Hello Northeast Ohio Counties!

May is here but we are still receiving some April showers this week. Field work has slowed from the rain as we await some more dry weather.

If you own property with Miscanthus grass on it, or if you are considering renting ground with Miscanthus and removing it, check out the final article that goes over the current state of the crop here in NE Ohio.

Have a great week!

Lee Beers  
Trumbull County Extension Educator

Andrew Holden  
Ashtabula County Extension Educator

Angie Arnold  
Portage County Extension Educator
The Ag Law Harvest
By: Jeffrey K. Lewis
Source: https://farmoffice.osu.edu/blog/fri-04302021-800am/ag-law-harvest

The final day of April is already here! Spring feels like it has finally arrived and planting season is in motion across Ohio. Just like farmers in the field, legislatures, government bodies, and courts across the country are hard at work addressing critical agricultural and resource law issues. We've gathered a collection of those issues for this Ag Law Harvest.

Debt relief for socially disadvantaged farmers is in the works. The USDA has announced its plans for implementing debt relief to socially disadvantaged producers mandated by the American Rescue Plan Act of 2021 that Congress passed in March. The payments will be 120% of any outstanding Farm Service Agency Direct and Guaranteed Farm Loans and Farm Storage Facility Loans held by a socially disadvantaged farmer on January 1, 2021. The additional 20% on top of the loan balance is for tax liabilities associated with the payment, as it will be considered income. For purposes of this debt relief program, a “socially disadvantaged producer” is one who is Black or African American, American Indian, Alaskan Native, Hispanic or Latino, Asian American or Pacific Islander. A producer must indicate the identification on the Customer Data Worksheet, USDA Form AD-2047, filed with the FSA. Producers who fit into the socially disadvantaged producer definition can update those forms now with the local FSA office. No other action by a producer who is eligible for the debt relief is necessary, as the FSA will notify producers of the payoff process as it occurs. For more information, visit this webpage for the USDA’s American Rescue Plan Debt Payments.

Missouri’s Truth in Labeling Law. In 2018, Missouri enacted a law making it a criminal offense to “misrepresent a product as meat that is not derived from harvested production livestock or poultry.” Violators could potentially face up to one year in prison and/or a fine up to $2,000.00. Shortly after the law went into effect, Turtle Island Foods Inc., a business that makes Tofurky (an alternative meat product) and advocacy groups such as the Animal Legal Defense Fund (collectively the “Plaintiffs”), filed a lawsuit challenging Missouri’s law on the grounds that the law violated the U.S. Constitution including the Free Speech Clause of the First Amendment, the Due Process Clause of the Fourteenth Amendment, and the Dormant Commerce Clause. The district court denied Plaintiffs’ request for an injunction determining that Missouri’s law only prohibits companies from misleading consumers. Plaintiffs then appealed to the federal circuit court. Last month the Eighth Circuit Court issued its opinion and agreed with the district court. However, the Eighth Circuit noted that the facts of this specific case did not support overturning Missouri’s law, but that facts and circumstances of another case may provide otherwise. As it stands, Missouri’s law remains in full force and effect.
Renewable Fuel Standard deadlines extended. The EPA issued its final rule extending deadlines for obligated parties to comply with Renewable Fuel Standard deadlines for 2019 and 2020. Under the extension, small refineries must submit 2019 compliance forms by November 30, 2021, and their associated attest engagement forms by June 1, 2022. For 2020, obligated parties must submit their compliance documents by January 31, 2022, and their associated attest engagement reports by June 1, 2022. Lastly, the EPA extended the deadline for obligated parties to submit attest engagement reports for 2021 to September 1, 2022, the deadline for 2021 compliance documents remains unchanged.

Ohio man sentenced for stealing grain. How often do you hear of farmers being victims of theft and a criminal on the run? Well, last month an Ohio man was sentenced to one year in prison and 5 years of probation after stealing over $94,000.00 in harvested grain. The defendant took his employer’s gravity wagon full of grain and sold it to a local co-op in Ashland County under false pretenses. After the theft was discovered, the defendant fled from Ohio, eventually having to be extradited from New Mexico. This case demonstrates just how vulnerable farmers are to potential crimes. For more information on intentional harm to farm property and your rights, check out our law bulletin.

