



Ohio Department of Agriculture



Governor Ted Strickland
Lieutenant Governor Lee Fisher
Director Robert J. Boggs

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May 30, 2007

Clair L. Aldrich
1562 Findlay Road
Woodville, OH 43469-9823

Dear Mr. Aldrich:

Your letter to the Ohio Department of Health concerning the Hillbex and New Ijsselstein dairies in Sandusky County, Ohio, has been forwarded to my office for a response, since the Ohio Department of Agriculture (ODA) has regulatory authority for permitting large livestock and poultry farms. Thank you very much for your letter. I appreciate it when citizens take the time and make the effort to provide input to state agencies.

I am certainly aware of the concern many citizens have with large farm operations. Currently, both of these dairies have applications for permits under review by the Ohio Department of Agriculture, Livestock Environmental Permitting Program (LEPP).

I want to share with you information regarding these two proposed dairies, as well as, information about the permitting process and its relationship to local governing bodies.

X
Local county and township officials largely determine development within their legislative boundaries. Applicants filing permit requests with ODA, are required to notify the board of county commissioners and the board of township trustees when an application is submitted. Hillbex Dairy and New Ijsselstein Dairy have fulfilled this requirement.

X
Permit applicants may seek agreements with local governments to use Tax Increment Financing (TIF) or Enterprise Zone programs within the Ohio Department of Development that set aside tax dollars from new facilities such as dairies, to be used as determined in the agreements. Such money can be used to fund road improvements or made available to the local school district. These arrangements should be set in place by the township trustees, county commissioners, and the applicants prior to beginning construction of the farm facility.

The Ohio Legislature in Senate Bill 141 created the ODA LEPP. It is the LEPP Division at ODA that administers the permitting process. Because it was the legislature that created the laws that large farms must meet, any stoppage or moratorium with respect to these laws lies within the purview of the legislature, not an executive agency such as ODA. Neither I, nor ODA, have the authority to refuse to implement a program that has been enacted into law.

ODA began permitting and inspecting concentrated animal feeding facilities (CAFFs) in August 2002. At that time, ODA assumed responsibilities over CAFFs, which previously had been regulated by the Ohio EPA since that Agency's creation in 1972. The state's authority to regulate sources of water, in place of local ordinances governing nuisances, has been well-law in Ohio for over 30 years.

The Ohio Department of Agriculture implemented rules to insure that such farms prevent surface and groundwater contamination from animal waste nutrients. ODA LEPP requirements also include review of many different areas including siting criteria, geological information, design criteria and careful inspection of construction sites.

The ODA LEPP regulated farms must also carefully follow department rules prescribing the timing and rate of manure application, as well as, the location, weather and soil conditions required to be present at the time of application. ODA has also implemented the use of specialized agricultural inspectors to enforce science based regulations which were developed in conjunction with many environmental professionals, including those from Ohio EPA and the Ohio Department of Natural Resources. These regulations meet federal standards in all environmental areas and exceed federal standards in ten such areas. Although there have been manure lagoon failures in other states, there has never been a failure of a lagoon constructed in compliance with the United States Department of Agriculture (USDA) Natural Resource Conservation Service Ohio engineering standards upon which the ODA LEPP standards are based. Under my direction, the LEPP Division will continue to assure that such standards are met and that the protections they afford to the citizens of Ohio continue.

It is also noteworthy that, while the federal government requires ODA's LEPP to inspect only 25 large farms per year, the LEPP staff have performed more than 1,200 inspections since the department began regulating large farms in 2002. Federal program requirements expect that a full inspection of permitted farms be conducted only every five years, but LEPP conducts a full inspection of each permitted farm every six months. And, while not required by state law, LEPP inspectors respond to all written and oral complaints. However, the LEPP staff has received only one fly complaint and two odor complaints arising from permitted dairy farms, since the permitting program was instituted.

Another factor for consideration is that permitted dairies have had a positive economic impact on their local communities. These farms provide markets for other agricultural products and services. Livestock uses over 94 percent of Ohio's total soybean meal production. Additionally, because of the high price of commercial fertilizer today, many grain farmers welcome the opportunity to use the manure from a large dairy farm as a more economical, nutrient-rich organic fertilizer. Most large dairies also rely on local veterinary services and local businesses for supplies and equipment.

There are currently about 273,000 dairy cows in the state, which is considerably fewer than the high of 1,138,000 recorded in 1945. Today, Ohio is a milk deficient state and must rely on other states to meet our dairy production requirements.

I hope that this letter has been responsive to your inquiry, and helps to alleviate some of the concerns you have expressed with respect to these dairy farms. Please know that Ohio's laws and regulations were designed to help assure that large animal farms do not pose a danger to the environment of the state nor to its citizens.

I would like to extend the opportunity to visit one of the already permitted dairies, so that you could see the farming operation and view the manner in which the laws and regulations of Ohio have been implemented. If you would like to accept this invitation, please call Bill Schwaderer at ODA LEPP, telephone number 614-387-0914. Bill will be happy to assist you with the arrangements to visit a dairy. Thanks again for your time and interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Boggs". The signature is written in a cursive, somewhat stylized font.

Robert J. Boggs
Director

Cc: Anne R. Harnish, Acting Director of Health