Hello Northeast Ohio Counties!

The snow and ice is melting as we see temperatures above freezing for the first time in a while. Area maple syrup producers are gearing up for the spring sap run with favorable conditions in the forecast.

Check out the first article for information on the law when it comes to people snowmobiling on your property.

Stay safe and healthy!
WHAT TO DO ABOUT TRESPASSING SNOWMOBILERS ON THE FARM?
By: Peggy Kirk Hall, Thursday, February 18th, 2021
Source: https://farmoffice.osu.edu/blog

Ohio landowners have seen it before: when the snow flies, so do the snowmobilers. Landowners are forced to watch snowmobilers crossing their fields and driveways and cutting through woods and homesteads, without permission and apparently without concern for property damage. Two common questions from landowners arise at this time: what can I do about them, and will I be liable if there’s an accident? While the answers aren’t always satisfactory to landowners, several Ohio laws try to address these two questions.

What can you do about snowmobilers on your land?
One possibility for dealing with unwanted snowmobilers is to call local law enforcement. That might not get the results you’d like, given the difficulty of identifying and catching snowmobilers and limited law enforcement resources in rural areas. Trail cameras, pictures, or other ways of verifying the sleds and riders might be helpful. Look for the registration decal on the front of the sled, which allows tracking it to its owner. Despite these challenges, there are two sections of Ohio law that provide for criminal actions against trespassing snowmobilers if you can apprehend them:

- Ohio criminal trespass laws make it a fourth degree misdemeanor to knowingly or recklessly be on another’s land without permission or to fail to leave after seeing “no trespass” or similar signs of restricted access or being notified by an owner. Committing this type of trespass while on a snowmobile doubles the fine to up to $500, and up to 30 days in jail is also possible. The court could also award damages for harm to the landowner victim of the criminal trespass. A second offense can result in impoundment of the title to the snowmobile.

- Ohio motor vehicle laws also address snowmobilers specifically. The law prohibits a snowmobiler from operating on any private property or in a nursery or planting area without the permission of the landowner or tenant of the property. The penalty for doing so is a fine of $50 to $500 and potential jail time of three to 30 days. Note that snowmobilers are also not allowed to operate on state highways, railroad tracks and railroad rights of way, and anywhere after sunset without required lighting. The law does allow snowmobilers to drive on berms and shoulders of roads, across highways if done safely, and on county and township roads if permitted to do so by the county or township.
Another potential legal strategy is to bring a **civil action** against trespassing snowmobilers. Again, that requires knowing who they are and proving that they were on your property. A few laws that could apply are:

- Ohio’s law on civil trespass is a court made law, and it requires showing that a person intentionally entered another’s land without permission and caused harm to the land. If a snowmobiler harmed the property while trespassing, this type of claim allows a landowner to seek compensation for that harm. Examples of harm that might arise include damaged fences, culverts, drives, and crops.

- If the snowmobiler behaved recklessly and caused damage, another law comes into play. Ohio law prohibits a person from recklessly destroying or injuring vegetation on another’s land, which includes crops, trees, saplings, vines, and bushes. “Recklessly” means with heedless indifference to the consequences of an act. To punish the reckless behavior, the law awards compensation to the landowner for three times the value of the destroyed vegetation. This law can be particularly helpful when the ground is not frozen and snowmobiling damages the crop beneath the snow.

Other than legal action, a few **management practices** might be helpful in deterring snowmobilers. We’ve removed many of the old fences that used to fence in our farms, but fencing is an obvious although costly solution. If you put up a fence, it should be noticeable and not just a thin wire or two. Consider flagging the fence with neon markers. Beyond fences, other actions can help mark property boundaries clearly. No trespassing signs serve this purpose, but make sure they are easy to see when there’s snow, are visible from a distance, and are placed where snowmobilers might enter the property. You may have other ways to restrict access to the area where snowmobilers enter, but be aware that you could be liable if you set up a “trap” or dangerous situation that harms a snowmobiler, discussed in the next section.

