Hello Northeast Ohio Counties!

Some dry weather has finally found NE Ohio. Whether it’s 1st, 2nd, or 3rd cut, many were able take advantage of the dry forecast to make hay.

The crops in the area can benefit from drier conditions as we are already starting to see signs of disease in soybeans. Keep an eye on crop conditions and weed pressure as we continue towards harvest. Check out todays first article that discusses weather patterns and accurately describes conditions as Hazy, Hot, & Humid!

Have a great week!
Weather Update: 3-H Weather Continues – Hazy, Hot, & Humid
By: Aaron Wilson
Source: https://agcrops.osu.edu/newsletter/corn-newsletter/2021-28/weather-update-3-h-weather-continues-hazy-hot-humid

Summary
The last couple of weeks have been marked by precipitation extremes across the Buckeye State. A stalled boundary and repeated showers and storms brought 3-7 inches of rain across portions of Clark and Madison counties on August 12th. Last week, tropical moisture combined with a small mid-level trough to drop 4.96 inches of rain in Reynoldsburg in Franklin County (Fig. 1). This was followed by the remnants of Tropical Storm Fred, which dumped 2-6 inches of rain across many of our eastern and southeastern counties (Fig. 1). Meanwhile, most of west received minimal rainfall this week, generally less than 0.50". Conditions over portions of Butler, Preble, Darke, and Mercer counties are drying rapidly. During this two-week stretch, temperatures have averaged 2-4°F above normal (1991-2020), driven strongly by warm overnight lows due to increased humidity.

Forecast
Hot and humid conditions will stick around all week. High pressure will slide off to the southeast of Ohio by Tuesday. Southerly flow around the high will pump warm, humid air into the region with highs expected in the low to mid 90s and overnight lows in the low 70s for Tuesday through Thursday. A cold front, slowly approaching the region could provide enough energy to create pop-up storms on Tuesday and Wednesday, with
a little better chance of scattered showers and storms for Thursday through the weekend. Highs will remain close to 90 or so throughout the period. Overall, the Weather Prediction Center is calling for up to 0.50 inch of rainfall over the next 7 days across the south, and up to 1 inch across the north. Most of this is likely to fall late weekend into early next week. Isolated heavier totals will occur where stronger storms develop.

The Climate Prediction Center’s 6–10-day outlook for the period of August 29 – September 2 and the 16-Day Rainfall Outlook from NOAA/NWS/Ohio River Forecast Center indicate above average temperatures are likely, with near to above average precipitation (Fig. 2). Climate averages for this period include a high temperature range of 80-85°F, a low temperature range of 60-65°F, and average rainfall of 0.60-0.75 inches.

Figure 2 Climate Prediction Center 6-10 Day Outlook valid for August 29 – September 2, 2021, for left) temperatures and right) precipitation. Colors represent the probability of below, normal, or above normal conditions.
Check out the New Michigan State/ Ohio State Field Crops Insect Pest Management Guide

B: Kelley Tilmon


Chris DiFonzo (Michigan State) and Kelley Tilmon (Ohio State)


This publication contains a series of chapters with information on biology, damage, management recommendations, and insecticides related to insect pests in field crops in Michigan and Ohio. Chapters cover field corn, soybean, wheat and other small grains, alfalfa and grass forage, and (for Michigan growers) dry beans and sugar beet. Each chapter stands alone, focusing on a particular crop.

In the preparation of this guide, we checked state databases and consulted labels for each of the pesticides listed in the crop chapters; we made every effort to include correct information and to list most of the commonly-used products for Michigan and Ohio. However, labels do change over time. Always read the labels of the products you use to reconfirm application rate, precautions, PPE, pre-harvest intervals, and other key pieces of information prior to spraying.
**The Ag Law Harvest**

By: Jeffrey K. Lewis, Attorney and Research Specialist, Agricultural & Resource Source: [https://farmoffice.osu.edu/blog/fri-08132021-1013am/employee-v-independent-contractor-when-ag-employer-responsible](https://farmoffice.osu.edu/blog/fri-08132021-1013am/employee-v-independent-contractor-when-ag-employer-responsible)

Did you know that the “wise old owl” saying is a myth? Generally speaking, owls are no wiser than other birds of prey. In fact, other bird species like crows and parrots have shown greater cognitive abilities than the owl. An owl’s anatomy also helps dispel the myth because most of the space on an owl’s head is occupied by their large eyes, leaving little room for a brain.

