Va. Code R. 58-11-2 and 58-11-3 (3.5); see also W. Va. Dept. of Natural Resources, <a href="#">General Outfitter and Guide License</a> )
Education or training	Must have a valid U.S. Coast Guard merchant mariner credential  (O.A.C. 1501:31-3-11(G)); see 46 C.F.R. Part 10)	Must have a valid U.S. Coast Guard license  Boat must be regulated and inspected by U.S. Coast Guard  (312 Ind. Admin. Code 5-14-1)	Must have valid and current certification in cardiopulmonary resuscitation (CPR) and first aid  Must have proof of boater education course completion for a commercial guide	Must have a valid first aid and CPR certification, valid Michigan driver license, and must be eligible to purchase a fish-species specific license for which the applicant will be a guide	Must have a valid U.S. Coast Guard issued boat operator's license or a boating safety education certificate issued by the Pennsylvania Fish and Boat Commission or another state in	Must have current, standard first aid training certificate by American Red Cross or equivalent  If using motorized boats, must have a boater

Fishing Guide						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>license for fishing in a boat</p> <p>A valid U.S. Coast Guard captain's license or six-pack endorsement (certain vessels limited by law to six or fewer passengers for hire) if applicants guide on a Coast Guard regulated waterway may be used in lieu of boater education course, CPR and first aid requirements</p> <p><i>(301 Ky. Admin. Regs. 2:030, sections 2(5)(c) and 2(6))</i></p>	<p>If guiding activities occur with a watercraft, must have a valid Department-issued state pilot's license or valid U.S. Coast Guard captain's license</p> <p><i>(Mich. Comp. Laws 324.48714a (2)(a), (b), (d), and (e))</i></p>	<p>accordance with National Association of State Boating Law Administrators</p> <p>Have and maintain current certification in basic CPR and first aid</p> <p>Have fishing licenses, stamps, and permits required for waters in which they fish</p> <p><i>(58 Pa. Code 51.124, 51.126, and 51.127)</i></p>	<p>education certificate</p> <p>Must be a financially responsible U.S. citizen and must possess and inventory materials and equipment to provide for fishermen, and other services and conveniences as licensee advertises</p> <p>Director of the Division of Natural Resources must investigate all outfitter and guide applicants to determine their qualifications prior to issuing a license</p> <p><i>(W. Va. Code 20-2-24 and 20-7-</i></p>

Fishing Guide						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>12b; W. Va. Code R. 58-11-3 (3.7))</i>
Experience	<p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See Maritime Institute, <a href="#">U.S. Coast Guard Requirements for National OUPV or Master up to 100 Tons</a>)</i></p>	<p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See U.S. Coast Guard requirements as described in Ohio column)</i></p>	<p>Must be at least 18 years of age</p> <p>Must possess a valid fishing license and trout permit, if applicable</p> <p><i>(301 Ky. Admin. Regs. 2:030, section 2(3))</i></p>	<p>See U.S. Coast Guard requirements as described in Ohio column</p>	<p>Must be at least 16 years of age</p> <p><i>(58 Pa. Code 51.122(a))</i></p> <p>Minimum 90 days service in the last three years on vessels of appropriate tonnage and 360 days deck service (U.S. Coast Guard merchant mariner credential license requirement)</p> <p><i>(See U.S. Coast Guard requirements as described in Ohio column)</i></p>	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Fishing Guide						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (R.C. 1533.51(E))	\$125 (statute says minimum of \$100 fee, which may be adjusted) (Ind. Code 14-22-15-2 and 14-22-15-10; see also Ind. Dept. of Natural Resources, <a href="#">Permits &amp; Commercial Licenses</a> )	\$150 for residents \$400 for nonresidents (See Ky. Dept. of Fish and Wildlife Resources, <a href="#">Commercial License &amp; Fees</a> )	\$150 for residents \$300 for nonresidents No fee required for licensed charter boats or those who operate and possess a U.S. Coast Guard captain's license (Mich. Comp. Laws 324.48714b); see also Mich. Dept. of Natural Resources, <a href="#">Inland fishing guides</a> )	\$100 for residents \$400 for nonresidents (30 Pa. Cons. Stat. 2715 (a.1)(2) and (3))	\$10 (W. Va. Code 20-2-26)
License duration	One year (R.C. 1533.51(D))	One year (Ind. Code 14-22-15-3)	One year (301 Ky. Admin. Regs. 2:030, section 2(2))	Three years (Mich. Comp. Laws 324.48714a(5))	One year (58 Pa. Code 51.122) Commission has authority to issue multi-year permits, but rules specify one-year permits	One year (W. Va. Code 20-2-26; W. Va. Code R. 58-11-3 (3.6))

Fishing Guide						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					(30 Pa. Cons. Stat. 2717)	
Renewal fee	\$50 (R.C. 1533.51(E))	\$125 (statute says minimum of \$100 fee, which may be adjusted)  (Ind. Code 14-22-15-2 and 14-22-15-10; see also Ind. Dept. of Natural Resources, <a href="#">Permits &amp; Commercial Licenses</a> )	\$150 for residents \$400 for nonresidents  (See Ky. Dept. of Fish and Wildlife Resources, <a href="#">Commercial License &amp; Fees</a> )	\$150 for residents \$300 for nonresidents  No fee required for licensed charter boats or who operate and possess a U.S. Coast Guard captain's license  (Mich. Comp. Laws 324.48714b; see also Mich. Dept. of Natural Resources, <a href="#">Inland fishing guides</a> )	\$100 for residents \$400 for nonresidents  (30 Pa. Cons. Stat. 2715 (a.1)(2) and (3))	\$10  (W. Va. Code 20-2-26)

## Fish transportation

### Survey response (DNR)

Description
<p>A “transportation permit” allows a person to transport more than 500 pounds of fish that are for sale, sold, or purchased in one vehicle. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to transport such fish, upon filing of an application on a form prescribed by the chief and payment of a fee of sixty-five dollars. No such permit is required for any of the following:</p> <p>Fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not to be considered unloaded for purposes of this section if it remains under the control of a common carrier.</p> <p>Fish being transported by a person holding a valid license under section 1533.34 of the Revised Code from the place of taking to the person’s usual place of processing or temporary storage as designated by the person in the application for the license under that section.</p> <p>Fish being transported from a premises designated in a valid permit issued under section 1533.631 of the Revised Code to a premises where fish are to be sold at retail, sold for immediate consumption, or consumed if inspection of the designated premises as required by that section has not been denied during the preceding thirty days.</p> <p>Any quantity of fish the total weight of which does not exceed five hundred pounds in one vehicle.</p> <p>Minnows for which a permit is required under section 1533.40 of the Revised Code.</p>
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	234 (2019-2023 average)
<b>Number renewed annually</b>	66 (2019-2023 average) License holders are required to apply annually pursuant to section 1533.301 of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. There was an increase in active registrations from 2020 to 2021. The active registrations have remained consistent since then.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$65.00 or free. The holder of an aquaculture permit may receive a fish transportation permit without payment of the fee.
<b>Duration</b>	A fish transportation permit is valid for the calendar year for which it is issued.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	\$65.00 or free. The holder of an aquaculture permit may receive a fish transportation permit without payment of the fee.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. However, a transportation permit is not required for fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not considered unloaded if it remains under the control of a common carrier.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>A transportation permit is not required for fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not considered unloaded if it remains under the control of a common carrier.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No. The chief of the Division of Wildlife shall issue an annual permit granting the applicant the privilege to transport fish that are for sale, sold, or purchased upon filing of an application on a form prescribed by the chief and payment of a fee of sixty-five dollars.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	The word "fish" in the English language, at least eight inches high and maintained in a clear, conspicuous, and legible condition at all times, shall appear on both sides of the vehicle body of all vehicles transporting freshwater fish in this state when the fish are for sale or sold, except those fish exempt from a transportation permit in divisions (A), (B), and (E) of section 1533.301 of the Revised Code.

### Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.301, 1533.63

Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-3-02

No person shall fail to comply with any provision of section 1533.301 of the Revised Code or a Division rule adopted pursuant thereto.

A driver or other person in charge of a vehicle transporting fish that are for sale, sold, or purchased, upon demand by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and Division rules, shall stop and open the vehicle and allow inspection of the load, and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether chapter 1533. or a Division rule is being violated.

If a fish for which a permit is required under section 1533.301 of the Revised Code is transported in this state from a consignor who does not have a valid permit at the time of transportation, or if such a fish is transported in this state from a consignor who has a valid permit at the time of transportation, but the fish is part of the contents of a box, package, or receptacle that was or could be the basis for conviction of a violation of chapter 1533. or a Division rule, the fish may be seized by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and Division rules, and the fish shall escheat to the state unless a court of this state makes a specific finding that the consignor at the time of seizure had a valid permit under this section and that the fish are lawful under the requirements of chapter 1533. or the Revised Code or a Division rule relating thereto. No civil action may be brought in any court in the state for the value or agreed price of fish that have escheated to the state under this section.

A fish for which a permit is required under section 1533.301 of the Revised Code may be transported only if each box, package, or other receptacle bears a label showing the total weight in pounds, the species of the fish, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that each species of fish by weight in the box, package, or other receptacle that are undersized under section 1533.63 of the Revised Code or Division rule is ten percent or less or is in excess of ten percent, whichever the fact may be.

A fish transportation permit may be suspended by the chief for a period not to exceed five days upon conviction of the permittee of a violation of this chapter or Chapter 1531. of the Revised Code or a Division rule if the permittee has been convicted of another such violation during the preceding twelve-month period. If the permittee has had two or more such convictions during the twelve-month period preceding such a conviction, the permittee's permit may be suspended as provided herein for a period not to exceed twenty days.

In addition to other penalties provided in the Revised Code, the permit of any person who is convicted of two violations of section 1533.301 of the Revised Code that occurred within a twelve-month period is suspended upon the second such conviction by operation of law for a period of five fishing season days immediately following that conviction. The permit of any person who is convicted of three or more violations of

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

section 1533.301 of the Revised Code that occurred within a twelve-month period is suspended upon the third or subsequent conviction by operation of law for a period of twenty fishing season days immediately following that conviction.

Each person who holds a fish transportation permit shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The records shall include the name and address of the buyer and seller, the type of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon, and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under section 1533.63 of the Revised Code, a permit holder, upon applying to and receiving the approval of the chief, may keep the sales information required under section 1533.63 of the Revised Code on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection to all Division of Wildlife officers at all reasonable hours.

A violation of section 1533.301 or the Revised Code is a misdemeanor of the third degree.

A violation of section 1533.63 of the Revised Code is a misdemeanor of the first degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Fish transportation permit fees annually contribute approximately \$7,020 to the Division of Wildlife. These fees are used to administer the program, including licensing, enforcement, and inspections. Notably, the agency annually issues approximately 127 free fish transportation permits pursuant to 1533.632 of the Revised Code.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation provides for tracking of certain fish that are for sale, sold, or purchased, inspection of vehicles and containers transporting such fish, and record-keeping requirements to monitor for compliance. This regulation specifies those records that must be kept, labeling of containers, and signage on vehicles. The regulation allows wildlife officers to identify vehicles transporting fish, the types and kinds of fish being transported, and the movement of these fish. This regulation is aimed to protect Ohio fisheries, ensure compliance with commercial fishing rules, and protect Ohio's natural resources from injurious aquatic invasive species.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation allows wildlife officers to identify vehicles transporting fish, the types and kinds of fish being transported, and the movement of these fish.

Are there any changes the Department would like to see implemented?

### **Surrounding state comparison (LSC)**

LSC staff determined that a fish transportation license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## **Fish wholesaler**

### **Survey response (EPA)**

#### **Description**

A “wholesale permit” allows a person to handle commercial fish or other fish that may be bought or sold under the Revised Code or Division rule at wholesale. No person or a person’s agent shall handle at wholesale any freshwater fish or part thereof unless a permit has been issued for the calendar year in which the fish is handled at wholesale for the premises at which the fish is handled.