Iowa passes agricultural trespass law. Iowa lawmakers have recently passed a new law that will make certain types of trespass on Iowa farms a criminal offense in an effort to stop animal activists and others from secretly documenting activities. House File 775 makes it illegal to take soil or water samples and samples of an animal’s bodily fluids or other byproducts. Additionally, the law makes it a crime to place or use a camera on the farm property without the owner’s consent. Proponents of the law argue that such laws are necessary to protect private property rights and prevent bioterrorism. Opponents of the bill are expected to challenge the law on First Amendment grounds.

USDA discussing current issues surrounding shipping U.S. agricultural exports. USDA had a meeting with the U.S. Department of Transportation and agricultural stakeholders to discuss the challenges of exporting U.S. agricultural products. Challenges arose in the fall of 2020 and have only continued to get worse. With the resurgence of international trade, nearly every sector of the supply chain has been under stress, including warehousing, trucking, rail service, container availability, and vessel service. Farmers have long struggled with finding a market for their products and getting a fair price for their work. With worldwide markets opening back up, the USDA and the Department of Transportation are hard at work trying to ensure that U.S. farm products reach consumers across the globe.
Farmers to Families Food Box program to end May 31, 2021. As part of the Coronavirus Food Assistance Program announced in April 2020, the Farmers to Families Food Box program was designed and implemented as a temporary relief effort to purchase produce, dairy, and meat products from American farmers and distribute these products in family-sized boxes to Americans in need. In a letter to stakeholders, the USDA announced that due to the improving economy and the access food insecure Americans have to expanded federal nutritional programs like SNAP, WIC, P-EBT, and more, the need for the Farmers to Families Food Box program no longer exists. The USDA also stated that the lessons learned from the Farmers to Food Box program will continue to be implemented in current and future programs. The USDA has already begun to offer a fresh produce box on a temporary basis through The Emergency Food Assistance Program (TEFAP) and is in the process of designing a Dairy Donation Program to facilitate the timely donation of dairy products to nonprofit organizations that distribute food to persons in need and to help prevent and minimize food waste.

Grant program to enhance the waters of Lake Erie. The Ohio Department of Agriculture (ODA) has announced that the USDA has awarded ODA’s Division of Soil and Water Conservation a five-year, $8-million grant to help improve the water quality in Lake Erie. The program will reinforce Governor Mike Dewine’s H2Ohio initiative by assisting farmers in developing nutrient management plans and conservation practices. The grant will be available to farmers in Crawford, Erie, Huron, Marion, Ottawa, Richland, Sandusky, Seneca, Shelby, and Wyandot counties. Farmers can start applying for the program through their local soil & water district office later this summer.

Radio Frequency Identification (RFID) tags replacing the branding iron? Last year the USDA’s Animal and Plant Health Inspection Service proposed to approve a rule that would require using RFID ear tags for use on cattle that move across state lines. While the rule has not yet been finalized, the proposed rule, which is supposed to take effect January 2023, has not been free of controversy. The USDA believes the use of a RFID tag will provide the cattle industry with the best protection against the rapid spread of animal diseases. Some farmers, on the other hand, feel they should be able to use currently approved methods to maintain their cattle. To fight for their right, the Ranchers Cattlemen Action Legal Fund (R-CALF) has filed a lawsuit in a Wyoming Federal Court on behalf of some Wyoming cattle producers. R-CALF argues that the USDA has improperly used advisory committees to create new rules in violation of the Administrative Procedure Act and the Federal Advisory Committee Act. Essentially, R-CALF argues that neither the USDA nor its subcommittees followed correct procedure as required by federal law in order to create this proposed RFID rule. R-CALF seeks to prevent the USDA from using the recommendations obtained from the subcommittees in violation of federal law and in its place ask the court to require the USDA to revisit the RFID ear tag issue with subcommittees that are compliant with federal law.
All farm employees are set to receive overtime pay in the state of Washington. Last November the Washington Supreme Court ruled that Washington’s exclusion of dairy workers from overtime pay was in violation of the state’s constitution. Since the Washington Supreme Court ruling, several class-action lawsuits were filed against Washington dairy farmers for unpaid overtime hours, threatening to wipe out the Washington dairy industry. Fearing the worst, Washington legislators worked diligently to pass Senate Bill 5172 ending the overtime exemption for all of agriculture and to make the transition for agricultural employers as smooth as possible. The prevents lawsuits for unpaid overtime from being filed after the Washington Supreme Court decision and to phase in overtime in the agriculture industry. Beginning in 2022, agricultural employees will be paid overtime for time worked over 55 hours in any one workweek and by 2024, employees shall be paid overtime for any time worked over 40 hours in any one workweek. Senate Bill 5172 awaits the Washington Governor's signature.

