



Water Quality Management Issues - Update

Defining the Issue

In March 2018, the Kasich administration announced plans to propose a vast new regulatory authority over Ohio farmers. Among many provisions, the Ohio Environmental Protection Agency proposal would include classifying commercial fertilizer as an agricultural pollutant, which would dramatically increase the state's power to dictate fertilizer application practices.

Ohio Farm Bureau immediately took action, relaying to legislators the negative impact these regulations would have to the farming community and secured from the legislature a commitment to work with Farm Bureau before a bill is introduced. Farm Bureau views this proposal as an immense expansion of state regulatory authority. There has been no assessment of the plan's agronomic, environmental or economic consequences and could leave farmers confused as there are already multiple existing regulatory systems in place.

Ohio Farm Bureau, always in close contact with lawmakers, will continue to communicate farmers' commitment to water quality solutions. "Members of the General Assembly have traditionally been thoughtful and transparent as they deliberate complex agriculture and water quality issues," said Ohio Farm Bureau Executive Vice President Adam Sharp. "We're glad this EPA proposal must go through the legislative process before it could become law." *Farm Bureau's message is that improving water quality and producing food are not mutually exclusive goals.*

Other developments on the issue include:

Expanding Nutrient Management Plans

Farmers in the Western Lake Erie Basin (WLEB) are getting significant new resources to further their efforts to protect water quality. Farm Bureau and its partners will work with farmers to expand the number of individuals who have Nutrient Management Plans. In addition, the project will increase the use of soil testing to achieve improved nutrient management.

New research indicates that nutrient runoff can be meaningfully reduced when farmers have accurate data on crop nutrient needs and then follow a detailed plan that simultaneously maximizes efficient production and minimizes nutrient loss. A series of workshops will provide farmers with individualized Nutrient Management Plans. Ahead of the workshops, farmers will be advised on obtaining soil tests from which their NMP will be written. The plans will be completed using a program developed by the Ohio Department of Agriculture. The partnering groups presenting the workshops are the Ohio Certified Crop Adviser Program, Ohio Federation of Soil and Water Conservation Districts and Ohio State University Extension.

Ohio Farm Bureau, along with other agriculture leadership groups* sent a letter to Gov. John Kasich explaining the new Nutrient Management Plan program and reminding him about the millions of farmer dollars invested in research. The letter also reviewed the extensive regulations that farmers are already subject to and cautioned against arbitrary additions to these requirements. It asked that regulators be transparent as they consider actions that will impact farmers. The letter also noted the

current economic conditions most farmers are facing and reminded the governor of the principles of his administration's Common Sense Initiative to have an economy friendly regulatory climate for all Ohioans.

Clean Lake 2020 Plan

State Rep. Steve Arndt, R-Port Clinton, and Sen. Randy Gardner, R-Bowling Green, announced a plan to reduce nutrient loading into Lake Erie. In a statement, the lawmakers' announcement explained two major initiatives. The first is the *Clean Lake Capital Fund* which may appropriate up to \$100 million per year for five years for both Lake Erie algae reduction and agricultural best practices. Projects may include establishing tools to improve manure application processes, reduce open lake disposal of dredged materials, fund local government green infrastructure and projects to help reduce nutrient and sediment runoff.

The second provision is a new *Soil and Water Support Fund*, with some funding provided directly to soil and water conservation districts to assist farmers in soil testing, nutrient management plans, installing edge-of-field drainage devices, encouraging subsurface placement and conservation practices that may include riparian buffers, filter strips and cover crops.

Ohio Farm Bureau has expressed support for this concept and believes that funding science-based solutions will help solve Ohio's water quality issues.

Ohio EPA Impairment Declaration

Ohio EPA intends to declare the open waters of the Western Lake Erie Basin to be impaired. The decision to list the open waters of Lake Erie as impaired will have no immediate impact on farmers or the lake's water quality. "Our biggest worry is that the public may get the impression that this is the silver bullet that will eliminate harmful algal blooms. It won't," said Adam Sharp, executive vice president of Ohio Farm Bureau.

The professional consensus is that the designation in and of itself means little. It does not create mandatory actions, nor does it provide federal money. It excludes Canada's role in protecting the lake. It also will create a long and complicated bureaucratic process that may impede current progress on reducing harmful algal blooms.

Farm Bureau's analysis suggests the regulatory and legal process could take five to seven years before actual nutrient reduction steps would be taken. Further, uncertainty over what actions might be required in the distant future may cause municipalities, farmers and others in the regulated community to question their current efforts to improve water quality.

"It's hard to reach the goal line when no one can explain the rules or even tell you where the goal line is," Sharp said.

Farm Bureau has never opposed the designation, but the organization has promoted the Great Lakes Water Quality Agreement as a preferable plan for improving water quality. This agreement maps out specific targets and strategies to attain a 40 percent reduction in phosphorus loading into the lake by 2025. It was signed by the United States and Canada, and Ohio is already implementing its portion of the agreement.

