

Written Testimony
Subcommittee for Agriculture & Natural Resources
Ohio House of Representatives

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Aquaculture and aquaponics is the fastest growing sector of agriculture in Ohio. Most aquaculture in Ohio involves the use of ponds to raise a wide variety of fish species for food production and stocking material into private lakes and ponds.

A byproduct of pond aquaculture is the production of large numbers of tadpoles of the genus *Lithobates*, bullfrog, green frog, leopard frog, and pickerel frog. At my farm, as an example, in some years, 20,000+ tadpoles can be produced.

Such large numbers of tadpoles pose problems to the successful production of intended fish species:

- Aquaculture ponds can produce a finite amount of biomass – if tadpole biomass is high, then fish biomass produced is commensurately reduced. Less fish = less profit.
- Large numbers of tadpoles in seine during harvest of fish, can cause stress to fish and can lead to fish death, both short-term and long-term. Again, less fish = less profit.
- Prior to selling the fish, tadpoles must be separated from the fish – a time consuming process. More time = higher manpower costs = less profit.

There is a market for tadpoles. Pond and lake management companies, along with garden centers have indicated a pond owners and backyard ornamental pond owners desire to stock tadpoles into their ponds to hopefully eventually grow adult frogs plus tadpoles can control algae growth in small ornamental ponds in backyards.

Although pond aquaculture facilities produce the desired tadpoles, current State Law does not permit aquaculture facilities with either “A” or “B” aquaculture permits to sell their tadpoles.

In order to legally produce amphibians (note amphibians are considered property of the state, even on private land), including frog & tadpoles, in Ohio, a person or entity must obtain a commercial propagating permit per Ohio Revised Code 1533.71. While this initially might provide an opportunity for aquaculture facilities to sell their tadpoles, 1533.71 provides additional requirements that are onerous to aquaculture facilities: the production must occur in a wholly enclosed preserve. ODNR law enforcement when asked to clarify in terms of frog and tadpole production indicated each pond must be surrounded by a six foot high fence to prevent escapement into the wild.

Such an enclosure requirement is economically unrealistic for a pond aquaculture facility to erect and maintain to sell the tadpoles, produced by adults considered property of Ohio who “hop” into the production ponds from adjacent ditches, creeks, and rivers, and other water bodies.

It is legal to sell tadpoles in Ohio if shipped in from adjacent states and meet the import requirements of the state of Ohio. These other states entities are providing an aquatic product that Ohio producers could easily and more cost effectively produce in Ohio. Cross state line shipments also entail some risks, such as the unintentional shipment of invasive species and other unwanted species, and potential transmission of aquatic diseases.

Currently, when asked, ODNR law enforcement advises Ohio pond aquaculture facilities to “dump” the tadpoles from their facilities onto the ground. It is illegal to stock into public waters with the tadpoles to save their lives, and putting them back into the private aquaculture production ponds as they will cause continual problems. Also, production ponds often must sit dry overwinter to enhance fish production the next winter.

Currently, no effective control methods exists to control tadpoles in aquaculture ponds. Chemicals are not available and would harm fish, plus adult frog harvest season occurs after frog breeding season. Stocking large fish predators, such as largemouth bass, does not work given they would eat both tadpoles and the fish being cultured.

The Ohio Aquaculture Association seeks to have the Ohio Revised Code amended to allow the holders of state aquaculture permits to sell byproduct tadpoles for stocking into private waters. Such an amendment would:

- Provide additional income to aquaculture facilities by meeting a market segment;
- Eliminate / reduce importation of tadpoles from other states and the biosecurity risks such shipments could result in.

Please note the Ohio Aquaculture Association has an excellent working relationship with both the ODNR, Division of Wildlife and the Ohio Department of Agriculture in matters relating to aquaculture. The Association feels an amendment can be developed that addresses both the producers desire to sell tadpoles as well as state agency concerns about selling the tadpoles.