This week’s Ag Law Harvest brings you EPA bans, Ohio case law, USDA announcements, and federal case law which could make your head spin almost as far as an owl’s.

**EPA banning use of chlorpyrifos on food crops.** The EPA announced that it will stop the use of the pesticide chlorpyrifos on all food to better protect producers and consumers. In its final rule released on Wednesday, the EPA is revoking all “tolerances” for chlorpyrifos. Additionally, the EPA will issue a Notice of Intent to Cancel under the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”) to cancel all registered food uses of chlorpyrifos. Chlorpyrifos is an insecticide used for a variety of agricultural uses, including soybeans, fruit and nut trees, broccoli, cauliflower, and other row crops, in addition to non-food uses. The EPA’s announcement comes in response to the Ninth Circuit’s order directing the EPA to issue a final rule in response to a petition filed by opponents to the use of chlorpyrifos. The petition requested that the EPA revoke all chlorpyrifos tolerances because those tolerances were not safe, particularly because of the potential negative effects the insecticide has on children. For more information about chlorpyrifos and the EPA’s final rule, visit the EPA’s website.

**Trusts aren’t to be used as shields.** An Ohio appeals court recently reinforced the concept that under Ohio law, trusts are not be used as a way to shield a person’s assets from creditors. Recently, a plaintiff filed a lawsuit against a bank alleging breach of contract and conversion, among other things. Plaintiff, an attorney and real estate developer, claimed that the bank removed money from his personal account and a trust account in violation of Ohio law and the terms of the loan agreement between the parties. Prior to the lawsuit, plaintiff established a revocable trust for estate planning purposes and to acquire and develop real estate. This dispute arose from a $200,000 loan from the bank to the plaintiff to...
help establish a restaurant. A provision of the loan agreement, known as the “Right to Setoff” provision, allowed the bank to “setoff” or effectively garnish all accounts the plaintiff had with the bank. The setoff provision explicitly prohibited any setoff from any IRA or trust accounts “for which setoff would be prohibited by law.” Plaintiff made all monthly payments but failed to make the final balloon payment on the loan. Plaintiff argued that the bank broke the loan contract and violated Ohio law by taking funds from the trust account to pay off the remaining balance of the loan. The court disagreed. The court noted that under Ohio law, a settlor’s property in a revocable trust is subject to the claims of the settlor’s creditors. A settlor is a person who creates or contributes property to a trust. In this case, plaintiff was the creator, settlor, and sole beneficiary of the revocable trust. Because of that, the court concluded the bank did not violate Ohio law when using the trust account to setoff the balance of the loan. Additionally, the court found that the bank did not violate the terms of the loan agreement because a setoff from the trust account was not prohibited by law. The court noted that Ohio law did not intend to allow a settlor who is also a beneficiary of the trust to use a trust as a “shield” against creditors. Although trusts can be a useful estate planning tool, there are limits to what a trust can do, as evidenced by this case.

Renewable fuel supporters file appeal on E15 summer sales. Corn farmers have joined forces with the biofuel industry (“Petitioners”) to ask the D.C. Circuit Court of Appeals for a new hearing on a ruling that struck down the EPA’s 2019 decision to allow year-round E15 sales. Earlier this year, the same D.C. Circuit Court of Appeals issued an opinion that ruled the legislative text in the law supporting the biofuel mandate does not support the Trump administration’s regulatory waiver that allowed E15 to be sold during the summer months. In their petition, Petitioners argue that the D.C. Circuit Court made “significant legal errors.” Petitioners contend that the court should rehear the case because the intent behind the nation’s biofuel mandate is better served by the sale of E15 through the summer months because it is less volatile, has less evaporative emissions, and is overall better for the environment than other fuel sources. Petitioners also believe the court’s original decision deprives American drivers the choice of lower carbon emitting options at the gas pump.