Additionally, multiple federal and Ohio laws regulate farming practices to reduce nutrient runoff from farm fields. Along with compliance with these regulations, farmers are taking many voluntary steps to protect water. Farm organizations have invested millions of dollars into research that identifies farming practices that are environmentally friendly. The most recent is a collaboration between Farm Bureau, Ohio Certified Crop Advisers, Ohio Federation of Soil and Water Conservation Districts, Ohio

State University Extension and eight other farm organizations* to provide farmers with formal Nutrient Management Plans that spell out specific steps to lessen nutrient runoff.

"While we remain unconvinced that the impairment designation was necessary, we will make sure that farmers' voices are heard throughout the process. More importantly, we'll continue to work with our farmers to find solutions that are beneficial to both Lake Erie and Ohio's farm community. We firmly believe that productive farming and clean water are not mutually exclusive," Sharp said.

** These organizations include: The Ohio Agribusiness Association, Ohio Cattleman's Association, Ohio Corn and Wheat Growers, Ohio Dairy Producers Association, Ohio Pork Council, Ohio Poultry Association, Ohio Sheep Improvement Association and the Ohio Soybean Association.*

AFBF Policy

Any watershed management plan should include among its goals and objectives the preservation of agricultural productivity and the livelihood of farm families in the watershed.

We support:

- Nonpoint source programs that emphasize a voluntary, incentive-based approach;
- Federal assistance to administer a state-developed voluntary assurance program to assist farms and agricultural producers with conservation efforts;
- Efforts to address nonpoint runoff and improving water quality that target impaired watersheds using a "worst case first" approach;
- Federal funding levels adequate to develop site-specific information, technical assistance, cost-sharing for local programs, and upgrading septic systems;
- BMP or accepted agricultural practices that are developed locally with producer involvement and financially practical for landowners to voluntarily apply;
- Farmers and ranchers retaining the right to modify their nutrient management plans at any time based on changes in their farming/ranching operations;
- The promotion of management practices to improve water quality should depend on what is challenging the integrity of the water body. Specific management practices should not be promoted over others as a guaranteed solution;
- Grants and loans with reduced interest rates for nutrient management storage systems and related equipment;
- Efforts to control the phosphorous content of runoff from all contributors;
- A requirement that TMDL allocations be redone when science indicates that the existing allocations are incorrect;
- State and federal regulatory agencies balancing wetland mitigation requirements with the need for optimized tile drainage for food, fiber and fuel production;
- BMP or accepted agricultural practices as an alternative to numerical standards to more effectively address the point and nonpoint sources of pollution that greatly vary in a regional watershed;

We oppose:

- EPA efforts to gain greater regulatory authority by including nonpoint source pollution controls under the federal storm water discharge permit program;
- Any attempts by EPA to dictate specific practices and regulations to control nonpoint source pollution;
- Limits on agricultural cost programs;
- Altering approved nutrient management plans;
- Any enforceable mechanisms to address nonpoint source pollution. Enforceable programs should be developed and implemented by the states;
- Using regulations to address agricultural, nonpoint source issues related to TMDLs of pollutants in streams;

- Mandatory requirements to carry out the nonpoint source management programs;
- Mandated fencing of streams and riparian areas;
- EPA's efforts to revoke the administrative exemption for silviculture from the NPDES permitting process;
- Mandatory financial assurance (bonding) for nutrient management facilities associated with AFOs or CAFOs;
- Designating water flow from farm fields or drainage tile as point sources of pollution under the CWA;
- The current CAFOs requirement to maintain a daily water inspection log; CWA permits for the lawful use of pesticides; EPA requiring NPDES permits on forest roads for timber harvesting; and
- Federal regulation or control of runoff water into non-navigable streams.

OFBF Policy

As responsible stewards of our land, water and air resources, we support:

- Efforts of the OFBF water quality initiative, the OFBF Strategic Vision for Water Quality and Healthy Water Ohio;
- member establishment and participation in local watershed groups, as well as assessment and evaluation of local water resources;
- Adequate funding of local watershed groups for the development and implementation of watershed management plans, and encourage local political jurisdictions to partner in the development and implementation of watershed management plans;
- Member involvement in the local implementation of state water quality initiatives such as the Source Water Assessment and Protection (SWAP) Program and Total Maximum Daily Load (TMDL) Program;
- Use of scientifically based and economically sound conservation practices to protect surface and ground water resources that are delivered in a flexible and voluntary manner;
- Watershed specialists in the Ohio Department of Natural Resources and the Ohio State University Extension in the implementation of the Watershed Action Agenda;
- A state income tax credit for water quality improvement projects; and
- Monitoring the licensing and enforcement of Ohio public water systems for agricultural, horticultural and related operations and assisting affected members with compliance.

Discussion Questions

1. Identify and describe the water quality and watershed management issues facing agriculture within the region. Please identify if your council members live and work in or outside the WLEB.
2. Identify the watershed management education and training programs your members have participated in during the past few years. How have such programs changed as water quality and watershed management issues have risen in concern?
3. What are your neighbors saying about water quality? If given the opportunity to discuss these issues, what points would you bring out in the conversation? How can your county Farm Bureau provide you with more information on these issues?
4. Local governments and community organizations are getting involved in water quality education and outreach projects. What entities in your neighborhood outside of agriculture/agribusiness should be working with Farm Bureau to address these issues?