**Will you be liable if there’s a snowmobile accident on your land?**

Attorneys often prefer to answer a question with “it depends” but in this case, we could add “but probably not.” Generally, Ohio law doesn’t favor making a landowner liable for harm that a trespasser suffers while trespassing. But there are a few exceptions to the general rule:

- One exception is if the landowner commits a willful, wanton, or reckless act that harms a trespasser. Shooting at a snowmobiler is a good example, as is placing a single strand of barbed wire or thin wire across a drive or opening to “stop” snowmobilers. Landowners could be liable for harm resulting from these and similar intentional acts that could harm a snowmobiler.
Another exception to non-liability is if a landowner knows or should know that a trespasser is in a “position of peril” and fails to take ordinary care to prevent harm from the perilous situation. For example, if you know there’s a big hole in the middle of the field where snowmobilers always cross and you don’t mark it off so the snowmobilers can see it, you might be failing to protect them from a “position of peril.” Remember, the landowner must be aware of the perilous situation and must fail to take any protective measures for this exception to apply. Landowners don’t like knowing they can be liable to trespassers in such a situation, but the law expects us to protect people from harms we know of even if those people are trespassing.

The good news is that Ohio has a law that can make landowners completely immune from any liability for snowmobilers. The Recreational User Statute applies to non-residential premises like farms and parks, and states that the owner or occupant of the premises has no duty to keep a “recreational user” safe and no liability for injuries caused to or by recreational users. The catch, though, is that a recreational user is someone who has “permission” to be engaging in a recreational use on the property and is not paying for that use, unless the payment is through a leasing situation.

The practical outcome of the Recreational User Statute is that it protects landowners only if the snowmobilers have permission to be snowmobiling on the property. What if the snowmobilers never came to you for permission, or you don’t even know who they are in order to go and give them permission? One court in Ohio dealt with this situation, and concluded that a landowner who “acquiesces” to recreational users and does not tell them to leave is in effect granting permission. In that case, a snowmobiler who had snowmobiled across a farm for years without ever asking permission sued the landowners after wrecking in an area where the landowners had installed new drain tiles. Because the landowners had never told the snowmobiler to leave the property, the court held that the landowners had indeed granted permission. If other courts follow this reasoning, landowners have liability protection under the Recreational User Statute if they allow snowmobilers to use the property by way of not telling them to leave.

What solutions are we missing in Ohio?
There currently isn’t a perfect legal solution to the snowmobile problems many landowners are facing this winter. Owners can secure and mark their properties, call the sheriff, file a legal action, and hope the Recreational User Statute protects them from liability. But understandably, landowners may still get agitated and feel hopeless when they hear the snowmobiles coming.

Are there solutions that could better address landowner concerns about snowmobilers? After reviewing how other states have tackled snowmobile
problems, it appears that our trespass laws are quite similar to other states. Some states have a "purple paint" law that allows landowners to mark their boundaries with purple paint marks on trees and posts, making it easier to identify the boundaries. Ohio has tried but failed to pass a purple paint law.

A more noticeable difference between Ohio and other states is that Ohio has only 100 miles of groomed snowmobile trails, according to the American Council of Snowmobile Associations. Compare that to 20,000 miles in Minnesota; 6,500 miles in Michigan; 6,000 miles in Pennsylvania and 2,500 in Illinois. Could the lack of available snowmobile trails be a contributor to our problem in Ohio?

Some of the trails in other states are on public lands while others are a mix of public and private lands. Several states work directly with private landowners to enhance their trail systems. In Indiana, local snowmobile clubs maintain and monitor 200 miles of groomed trails that the state leases from private landowners. Minnesota’s United Snowmobilers Association works with landowners who allow snowmobile trails on their property through a “Landowner Trail Permit” system. Local snowmobile clubs maintain the trails and provide signage, and only registered snowmobilers may use the trails. State law protects the landowners from liability for trail use.

Before the snow flies next year, maybe we can develop these and other new ideas to address the old problem of snowmobile trespassing in Ohio.