**The Surprising Power of Chicken Manure**

By: Eric Hamilton


Each year, American farmers raise billions of chickens, more than enough for a “chicken for every pot,” as Herbert Hoover’s campaign once promised.

But all those birds mean a lot of something else: manure. Poultry litter is the mix of manure and bedding materials coming from the poultry industry. Farms produce millions of tons each year.

Like other animal wastes, poultry litter is a natural choice as farm fertilizer. Although it’s widely used, there’s still a lot we don’t know about how — and if — poultry litter helps crops.

In new research, scientists in Mississippi tested just that. They looked at how applying poultry litter to fields over several years would affect the soil and crops grown afterward. The work was recently published in *Soil Science Society of America Journal*.

“Our goals were to develop sustainable management practices and guide farmers to increase row crop production while keeping nutrients in the field and improving soil...”
health,” says Gary Feng, member of the Soil Science Society of America and lead author of the new study.

Farmers often come to Feng and his colleagues asking how to best use poultry litter. So the team has been researching the best answers.

On Mississippi State University test fields, they came up with three fertilizer treatments. In one, they would apply poultry litter. In another, they would use commercial chemical fertilizers. The control treatment received no nutrients.

After five years of these treatments, they planted soybeans for three years and measured how well they grew. The scientists also tested the soil, which has a big effect on crops.

Feng’s group found poultry litter has a significant impact on the soil. The soil that received poultry litter was less compacted. Soil compaction is a common problem that can reduce how well water moves through the ground.

The upshot was that soil receiving poultry litter could save farmers about one watering event a season. That means money saved.

“In other words, the soil could let more rainwater get into soil and hold more rainwater for rainfed crops to use when the field is dry or save irrigation costs for irrigated land,” says Feng.

Another important component of soil is how much carbon it holds on to. Carbon-based organic matter usually improves soil.

Although the poultry litter added a lot of carbon over the years, that carbon tended to evaporate as carbon dioxide in the hot and humid region. So at the end of the experiment, the soil carbon didn’t change a lot.
Because carbon dioxide is a greenhouse gas, tracking soil carbon also gave the scientists insight into greenhouse emissions.

“Our results overall provide bases for developing guidelines for greenhouse gas emission predictions and for more realistic expectations of soil carbon improvement from applying poultry litter,” says Feng.

Soybeans planted in the fields grew better in the years after poultry litter was added to the soil. One year later, soybean yields were 8% higher. And three years later, yields got even better. They were 11% higher than in fields that received synthetic fertilizers.

“Left over nutrients from litter in the previous consecutive application can maintain higher soybean yield for three more years after stopping litter application,” says Feng.

Because a large portion of poultry production takes place in the Southeast U.S., this research on local crops and soils is especially valuable to farmers in the region.

“These results are useful for development of management practices that improve soil health and function,” says Feng.

These findings could be helpful to crop farmers deciding how to fertilize their fields. And poultry farmers can get a clearer picture of the value of the litter they produce.

Gary Feng is a soil scientist with the U.S. Department of Agriculture. This research was supported by the Mississippi Soybean Promotion Board.