A fish is handled at wholesale when it is on a premises within the state and is being held, stored, handled, or processed for the purpose of sale to a person who resells the fish.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	83 (2019-2023 average)
<b>Number renewed annually</b>	45 (2019-2023 average). License holders are required to apply annually pursuant to section 1533.631 of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. There was a notable increase in active registrations between 2020 and 2021. The number of active registrations has remained consistent since 2021.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$65.00
<b>Duration</b>	A commercial fish wholesale permit is valid for the calendar year for which it is issued.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$65.00
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license only applies to handling fish at wholesale on a premises located in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>Handling saltwater commercial fish at wholesale does not require a wholesale permit.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	<p>No. The chief shall issue an annual permit granting the applicant the privilege to handle fish at wholesale at one or more designated premises upon satisfaction of the pre-application qualifications, filing of an application on a form prescribed by the chief, and payment of a fee of sixty-five dollars.</p>
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	<p>Applicants must:</p> <p>Be over eighteen years of age.</p> <p>Have no prior conviction of or plea of guilty on or after October 10, 2007, to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p> <p>Have ninety days of Ohio residency immediately preceding application.</p>

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.641, 1533.63, 1533.631</p> <p>Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-3-02</p> <p>The permit required by section 1533.631 of the Revised Code issued subject to the right of entry and inspection of the designated premises of the permittee by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce the laws and rules of the Division of Wildlife. Such an officer may enter and inspect the designated premises and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether any provision of this chapter or Chapter 1531. of the Revised Code or Division rule is being violated.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

No person holding a permit under this section shall remove a label required by section 1533.301 of the Revised Code unless the box, package, or receptacle bearing the label has been opened or unless the label is replaced with another label that meets the requirements of that section.

No person shall fail to comply with any provision of section 1533.631 of the Revised Code or Division rule adopted pursuant to it.

Each person who holds a fish wholesale permit shall keep accurate written records in the English language of all sales and purchases of freshwater fish. The records shall include the name and address of the buyer and seller, the type of fish, the amount of fish in pounds, and the date of sale or purchase. Records for trout, bullhead, herring, whitefish, sauger, walleye, yellow perch, white bass, sturgeon, and channel catfish shall be kept on forms provided by the chief. In lieu of keeping the written records concerning sales of freshwater fish as required under section 1533.63 of the Revised Code, a permit holder, upon applying to and receiving the approval of the chief, may keep the sales information required under section 1533.63 of the Revised Code on normal business records, including, but not limited to, receipts and invoices. All records shall be maintained for at least one year and shall be open to inspection to all Division of Wildlife officers at all reasonable hours.

A violation of section 1533.63 of the Revised Code is a misdemeanor of the first degree.

A violation of section 1533.631 of the Revised Code is a misdemeanor of the third degree.

If a commercial fishing licensee, such a licensee's authorized representative, a person that has been issued a permit under section 1533.631 of the Revised Code to handle commercial fish or other fish at wholesale, or such a permittee's authorized representative is convicted of or pleads guilty to a violation of section 1533.341, 1533.343, 1533.41, 1533.42, 1533.62, 1533.63, 1533.631, or 1533.64 of the Revised Code or any Division of Wildlife rule pertaining to those sections, the licensee's license or the permittee's permit, as applicable, shall be suspended for a period of thirty fishing season days.

If a person is convicted of or pleads guilty to a second violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any Division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be suspended for a period of sixty fishing season days.

If a person is convicted of or pleads guilty to a third violation of a section of the Revised Code that is listed in division (B)(1) of 1533.641 of the Revised Code or any Division rule pertaining to those sections within ten years after being convicted of or pleading guilty to the first violation, the applicable license holder's license or permit holder's permit shall be permanently revoked.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The agency annually receives approximately \$5,395 in revenue from license fees. The fees are used to administer the licensing program, inspections, enforcement and monitoring, and associated fisheries management efforts supporting the commercial fishing industry.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the occupation.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation provides for tracking of commercial fish taken from Ohio waters, inspection for size and quotas, and record-keeping requirements to monitor for compliance with commercial fishing regulations. This regulation provides additional protection for wild populations of commercial fish.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken commercial fish.

**Are there any changes the Department would like to see implemented?**

### Surrounding state comparison (LSC) (as of October 15, 2024)

Fish Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Fish wholesale permit)	No clear equivalent	No clear equivalent	License (Wholesale fish dealer license)	No clear equivalent <sup>4</sup>	License (Fish processing license) <sup>5</sup>

<sup>4</sup> Pennsylvania's Department of Agriculture requires registration for seafood or shellfish wholesalers. However, the purpose of the registration seems to be to ensure proper labeling and to meet health standards (see Pa. Dept. of Agriculture, [Seafood/Shellfish Registration & Certification](#)).

<sup>5</sup> West Virginia's Department of Agriculture also licenses shellfish dealers, but the purpose of the registration seems to be to ensure proper labeling and to meet health standards (see W. Va. Code R. 61-23B-5; W. Va. Dept. of Agriculture, [Application for Shellfish Dealers Certificate \(PDF\)](#)).

Fish Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 1533.631)</i>			<i>(Mich. Comp. Laws 324.47333)</i>		<i>(W. Va. Code R. 61-23A-11)</i>
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	Must be at least 18 years of age 90 days Ohio residency immediately preceding application <i>(R.C. 1533.631)</i>	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$65 <i>(R.C. 1533.631)</i>	N/A	N/A	\$5 <i>(Mich. Comp. Laws 324.47333)</i>	N/A	For fish processing license, based on average finished product poundage per year as follows: <ul style="list-style-type: none"> <li>▪ 1-25,000: \$25;</li> <li>▪ 25,001-50,000: \$50;</li> </ul>

Fish Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<ul style="list-style-type: none"> <li>Over 50,000: \$75</li> </ul> <i>(W. Va. Code R. 61-23A-11)</i>
License duration	One year <i>(R.C. 1533.631)</i>	N/A	N/A	One year <i>(Mich. Comp. Laws 324.47333)</i>	N/A	One year <i>(W. Va. Code R. 61-23A-11.5)</i>
Renewal fee	\$65 <i>(R.C. 1533.631)</i>	N/A	N/A	\$5 <i>(Mich. Comp. Laws 324.47333)</i>	N/A	For fish processing license, based on average finished product poundage per year as follows: <ul style="list-style-type: none"> <li>1-25,000: \$25;</li> <li>25,001-50,000: \$50;</li> <li>Over 50,000: \$75</li> </ul> <i>(W. Va. Code R. 61-23A-11)</i>

## Foreperson of various mines

### Survey response for mine foreperson and qualified person in lieu of a certified mine foreperson (DNR)

Description	
Pursuant to R.C. 1514.47 and 30 CFR pt.56, the certified Mine Foreperson oversees all examinations and record keeping at the mine. Only the Mine Foreperson can qualify another person to make mine examinations.	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	40-50
Number renewed annually	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Increase by 10-15 annually
<b>Education or training requirements</b>	There are no education requirements. Only on-the-job training
<b>Experience requirements</b>	2 years for sand/ gravel and quarry surface IM. 5 years for all other certifications including underground.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	DMRM-Mine Safety administers the exam. Exam questions are taken out of the ORC pertaining to the occupation, and exams are administered by the certification's supervisors. No fees are collected.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	Zero
<b>Duration</b>	Never expires unless the certification holder is out of the industry for 5 years or more.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Zero.



If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Certifications can be revoked by the Chief of the Division of Mineral Resources Management if circumstances warrant such action.</p>

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No fees are collected.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

MSHA relies on the states to certify the occupation if the states have a certification program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The regulation aims to prevent improper mine examinations, which could result in unsafe working conditions.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation prevents this harm, and anything less than the regulation would not prevent harmful conditions. After MSHA investigation of the Upper Big Branch mine explosion, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees.

**Are there any changes the Department would like to see implemented?**

No.

**Survey response for mine foreperson of gaseous mines (DNR)****Description**

The Mine Foreperson of gaseous mines is required at each underground coal mine. This person is in charge of all examinations and all work done in these mines.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	5-10
<b>Number renewed annually</b>	None.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a decrease due to the downturn in the coal industry.
<b>Education or training requirements</b>	5 years of training in underground mining.
<b>Experience requirements</b>	5 years of underground experience.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. The exam questions are taken from the R.C. and administered by the certification's supervisors. A \$25.00 examination fee is paid to the Treasurer, State of Ohio.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None.
<b>Initial fee</b>	Zero.
<b>Duration</b>	This is a lifetime certification unless the holder is out of the mining industry for two years or more.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Zero.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the state of Ohio has reciprocity with the state of West Virginia.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, as long as all qualifications are met.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
The Chief of the DMRM can revoke this certification if circumstances warrant such action.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$100.00-\$250.00 per year.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR Pt. 75.100 requires certified Mine Forepersons. Federal law permits states to certify if they have a certifications program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The regulations seek to prevent underground mine fires, explosions, injuries, and fatalities.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. After MSHA investigation of the Upper Big Branch mine explosion, a 2010 explosion in West Virginia, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees. This regulation is also covered in the 30 CFR Pt. 75.100 Certified Persons.

**Are there any changes the Department would like to see implemented?**

No.

**Survey response for mine forepersons of surface mines (DNR)****Description**

This certification is required in order to make mine examinations under 30 CFR Pt. 77, and to sign all record books pertaining to various mine examinations.



**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	10-15
<b>Number renewed annually</b>	None
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a decrease due to the downturn in the coal industry.
<b>Education or training requirements</b>	3 years of training in mining.
<b>Experience requirements</b>	3 years of mining experience.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. The questions are taken from the R.C. and administered by the certifications supervisors. \$25.00 exam fees are paid to the Treasurer of the State of Ohio.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	Zero
<b>Duration</b>	This is a lifetime certification unless the holder is out of the mining industry for two years or more.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	Zero
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, the state of Ohio has reciprocity with the State of West Virginia.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, as long as all qualifications are met.
Other information ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
The Chief of the DMRM may revoke this certification if circumstances warrant this action.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$250.00-\$400.00 per year is deposited into the mining regulation and safety fund to support the division's regulatory and mine safety programs.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR Pt. 77.100 requires certification to perform these duties. Federal law allows states to certify if they have a certifications program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The goal is to prevent improper exams which could result in injuries and fatalities.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. Per MSHA, YTD nationally, there have been 15 fatal injuries at surface mines/facilities many of which may have been prevented by proper workplace examinations.

**Are there any changes the Department would like to see implemented?**

No

### **Survey response for foreperson (DNR)**

#### **Description**

A Mine foreman must employ a sufficient number of competent persons holding foreperson of gaseous mines to examine the working places whether they are actual course of working or not, and the travel ways and entrances to old workings.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	20- 30
<b>Number renewed annually</b>	2-5
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Decrease due to the downturn in the coal industry.
<b>Education or training requirements</b>	3 years in mining.
<b>Experience requirements</b>	3 years in underground, 3 years in surface mining for certification being requested

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	DMRM-Mine Safety administers the exam. The exam questions are taken from the ORC and administered by the certifications supervisors. No fees are collected
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	No fees
<b>Duration</b>	Never expires unless the holder is out of mining for 2 years or more for underground coal. 5 years surface
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, any certification that is offered by the State of Ohio
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:****Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?**

No

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

No as long as all qualifications are met.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Chief can revoke this certification if circumstances warrant such action.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No revenue is collected through fees

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR Pt. 75.100 requires that certain examinations and tests be made by a certified person. Federal law permits states to certify if they have a certifications program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

Underground mine fires, explosions, injuries, and fatalities.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

After MSHA investigation of the Upper Big Branch mine explosion, it was determined that many of the root causes were due to insufficient workplace examinations. This certification provides a safe workplace to all mine employees. This regulation is also covered in the 30 CFR Pt. 75.100 Certified Persons.