**Health and Safety Recommendations for On-Farm Grain Bin Facilities**

By Wayne Dellinger and Dee Jepsen

Source: [https://agcrops.osu.edu/newsletter/corn-newsletter/2021-04/health-and-safety-recommendations-farm-grain-bin-facilities](https://agcrops.osu.edu/newsletter/corn-newsletter/2021-04/health-and-safety-recommendations-farm-grain-bin-facilities)
In the ten-year period from 2009 to 2018 Ohio had 9 fatalities in grain handling and grain storage facilities. Five of these fatalities were from suffocation and 2 were from falls from the structure, while the others involved auger entanglements. Purdue University reported 38 grain entrapments across the U.S. in 2019. Twenty-three of these entrapments resulted in a fatality. February 21st begins Nationwide Insurance Grain Bin Safety Week. Being the season when dry grains are being hauled to market and bins are being emptied, it is appropriate to provide winter safety reminders for the primary concerns at your on-farm storage facilities.

For respiratory protection, an N95 mask as a minimum is recommended. These items do what they are designed to do – keep 95% of the respirable grain dust from entering your nose and mouth. The COVID-19 pandemic has made it tough for some farms to find a supply of N-95’s, but as essential workers, farmers need to access and wear this protection while at working at their bins. The N-95 will also help prevent inhalation of any vomitoxins present within the corn. Another respirator that may be easier to find is the P-100. These respirators have a longer life-span than the N-95’s and are more readily available. To protect against vomitoxins and other molds, use a High Efficiency Particulate Air (HEPA) cartridge with your P-100.

Entrapments or suffocation may occur in different ways. In flowing grain, the farmer may be drawn down into the funnel and become entrapped. Grain may also crust or bridge on the top, leaving a void underneath. When this “bridged grain” collapses under the weight of the workers, they fall through and are covered in a matter of seconds. Grain may also accumulate on the side of the bin. This is particularly noticed in bins with moldy grain. As workers try to dislodge the hanging material, they can be crushed like an avalanche.

Avoiding entrapment starts with having a plan. It is recommended that all work be performed outside the bin – this eliminates the risk of entrapment. If a worker must enter a storage bin, never enter alone. Always have a second person remaining outside the point of entry. Prior to entry, turn off any electrical equipment and lock it.
out so that it cannot re-start while workers are inside. Consider installing a ladder on the inside of the bin to facilitate an emergency exit.

Consult with your local first responder units. It is a good idea to keep your local first responders involved with your operation. Invite them out for a tour and discuss resources available and potential scenarios that may evolve. Also talk to your fire and EMS units about their capabilities to respond to a grain bin emergency. Ask if they have rescue tubes available (even through mutual aid) if needed for an entrapment situation; and have they received training to know how to work together during an intense on-farm emergency. Training is available for Ohio first responders in several areas. You can contact the State Fire Academy or the OSU Agricultural Safety Program for options you may have in your geographic location.

Due to the hazardous nature of stored grain, always keep children away from storage bins, wagons, and trucks. If you would like additional information or the opportunity to participate in Grain Bin Safety Week, please go to http://mynsightonline.com/grain-bin-safety. Here you will find videos of real-life entrapment incidents and rescue training along with numerous webinars and articles to assist training employees or refreshing veteran workers on the farm.
Happy New Year! I’m sure some of you have received your private pesticide license renewal from the ODA, and are wondering how to get recertified. Admittedly, we are behind this year as we try to navigate changing guidelines from the state, county, and OSU on holding meetings. Hitting a moving target is a little challenging! We will make sure that everyone will get recertified one way or another.
While we prefer in-person programs, that is not possible in the near future. We have been granted permission by the ODA to hold virtual live meetings for pesticide recertification, and we have four sessions scheduled for the upcoming months. You can find those dates below, and registration links as well. These are live events and not recorded. We realize that not everyone has a computer, or reliable internet so we are working on some in-person events later this spring. We will provide updates on those in-person events when those are available.

Thankfully, the deadline for applicators with an expiration in 2020 and 2021 has been extended to July 1, 2021. We hope with the option of having recertification in warmer weather, we can move outside and get together in person. If you have any questions please give us a call and we will answer any questions you have.

