



Joint House-Senate Agriculture Committee
Senate Bill 1 Update Testimony
Ohio Department of Agriculture, Assistant Director Tim Derickson
June 5, 2018

Chairmen Hackett and Hill, ranking members, and members of the House and Senate Agriculture Committees, thank you for the opportunity to provide an update from the Ohio Department of Agriculture (ODA) on the implementation of Senate Bill (SB) 1. I am Tim Derickson, Assistant Director at ODA. I believe Senate Bill 1 enacted important regulations that have made positive impacts on water quality in the Western Basin of Lake Erie. These impacts wouldn't be possible without the efforts of our employees; the dedicated staff of local soil and water conservation districts; and of course, farmers in Northwest Ohio who have worked to comply with this law.

As you are aware, the primary component of Senate Bill 1 regarding nutrient application was a ban on the application of manure or fertilizer on frozen, snow-covered or saturated ground. After an initial educational period for farmers in the affected areas, the department found the vast majority of producers and facilities were able and willing to comply with these new regulations. The legislation also included available short-term exemptions for small and medium-sized farmers to gain compliance. Below are some facts and figures associated with enforcement of SB 1.

Written applications for exemption:

Table with 4 columns: Application Type, Approved, Denied, Total. Rows: Medium FY 16, Small FY 16-17, Total.

Complaints and violations

Table with 3 columns: Year, Complaints, Violations. Rows: FY 16, FY 17, FY 18 YTD, Total.

The agency believes the increase in the number of complaints and violations in the most recent year can be attributed to a harsher winter in 2018 as well as the expiration of the exemptions available to producers. Over three years, only 21 violations were issued by the department. Enforcement actions ranged from warning letters to the assessment of civil penalties.

While the agency believes SB 1 has been a positive step toward improving water quality, additional clarification of the current law could be warranted. Currently, the law allows for the exemption of application of manure or fertilizer if applied to a growing crop. The term growing crop is not defined in statute. This lack of definition is causing confusion in the regulated community. It's our opinion, an exemption to manure or fertilizer application onto a growing crop should only be given if the amount of growing crop present is likely to reduce manure runoff in the event of snowmelt or precipitation on frozen ground. Federal standards, already established and widely recognized, include a 90% surface residue cover standard. The agency would recommend adopting similar language in statute, specifying that a "growing crop" provides 90% surface cover.



Department of  
Agriculture

John R. Kasich | Governor

David T. Daniels | Director

Finally, I'd like to thank the legislature for supporting local Soil and Water Conservation Districts within the Western Lake Erie Basin in SB 1. Every SWCD in the area received monetary support from the bill which helped to provide technical assistance to the regulated community. In addition, three new SWCD staff positions have been created and funded. These positions are multi-county agreements and extended additional capacity into nine counties.

In closing, it's the position of the department that the combined requirements of Senate Bill 1 and Senate Bill 150 and the regulations, enforcement and rules associated with both have helped the State of Ohio and all parties in our collective efforts to improve the health of Lake Erie. The efforts of the agency and Ohio's farmers are ongoing and SB 1 was an important step forward that we should continue to take. Our agency stands ready to collaborate with stakeholders as we collectively work to improve the health of our Great Lake. I'd be happy to answer questions together with my agency counterparts.