**Are there any changes the Department would like to see implemented?**

No

**Survey response for mine foreperson of nongaseous mines (DNR)****Description**

This certification is no longer available as all underground coal mines are considered gaseous.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	N/A
<b>Number renewed annually</b>	N/A
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	N/A
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	N/A
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	N/A
Other information ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

N/A

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

N/A

**Are there any changes the Department would like to see implemented?**

This certification no longer available as all underground coal mines are considered gaseous. The mine foreperson of nongaseous mines certification can be removed from statute.

### **Survey response for preparation plant/tipple foreperson (DNR)**

**Description**

This certification covers the 30 CFR Pt.77 duties associated with the processing and loading of coal for transport.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government Certification

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	1-5
<b>Number renewed annually</b>	None
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Decrease due to the downturn of coal production.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	3 years mining experience.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Mine Safety examination supervisors administer the exam. The exam questions come from the ORC section covering coal processing and loading for transport and the Chief designates an examining board from the deputy mine inspectors. Currently, there is no exam fee.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	None
<b>Initial fee</b>	Currently, there is no fee.
<b>Duration</b>	Lifetime
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, as long as the certificate holder is in good standing in the state of issue.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:****Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?**

No.30 CFR Part 77 duties are regulated by MSHA and must be performed by a certified person.

**Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?**

Yes. All applicants must meet the minimum qualifications.

**Other information** (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

None

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Chief may revoke certification if certain actions warrant.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

None. There currently is no fee.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

Yes, federal law requires certification for 30 CFR Part 77 duties associated with coal processing and loading for transport.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

Serious injuries, fatalities, surface fires.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, this is effective. Proper examination has been shown to decrease accidents. Work site examinations relative to 30 CFR part 77 must be completed by a certified person.

**Are there any changes the Department would like to see implemented?**

No.

### **Survey response for surface coal and auger mine foreperson (DNR)**

**Description**

This certification allows the holder to perform the duties covered under 30 CFR Pt. 77 relative to the mining and production of surface mined coal.

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certificate

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	1-5
<b>Number renewed annually</b>	NA
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Decrease due to the downturn in coal production.
<b>Education or training requirements</b>	None
<b>Experience requirements</b>	3 years for foreperson and 5 years for mine foreperson

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Mine Safety examination supervisors administer the exam. The exam questions come from the ORC covering coal surface mining and the Chief designates an examining board from the deputy mine inspectors. Currently, there is no exam fee.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	NA
<b>Initial fee</b>	None
<b>Duration</b>	Lifetime certification
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Yes, as long as the holder is in good standing in the state of issue.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No, Pt. 77 duties require this certification.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, all applicants must meet minimum qualifications.
Other information ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	NA

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
The Chief may revoke this certification, if individual actions warrant.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

None.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR Pt. 77 requires this certification for all mine examinations on surface coal mining sites.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

Serious accidents, fatalities, mine fires.



**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, proper mine examinations have shown a decrease in serious accidents.

**Are there any changes the Department would like to see implemented?**

No.

**Survey response for foreperson of surface maintenance facilities of underground or surface mines (DNR)**

**Description**

This certification is no longer offered as these duties are combined in the Surface Coal & Auger and the Prep Plant/Tipple Foreperson certifications. These certifications cover the duties required by the 30 CFR Pt. 77.

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

N/A

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	N/A
<b>Number renewed annually</b>	N/A
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	N/A
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	N/A
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	N/A
Other information ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	N/A

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
N/A

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

N/A

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

N/A

**Are there any changes the Department would like to see implemented?**

This certification is no longer offered as these duties are combined in the Surface Coal & Auger and the Prep Plant/Tipple Foreperson certifications. These certifications cover the duties required by the 30 CFR Pt. 77. The Foreperson of surface maintenance facilities of underground or surface mines can be removed from statute.

### **Surrounding state comparison for forepersons of various mines (LSC) (as of August 19, 2024)**

The following table addresses licenses for mine forepersons, mine forepersons of nongaseous mines, mine forepersons of gaseous mines, mine forepersons of surface mines, surface coal and auger certification, preparation plant/tipple foreperson certification, and foreperson of surface mines. As noted above, as the foreperson of surface maintenance facilities of underground or surface mines license is part of other licenses, it is not addressed in the comparison.

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Mine foreperson certification, mine foreperson of	License (Mine foreperson certification)	License (Mine foreman certification, surface mine	No clear equivalent	License (Bituminous coal mine foreman certification,	License (Mine foreman-fire boss certification,

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	nongaseous mines certification, mine foreperson of gaseous mines certification, mine foreperson of surface mines certification, surface coal and auger certification, preparation plant/tipple foreperson certification, and foreperson of surface mines certification) <i>(R.C. 1561.16, 1561.17, 1561.18, and 1561.19; O.A.C. 1501:10-1-05; 30 C.F.R. 77)</i>	(Indiana does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, mine forepersons of surface mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) <i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i>	foreman certification, assistant mine foreman certificate, and fire boss)  (Kentucky does not license mine forepersons of nongaseous mines, forepersons of gaseous mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) <i>(Ky. Rev. Stat. 351.120)</i>		anthracite coal mine foreman certification, assistant mine foreperson, industrial minerals mine foreman, industrial minerals storage mine foreman, and industrial minerals shaft/slope foreman)  (Pennsylvania does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, or forepersons of surface maintenance facilities of	assistant mine foremen-fire boss certification, and surface mine foreman certification)  (West Virginia does not license mine forepersons of nongaseous mines, mine forepersons of gaseous mines, forepersons of surface maintenance facilities of underground or surface mines, or forepersons of surface mines) <sup>6</sup> <i>(W. Va. Code 22A-1-37, 22A-2-7, and 22A-7-5)</i>

<sup>6</sup> Note, however, the West Virginia Board of Coal Mine Health and Safety may require certification in other miner occupational specialties (W. Va. Code 22A-7-5(b), see also [West Virginia Mine Safety Foreman & Supervisory Applications](#)).

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					underground or surface mines) <i>(52 P.S. 11, 70-201, 70-205, and 690-202, 690-210; 25 Pa. Code 207.212)</i>	
Education or training	<p>Mine foreperson and mine foreperson of nongaseous mines must have knowledge of the dangers and nature of noxious gases</p> <p>Mine foreperson of gaseous mines must have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines</p> <p>N/A for mine foreperson of</p>	N/A	<p>At least 45 working days of experience within a three-year period as a trainee and demonstrated competence as a miner</p> <p><i>(Ky. Rev. Stat. 351.102(1) and (6))</i></p>	N/A	<p>For bituminous and anthracite coal mine forepersons, must have training in determining the presence of explosive and noxious gas and in the use and mechanics of all gas detection devices</p> <p><i>(52 P.S. 690-202)</i></p>	<p>For mine foreman-fire boss and assistant mine foreman-fire boss, must demonstrate knowledge of dangerous mine gases and their detection, mine safety, first aid, safety appliances, state and federal mining laws and regulations, and other subjects by completing training, education, and exams required by West Virginia rules</p>



Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	surface mines, foreperson of surface mines, surface coal and auger certification, and preparation plant/tipple foreperson certification <i>(R.C. 1561.16, 1561.17, and 1561.18)</i>					<i>(W. Va. Code 22A-1-37 and 22A-2-7; W. Va. Code R. 36-11-4)</i>
Experience	Yes, three years of actual practical experience, except that an applicant for a certification as a mine foreperson of gaseous mines or mine foreperson of surface mines must have five years of practical experience Credit of up to one year of	Yes, four years of experience underground in coal mines Persons with a four-year engineering degree or four-year coal mining technology program completion need two years of experience	For mine foreman, five years of practical underground coal mining experience acquired after achieving 18 years of age, with at least one year of this experience acquired on an active working section of an underground mine	N/A	For bituminous and anthracite coal mine forepersons, must be 25 years of age and have five years of practical experience as a miner with two years in a working section Experience requirement is four years (one year in a working section) if	For mine foreperson-fire boss certification, at least five years of experience in underground working, ventilation, and drainage of a coal mine, which must include at least 18 months of experience on or at a working section of an

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>experience if applicant has an educational degree in a field related to mining</p> <p>Credit of up to two years of experience if applicant has graduated from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during school years</p> <p><i>(R.C. 1561.16, 1561.17, 1561.18 and 1561.19; O.A.C. 1501:10-1-05)</i></p>	<p>Persons who complete a two-year coal mining technology program need three years of experience</p> <p><i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i></p>	<p>For underground assistant mine foreman certificate, three years practical underground experience acquired after 18 years of age, at least one year of which is on an active working section of an underground mine</p> <p>For surface mine foreman, three years of practical experience after 18 years of age, with at least one year of experience from direct involvement in the mining and extraction of coal in a surface mine</p> <p>A person who holds a four-year</p>		<p>applicant holds a bachelor's degree in mining engineering or an associate's degree in mining technology</p> <p>For an assistant mine foreperson, four years of work experience in an underground coal mine, with two of those years in a working section.</p> <p>Experience requirement is three years (one year in a working section) if applicant holds a bachelor's degree in mining engineering or an associate's degree in mining technology</p> <p><i>(52 P.S. 690-202)</i></p>	<p>underground mine</p> <p>If applicant is a graduate of the School of Mines at West Virginia University or of another accredited mining engineering school or a graduate of an accredited engineering school with a bachelor's degree in mining engineering technology, electrical, mechanical, or civil engineering, applicant must have two years of practical experience in an underground mine, which must include at least 18 months of</p>

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>degree in mining engineering is credited with the equivalent of two years of practical experience</p> <p>A person with a two-year associate's degree in mining is credited with one year of practical experience</p> <p><i>(Ky. Rev. Stat. 351.120)</i></p>		<p>For an industrial minerals mine foreman, must be at least 21 years or age, possess an underground industrial minerals blaster's license, and have either two years of practical experience as a noncoal underground miner or have one year of such experience and possess one of the following:</p> <ul style="list-style-type: none"> <li>• A bachelor of science degree in mining engineering;</li> <li>• A certificate of qualification under Pennsylvania's law governing anthracite or</li> </ul>	<p>experience on or at a working section</p> <p>If applicant is a graduate of an accredited college or university with an associate's degree in mining, electrical, mining engineering technology, mechanical engineering, or civil engineering, applicant must have four years of practical experience in an underground mine, which must include at least 18 months of experience on or at a working section</p> <p>For an assistant mine foreman-fire boss, have all the qualifications</p>

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					bituminous coal mines; or <ul style="list-style-type: none"> <li>An acceptable certificate of qualification issued by another state</li> </ul> For an industrial minerals mine shaft/slope foreman, must be at least 21 years of age, possess an underground industrial minerals blaster's license or mine opening blaster's license, and have either two years of practical experience in the sinking of slopes and shafts or have one year of such experience and possess one of the following:	required of a mine foreman-fire boss: provided, at the time of certification, have at least three years of experience in the underground working, ventilation and drainage of coal mines, including at least 18 months of which in an underground mine working section or be a graduate of the School of Mines at West Virginia University or of another accredited engineering school with a bachelor's degree in mining engineering

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<ul style="list-style-type: none"> <li>• A bachelor of science degree in mining engineering;</li> <li>• A certificate of qualification to be a coal mine foreman or assistant coal mine foreman;</li> <li>• A certificate of qualification to be an industrial mineral underground mine foreman; or</li> <li>• An acceptable certificate of qualification issued by another state</li> </ul> <p>For an industrial minerals storage mine foreman, must be at least 21 years of age and have either</p>	<p>technology, electrical, mechanical or civil engineering; and have had 12 months of practical experience in an underground mine working section or be a graduate of an accredited college or university with an associate's degree in mining, electrical, mining engineering technology, mechanical or civil engineering and have had at least two years of practical experience in an underground mine including at least 18 months of experience in an underground</p>