Monsanto asks Supreme Court to review Ninth Circuit’s Roundup Decision. In its petition to the Supreme Court of the United States Monsanto Company (“Monsanto”) asked the Supreme Court to review the $25 million decision rendered by the Ninth Circuit Court of Appeals. In that decision, the Ninth Circuit held that the Federal Insecticide Fungicide and Rodenticide Act (“FIFRA”) did not preempt, or otherwise prevent, the plaintiff from raising California failure-to-warn claims on Roundup products and allowed plaintiff to introduce expert testimony that glyphosate causes cancer in humans. In trial, the plaintiff argued that Monsanto violated California’s labeling requirements by not including a
warning on the Roundup label that glyphosate, which is found in Roundup, causes cancer. Monsanto argues that FIFRA expressly preempts any state law that imposes a different labeling or packaging requirement. Under FIFRA, Monsanto argues that the EPA did not require Monsanto to include a cancer warning on its Roundup label. Therefore, Monsanto maintains, that because California law differed from FIFRA, Monsanto was not required to follow California law when it came to labeling its Roundup product. Secondly, the Ninth Circuit allowed plaintiff to present expert evidence that glyphosate could cause non-Hodgkin’s lymphoma in the general public and that glyphosate caused the plaintiff’s lymphoma. Monsanto contends that the lower courts have distorted established precedent by allowing the expert testimony because the testimony is not based on generally accepted scientific principles and the scientific community has consistently found that glyphosate does not cause cancer in humans.

USDA working to protect nation’s dairy industry. The USDA’s Agricultural Marketing Service (“AMS”) has struck a deal with the European Union (“EU”) to satisfy the EU’s new import requirements on U.S. dairy. The EU will require new health certificates for U.S. dairy products exported to the EU to verify that the U.S. milk used for products exported to the EU is sourced from establishments regulated under the Grade “A” Pasteurized Milk Ordinance or the USDA AMS Milk for Manufacturing Purposes. Officials representing the U.S. Dairy Export Council and International Dairy Foods Association claim that the deal will allow U.S. producers to comply with the EU’s mandates while also satisfying the concerns within the American dairy industry. The deal pushes back the EU’s deadline for new health certificates to January 15, 2022, to allow U.S. producers and exporters enough time to bring their products into compliance. The USDA also announced that it is providing around $350 million to compensate dairy producers who lost revenue because of market disruptions due to the COVID-19 pandemic and a change to the federal pricing formula under the 2018 farm bill. Additional details are available at the AMS Dairy Program website.

Tale as old as time. An Ohio appeals court recently decided a dispute between neighbors about a driveway easement. The driveway in dispute is shared by both neighbors to access their detached garages. Defendants used the driveway to access their garage and then the driveway extends past the Defendants’ garage onto Plaintiff’s property and ends at Plaintiff’s garage. The dispute arose after Defendants built a parking pad behind their garage and used parts of the driveway they never used before to access the parking pad. The original easement to the driveway was granted by very broad and general language in a 1918 deed, when the property was divided into two separate parcels. In 1997, a Perpetual Easement and Maintenance Agreement (“Agreement”) was entered into by the two previous property owners. The Agreement was much more specific than the 1918 deed and specifically showed how far the easement ran and what portions of the driveway
could be used by both parties. The 1997 Agreement did not allow for Defendants to use the portion of the driveway necessary to access their parking pad. Plaintiffs argue that the 1997 Agreement controls the extent of the easement, whereas Defendants argue that the broad general language in the 1918 deed grants them authority to use the whole length of the driveway. The Court found the more specific 1997 Agreement to be controlling and ruled in favor of the Plaintiffs. The Court reasoned that the 1918 deed creates an ambiguity as to the extent of the easement and there is no way of knowing what the original driveway looked like or how it was used. The Court concluded that the 1997 Agreement does not contradict or invalidate the 1918 deed, rather the 1997 Agreement puts specific parameters on the existing easement and does not violate any Ohio law. The Defendants were found liable for trespass onto the Plaintiffs’ property and is expected to pay $27,500 in damages. The lesson to be learned from all of this? Make sure your easements are as specific and detailed as possible to ensure that all parties are in compliance with the law.