- Normal/Agronomy
  - Date: March 10, 2021, Time: Daytime 10AM – 2PM
  - All categories, CORE and Fertilizer
- Normal/Agronomy
  - Date: April 7, 2021, Time: Daytime 10AM – 2PM
  - All categories, CORE and Fertilizer

You can register now at [https://go.osu.edu/NEOPAT21](https://go.osu.edu/NEOPAT21)

**Chow Line: Nonperishable foods to stock up on in advance of a snowstorm**

By Tracy Turner  

Due to this week’s snowstorm, I wasn’t able to get to the grocery store for a couple of days and we really weren’t prepared at all. What are some foods I should have on hand if I think I’ll be snowbound again for a few days?

Generally speaking, bread and milk are typically the first items that many people stock up on when a winter weather emergency is forecast.

While there are several theories as to why many people hoard bread and milk in anticipation of winter storms, the meteorologists at [AccuWeather.com](http://AccuWeather.com) attribute the trend to the record-breaking Blizzard of 1978, when New Englanders were trapped in their homes for several weeks and the items that were most purchased prior to the storm were, you guessed it, bread and milk.
However, if you really want to be prepared in the event of a snowstorm or other weather event that may keep you inside for a few days, you should make sure you have at least three days’ worth of food and water on hand, says the Federal Emergency Management Agency.

The average person needs 1 gallon of water per day, depending on their age, physical activity and health, the agency says.

You should also have enough nonperishable food for yourself, your family and your pets, advise the U.S. Food and Drug Administration, the Centers for Disease Control and Prevention, and the American Red Cross. On their food and beverage lists:

- Milk (yes, milk!) in either shelf-stable or powdered form in case you lose power.
- Cans of soups, stews, vegetables, beans and other items that can be eaten hot or cold.
- Dried meats like beef jerky and canned or vacuum-sealed pouches of tuna, chicken, potted meat or sausages.
- Snack foods such as whole-grain crackers and cereal, granola bars, dried fruit, applesauce, fruit cups, trail mix, nuts, and peanut or other nut butters.
- Fresh fruit that have a longer shelf life, like apples, oranges and pears.

And for pets, you should have on hand dry or wet food in cans or sealed containers or bags, in addition to enough water for each pet.

If your power goes out, remember to keep the refrigerator and freezer doors closed as much as possible to maintain the cold temperature, the U.S. Department of Agriculture’s Food Safety and Inspection Service advises. The refrigerator will keep food safely cold for about four hours if it is unopened. A full freezer will hold the temperature for approximately 48 hours, or at least 24 hours if it is half full and the door remains closed.

You should throw out refrigerated perishable foods such as meat, poultry, fish, soft cheeses, milk, eggs and leftovers if they’ve been without power for more than four hours.

Chow Line is a service of The Ohio State University College of Food, Agricultural, and Environmental Sciences and its outreach and research arms, Ohio State University Extension and the Ohio Agricultural Research and Development Center. Send questions to Chow Line author Tracy Turner, 364 W. Lane Ave., Suite B120, Columbus, OH 43201, or turner.490@osu.edu.
Sponsors for 2021 AG Day Sought

Every spring around 1,000 first graders from all Ashtabula County Schools descend on the Ashtabula County Fairgrounds to participate in Ashtabula County’s “Ag Day.” Coordinated by OSU Extension and the Ashtabula County Farm Bureau, the primary goal of Ag Day is to educate first graders on where their food comes from and to showcase the different types of agricultural commodities which are being produced in Ashtabula County. Due to the pandemic, last year’s Ag Day was postponed, with the plan of offering this year’s Ag Day to two classes. As the pandemic continues into 2021 there are still decisions that will be made to ensure both safety and great agricultural education is provided.