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<p>two years of practical experience as a noncoal underground miner or doing the work of a miner at a business in a worked-out area of a noncoal mine or have one year of such experience and possess one of the following:</p> <ul style="list-style-type: none"> <li>• A bachelor of science degree in mining engineering;</li> <li>• A certificate of qualification under Pennsylvania's law governing anthracite or bituminous coal mines; or</li> </ul>	<p>mine working section</p> <p>For surface mine foreperson, three years of experience in surface coal mining, which must include at least 18 months experience on or at a working section of a surface mine</p> <p>If applicant is a graduate of West Virginia University or another accredited mining engineering school, applicant must have two years of practical experience, with at least 18 months of experience on or at a working section</p>

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<ul style="list-style-type: none"> <li>An acceptable certificate of qualification issued by another state</li> </ul> <i>(25 Pa. Code 207.214)</i>	<i>(W. Va. Code 22A-1-37 and 22A-2-7; W.Va. Code R. 36-11-4)</i>
Exam	Yes <i>(R.C. 1561.16, 1561.17, 1561.18, and 1561.19; O.A.C. 1501:10-1-05)</i>	Yes <i>(Ind. Code 22-10-3-10)</i>	Yes <i>(Ky. Rev. Stat. 351.120)</i>	N/A	Yes <i>(52 P.S. 690-202; 25 Pa. Code 207.215)</i>	Yes <i>(W. Va. Code 22A-1-37 and 22A-2-7)</i>
Continuing education	N/A	N/A	For mine forepersons, at least 16.5 hours annual retraining, including one hour of alcohol and substance abuse education plus six hours of annual training provided by Division of Mine Safety, including training in mine safety laws, safe	N/A	N/A	For mine foreman-fire boss, at least eight hours of continuing education every two years consisting of courses approved by the Board of Coal Mine Health and Safety; Board may approve alternative training programs

Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			retreat mining practices, mine safety technology, and improving safe working procedures  <i>(Ky. Rev. Stat. 351.010(1)(ac) and 351.106(1) and (3))</i>			tailored to specific mines  <i>(W. Va. Code 22A-7-7(a) to (e))</i>
Initial licensure fee	N/A, except \$10 exam fee for mine foreperson of surface mines and foreperson of surface mines  <i>(R.C. 1561.18; O.A.C. 1501:10-1-05)</i>	\$5 for certificate of competency plus \$25 exam fee  <i>(Ind. Code 22-10-3-10 and 22-10-3-13)</i>	\$50 exam fee for mine foreperson and assistant mine foreperson  <i>(Ky. Rev. Stat. 351.110(1); Ky. Dept. for Natural Resources, Energy and Environment Cabinet, <a href="#">Kentucky mine foreperson training</a>)</i>	N/A	\$3 plus \$100 exam fee for bituminous mine forepersons and \$50 exam fee for anthracite coal mine forepersons  <i>(52 P.S. 70-205)</i>  \$10 for all industrial minerals mine-related forepersons  <i>(25 Pa. Code 207.215)</i>	\$35 for mine foreperson-fire boss certification  \$25 for surface mine foreperson  <i>(See W. Va. Office of Miners' Health, Safety, and Training, <a href="#">Certification Policy Manual, page 18 (PDF)</a>)</i>



Mine Forepersons						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	No specified time, but mine foreperson, mine foreperson of nongaseous mines, or mine foreperson of gaseous mines must be recertified if the individual ceases to work in an underground coal mine for more than two years <i>(O.A.C. 1501:10-1-05)</i>	N/A	Temporary certification when approved by the Commissioner of the Kentucky Department for Natural Resources until the Department acts upon the certification <i>(Ky. Rev. Stat. 351.120(10))</i>	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

### **Surrounding state comparison for qualified person in lieu of a certified mine foreperson (LSC) (as of August 19, 2024)**

In Ohio, in lieu of employing a certified mine foreperson, the operator of a surface mining operation may submit to the Chief of the Division of Mineral Resources Management a detailed training plan under which persons who qualify under the plan may conduct and document safety examinations at the surface mining operation (which are required under federal law). To be eligible to

become a qualified person, the person must have had at least one year of experience working with or under the direction of a certified mine foreperson.<sup>7</sup>

Indiana, Michigan, Pennsylvania, and West Virginia do not offer the ability for a qualified person to conduct safety examinations in lieu of a certified mine foreperson.

In Kentucky, the Commissioner of the Department for Natural Resources may utilize “other qualified persons” in implementing the mine safety program of instruction and examination.<sup>8</sup> However, no other mention of a qualified person in lieu of a certified mine foreperson is found in Kentucky law.

## **Fur dealer**

### **Survey response (DNR)**

Description
A “fur dealer’s permit” allows a person to deal in or buy green or dried furs, skins, or parts thereof taken from fur-bearing animals of the state. Every applicant for a fur dealer’s permit shall make and subscribe a statement setting forth the applicant’s name, place of residence, and whom the applicant represents. Every applicant for a dealer’s permit who is a nonresident of the state, or who is a resident of the state and is an agent or representative of a nonresident person, firm, or corporation, shall pay an annual fee of two hundred dollars to the chief of the Division of Wildlife issuing such permit, and every applicant for a dealer’s permit who is a resident of the state shall pay an annual fee of seventy-five dollars to the chief issuing such permit. Every fur dealer shall operate under such additional rules as are provided by the chief.

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<sup>7</sup> O.A.C. 1501:14-2-08(A).

<sup>8</sup> Ky. Rev. Stat. 351.106(14).

**Type** (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	53 – Resident (2019-2023 average) 6 – Nonresident (2019-2023 average)
<b>Number renewed annually</b>	The agency does not distinguish new licenses from those renewing their license. Licensees must apply annually pursuant to section 1533.23 of the Revised Code.
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. The number of active resident fur dealer registrations has declined since 2019. The active nonresident fur dealer registrations have remained consistent.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$75.00 – Resident applicant \$200.00 – Nonresident applicant (including residents who represent a nonresident person, firm, or corporation)
<b>Duration</b>	Licenses are valid from the date of issuance through April 30 <sup>th</sup> .
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$75.00 – Resident applicant \$200.00 – Nonresident applicant (including residents who represent a nonresident person, firm, or corporation)
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. Every applicant for a dealer's permit who is a nonresident or who is a resident and is an agent or representative of a nonresident person, firm, or corporation shall pay an annual fee of two hundred dollars to the chief of the Division of Wildlife issuing such permit.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No. A permit shall be issued upon application and the payment of the proper fee.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	<p>Every fur dealer shall operate under such additional rules as are provided by the chief.</p> <p>No common carrier shall knowingly ship or transport or receive for transportation or shipment any green or dried furs, skins, or parts thereof of fur-bearing animals unless there is plainly written thereon the name of the shipper and the number of the shipper's hunting license or fur dealer's permit.</p>

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.23, 1533.24</p> <p>Ohio Administrative Code Section: OAC 1501:31-15-19</p> <p>Every fur dealer shall operate under such additional rules as are provided by the chief.</p> <p>All records required to be maintained by a fur dealer shall be open at all reasonable times to inspection by duly authorized Division personnel who may inspect the furs, skins, or parts thereof on hand at any time and check and verify the records and reports required to be kept.</p> <p>All persons dealing in green or dried furs, skins, or parts thereof and licensed pursuant to section 1533.23 of the Revised Code shall keep accurate daily records of all species of fur-bearing animals that are bought or sold. Such records shall be open to inspection by any employee of the Division of Wildlife.</p>

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

All daily records are to be maintained at the place of business for a period of two years. Failure to properly and accurately complete daily record forms and the fur dealer summary report shall constitute a violation of section 1533.24 of the Revised Code.

A violation of section 1533.23 or section 1533.24 of the Revised Code is a misdemeanor of the third degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The agency receives approximately \$5,175 annually in revenue from these license fees. The revenue derived from these fees is used for the preservation and protection of fur-bearing animals and for the administration of the license program, including the necessary clerical help and forms required by sections 1533.23 and 1533.24 of the Revised Code.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate the dealing in or buying of green or dried furs, skins, or parts thereof taken from fur-bearing animals.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation aims to ensure the agency can conserve and manage sustainable furbearer populations. Information provided by permitted fur dealers gives wildlife managers harvest data (the number of furbearers captured in a particular time period). This data is used in addition to other science to manage furbearer populations.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The record-keeping and reporting requirements provide an appropriate level of information for managing furbearer populations based on the best available biological information derived from professionally accepted practices in wildlife management. The data is used to determine harvest trends, which track the overall success of recreational users in taking furbearers.

**Are there any changes the Department would like to see implemented?****Surrounding state comparison (LSC)**

LSC staff determined that a fur dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Ginseng dealer

### Survey response (DNR)

Description	
A registration permit, or “ginseng dealer permit,” authorizes ginseng dealers to buy or otherwise acquire or convey ginseng for resale and export. No person shall buy or otherwise acquire or convey ginseng for resale or export without a registration permit issued annually by the chief of the Division of Wildlife in accordance with rules adopted pursuant to section 1533.88 of the Revised Code. In addition to any other penalty, the chief may refuse to issue a permit to or suspend the permit of any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code.	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	103 (2021-2024 average)
Number renewed annually	79 (2021-2024 average). Licensees must apply annually pursuant to section 1533.881 of the Revised Code.



If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	No. The number of active registrations has remained consistent.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	There is no fee for a registration permit.
<b>Duration</b>	Licenses are valid from the date of issuance until August 31 <sup>st</sup> .
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	There is no fee for the renewal of a registration permit.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national licenses.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. The chief of the Division of Wildlife may refuse to issue a state registration permit to any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code. However, a person denied a permit is entitled to a hearing pursuant to Chapter 119. of the Revised Code.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	There is a fee of three dollars per pound or any fraction of a pound dry and/or green weight for certifying Ohio ginseng.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Ohio Revised Code Sections: 1533.10, 1533.86, 1533.87, 1533.88, 1533.881, 1533.882, 1533.89, 1533.891</p> <p>Ohio Administrative Code Sections: 1501:31-40-01, 1501:31-40-02, 1501:31-40-03</p> <p>The chief of the Division of Wildlife shall do all things necessary to regulate the harvesting of wild ginseng and the buying, possession, transportation, sale, offering for sale, or exposure for sale of wild or cultivated ginseng.</p>

### **Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The chief of the Division of Wildlife shall adopt rules under section 1531.10 of the Revised Code as necessary to carry out the purposes of sections 1533.86 to 1533.90 of the Revised Code, including, but not limited to:

Establishing a harvest season for wild ginseng.

Establishing a certification program for all legally harvested ginseng, including setting a certification fee.

Establishing a buying season for ginseng that has not yet been certified in accordance with rules adopted under division (B) of this section.

Establishing a registration permit system to authorize ginseng dealers to buy or otherwise acquire or convey ginseng for resale and export.

Establishing a record system to be kept by collectors, dealers, and growers of ginseng.

Developing educational materials about ginseng, ginseng regulation, and the Ohio ginseng management program.

In addition to any other penalty, the chief may refuse to issue a permit to or suspend the permit of any person who fails to comply with sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code.

The chief of the Division of Wildlife shall seize any ginseng harvested or acquired in violation of any provision of sections 1533.86 to 1533.90 of the Revised Code or rules adopted pursuant to section 1533.88 of the Revised Code. Ginseng so seized is forfeited to the state, to be disposed of as directed by the chief.

Dealers and buyers shall obtain certification from a state inspector of the Division of Wildlife certifying that any Ohio ginseng collected or grown in Ohio and being exported from the state has been legally acquired, collected, or cultivated. Only Ohio ginseng legally acquired, collected, cultivated, or possessed shall be certified. Ohio ginseng acquired by any dealer not in possession of a current state dealer registration permit shall not be conveyed to another person or certified at any time.