**Creating Valid and Transparent Carbon Markets**

By: Susan V. Fisk


You may have heard the term “carbon sequestration.” In its basic terms, it refers to keeping and returning carbon to the soil. Since carbon is an element, how and why should this be done?

One main reason is that carbon dioxide is a greenhouse gas, and increasing amounts contribute to climate change. Agricultural practices can store carbon in the soil, and now carbon markets are creating incentives for farmers to consider changing some of their field management techniques to do so.

Carbon markets were the leading topic for the 2021 Sustainable Agronomy Conference, which is also available for streaming.

---

Leaving last year’s crop residue on the field can increase soil carbon. Then the next crop is planted with a no-tillage planter drill with minimal soil disturbance. This is one practice farmers can adopt to help them enter the carbon marketplace. Shown: planting corn seed into crop residue. Credit: Rajveer Singh

---
Carbon storage in soil has both environmental and economic benefits. Plants pull carbon dioxide from the air, and metabolize it into roots, shoots, leaves, and fruits or vegetables. When plants metabolize carbon dioxide into sugars and other building blocks, they become “organic matter.”

By pulling carbon dioxide out of the air, plants reduce the amount of this greenhouse gas in the atmosphere. While living, plants send out organic matter into the soil, where is it stored. If a plant is grown for crop production, the way farmers manage tillage, harvest, and crop residue can have a great impact on the amount of carbon stored in the soil.

It may not be possible for all farmers to reduce tillage, or to grow crops that create more organic matter. But they can implement new practices that will change their impact on carbon use and storage. That’s where carbon markets come in. The concept is simple. Farmers who implement new practices can enter carbon market programs. By providing proof of their practices (that’s the hard part), they can earn carbon credits.

Then, other companies, such as a manufacturer, can buy these credits to offset their carbon imprint. It’s a new source of potential revenue for farmers.

Jamie Ridgely was one of the presenters at the Being Informed, Realistic, and Data-driven with Carbon Markets session that ran on July 20th. Ridgely, who works at Truterra, LLC, is at the forefront of managing carbon markets. “The real work we are doing is about creating sustainable change in production agriculture to more regenerative systems,” says Ridgeley. “The carbon market provides an additional incentive.”

At the forefront of this effort will be Certified Crop Advisers and agronomists. They will be consulting with growers on what they need to do to participate in this potential revenue source.

“Agronomists, crop advisers, and forward-thinking farmers are the key, not the hype about the markets,” says Ridgely. Advisers need to look at how farmers can transition into the new system in a realistic way that enhances their productivity. “We are looking at going from very low levels of adaptation to very high levels. And we need to make the scaling of this system sustainable and beneficial for the grower.”
A current hurdle to getting more farmers into the carbon markets is the lack of information they can trust. Again, crop advisers will be crucial to the success of these programs.

Although the short-term profits of entering the carbon market may be small, Ridgely says there is another message for the farmer. “Managing for soil health and moving to more regenerative practices leads to better productivity too.” In addition, the value of the carbon credits will grow over time.

Not only do farmers need to implement new practices, but they also need to collect and validate a lot more data to enter the carbon marketplace. Regrow is an agri-food tech company whose mission is to “unlock potential of regenerative ag by enabling appropriate value of ecosystems,” says William Salas, Chief Strategy Officer.

The role of remote sensing: the amount of residue left on fields is determined by doing analysis of publicly available satellite imagery data. Grower privacy is protected by only releasing information on an aggregated, large geographic area. sensing saves time and money, and helps growers enter the carbon markets. Courtesy: Regrow

Regrow provides a Monitoring, Reporting and Verification program for farmers. “The goal is to make entering carbon markets as easy as possible and to collect scientifically verifiable data,” says Salas. “This system adds transparency and credibility to the marketplace.”

“The data burdens [to the farmer] can be quite high,” says Salas. Regrow has built a platform that can speak to all the grower platforms currently in use. They’ve invested time and energy into databases full of rigorous measurements of carbon stock in farm soil. They’ve gone back to data from the 1980s and 1990s to create and verify their models.

