



**Testimony of Joe Logan, President, Ohio Farmers Union
Ohio House Committee on Agriculture & Natural Resources
Sixth Hearing H.B. 490
November 12, 2014**

Chairman Hall, Vice Chairman Thompson and Ranking Member Cera and members of the Committee:

I am Joe Logan, a family farmer from Trumbull County and president of the Ohio Farmers Union. OFU represents 4,500 farming families and consumers around Ohio who are committed to preserving and growing opportunities for family-sized, independent farmers and local and regional food systems in Ohio.

We appreciate the opportunity to present testimony on H.B.490. As a broad ranging, omnibus Bill, this important legislation deals with many issues in many ways. It defies easy characterization. Therefore, we present today's testimony as an Interested Party.

OFU is supportive of many of the proposals that increase transparency and accountability of actions and operations associated with the growing oil and gas drilling industry in Ohio. We are pleased to see that intentional acts of water pollution could be treated as felonious criminal acts under state law. We believe that providing the ability for Ohio's county prosecutors to bring felony charges against those who knowingly pollute our land, streams and rivers can be a powerful deterrent to potential polluters.

OFU is also supportive of increased penalties under the bill for the improper disposal of brine created from fracking. There is a growing concern among our membership – as evidenced by lengthy deliberations during our 2014 Annual Convention – over the disposal of brine in injection wells. The fact that Ohio is not only a dumping ground for its own waste – but millions of gallons of waste from neighboring states - heightens OFU's concerns. While we commend H.B. 490's tightening and broadening of some regulation related to brine disposal, we advocate for a greater expansion of transparency and accountability in waste disposal and urge continued vigilance on this issue, including the incorporating of penalties for those acts of negligence, which can also cause pollution.

OFU is essentially neutral on H.B. 490's transfer of authority over Agricultural Pollution Abatement from the Ohio Dept. of Natural Resources Division of Soil and Water to the Ohio Dept. of Agriculture. We are, however seriously concerned that Soil and Water Conservation Districts have expressed their opposition to the move.

To partially address those concerns and to foster better public policy with regard to Ohio's growing nutrient pollution in watersheds such as Lake Erie, OFU is supportive of amendments being proposed by groups including the Ohio Environmental Council. They include measures that:

1. Establish procedures for all owners or operators of animal feeding operations to report the amount of manure delivered to other persons, the location to which it is delivered, soil tests for the receiving locations and the rate at which it was applied.
2. Establish procedures by which aggregated data or information included within nutrient management plans might be accessed by agency officials for the purpose of developing regional or watershed pollution abatement strategies while ensuring there is no disclosure of proprietary or sensitive information.
3. Strengthen Ohio's nutrient management effectiveness by including manure in the definition of fertilizer to be covered by the certification program established in SB 150.
4. Strengthen Ohio's nutrient management effectiveness by codifying the prohibition of surface manure applications of manure from animal feeding operations on Frozen or snow covered ground. This will ensure current protections are not lost through the program's transfer.

Chairman Hall, Vice Chairman Thompson and Ranking Member Cera, thank you for the opportunity to provide this written testimony on H.B. 490.

Respectfully Submitted,
Joe Logan
President, Ohio Farmers Union