Agriculture already highly regulated

In recent months, editorials have been written on Lake Erie’s algae problem by several newspapers in Ohio’s larger cities. Several of these have been printed in the Courier.

Each of these editorials blames agriculture for the problem. They further state that agriculture regulations are needed to fix the problem, even though they are vague on what regulations are needed. The editorials imply that agriculture is not regulated and farmers need regulations to follow good nutrient management practices.

Many readers may be surprised to learn that agriculture is already a highly regulated industry. Farmers in northwestern Ohio are more regulated than any other part of the state. They are the only farmers that have regulations on both manure and fertilizer.

Because of water quality concerns, there are four major state regulations that affect farmers in northwestern Ohio.

Manure is more regulated than fertilizer since it is a byproduct of the livestock industry and has the most potential to impact water quality. Manure regulations focus on amounts, storage, and application. Fertilizer regulations focus on application time and method in relation to forecasted rainfall, the time of year, and the presence of a growing crop. Grain farmers have a strong financial incentive to follow management practices that reduce nutrient loss, since fertilizer is expensive.

I have summarized Ohio regulations affecting local farmers here:

Livestock Environmental Permitting Program.

Large livestock operations called Concentrated Animal Feeding Facilities (CAFF) have to have a permit before building and an authorization permit for operation.

Whether a livestock operation is a CAFF depends on the number of animals, and the qualifying number depends on animal species. In northwestern Ohio, animal numbers are low enough that most livestock operations do not have to have CAFF permits.

CAFF operations have very specific rules to follow that include geological and hydrological studies, soil and manure management plans, setbacks from water, limits on nutrient applications, and extensive record keeping.

These same large farms are also regulated by the federal Clean Water Act since they fit the federal designation as a Confined Animal Feeding Operation (CAFO).

CAFOs have to obtain a National Pollutant Discharge Elimination System Permit if they discharge or propose to discharge a pollutant to surface water, even if they have the CAFF permits. Many of the rules are redundant but are enforced by other agencies.

Certified Livestock Manager (CLM) Certification.

Ohio law requires CAFFs and every manure broker or manure applicator who handles more than 4,500 dry tons or 25 million liquid gallons of manure per year to obtain CLM certification.

The applicant must complete core classes on nutrient management standards, manure storage and handling, and Ohio manure regulations.

They must also complete three elective classes in various subjects. CLMs must complete 10 hours of continuing education every three years to maintain their certification.

Agriculture Fertilizer Applicator Certification, aka Senate Bill 150.

Farmers who apply fertilizer to cropland have to complete certification training.

Training includes management practices to reduce field losses of phosphorus and nitrogen, the importance of soil analysis, proper fertilizer rates, and information on how farm nutrients may contribute to algae blooms. Extensive records must be kept on nutrient applications. Continuing education hours are required for recertification.

Ohio’s Nutrient Law, aka as Senate Bill 1.

Regulation provides state standards for on-farm nutrient management and conservation practices that aim to prevent water pollution resulting from animal manure and fertilizer for farmers in the Western Lake Erie Basin, which includes the Maumee, Portage, and Sandusky River watersheds.

The law restricts when farmers can apply manure or fertilizer containing nitrogen and phosphorus to fields. These products cannot be applied to fields that are frozen, snow covered, or water saturated.

In addition, fertilizer cannot be surface applied if there is a greater than 50 percent chance of an inch or more rain in the next 12 hours.

Manure is more restricted.

It cannot be surface applied if there is a greater than 50 percent chance of a half-inch or more rainfall in the next 24 hours.

I have given only an overview of each regulation. All of these regulations have penalties if not followed by the farmer.

The following URL has more detailed information: https://ohioep.org/what-you-must-do/#who-regulates-ohio-livestock-farms.

The implication that farmers are not regulated in the editorials of city newspapers is incorrect.

Additional regulations may be needed in the future. However, we need to allow time to see if the current regulations are working. Many of them have only been in place for a few years.

Also, there are many research studies in progress that will be completed in the near future that will better define the source of the nutrients entering Lake Erie.

Agriculture and large cities both contribute nutrients to Lake Erie, especially after major storms with heavy rains. They should work together to find solutions and stop blaming each other.

Look how much progress has been made on flood mitigation now that Findlay and the agricultural community meet together to discuss solutions. The same can happen for Lake Erie.

The answer for Lake Erie is not more regulation, unless science specifically shows where it is needed. A quickly mandated regulation by politicians will be costly and most likely not improve the situation.

In the meantime, representatives from the agriculture community and Toledo need to meet together and discuss solutions. This collective effort will find solutions that all parties can support. Lake Erie will benefit.

It took decades for the lake to get where it is today and it will take time to fix it. Be patient.

Lentz is extension educator for agriculture and natural resources for Ohio State University Extension Service in Hancock County. He can be reached at 419-422-3851 or via email at lentz.38@osu.edu.

Lentz can be heard with Vaun Wickerham on weekdays at 6:35 a.m. on WFIN, at 5:43 a.m. on WKXA-FM, and at 5:28 a.m. at 106.3 The Fox.