Dealers, buyers, or any other person shall submit for weighting all uncertified wild and/or cultivated ginseng on hand as of March 31<sup>st</sup> of each year. Any uncertified stock acquired from April 1<sup>st</sup> through August 31<sup>st</sup> of each year requires prior written approval of the chief of the Division of Wildlife.

No person shall fail to keep records as established by rule adopted pursuant to section 1533.88 of the Revised Code. Dealers and buyers shall keep accurate, legible records of all ginseng sold and purchased. These records shall be submitted to the chief of the division or his agent on a monthly or quarterly basis or as otherwise required; shall include purchases of ginseng to be sold on separate sheets from actual sales; and shall include:

The purchaser's and/or seller's name and address.

The other dealer's permit number and lot certification when applicable.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The number of pounds and ounces dry and/or green weight of ginseng collected or cultivated in an Ohio county, compiled separately for wild and cultivated lots.

The year of harvest.

The date of the transaction of all Ohio ginseng sold.

These records, as well as the accompanying ginseng, shall be open to inspection by any authorized employee of the Division of Wildlife and/or any law enforcement officer having jurisdiction at all reasonable hours and must be available to support the origin of ginseng being certified for sale and shipment.

Ginseng violations are a misdemeanor of the first degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

There is no license fee for the registration permit. However, there is a fee of three dollars per pound or any fraction of a pound of dry and/or green weight for certifying Ohio ginseng. The Division of Wildlife received approximately \$2,940 for the certification of ginseng during the last year. The certification fees are used to administer Ohio's ginseng management program, including certification, inspections, enforcement, and administration.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

American ginseng is listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In order for Ohio to participate in the ginseng export program, regulations must exist and be enforced. The record-keeping for ginseng dealers and the ginseng certification program comply with federal regulations that allow for the export of ginseng.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

This regulation provides for the Ohio ginseng management program, which is administered to achieve and maintain a sustained yield of ginseng so that harvesting of the plant is not detrimental to the survival of the species. Ginseng is a slow-growing perennial herb that is highly valued in the U.S. and worldwide for its alleged medicinal traits. Because of its value and significant harvest pressure, regulations on both harvest and export are necessary to ensure the survival of the species. The export of ginseng from the State of Ohio is regulated under the Convention on International Trade in Endangered Species (CITES) administered by the U.S. Fish and Wildlife Service and the Division of Wildlife.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The Division compiles data collected during the harvest season to report to the U.S. Fish and Wildlife Service (USFWS), which then evaluates the information to determine if the current harvest rate can be maintained without depleting the population. The overall harvest number and total number of roots per pound provide valuable insight into the health of the population. USFWS's "non-detriment" findings have allowed Ohio to continue to have a ginseng harvest season.

**Are there any changes the Department would like to see implemented?****Surrounding state comparison (LSC)**

LSC staff determined that a ginseng dealer license is not an "occupational regulation" under the state's general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Mine electrician

### Survey response (DNR)

Description	
As per 30 CFR Pt. 75.153 and Pt. 77.103, anyone doing electrical work in underground or surface coal mines, must be a qualified mine electrician approved by the Secretary of Labor, or his or her designee. Ohio has an MOU with the federal Mine Safety and Health Administration (MSHA) to provide this certification.	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
Government certification	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	10-12
Number renewed annually	100-120

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a decrease due to the downturn in the coal industry.
<b>Education or training requirements</b>	1-year on-site training
<b>Experience requirements</b>	1-year on site experience
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Division of Mineral Resources Management (DMRM)-Mine Safety administers the exam. Both the exam and administrator are selected by the Secretary of Labor or his or her designee. Fees are \$10.00 for underground and \$10.00 for surface mining. All fees are paid to the Treasurer, State of Ohio.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Yearly recertification.
<b>Initial fee</b>	\$10.00
<b>Duration</b>	This certification must be renewed annually.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	We do have reciprocity with the state of West Virginia.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	Only under the guidance of a certified mine electrician.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

  

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
Ohio has no direct disciplinary authority as this is a federal certification. Ohio has an MOU with MSHA to provide federally approved testing for this certification.



**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

\$100.00-\$120.00 per year is deposited in the mining regulation and safety fund and is used to support the division's regulatory and mine safety operations.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR Pt. 75.153 and Pt.77.103 require qualified electricians approved by the Secretary of Labor or his or her designee (the Chief of the Division of Mineral Resources Management). Federal law does require the state to regulate the occupation if they have a qualification program.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation seeks to prevent electrical related injuries and fatalities.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes, the regulation is effective at preventing the harm described above. This certification currently applies to coal only and is covered in the 30 CFR under Pt. 75.153 Electrical work; qualified person and was enacted to prevent electrical related injuries and mine explosions. Therefore, only certified electricians may perform any electrical work in the coal industry. Since this law was enacted, these incidents have been drastically reduced. There are no other ways to prevent this harm.

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of September 12, 2024)**

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Mine electrician certificate) <i>(R.C. 1561.13, 1561.14, and 1561.15)</i>	License (Mine electrician certificate) <i>(Ind. Code 22-10-3-9, 22-10-3-10, 22-10-3-11.1, and 22-10-3-12)</i>	License (Certified electrician (included in definition of “certified miner” and “certified personnel”))	No clear equivalent, but appears to be regulated at the federal level <i>(U.S. Mine Safety and Health Administration, <a href="#">Michigan, State of</a></i>	License (Mine electrician certification) <i>(52 P.S. 690-201(3), 690-202, and 690-209)</i> Under Pennsylvania	License (Certified electrician) <i>(W. Va. Code 22A-1-2(d)(2))</i>

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(Ky. Rev. Stat. 351.109; 805 Ky. Admin. Regs. 7:010(3) and 8:010(2))</i>	<a href="#"><i>Michigan Program Summary</i></a>	Anthracite Coal Mine Act, there is no apparent separate certification for mine electrician in anthracite mines, but the Act refers to mine electricians  <i>(Pa. Anthracite Coal Mine Act, Section 205)</i>	
Education or training	N/A	Demonstrated knowledge of Indiana coal mining requirements, particularly laws regarding electrical energy in coal mines, direct and alternating current theory and application, electric equipment and electrical circuits	<u>N/A</u>	N/A	For bituminous mine electricians, all of the following: (1) satisfactory evidence of ability to perform mine electrician duties and (2) Pennsylvania Department of Environmental Protection-approved training in determining the presence of	Apprentice electrician with an apprentice electrician's card must complete, during a 12-month period, a 40-hour classroom training program given by the West Virginia Office of Miners' Health, Safety, and Training or an approved alternative

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<p>in coal mines, permissibility of electric equipment, federal regulations regarding electrical related underground and surface mine safety standards in 30 C.F.R. 75, subparts F-K and 30 C.F.R. 77 subparts F-J and S</p> <p><i>(Ind. Code 22-10-3-10(a) and (g)(1) to (6))</i></p>			<p>explosive and noxious gases</p> <p><i>(52 P.S. 690-202 (b)(5) and (7))</i></p>	<p>electrical training program</p> <p>The training program conducted by the Office comprises specified topics, including AC and DC theory, basic electricity, schematic reading, and the National Electric Code, with 20% of the training directly involving electrical work under the direct supervision of a certified electrician</p> <p>If apprentice, after becoming a certified electrician, is employed in a job requiring an underground miner or surface miner certificate</p>

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<p>additional supervision required for electrical work and may work unsupervised after obtaining 96 hours in related electrical work, working at least six months and 108 shifts</p> <p><i>(W. Va. Code 22A-1-2 (d)(2); W. Va. Code R. 48-7-2.3, 48-7-4.1, 48-7-4.1.2, 48-7-4.4, 48-7-4.7, 48-7-5.2, and 48-7-6)</i></p>
Experience	At least one year's experience performing electrical work in an underground, surface, or noncoal mine, or equivalent experience	At least one year's experience performing electrical work <i>(Ind. Code 22-10-3-10(g))</i>	At least one year's experience under direct supervision of a qualified electrician in performing electrical work underground in a coal mine, in the surface work	N/A	For bituminous mine electrician, must have five years of experience working in an underground coal mine, at least two years of which in a working section;	<p>One of the following:</p> <p>At least one year of experience performing electrical work as an apprentice electrician</p>

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(R.C. 1561.14(A))</i>		<p>areas of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry or another industry using or manufacturing similar equipment</p> <p><i>(Ky. Rev. Stat. 351.109(1))</i></p>		<p>or four years of experience, at least two years of which in a working section, if the mine electrician holds a bachelor's degree in electrical engineering or associate's degree in electrical technology from a recognized higher education institution</p> <p><i>(52 P.S. 690-202 (a)(1) and (2))</i></p>	<p>If hold a bachelor's or associate's degree in electrical engineering from an accredited college or university and at least six months of supervised electrical work experience</p> <p>If have at least three years of experience in performing electrical work in an underground coal mine, in the surface work of an underground coal mine, in a noncoal mine, in the mine equipment manufacturing industry or another industry using or manufacturing</p>

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						similar equipment and follows specified application procedures to take the exam <i>(W. Va. Code 22A-1-2(d)(2); W. Va. Code R. 48-7-2 and 48-7-4)</i>
Exam	Yes <i>(R.C. 1561.13, 1561.14(A), and 1561.15; Dept. of Natural Resources, <a href="#">Mine Safety Electrical Study Guide (PDF)</a>)</i>	Yes <i>(Ind. Code 22-10-3-10(a) and (h))</i>	Yes <i>(Ky. Rev. Stat. 351.109(1) to (3))</i>	N/A	Yes <i>(52 P.S. 690-202 (a) and 71 P.S. 240.7A; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, <a href="#">Application for Bituminous Mine Official Certification (PDF)</a>)</i>	Yes <i>(W. Va. Code 22A-1-2(d)(2) and 22A-7-5; W. Va. Code R. 48-7-6)</i>
Continuing education	Eight hours of annual electrical refresher training	N/A	Satisfactory completion of at least 16 hours of annual retraining program	N/A	N/A	Eight hours of annual refresher training

Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(Dept. of Natural Resources, <a href="#">Mine Safety Testing and Certification information under "Are any Ohio Mine Safety certifications subject to expiration?"</a>)</i>		approved by Division of Mine Safety  <i>(Ky. Rev. Stat. 351.106(1) and (4) and 351.109(5); see paragraph six on page four of <a href="#">Test Preparation Guide, Kentucky Division of Mine Safety, Coal Mine Electrician Certification (PDF)</a>)</i>			<i>(W. Va. Code 22A-7-5; W. Va. Code R. 48-7-9.1)</i>
Initial licensure fee	\$10 exam fee <i>(R.C. 1561.14(A))</i>	\$25 exam fee <i>(Ind. Code 22-10-3-10(a) and (h))</i>	\$25 <i>(Ky. Dept. for Natural Resources, Energy and Environment Cabinet, <a href="#">Electrical Worker Certification Information (PDF)</a>)</i>	N/A	\$15 (in addition to \$100 application fee and \$15 exam fee, for bituminous mine electrician) <i>(71 P.S. 240.7A; Pa. Dept. of Environmental Protection, Bureau of Mine Safety, <a href="#">Application for Bituminous Mine</a></i>	None, other than \$15 exam fee <i>(W. Va. Office of Miners' Health Safety and Training, <a href="#">Certification Examination Fee Schedule (PDF)</a>)</i>



Mine Electrician						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					<a href="#"><u>Official Certification (PDF)</u></a>	
License duration	N/A	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Mine medical responder

### Survey response (DNR)

Description
The mine medical responder certification is in lieu of the EMT certification in underground coal mines and is accepted by MSHA.
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Government certification.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Number issued annually</b>	1-5
<b>Number renewed annually</b>	1-5
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There has been a decrease due to the downturn in the coal industry.
<b>Education or training requirements</b>	Initial 83 hours of classroom training
<b>Experience requirements</b>	Proof of underground New Miner training
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Certified instructors administer the exam. Questions are taken from the Brady 12th edition and exams are administered by instructors selected by the Chief of the Division of Mineral Resources Management (DMRM). \$0 is charged for the training course and \$0 is charged to take the exam.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	Certification holders must complete a 16-hour refresher course every two years.
<b>Initial fee</b>	Zero
<b>Duration</b>	2 years

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Renewal fee</b> <i>(If different from initial fee, please explain why.)</i>	Zero
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	No
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

The Chief of the DMRM can revoke the certification if circumstances warrant this action.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Historically, \$500.00-\$2500.00 per year in fees are paid into the mining regulation and safety fund to support the operations of the division. As of 6/27/2024 the rule was updated from a flat fee of \$10.00 to an amount to be determine by the Chief. The current amount collected is zero, as there is not a suitable point-of-sale software available to collect the fee.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

30 CFR 75.1713-6 requires an initial 10 hours of first aid to select supervisory employees. Federal law does not require the state to regulate the occupation. R.C. 1565.15 requires an EMT or a Mine Medical Responder to be on duty at underground mines where 20 or more miners are actively engaged in production.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

The goal is to prevent improper first aid treatment and reduce the time needed to provide advanced medical care.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Yes. This certification teaches employees the proper way to treat injured workers and prevent any mishandling which could lead to further injury or a fatal.