“Currently, using satellite images, we can verify the actual practices being used in the field,” says Salas. “We can determine when the farmer plants, what types of crops they are growing, and other farm management practices. We don’t need to have people go and check on each farm in person – it can all be done remotely. This saves time and money and ensures the market that the farmer is continuing to implement the practices in their contracts – again, creating transparency.”

Northeast Ohio Agriculture

Ohio State University Extension

Ashtabula, Portage and Trumbull Counties
The Sustainable Agronomy Conference is hosted by the American Society of Agronomy. The Carbon Market session recording is available to stream. For more information, visit https://www.agronomy.org/meetings/sustainable-agronomy.

Farm Office Live with Special Guests!
By: Jeffrey K. Lewis, Attorney and Research Specialist, Agricultural & Resource Law
Source: https://farmoffice.osu.edu/blog/mon-08232021-1157am/farm-office-live-special-guests

"Farm Office Live" returns August 27, 2021, at 10:00 AM with special appearances by Ben Brown and attorney Robert Moore! Tune in to get the latest outlook and updates on ag law, farm management, ag economics, farm business analysis, and other related issues. Targeted to farmers and agri-business stakeholders, our specialists digest the latest news and issues and present it in an easy-to-understand format.

Special Guests
Ben Brown - A former member of the OSU Farm Office Team, Ben's areas of expertise include farm management, commodity markets, and agricultural policy.
Robert Moore, Esq. - A former OSU Extension employee, Robert now practices agricultural law at Wright & Moore, with a focus on farm succession planning, estate planning, and business planning.

August Topics:
- Tax Proposals
- Ohio Cropland Values & Cash Rents
- FSA Program Update
- Grain Marketing Update - Ben Brown
- Your Questions

To register or to view a previous "Farm Office Live," please visit https://go.osu.edu/farmofficelive. You will receive a reminder with your personal link to join each month.

The Farm Office is a one-stop shop for navigating the legal and economic challenges of agricultural production. For more information visit https://farmoffice.osu.edu or contact Julie Strawser at strawser.35@osu.edu or call 614.292.2433

Welcome to Our New Soybean Pathologists, Horacio and Mitch!
By: Laura Lindsey, Amanda Douridas, Mary Griffith

Northeast Ohio Agriculture
OHIO STATE UNIVERSITY EXTENSION
Ashtabula, Portage and Trumbull Counties
On behalf of Ohio State Extension’s AgCrops Team, we’d like to welcome Dr. Horacio Lopez-Nicora and Dr. Mitch Roth. Dr. Lopez-Nicora and Dr. Roth both started as Assistant Professors in the Department of Plant Pathology this month.

Horacio has extension and research responsibilities in the areas of soybean plant pathology and nematology. His work is driven by the intertwined goals of ensuring food stability and working with growers to manage diseases that can have a negative impact on agricultural production. His research informs, and is in turn informed by, his extension work and a dedication to meet the real-time needs of growers. Horacio may be a familiar face to some of you…He completed his Ph.D. at The Ohio State University in the Department of Plant Pathology, working with Dr. Terry Niblack. After graduating from OSU, Horacio was an Assistant Professor at Universidad San Carlos in Paraguay and Adjust Professor at Universidad de Caldas, Columbia. It’s great to have you back, Horacio!

Mitch’s research will focus on fungal and oomycete diseases of soybean and other crops. While Mitch doesn’t have a formal extension appointment, you may see him around the state as he wants to connect his research to the needs of farmers. Mitch grew up on a farm in Bad Axe, Michigan, where his family farms corn, wheat, dry bean, and sugar beet. He received his Ph.D. from Michigan State University. (It’s always good to have another Spartan around.) Most recently, Mitch worked as a Post-doctoral Research Associate at University of Wisconsin-Madison. Welcome to Ohio, Mitch!