Feed Your Cows and Your Forage

By: Garth Ruff, Beef Cattle Field Specialist, OSU Extension
Source: [https://u.osu.edu/beef/2021/04/28/feed-your-cows-and-your-forage/](https://u.osu.edu/beef/2021/04/28/feed-your-cows-and-your-forage/)

Spring has arrived, a successful Ohio Beef Expo is in the rear view, and for many Ohio beef producers, there are calves on the ground. This is a critical time in the beef and forage production cycle for many producers, especially those with spring calving herds. As we come into the forage growing season and wrap up much of the cold weather hay feeding, now is an important time to consider nutrition, not only for the cow herd but for our forage crops as well.
The highest energy demand of the cow is during peak lactation, approximately 60 days post calving. During this time in the production cycle, we also are asking that cow to return to estrous and be rebred in a timely manner. To maintain a 365-day calving interval, we have roughly 85 days between calving and getting that female rebred in which we need to supply high quality forage, either in the form of lush, growing pasture, or stored forages.

If unable to graze do to soil conditions, feed higher quality, 2nd or 3rd cutting hay or supplementing energy via corn silage or whole shelled corn. The need for supplemental energy will depend in part on the cow’s body condition at calving and milk production. When making genetic selections, milk production should be matched to available feed resources.

Providing high quality feed is even more important when we think about first calf heifers who in addition to lactation, have additional requirements for growth and development. The challenge of getting two-year-old females rebred is only further complicated when forage quality is poor during the stage of the production cycle between calving and breeding.

Underfeeding females during this time will impact two calf crops, the calf that is currently suckling and potentially the next crop, if rebreeding and conception is delayed.

Now is also a good time to consider the nutrient requirements of our hayfields and pastures. More often than ideal, forage fertility is often neglected. Maintaining optimum forage fertility will improve yields and feed quality compared to nutrient deficient forage crops.

Each ton of hay harvested takes with it about 13 lbs of P2O5 and 50 lbs of K2O

Performing soil tests on a regular basis, at minimum every three years are key to maintaining forage fertility. Soil test either in the fall or spring but be consistent in when you do it.

In many cases especially in eastern/southern Ohio where we tend to have more acidic soils, correcting pH is a good place to start. When soils are acidic, below a pH of 6 mineral availability to plants is often reduced. A spring or fall lime application can help rectify low pH issues.
Other nutrients to consider are phosphorus and potassium. Phosphorus can be applied either before or after a first cutting hay crop, or in the fall. Potassium is similar, although potassium applications should not exceed 300 pounds per acre per year. The goal with these two nutrients to build and maintain fertility levels. Nitrogen can also be used to increase yield and quality of forage crops that are predominantly grass. Nitrogen applications should be minimal early in the spring and in stands with a greater percentage of legumes, alfalfa or clover.

Forage fertility can have significant impacts on forage yield and quality. For the coming growing season OSU Extension has developed a series of forage fertility trial protocols, designed to be implemented on livestock and forage farms across Ohio. If interested in conducting a forage fertility trial, or improving forage quality on your farm, let me know at ruff.72@osu.edu or contact your local OSU Extension educator.

**NE Ohio Miscanthus Update - Extension Talk**
By: Andrew Holden

Hello Ashtabula County! April showers returned to close out the final days of the month and put a pause on the planting efforts here in the county. While precipitation pushes planting back, it was welcomed as most of Northern Ohio was considered to be experiencing moderate drought. With the added moisture and weather finally warming back up, it is time again for corn and soybean seeds to be planted. For the next few weeks, the fields of Northeast Ohio will be alive with the sound of tractors and equipment. Whether you are planting in a field, working in your garden, or just taking a walk in the wood, I hope everyone can find time to get outside and experience the beauty of springtime. As seeds are sown and buds break, springtime always reminds me of the potential of the upcoming year. Today, I will recapitulate the information that was shared in the Miscanthus Update: For Landowners and Farmers webinar held April 27th over zoom. This article will cover the many topics that were shared and discussed from removal options to a CAUV update from our auditor's office.

