



Department of
Agriculture

John R. Kasich | Governor

David T. Daniels | Director

**House Agriculture & Natural Resources Committee
Proponent Testimony in Support of House Bill 490
Ohio Department of Agriculture Director David T. Daniels
April 1, 2014**

Chairman Hall, members of the committee, thank you for allowing me to provide testimony on the Department of Agriculture's provisions of House Bill 490. Gov. Kasich has continually challenged cabinet agencies to regularly review the specific needs of each agency and the citizens it serves to identify areas where we can streamline government operations and improve delivery of services. This proposal is intended to streamline the management of manure in the state by bringing all oversight of farmers applying agricultural nutrients under a single state agency.

Specifically, this proposal would move a portion of the enforcement of the state's Agricultural Pollution Abatement program from the Department of Natural Resources to the Department of Agriculture. Given the current distribution of responsibilities between the two agencies, as well as the pending addition of additional regulatory responsibilities in Senate Bill 150, this move makes sense because it will create a one-stop-shop in state government for overseeing the responsible management of nutrients in farming operations. The Department of Agriculture is the most appropriate state agency to house this responsibility because we already run a robust manure management program and have authority over other agricultural nutrients.

Under current law, the Department of Agriculture regulates the storage, distribution and application of manure from the state's concentrated animal feeding operations. We do this by having our engineers review construction plans to ensure manure will be stored safely and by having our field staff conduct routine inspections of facilities to ensure they remain in compliance. We also have an education and certification program for the people that are applying that manure onto farm fields in the state. These Certified Livestock Managers must attend multiple trainings, inspections, and recertification every three years, all of which is administered by ODA.

Additionally, provisions in the pending Senate Bill 150 would, if enacted, establish a commercial fertilizer certification program that would also include educational components, testing and re-certification by the department beginning next year. This is especially important because most if not all of the farmers that apply manure to fields also apply commercial fertilizer and therefore will have to undergo certification by the department.

The wide scope of ODA's current (and pending) authority over farm nutrients leaves only small-scale livestock farmers under regulation by a different state agency. While this legislation does not amend existing manure use regulations, it does create uniformity in how those regulations are enforced by bringing those small-scale farmers under the same department as large-scale producers and farmers applying commercial fertilizer.

In order to execute enforcement of these provisions, ODA would enter in Memorandums of Understanding with local Soil and Water Conservation Districts in the same way that ODNR does, which



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is how the Agricultural Pollution Abatement laws are currently enforced. We do not anticipate this proposal will have any impact on the day to day operations of the local Soil and Water Districts other than who they pick up the phone to call when there is a complaint regarding manure management. We look forward to building relationships with those local Soil and Water Conservation Districts in order ensure a smooth transition.

I will point out that, under this proposal, ODNR would continue to administer the existing manure handling, storage and application requirements within the Grand Lake St. Marys watershed for as long as it is still designated a watershed in distress, as well as other non-manure oversights.

In a time when water quality issues pose challenges for our state and as farmers are looking to modify their business practices in an effort to help stem the growth of blooms in our lakes, ensuring that the management of all agricultural nutrients is fully coordinated within one cabinet agency will provide efficiency to the state's efforts.

Between our education and certification programs and our engineers who understand how livestock manure should be safely stored and managed, I am confident that the expertise to effectively and efficiently manage this program exists within our agency and that this will be a smooth transition that will benefit both the taxpayers and the farmers in Ohio.

Thank you for your time today. I'd be happy to answer any questions the committee might have.