**Are there any changes the Department would like to see implemented?**

No.

### Surrounding state comparison (LSC) (as of August 15, 2024)

Mine Medical Responder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Mine medical certification) <i>(R.C. 1565.15; O.A.C. 1501:10-1-04)</i>	No clear equivalent	License (EMT or mine emergency technician (MET) certification) <i>(Ky. Rev. Stat. 351.127; 805 Ky. Admin. Regs. 7:080)</i>	No clear equivalent	No clear equivalent <sup>9</sup>	License (EMT-M certification) <i>(W. Va. Code R. 56-22-4)</i>
Education or training	83-hour initial training course <i>(O.A.C. 1501:10-1-04)</i>	N/A	40 hours of training instruction on CPR and adult 1 and 2 rescuer CPR approved by one of specified national organizations, plus specific textbook course work covering specified topics	N/A	N/A	Successfully complete the EMT-M education program <i>(W. Va. Code R. 56-22-4)</i>

<sup>9</sup> An EMT must be available onsite if 20 or more persons are employed on a shift. There is no separate mine medical responder certificate. (52 P.S. 27.7-2.)

Mine Medical Responder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(805 Ky. Admin. Regs. 7:080)</i>			
Experience	<p>Must have a current EMT or paramedic certificate</p> <p>Must be at least 18 years of age due to Ohio EMT/paramedic requirements</p> <p><i>(O.A.C. 1501:10-1-04)</i></p>	N/A	<p>Must hold a surface or underground miner's certification in Kentucky</p> <p>Must be an EMT</p> <p>Must be at least 18 years of age</p> <p>A Kentucky certified miner who is an EMT with a current CPR course completion card may apply for initial certification as a MET</p> <p><i>(805 Ky. Admin. Regs. 7:080)</i></p>	N/A	N/A	<p>Must be at least 18 years of age</p> <p>Possess a valid and current CPR certification</p> <p><i>(W. Va. Code R. 56-22-4)</i></p>
Exam	<p>Yes</p> <p><i>(O.A.C. 1501:10-1-04)</i></p>	N/A	<p>Yes</p> <p><i>(805 Ky. Admin. Regs. 7:080)</i></p>	N/A	N/A	<p>Yes</p> <p><i>(W. Va. Code R. 56-22-4)</i></p>

Mine Medical Responder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	16-hour refresher training course every two years	N/A	<p>Annually earn eight hours of continuing education or retraining by a certified MET instructor</p> <p>Maintain a current course completion card in adult foreign body airway obstruction and adult 1 and 2 rescuer CPR</p> <p>Submit evidence of successful completion of instruction in at least four different subject areas of the approved MET curriculum, with a maximum of two hours per subject area</p>	N/A	N/A	<p>Successfully complete one of the following:</p> <ul style="list-style-type: none"> <li>▪ A 32-hour EMT-M recertification course prior to the expiration of the three-year anniversary of the certification; or</li> <li>▪ An annual eight-hour retraining and testing program</li> </ul> <p>(W. Va. Code R. 56-22-4)</p>



Mine Medical Responder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>(805 Ky. Admin. Regs. 7:080)</i>			
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	\$10 <i>(W. Va. Code R. 56-22-4)</i>
License duration	Two years unless the mine medical responder completes the continuing education <i>(O.A.C. 1501:10-1-04)</i>	N/A	One year unless continuing education and retraining is maintained (assumption is that if recertification or retraining is maintained there is no expiration) <i>(805 Ky. Admin. Regs. 7:080)</i>	N/A	N/A	Three years <i>(W. Va. Code R. 56-22-4)</i>
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Noncommercial propagator

### Survey response (DNR)

Description	
A “noncommercial propagating license” permits the licensee to propagate game birds and game quadrupeds (except captive white-tailed deer), reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee’s own use and shall not be sold.	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	654 (2018-2023 average)
Number renewed annually	387 (2018-2023 average). Licensees must apply annually pursuant to section 1533.71(F) of the Revised Code.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The new applications have remained consistent over the past six years. However, the renewals have increased steadily over that period, resulting in an overall increase in active licenses over the past six years.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$25.00
<b>Duration</b>	Licenses are valid from the date of issuance until March 15th each year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$25.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No. This license pertains to holding and propagating certain wild animals in captivity in Ohio. The license requirements do not allow for reciprocity because this license only pertains to propagated wild animals held in captivity for the licensee's own use in Ohio.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No similar national licenses or registrations could be used as a substitute for the state regulation.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>Although still regulated by the agency, a juvenile may collect certain species of reptiles and amphibians from the wild and hold up to four individuals or twenty-five eggs, tadpoles, or larvae of each species of reptile or amphibian without obtaining a license otherwise required by 1533.71 of the Ohio Revised Code.</p> <p>Otherwise, individual possession of wild animals shall be obtained only in accordance with the Revised Code or division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	When the application is made in good faith and upon payment of the fee for each license, the Division of Wildlife may issue a commercial propagating license to the applicant. If the agency were not to approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.
<b>Other information</b> <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	There are no other significant prerequisites.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.71, 1533.74

Ohio Administrative Code Sections: 1501:31-15-02, OAC 1501:31-25-04

Each holder of a noncommercial or commercial propagating license issued under section 1533.71 of the Revised Code shall keep the license prominently displayed at the place of business specified in the license and shall keep accurate written records that shall include the total number of game birds, game quadrupeds, or fur-bearing animals possessed on the date of application for the license, the number subsequently propagated or acquired by purchase or gift, the number that escaped, the number that were released, the number that died, and the name and address of each person or corporation from whom or to whom game birds, game quadrupeds or fur-bearing animals were received as a gift or given as a gift or purchased, and the date of each transaction. These records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the Division of Wildlife at all reasonable times.

Records for the possession and sale of reptiles and amphibians must be maintained for five years. The agency can inspect the reptiles and amphibians possessed and the corresponding records.

A violation of the rules pertaining to a commercial propagating license is a third-degree misdemeanor. A violation of the agency rules for reptiles and amphibians is a misdemeanor of the fourth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

The license fees for noncommercial propagating licenses contribute approximately \$16,350.00 in revenue annually to the agency. These fees are used to administer the program, including licensing and inspections.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There is no federal law that requires the state to regulate the noncommercial propagation of game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals.

**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The regulation seeks to protect native wildlife populations from commercial exploitation, genetic contamination, and disease transmission.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The limited adverse regulatory impacts are offset by the long-term benefits of defining species eligible for collection and possession in captivity and documenting their use. The regulation establishes a level playing field for all industry participants (noncommercial and commercial propagation) and provides a viable source of organisms collected in the wild or raised in captivity. The regulation also provides an avenue to possess live wild animals in captivity and to possess such animals during the closed season. The licensing and record-keeping requirements limit pathways for the sale and movement of illegally taken animals and allow the agency to track the movement of animals that may have been exposed to certain diseases. Further, there are certain restrictions for releasing or introducing captively raised species into the wild.

Are there any changes the Department would like to see implemented?

No.

### Surrounding state comparison (LSC) (as of August 21, 2024)

Noncommercial Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Noncommercial propagating license) <i>(R.C. 1533.71; Dept. of Natural Resources, <a href="#">Wild Animal Propagation – Noncommercial</a>)</i>	License (Game breeder's license, reptile captive breeding license) <i>(Ind. Code 14-22-20-1 to 14-22-20-3; 312 Ind. Admin. Code 9-5-9 and 9-10-4; Ind. Dept. of Natural Resources, <a href="#">Permits and Commercial</a>)</i>	License (Noncommercial captive wildlife permit) <i>(Ky. Rev. Stat. 150.280 and 301; Ky. Admin. Regs. 2:081 and 5:022)</i>	License (Game propagation license) <i>(Mich. Comp. Laws 324.42702 and 324.42704)</i>	No clear equivalent <sup>10</sup>	No clear equivalent <sup>11</sup>

<sup>10</sup> According to a telephone call with the Pennsylvania Game Commission.

<sup>11</sup> According to a telephone call with the West Virginia Department of Natural Resources.

Noncommercial Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<a href="#"><u>Licenses – Game Breeder’s License</u></a>				
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$25 (R.C. 1533.71)	Game breeders: Minimum \$15 Reptile captive breeding: \$15 (Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9)	\$75 (301 Ky. Admin. Regs. 5:022)	\$45 to \$150 depending on various factors (Mich. Comp. Laws 324.42704)	N/A	N/A
License duration	One year (R.C. 1533.71)	One year for both licenses (Ind. Code 14-22-20-1; 312 Ind. Admin. Code 9-5-9 and 9-10-4)	Three years (301 Ky. Admin. Regs. 2:081)	Three years (Mich. Comp. Laws 324.42702)	N/A	N/A



Noncommercial Propagator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$25 (R.C. 1533.71)	Game breeders: Minimum \$15  Reptile captive breeding: \$15  (Ind. Code 14-22- 20-1; 312 Ind. Admin. Code 9-5- 9)	\$75 (301 Ky. Admin. Regs. 5:022)	\$45 to \$150 depending on various factors  (Mich. Comp. Laws 324.42704)	N/A	N/A

## Ohio hunter education instructor

### Survey response (DNR)

Description
<p>A volunteer "Ohio hunter education instructor" must be eighteen years of age or older and shall have successfully completed the Ohio hunter education course and the Ohio hunter education instructor course as prescribed by the Division of Wildlife. In addition to these course requirements, an instructor shall complete instruction on teaching techniques, teaching fundamentals, and other methods of instruction. Completion of the hunter education instructor course shall include passing an examination and receiving a hunter education instructor certification card prescribed by the chief of the Division of Wildlife.</p>

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 800
<b>Number renewed annually</b>	Approximately 750
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	The number of instructors has slightly decreased over the past six years. This decrease coincides with the availability of online training for hunter education.
<b>Education or training requirements</b>	Volunteers must successfully complete the Ohio hunter education course and the Ohio hunter education instructor course as prescribed by the Division of Wildlife. The instructor course includes instruction on teaching techniques, teaching fundamentals, and other methods of instruction.
<b>Experience requirements</b>	There are no experience requirements.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Volunteers must pass an examination to receive their Ohio hunter education instructor certification. The Division of Wildlife administers the course and examination.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	None.
<b>Duration</b>	One year. An instructor must complete eight hours of instruction to remain certified.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	Persons possessing a legally obtained "National Rifle Association hunter safety course" card issued to a student prior to 1980, or any other legally obtained hunter education card that identifies the owner and indicates the owner has completed a hunter education course administered by another state or Canadian province are considered to have equivalent training to the Ohio hunter education course requirement.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Yes. Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A volunteer Ohio hunter education instructor must be at least eighteen and must complete a background check once every two years.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Section: 1533.10

Ohio Administrative Code Section: 1501:31-29-01

Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. All hunter education courses will be conducted and administered in accordance with policies and procedures established by the chief. Volunteer instructors must possess a valid Ohio hunter education instructor certification card when they conduct a course. The official course of instruction will be established by the chief. Courses shall be free of charge except that volunteers may charge nominal fees, per policies established by the chief, to cover training costs such as facility fees.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No fees are charged to volunteers, so no revenue is derived.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate this occupation.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation is intended to ensure that all Ohio hunter education instructors have appropriate training and provide uniform information to students who will become first-time hunting license buyers. Hunter education courses provide entry-level information, including hunting ethics and safe firearm handling instruction to make hunting safer for participants and the public. This curriculum is nationally recognized and accredited.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Voluntary certification is the least restrictive way to attain uniform instruction. This program has been in place for decades and has been effective at providing entry-level instruction to first-time hunting license buyers. Completion of a hunter education course is required for first-time hunting license buyers (does not apply to apprentice licenses).