**A Brief History of Miscanthus in NE Ohio**
*Miscanthus x giganteus* also known as Giant Miscanthus is a sterile hybrid grass typically grown for biomass or biofuels. As part of the Biomass Crop Assistance Program, the USDA selected NE Ohio and NW Pennsylvania as a project area. This allowed for BCAP funding to be available to encourage the planting and harvesting of biomass crops. Aloterra Energy took advantage of this program to assist them in eventually planting roughly 4,600 acres of Miscanthus in the surrounding area. The crop has been here now for about 10 years, and it has been said to last upwards of 20 years or more depending on growing condition and management. When Miscanthus was first introduced to the area, there were many proposed uses for the biomass, including
burning it with coal for electricity, biofuels, flooring, paper products, and more. What the biomass was eventually used for was biodegradable clam shell to-go containers and a very effective absorbent product, mainly used in the oilfield. Unfortunately, due to internal and external factors Aloterra was eventually unable to pay landowners and other depts which resulted in them entering a court-appointed receivership in early 2020. As Aloterra was the only entity harvesting Miscanthus and held contracts for all the acreage in the area, the miscanthus crops began to be left unharvested in the fields.

Current Status of Miscanthus
Today, most of the Miscanthus has not been harvested in 2-3 years. Most landowners have not received rent payment on their properties for multiple years. In addition, those who are receiving a tax reduction under the Current Agricultural Use Value program, or CAUV, are at risk of losing their designation if the land is not used for agriculture for a certain period. If a landowner were to lose CAUV status, they would be liable for recoupment of the tax savings over the last 3 years of agricultural use. To make things more difficult, Miscanthus can be difficult and expensive to remove due to the size and structure of the plant. Large equipment is needed to mow and till Miscanthus fields. It has been removed here in Ashtabula County and it is not impossible to do so, just difficult.

Aloterra Energy no longer exists and all lease agreements with them are now null and void. Landowners are free to do what they wish with their property, including termination and removal of the Miscanthus. Aloterra has reorganized as Warrior Marketing LLC with many of the same people that were part of Aloterra. According to a letter sent to landowners, Warrior Marketing plans on marketing miscanthus and sharing the profits from its sales with landowners, minus the expenses for harvesting and marketing. Warrior has already harvested and sold some miscanthus this year, but only a small percentage of the total acreage. Those interesting in working with Warrior Marketing, may not be able to, as they shared that they will be forced to reduce low yielding acres or acres with high harvest costs. If demand from third parties increases for miscanthus, Warrior will be able to harvest more acres.

Removing Miscanthus
Another option to keep ground in production is to terminate and remove Miscanthus. As I mentioned previously, removal can be expensive and difficult, but it is not impossible. The first step is one that is often a major barrier for most, removing the standing biomass from the field. Removal is important so that herbicides can be applied, and tillage can be done. This is difficult because there are tons of biomass per acre that may not have been harvested in a few years. There have also been reports of popped tires from the sharp stalks left after mowing. When it comes to dealing with the biomass there are a few main options, harvesting the crop, mowing it and leaving it in field, and burning it. Harvesting it is limited due to the limited demand for miscanthus. Mowing or
chopping it back into the field is less desirable than removing it completely but is likely the most obtainable option. If chopped finely, the grass will decompose quickly when tilled into the soil. The final option is burning the standing grass. This is not recommended unless there is approval from your local fire department. Burning off the Miscanthus will increase the plants vigor and you must follow a burn with an herbicide treatment. As of now I am aware of only one entity willing to custom mow miscanthus fields. Doxstader Custom Harvesting will mow miscanthus for $62.00 an acre. The Biomass will be chopped and left in field. For more information contact Josh at 315-794-9088. After removing the biomass, we recommend an application of glyphosate at heavy rates. This will be most effective if the Miscanthus has grown back to a height of 12 inches tall before applying. Even at a heavy application rate, one application may not get 100% control. After herbicide application we recommend regular tillage and planting Roundup Ready crops in order to expose any surviving Miscanthus to more applications. If herbicide is not an option, mechanical control can be performed in the form of constant mowing. Miscanthus can be killed by repeated mowing, but it may take 2-3 growing seasons. For this option we recommend mowing close to the ground twice a year to once a month during the growing season when it is active.

