



**Testimony of Roger Wise, President, Ohio Farmers Union
Ohio Senate Committee on Agriculture
Second Hearing Sub. S.B. 150
November 13, 2013**

Chairman Hite, Vice-Chairman Balderson, Ranking Member Gentile and members of the Committee:

I am Roger Wise, president of the Ohio Farmers Union. Since 1934, the Ohio Farmers Union has been a civic voice in our state representing the interests of independent, family farmers. The majority of our 4,500 members own and operate family-sized farms ranging from row-crop commodity farmers to specialty crops and organics to livestock and dairy.

Our first point today is that too often our federal and state governments do not recognize the unique challenges that regulation of agriculture pose for small farmers. However, in the case of Senate Bill 150, OFU does not oppose the newly proposed certification and licensure for fertilizer application.

As a fertilizer bill, what is proposed is a good start. However, history and context remind us this legislation began as a nutrient management bill aimed at agriculture's role in mitigating watershed quality problems across Ohio. What is being considered today does not address the entire scope of farming's impact on Ohio's lakes rivers and streams.

OFU offers its testimony today not as a supporter of final passage of S.B. 150 but as a neutral, interested party.

Let me explain our position:

It was routinely stated at stakeholder meetings concerning this bill and in committee hearings that the point behind expanded state agencies' authority and increased regulation is to "protect our lakes" and waters." While the Ohio Farmers Union stands with legislators who express workable proposals to safeguard our water, we cannot outright support a bill that ignores every potential polluter, save row crop farmers, and purports to address best practices in nutrient management and leaves out the issue of manure.

We understand that historically state government has been reluctant to intervene in the business operations of Ohio's agricultural producers. We are however dealing on another historic level regarding water quality in Ohio when considering the

devastating algal blooms in the Western basin of Lake Erie and the de facto death of Grand Lake St. Mary's.

Earlier this year, in conjunction with the Ohio Environmental Council, OFU conducted a series of high quality farmer education forums on the impact of agriculture on the Lake Erie Watershed. Each session ended with a discussion of on-farm solutions centered on the "Four Rs."

Many of my colleagues here today from other ag organizations are involved with their membership in similar pursuits. Many of us have understood for quite awhile that farmers would need to regulate themselves or face state and/or federal regulation. On another hand, I would be remiss to not point out that Ohio's water quality issues dealt with by S.B. 150 are also the responsibility of other stakeholders including the Cities of Detroit, Toledo and other Lake Erie area municipal water treatment districts, and lawn treatment professionals – to name a few.

That row crop farmers are singled out in this bill with the stated goal of resolving problems in our watersheds is not a deal breaker for OFU, this absence of effort to hold other stakeholders accountable is, however, noted.

At the beginning of this process, when the Ohio Departments of Agriculture, Natural Resources and EPA drafted proposed bills, manure was a part of the discussion – which makes sense considering manure is a nutrient and its mishandling results in negative effects on water sources. If the definition of fertilizer in the Ohio Revised Code was expanded to include manure – as we believe was the original agency intent - the Ohio Farmers Union would be a proponent of final passage of S.B. 150.

If the goal of this bill is to address agriculture's role in alleviating water pollution, taking manure off the table is misguided in our estimation.

In meetings, OFU was told that ODA, ODNR and OEPA have "all the tools" needed to adequately regulate manure, especially that produced by animal feeding operations. The example of enforcement actions taken against some producers in the vicinity of Grand Lake St. Mary's is held up as an example of these tools put to use by the state.

The problem with Grand Lake St. Mary's is that all of this enforcement and indeed the determination of the cause of the problem came after the lake became distressed, the local economy took a major hit and the citizens of Ohio lost a natural and recreational resource. Now, we face an even larger issue in the Western Basin of Lake Erie with far greater negative consequences.

S.B. 150 has been diluted enough that it will likely pass and make its way to the governor's desk. We also believe that "excepting" manure will bring us back here to again deal with this issue in years hence.

A few ideas for future legislation or possible amendments to S.B. 150 include:

First, manure should be included in the definition of fertilizer in the Ohio Revised Code. Similarly, any legal definition of 'agricultural pollution' should include manure.

Second, while state agencies assure they have the tools to adequately regulate CAFO manure – attention should be given to smaller operations, so-called AFOs. Ohio Farmers Union urges legislators and germane state agencies to work to determine improvements in the regulatory regime to head off problems before they become disasters like Grand Lake St. Mary's or the now annual toxic bloom in Lake Erie.

Third, is the important issue of soil testing. Ohio should consider a reasonable, mandatory soil-testing schedule. An example given is the Iowa Phosphorous Index as a starting point for discussion. The Ohio Farmers Union also supports state funding to re-open the soil testing laboratory at the Ohio State University.

Finally, a recent agreement between the state of Iowa and the federal EPA concluded six years of negotiation between Iowa and the federal EPA which, if not resolved, would have resulted in Iowa losing its ability to regulate itself. The essence of the agreement is that Iowa will more proactively inspect CAFOS and increase inspections on smaller operations located close to streams or rivers or those that have experienced a manure spill.

The ideas of soil testing and increased inspections is to establish triggers to help farmers know when to adjust their practices and alert the state to lesser problems before they become environmental debacles.

Chairman Hite and Senator Peterson, while pointing out perceived shortcomings in the proposed legislation, I agree with you both that S.B. 150 is a needed first step to resolve agriculture's role to improve water quality in Ohio. I commend you for taking the lead on this issue and OFU will work positively with you and the relevant state agencies to resolve this issue.

Thank you for the opportunity to testify and I will try to answer any questions you have.