What will Ag Day 2021 look like? Currently there are some unknowns, but we are excited to be serving both Ashtabula County’s first and second graders. Due to the unknowns when it comes to in-person gatherings, we are working hard to be prepared for any situation. Our first choice would be to have all schools attend the event in person at the fairgrounds. This would be accomplished over two days (May 13 & 14, 2021). While we are preparing for in person, we know that for many reasons this may not be possible. That is why we are creating an Ag Day - classroom edition that can be done in classrooms or virtually online. This will include videos we are making from stations we would normally have and supplies that will be sent to the schools to provide the hands-on activities. Regardless of if we hold Ag Day online or in person, the online content and activities will enhance the Ag Day experience for years to come and offer the ability to educate students about agriculture beyond our one-day event. We plan on making a final decision in March and will continue to prepare for any situation.

Ashtabula County’s Ag Day program has become a community supported effort as over 300 volunteers and donors help to make this day a reality for the students. The cost of hosting this event is nearly $22,000 (both monetary and in-kind) and without the support of many this program would not be possible.

We are asking you to considering becoming a donor for the 2020 Ag Day and are offering 5 levels of sponsorship:

Platinum Sponsorship - $1,000 and over
Gold Sponsorship - $500 to $999
Silver Sponsorship - $250 to $499
Bronze Sponsorship - $100 to $249
Friends of Ag Day - $1 to $99

Northeast Ohio Agriculture

Ashtabula, Portage and Trumbull Counties
For 2020, we are asking all Ashtabula County farms, agribusinesses, and supporters of Ashtabula County Agriculture to consider donating to help us educate our youth about agriculture. Your gift to this program is 100% tax deductible. Donors are recognized in a variety of manners.

A sponsorship letter can be obtained by calling the Ashtabula office at 440-576-9008 or emailing Andrew Holden at Holde.155@osu.edu. If you are interested in volunteering at this year’s program or would like to be a sponsor, please contact Abbey Averill at 440-576-9008.

If you have never experienced Ag Day, please check out this short video from Ag Day 2019: https://youtu.be/3Aw_P2-fi8k
2021 OSU Winter Grape School

Thursday, March 4th, 2021

Virtual Event on Zoom
2:00 to 4:30pm
Followed by monthly meeting of Tri-County Grape Growers

Program:

2:00pm: Dr. Imed Dami, Research Program Update
2:45pm: Dr. Melanie Lewis Ivey, Research Program Update
3:30pm: Dr. Dough Doohan, Research Program Update
4:30pm: Tri-County Grape Growers Monthly Meeting

Private & Commercial Applicator Credit
2 Hours Pesticide Education Credit

Registration Link

https://osu.zoom.us/meeting/register/tJAldeuhpj8iHtBuTeQRXVRyFTTt9bzhGnQX
ARC/PLC for the 2021 Crop Year

February 25, 9:00-11:00am

Location: Zoom Webinar Cost: Free
Register: go.osu.edu/arcplc2021

Join OSU Extension for a webinar focused on the ARC/PLC decision for the 2021 crop year including updates on current market outlook and decision-tool calculators available to evaluate options. There is no cost to attend, but registration is required.

Register: go.osu.edu/arcplc2021

For more information contact: Mary Griffith, Griffith.483@osu.edu or 740-852-0975
Learn vegetable and flower gardening basics from the Ashtabula County Master Gardeners! Join us for this 5-part webinar series every Tuesday at 7:00 PM starting March 16th. Each program will be about 30 minutes long, with time to ask questions at the end. If you are wanting to plant a garden for the first time, or looking to improve your basic gardening skills, this series is for you! From types of garden, to plant care, to pest management, you’ll have the knowledge to help you grow fresh produce and flowers in no time!

**Tuesday, March 16th**
- Types of Gardens and Site Selection

**Tuesday, March 23rd**
- Soil Preparation and Testing

**Tuesday, March 30th**
- Plant and Seed Selection

**Tuesday, April 6th**
- Plant Care Through the Season

**Tuesday, April 13th**
- Garden Pest Management

**Location:** Online via zoom  
**Cost:** Free

**Details:** Sign up today at: [https://go.osu.edu/bgs21](https://go.osu.edu/bgs21)

**Contact information:** For any questions or assistance signing up, please contact Andrew Holden at Holden.155@osu or call 440-576-9008