Cost to Remove
There are many different costs associated with Miscanthus removal, including mowing, herbicide applications, tillage, and nutrient replacement. As stated above, custom mowing may cost around $60 per acre if you need to hire it done. Herbicide applications and tillage could cost up to $100 per acre as well. Most Miscanthus fields will also need fertilized to become traditional row crop fields again. Overall, the cost to convert a field could be anywhere up to $175 per acre. This will depend on many different factors and may be more or less depending on the situation. The main point being that there is a significant cost to removing Miscanthus.

Possible Options for Landowners and Farmers
The options for landowners are limited due to the cost involved and the fact that most who rent their property do not have access to farm equipment. One option for landowners is to hire custom operators and agribusinesses to remove the Miscanthus. This would be a large up-front cost paid out of pocket by landowner. The land would be available to farm immediately by anyone willing to rent year to year. Another option is to make a deal with a local farmer to remove the biomass in exchange for not having to pay to lease the field for a couple years. The landowner will not have a huge up-front cost and the farmer will be able to farm the land ‘rent free’ after removing the Miscanthus. Any variation of this option is a possibility. We do recommend that any deal is confirmed by a written lease to hold both parties accountable. With the high cost of removal, 3-5 years without rent may be appropriate. One final option is working with Warrior Marketing LLC to help market your miscanthus. This option is dependent on demand and is currently very limited.
CAUV Update
I was glad to have our County Auditor David Thomas along with Heather Hall, CAUV Specialist, join me to offer an update on the CAUV situation regarding Miscanthus. Mr. Thomas stressed the importance of contacting the Auditor’s Office and working with them on CAUV status if you haven’t yet done so. Hall shared that 59 landowners are receiving CAUV with Miscanthus, of those 22 have shared they are working with Warrior Marketing or removing it. Those that have not contacted the Auditor yet should do so as each situation is different, and they can assist on a case-by-case basis. Hall also shared landowners harvesting the Miscanthus for their own commercial activity, such as bedding for livestock, will still receive CAUV. Again, anyone receiving CAUV under Miscanthus is encouraged to contact the Auditor’s Office if they have not already done so.

Our office is collecting information on Miscanthus removal. If you have had success or difficulties removing Miscanthus, please contact me at 440-576-9008. If you are aware of anyone else who is willing to custom mow Miscanthus, please contact our office so their information can be shared. A recording of the webinar is available on my Facebook page: https://www.facebook.com/AHolden440 or by searching ‘Miscanthus Update: For Landowners and Farmers’ on YouTube. For more information on Miscanthus, contact our office at 440-576-9008 or email Holden.155@osu.edu
The Geauga County OSU Extension office will be hosting a re-certification session for private pesticide applicators on **Wednesday, May 19, 2021** at Abner Miller’s Produce Packing Barn from 1:00 p.m. to 4:00 p.m. This session will offer 3 credits for pesticide re-certification for CORE and All Categories (1-7). The cost of this session is $35 per registrant.

A fertilizer certification session will be held immediately following the pesticide re-certification session from 4:00 p.m. to 5:00 p.m. This session will allow farmers to renew their fertilizer certification (for farmers who apply commercial fertilizer to 50 or more acres). The cost of this session is $10 per registrant.

**Pre-registration is required by May 17th.** Mail attached registration form with check payable to **OSU Extension**, P.O. Box 387, Burton, OH 44021. If you have any questions, please contact the Extension office at 440-834-4656.

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**Private Pesticide Applicator Re-Certification & Fertilizer Re-Certification – May 19, 2021 Registration**

(Please make check payable to OSU Extension and Mail to OSU Extension, P.O. Box 387, Burton, OH 44021)

**Name_________________________ Pesticide Applicator number________________**

**Address_________________________ Email Address________________________**

**City_________________________ Phone Number________________________**

**State____ Zip code____ County________________________**

Check the Categories Needed for Re-certification

__Core    __1    __2    __3    __4    __5    __6    __7    ___Fertilizer

**Fee Required (check all that apply):**

Private Pesticide Applicator Re-Certification ($35) $___________

Commercial Fertilizer Applicator Re-Certification ($10) $___________

**Total Fee Due** $___________

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**THE OHIO STATE UNIVERSITY**

**COLLEGE OF FOOD, AGRICULTURAL AND ENVIRONMENTAL SCIENCES**

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