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of July 25, 2024)**

Hunter Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Volunteer hunter education instructor certification)	License (Volunteer outdoor education instructor certification)	License (Hunter education volunteer instructor certification)	License (Volunteer recreational safety instructor certification)	License (Certified hunter-trapper education instructor certification)	License (Volunteer hunter instructor certification) <i>(W. Va. Code R. 20-2-30a)<sup>16</sup></i>

<sup>16</sup> License specific information for West Virginia was obtained via a conversation with WVDNR representative Captain Warren E. Goodson.

Hunter Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	(O.A.C. 1501:31-29-01; Dept. of Natural Resources, <a href="#">Ohio hunter educator instructor requirements</a> )	(312 Ind. Admin. Code 9-12-2) <sup>12</sup>	(Ky. Dept. of Fish & Wildlife Resources, <a href="#">Kentucky hunter education requirements</a> ) <sup>13</sup>	(Mich. Dept. of Natural Resources, <a href="#">Michigan hunter education requirements</a> ) <sup>14</sup>	(34 Pa. Cons. Stat. 2704(d)(2); Pa. Game Commission, <a href="#">Pennsylvania education requirements</a> ) <sup>15</sup>	
Education or training	Complete the Ohio hunter education course, hunter education instructor course, and instruction on teaching techniques, teaching fundamentals, and other methods of instruction	Complete training as instructor	Complete training as instructor	Virtual and in-person training course	Must be a graduate of a student-level hunter education course within an 18-month period prior to or after the date of application  New instructor orientation and training (in-person or online)	Completion of basic hunter education course and hunter instructor training, WVDNR official must audit instructor trainee course to determine instructor competency

<sup>12</sup> License specific information provided by an Indiana DNR representative via telephone call on July 23, 2024.

<sup>13</sup> License specific information provided by Kentucky DNR representative Courtney Goodman via telephone call on July 25, 2024.

<sup>14</sup> License specific information provided by email from Michigan DNR Law Enforcement – Recreational Safety Department Tech Jeffrey M. Baugher on July 24, 2024.

<sup>15</sup> Pennsylvania Game Commission, [Hunter/Trapper instructor requirements \(PDF\)](#).

Hunter Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	Must have a solid background in hunting	Must have adequate hunting experience	N/A	N/A	Must assist with the instruction of a student-level hunter education course within an 18-month period prior to or after the date of application	N/A
Exam	Yes	N/A	Yes	Yes, given at the end of the in-person class	N/A	Yes
Continuing education	Volunteer as an instructor for at least four hours per year <sup>17</sup>	N/A	Yes, must teach at least one class every one to two years	Yes, must attend in-person courses every two years	Yes, must attend one instructor training workshop  Must teach or assist with the instruction of at least one student-level course within their specific certification type (e.g., Hunter-Trapper)	Yes, no set number of hours

<sup>17</sup> Telephone call with the Division of Wildlife, July 18, 2024.



Hunter Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					Education) every two years	
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	Lifetime if continuing education satisfied	Three years	Lifetime if continuing education satisfied	Lifetime if continuing education satisfied	Two years	Two years
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

## Ohio trapper education instructor

### Survey response (DNR)

Description
<p>A volunteer "Ohio trapper education instructor" must be eighteen years of age or older with at least three years of experience trapping fur-bearing animals and shall have successfully completed an Ohio trapping education course prescribed by the chief of the Division of Wildlife. In addition to the course requirement, an instructor shall complete courses on teaching techniques, fundamentals, and methods of instruction. Completion of the Ohio trapper education instructor course shall include passing an examination and receiving a trapper education instructor certification card prescribed by the chief of the Division of Wildlife.</p>

**Type** *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Number issued annually</b>	Approximately 300
<b>Number renewed annually</b>	Approximately 290
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There have been no significant changes over the past six years.
<b>Education or training requirements</b>	A volunteer Ohio trapper education instructor must successfully complete an Ohio trapping education course, which includes instruction on teaching techniques, fundamentals, and methods of instruction.
<b>Experience requirements</b>	A volunteer Ohio trapper education instructor must have at least three years of experience trapping fur-bearing animals.

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	Volunteers must pass an examination to receive their Ohio trapper education instructor certification. The Division of Wildlife administers the course and examination.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	None.
<b>Duration</b>	One year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	None.
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	No.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	No

**If the regulation is a registration, certification, or license requirement, please complete the following:**

<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	No
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	A volunteer Ohio trapper education instructor must be at least eighteen and must complete a background check once every two years.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Section: 1533.111

Ohio Administrative Code Section: 1501:31-29-02

Instructor certification may be withheld or withdrawn at the discretion of the chief of the Division of Wildlife. All trapper education courses will be conducted and administered in accordance with policies and procedures established by the chief. Volunteer instructors must possess a valid Ohio trapper education instructor certification card when they conduct a course. The official course of instruction will be established by the chief.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

No fees are charged to volunteers, so no revenue is derived.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate this occupation.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation is intended to ensure that all Ohio trapper education instructors have appropriate training and provide uniform information to students who will become first-time fur-taker permit buyers who will participate in trapping. Trapper education courses provide entry-level information, including trapping ethics and appropriate trapping techniques. This curriculum is nationally recognized and accredited.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

Voluntary certification is the least restrictive way to attain uniform instruction. This program has been in place for decades and has been effective at providing entry-level instruction to first-time fur-taker permit buyers who will participate in trapping. Completion of a trapper education course is required for first-time fur-taker permit buyers who will participate in trapping (does not apply to apprentice licenses).

**Are there any changes the Department would like to see implemented?**

No.

**Surrounding state comparison (LSC) (as of July 25, 2024)**

Trapper Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Volunteer trapper education)	License <sup>18</sup> (Volunteer outdoor)	No clear equivalent	License (Volunteer recreational)	No clear equivalent <sup>21</sup>	No clear equivalent

<sup>18</sup> A permit is required for a person to conduct a trapper education course and set a trap for a wild animal as part of the course.

<sup>21</sup> A person may be designated an instructor if the Pennsylvania Game Commission deems the person competent to give instruction (34 Pa. Cons. Stat. 2704(d)(2)).

Trapper Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	instructor certification) <i>(O.A.C. 1501:31-29-02; Dept. of Natural Resources, <a href="#">Ohio hunter educator instructor requirements</a>)</i>	education instructor permit) <i>(312 Ind. Admin. Code 9-10-24)<sup>19</sup></i>		safety instructor certification) <i>(Mich. Dept. of Natural Resources, <a href="#">Michigan hunter education requirements</a>)<sup>20</sup></i>		
Education or training	Complete Ohio trapper education instruction course and trapping education course	Complete training as instructor	N/A	Virtual and in-person training course	N/A	N/A
Experience	Three years of experience trapping furbearing animals	Must be an authorized employee of the Natural Resource Commission, be employed or sponsored by an educational institution or	N/A	N/A	N/A	N/A

<sup>19</sup> License specific information provided by an Indiana DNR representative via telephone call on July 23, 2024.

<sup>20</sup> License specific information provided by email from Michigan DNR Law Enforcement – Recreational Safety Department Tech Jeffrey M. Baugher on July 24, 2024.

Trapper Education Instructor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		nonprofit organization, or have adequate hunting experience				
Exam	Yes	No	N/A	Yes, given at the end of the in-person class	N/A	N/A
Continuing education	Volunteer as an instructor for at least four hours per year <sup>22</sup>	N/A	N/A	Yes, must attend in-person courses every two years	N/A	N/A
Initial licensure fee	N/A	N/A	N/A	N/A	N/A	N/A
License duration	Lifetime if continuing education is satisfied	Three years	N/A	Two years	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

<sup>22</sup> Telephone call with the Division of Wildlife, July 18, 2024.



## Shot firer

### Survey response (DNR)

Description	
This certification is no longer available as these duties are now combined in the Mine Foreperson/Foreperson certifications.	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
N/A	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	N/A
Number renewed annually	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	N/A
<b>Education or training requirements</b>	N/A
<b>Experience requirements</b>	N/A
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	N/A
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	N/A
<b>Initial fee</b>	N/A
<b>Duration</b>	N/A
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	N/A
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	N/A
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	N/A
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	N/A
Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.	
N/A	

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

N/A

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

N/A

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

N/A

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

N/A

**Are there any changes the Department would like to see implemented?**

This certification is no longer available as these duties are now combined in the Mine Foreperson/Foreperson certifications. The shot firer certification can be removed from statute.

### **Surrounding state comparison (LSC) (as of August 28, 2024)**

Under current Ohio Department of Natural Resources (ODNR) practices, the shot firer certification is automatically granted when a person is certified as a mine foreperson. According to a spokesperson, ODNR no longer issues the shot firer certification as a separate certification. Consequently, the shot firer certification is not an “occupational regulation” and is beyond the scope of this report.

## White amur

### Survey response (DNR)

Description	
<p>A “white amur permit” is a written authorization from the chief of the Division of Wildlife required to import or sell triploid white amurs within this state. It is unlawful to import or sell triploid white amurs except in accordance with the specifications and limitations as prescribed in the written authorization from the chief. Only triploid white amurs that are certified triploid by the U.S. Fish and Wildlife Service or other person or agency approved by the chief may be imported or sold.</p>	
Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)	
Registration.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	73 (2019-2023 average)
Number renewed annually	9 (2020-2023 average).

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	Yes. The number of active registrations has increased since 2019.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	There is no fee for a white amur permit.
<b>Duration</b>	Licenses are valid for the calendar year for which they are issued.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	There is no fee for a white amur permit.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There are no similar national licenses.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or Division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes. The chief can determine whether ploidy testing from another agency or source is satisfactory to issue the authorization.
Other information ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	Persons authorized by the chief to import or sell triploid white amurs must report the total number of triploid white amurs sold and the total number purchased during each month of the year by January 31 <sup>st</sup> .

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
<p>Ohio Revised Code Sections: 1531.02, 1531.06, 1531.08, 1531.10, 1533.31</p> <p>Ohio Administrative Code Sections: 1501:31-1-02, 1501:31-19-01</p> <p>The chief of the Division of Wildlife shall adopt rules in accordance with section 1531.10 of the Revised Code necessary to administer division (N) of section 1531.06 for injurious aquatic invasive species. Diploid white amurs are an injurious aquatic invasive species and cannot be</p>



**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

imported, possessed, or sold. Triploid white amurs can be imported and sold after receiving written authorization from the chief of the Division of Wildlife.

The chief of the Division of Wildlife may permit, forbid, or otherwise regulate the receiving of any species of live wild animals for delivery within the state and the shipping of such wild animals from any point in the state to any point within or without the state. Upon the establishment of such regulations, the chief of the Division of Wildlife or any person designated by them may seize, impound, destroy, or otherwise dispose of such wild animals when received, shipped, or transported in violation of such regulations.