We’d also like to thank Dr. Anne Dorrance for all her contributions to the AgCrops Team. Anne was promoted to Associate Dean and Director of The Ohio State University Wooster Campus in January 2020. Even though Anne’s been in her current role for almost two years, she regularly contributed to the CORN newsletter and helped answer many grower questions. Thank you so much, Anne
Precision Agriculture and Career Exploration with Drones

Please join us for a 2-part series on precision agriculture and career exploration with drones. In our first session we will discuss what precision ag is and how drones can be used in precision agriculture. Our second session will include professionals from the Ag industry and beyond explain how drones help them in the workplace. Each session will also include a drone challenge.

DATES: Session 1 - August 31, 2021 & Session 2 – September 7th, 2021
TIME: 5:30PM – 7:00PM
AGE: 13-19 yrs

LOCATION: Portage County Fair Grounds,
4215 Fairground Rd, Atwater, OH 44201

For more information: Scan the QR code, go to
https://go.osu.edu/portagedrones or call the
Portage County Extension Office at 330-296-6432
Learn about Chestnut Production in NE Ohio

Are you interested in starting or diversifying a farm and looking for a niche crop market? Join us on September 11th to learn how Wintergreen Tree Farm has become one of the largest chestnut producers in the US.

DATES: Saturday, September 11th
TIME: 9:30 AM
LOCATION: Wintergreen Tree Farm
3898 Winchell Rd Mantua, OH 44255

For more information and to RSVP: Scan the QR code, go to https://go.osu.edu/portagechestnut
or call the Portage County Extension Office at 330-296-6432
Ashtabula County Master Gardener Volunteer Training

Do you love to garden? Would you like to learn more about gardening? Do you enjoy helping others in your community?

**Become an Ashtabula County Master Gardener Volunteer!**

You get 50 hours of training in vegetables, flowers, trees, shrubs, soil, insects, diseases, and more. In turn you share your knowledge with others by answering questions, collaborating on service projects, presenting programs for both adults and children, etc.

Join other gardeners **now** by registering to become an Ashtabula County Master Gardener Volunteer

[www.go.osu.edu/acmgvapp](http://www.go.osu.edu/acmgvapp)

Application Deadline is September 30th, 2021
Who are Ashtabula County Master Gardener Volunteers and what do we do?
We are the OSU Extension trained volunteers empowered to educate others with timely research-based gardening information. Some of our projects include:
• Educational field trips to gardens and nurseries
• Hotline – Assist home gardeners with research-based answers to their questions
• Ag Day – Teaching all first-grade students in the county about local agriculture
• D-Day Conneaut – Hosting a booth to teach the public about gardening during World War II
• NE Ohio Pollinator Symposium - Planning and teaching various pollinator subjects online
• Support for various learning gardens around the county advising planting and maintenance
• Provide speakers and programs to interested community groups
• And many other activities that enrich the community and our own lives

How do you know if you’d make a good Ashtabula County Master Gardener Volunteer?
• Do you want to learn more about plants and gardening?
• Are you eager to participate in a practical and intensive training program?
• Do you enjoy sharing your knowledge with others?
• Do you have the time to attend training and serve your community as a volunteer educator?

If you answered “Yes” to these questions and would like to know more about the OSU Extension Master Gardener Volunteer Training, please e-mail Holden.155@osu.edu or call 440-576-9008 and we will have a Master Gardener Volunteer call you! Or you can call during MGV Hotline Hours Tuesday’s from 9:00 AM to Noon to speak directly with a MGV!

Master Gardener Volunteer Training Information:
• Training includes a minimum of 50 hours of instruction. This year’s training will be online with a new lesson each week for 10 weeks. A physical training manual will also be included.
• Mentors will be assigned to each new trainee to assist them once accepted to the program.
• Live zoom meetings will be held each week to discuss the material.
• Field trips will be planned the end of the training to various locations.
• A required 50 hours of horticultural-related volunteer time within the first 12 months following training. This is required to become a certified Master Gardener Volunteer. This may include up to 10 hours of Continuing Education.
• Dates: Training will begin January 17th, 2022, and end in April 2022
• Cost: Cost for this training and materials will be $250.00

FOR MORE INFORMATION, CONTACT:
Contact Andrew Holden at: 440-576-9008
Find us on Facebook: Ashtabula County Master Gardeners