All rules and regulations in the Ohio Revised Code and Ohio Administrative Code for possession, transportation, sale, or purchase of fish apply to white amurs.

Persons authorized by the chief, to import or sell triploid white amurs shall import and/or sell only triploid white amurs that are certified triploid by the U.S. Fish and Wildlife Service, or other person or agency approved by the chief, and shall retain all records of sales of triploid white amurs for a minimum of three years. The total number of triploid white amurs sold and the total number purchased during each month of the year by January 31st. Each sale of triploid white amurs in excess of one hundred fish must be reported within 15 days, including the name and address of the purchaser, the date of the sale, and the number of triploid white amurs sold.

These records must be maintained and open to inspection at all reasonable hours by wildlife officers or any designee of the chief. Provided further, such officers may enter and inspect designated premises and any box, package, or receptacle and the contents for the purpose of determining whether any provision of Chapter 1531. or 1533. of the Revised Code or Division order is being violated.

Violations of 1531.02 of the Revised Code and Division rules are a misdemeanor of the fourth degree. Violations of section 1531.02 of the Revised Code concerning the buying, selling, or offering for sale of any wild animals or parts of wild animals, the minimum value of which animals or parts, in the aggregate, is one thousand dollars or more as established under section 1531.201 of the Revised Code, are a felony of the fifth degree.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

There is no fee for a white amur permit.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

No federal law requires the state to regulate the import or sale of white amurs.

**What is the harm that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)**

This regulation seeks to prevent the introduction, establishment, and spread of invasive species that are injurious to the state's natural resources and economy, particularly diploid white amur.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

This regulation allows a pathway to import and sell live triploid white amurs through written authorization, testing and reporting requirements, and monitoring by the agency in order to protect against the introduction, establishment, and spread of invasive diploid white amurs. Triploid white amurs are sterilized and pose less risk for establishment if they escape into the waters of the state. The fish are imported and stocked into waterbodies to control aquatic vegetation.

**Are there any changes the Department would like to see implemented?**

N/A

**Surrounding state comparison (LSC)**

LSC staff determined that white amur permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132<sup>nd</sup> General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

## Wild animal hunting preserve

### Survey response (DNR)

Description	
<p>“Wild animal hunting preserve” means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.</p>	
Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	17 (2018-2023 average)
Number renewed annually	13 (2018-2023 average)

If the regulation is a registration, certification, or license requirement, please complete the following:	
<b>Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?</b>	There have been no significant increases or decreases in active licenses over the past six years. Wild animal hunting preserves that only have captive white-tailed deer do not expire and do not need to be renewed. New registrations for these preserves are additive because they do not expire, resulting in a slight increase in active licenses over time. On average, there were 48 licensed preserves over the past six years.
<b>Education or training requirements</b>	There are no education or training requirements.
<b>Experience requirements</b>	There are no experience requirements.
<b>Examination requirements</b> ( <i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i> )	There are no examination requirements.
<b>Continuing education requirements</b> ( <i>Including a description of the curriculum and the process of setting it.</i> )	There are no continuing education requirements.
<b>Initial fee</b>	\$1,000.00
<b>Duration</b>	A license for a wild animal hunting preserve in which only captive white-tailed deer are kept does not expire. All other licenses expire on April 30th each year.
<b>Renewal fee</b> ( <i>If different from initial fee, please explain why.</i> )	\$200.00 – The initial fee includes an initial inspection of the facility to ensure the enclosure requirements have been met and are adequate to prevent the ingress and egress of wild white-tailed deer. One or more inspections may be needed to verify that all wild white-tailed deer have been driven from the preserve prior to enclosure. These inspections may require

If the regulation is a registration, certification, or license requirement, please complete the following:	
	additional personnel and specialized equipment, including aircraft, thermal imaging, or forward-looking infrared (FLIR).
<b>Does the Department recognize uniform licensure requirements or allow for reciprocity?</b>	The agency does not allow reciprocity. This license is only applicable to wild animal hunting preserves located in Ohio. Any person (resident or nonresident) may hunt game and nonnative wildlife in a wild animal shooting preserve without first obtaining a hunting license otherwise required by the Ohio Revised Code.
<b>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</b>	There are no similar national licenses.
<b>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</b>	<p>No. Individual possession of wild animals shall be obtained only in accordance with the Revised Code or Division of Wildlife rules. No person at any time of the year shall take in any manner or possess any number or quantity of wild animals, except wild animals that the Revised Code or division rules permit to be taken, hunted, killed, or had in possession, and only at the time and place and in the manner that the Revised Code or Division of Wildlife rules prescribe.</p> <p>No person shall offer for hunting or hunt any nonnative wildlife except in a licensed wild animal hunting preserve.</p>
<b>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</b>	The chief of the Division of Wildlife, upon payment of the license fee, shall issue to the applicant a wild animal hunting preserve license if the operation of the preserve does not conflict with a prior reasonable public interest. If the agency were to determine that a conflict exists and did not approve the license, the applicant would be entitled to contest the denial as outlined in Chapter 119 of the Ohio Revised Code.
<b>Other information</b> ( <i>Significant attributes or prerequisites to licensure not addressed in this chart.</i> )	No wild animal hunting preserve shall be less than eighty acres in area. Each such preserve shall be in one continuous block of land, except that the block of land may be intersected by highways or roads. No wild animal hunting preserve shall be located within one thousand five hundred feet of another such preserve.

**If the regulation is a registration, certification, or license requirement, please complete the following:**

The boundaries of each wild animal hunting preserve shall be clearly defined by posting, at intervals of not more than four hundred feet, with signs prescribed by the Division of Wildlife. Each wild animal hunting preserve shall be surrounded by a fence at least eight feet in height, with a minimal deviation not to exceed four percent, that is constructed of a woven wire mesh or such other enclosure approved by the chief of the Division of Wildlife.

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

Ohio Revised Code Sections: 1531.02, 1531.08, 1531.10, 1533.721, 1533.731, 1533.74

Ohio Administrative Code Section: 1501:31-9-07

Inspection of a proposed wild animal hunting preserve shall be conducted, and approval or disapproval of an initial license for such a preserve shall be made between the first day of January through the last day of March of the year in which the applicant first intends to operate the preserve.

The holder of a wild animal hunting preserve license must keep a record of the name and address of each person who takes any game or nonnative wildlife from the preserve. The license holder shall maintain those records for a period of two years and make them available for inspection by the Division of Wildlife at all reasonable times in conjunction with an active criminal investigation.

The holder of a wild animal hunting preserve license who has captive white-tailed deer in the preserve shall keep a record of all known escapes of those deer, deaths of those deer that were not a result of hunting, and laboratory results for testing for chronic wasting disease of those deer that is required by section 943.21 of the Revised Code and rules adopted under section 943.24 of the Revised Code.

It is unlawful to transport or possess any game, captive white-tailed deer, or nonnative wildlife taken from a wild animal hunting preserve without a tag as described in division (C) of section 1533.731 of the Revised Code except captive white-tailed deer must be tagged according to rules adopted under section 943.24 of the Revised Code.

The operator of a wild animal hunting preserve must notify the Division of Wildlife of the escape of any game, captive white-tailed deer, or nonnative wildlife within twenty-four hours of becoming aware of the escape.

In accordance with Chapter 119 of the Revised Code, the chief of the Division of Wildlife may suspend or revoke a wild animal hunting preserve license if the chief finds that the license holder has violated or is violating this chapter or Chapter 1531 of the Revised Code or any division rule. If the wild animal hunting preserve license issued to a person who also has been issued a valid license for that preserve under

**Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.**

section 943.03 or 943.031 of the Revised Code, the chief, with the approval of the director of Agriculture, may suspend or revoke a wild animal hunting preserve license if the person fails to comply with this chapter and Chapter 1531 of the Revised Code, division rules, sections 943.20 to 943.26 of the Revised Code, and rules adopted under section 943.24 of the Revised Code.

A violation of the rules pertaining to a wild animal hunting preserve ranges from a first-degree misdemeanor to a fourth-degree misdemeanor.

**How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?**

Wild animal hunting preserve license fees annually contribute approximately \$6,600.00 to the Division of Wildlife. These fees are used to administer the program, including licensing and inspections. The initial inspection includes determining whether wild white-tailed deer have been driven from the enclosure. This inspection may require using aircraft utilizing thermal imaging or forward-looking infrared technologies.

**Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?**

There are no federal laws that require the state to regulate the occupation.



**What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)**

The rule is necessary as game, captive white-tailed deer, and nonnative wildlife may be taken from wild animal hunting preserves outside established hunting seasons and by methods that would otherwise not be permissible. Animals within a preserve may also pose a risk of spreading disease and establishment in the wild if they escape. Accordingly, these animals must be contained within the confines of a preserve and be easily identifiable should they escape.

**Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?**

The regulation specifies that the facility must contain any game, captive white-tailed deer, or nonnative wildlife that is released, tag all released game, captive white-tailed deer, or nonnative wildlife, keep accurate daily records as required in R.C. 1533.731 upon forms provided by the agency, and clearly mark the boundaries of the facility with signs. The operator or license holder must notify the agency if any game, captive white-tailed deer, or nonnative wildlife escapes the facility. The current enclosure standards effectively contain most quadrupeds that may be released inside. However, wild boar and feral swine root, dig and may escape under the currently prescribed fencing, posing a risk of establishment in the wild and disease transmission.

**Are there any changes the Department would like to see implemented?**

No.

### Surrounding state comparison (LSC) (as of August 21, 2024)

Wild Animal Hunting Preserve						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation (Name of regulation)	License (Wild animal hunting preserve license) (R.C. 1533.721)	License (Shooting preserve license, hunting preserve license) (Ind. Code 14-22-31-0.5 to 14-22-31-14 and 15-17-14.7 to 15-17-14.7-16)	License (Shooting area permit) (Ky. Rev. Stat. 150.630; 301 Ky. Admin. Regs. 2:041 and 5:022)	No clear equivalent	Permit (Commercial and noncommercial regulated hunting grounds) (34 Pa. Cons. Stat. 2903, 2904, and 2928)	No clear equivalent <sup>23</sup>
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$1,000 (R.C. 1533.721)	Shooting preserve: \$100 Hunting preserve: \$300	\$150 (Ky. Dept. of Fish and Wildlife)	N/A	Commercial: \$100 for first 100 acres plus \$25 for each	N/A

<sup>23</sup> According to a telephone call with the West Virginia Department of Natural Resources.

Wild Animal Hunting Preserve						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>(Ind. Code 14-22-31-2 and 15-17-14.7-4)</i>	<i>Resources, <a href="#">Shooting Areas</a></i>		additional 100 acres  Noncommercial: \$38 for first 100 acres plus \$8 for each additional 100 acres  Total fees for each license are then multiplied by the license duration selected by the applicant  <i>(34 Pa. Cons. Stat. 2904)</i>	
License duration	One year <i>(R.C. 1533.721)</i>	One year for both licenses  <i>(Ind. Code 14-22-31-5 and 15-17-14.7-4)</i>	One year  <i>(Ky. Dept. of Fish and Wildlife Resources, <a href="#">Shooting Areas</a>)</i>	N/A	One to three years as selected by applicant  <i>(34 Pa. Cons. Stat. 2903)</i>	N/A
Renewal fee	\$200 <i>(R.C. 1533.721)</i>	Shooting preserve: \$100  Hunting preserve: \$300	\$150  <i>(Ky. Dept. of Fish and Wildlife Resources, <a href="#">Shooting Areas</a>)</i>	N/A	Same as initial license fee  <i>(34 Pa. Cons. Stat. 2904)</i>	N/A

Wild Animal Hunting Preserve						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>(Ind. Code 14-22-31-2 and 15-17-14.7-4)</i>				