Hello Coshocton County! The month of June is here. It is one of my favorite months of the year; especially since it is June is Dairy Month!

The month of June was kicked off with a pasture walk last evening at the Lee and Phyllis Debnar farm in Millcreek Township. What a beautiful night for a pasture walk (and beautiful farm). OSU Extension Educator, Clif Little from Guernsey County lead a great discussion to nearly 40 producers in attendance. Josh Britton from NRCS and Zach Wallace from SWCD also spoke at this event. A big thank you to Don Brown and Leroy Hershberger in spearheading the effort to make this program a reality.

Today’s issue has a lot of great forage/hay articles and information on another cyber attack—this time it is not fuel but beef. Also a new wool assurance program has been rolled out.

Have a great week!

Sincerely,

David L. Marrison
Coshocton County OSU Extension ANR Educator
Local Beef Quality Assurance Recertification Trainings Planned

Coshocton County Extension will be hosting a series of Beef Quality Assurance re-certification trainings to allow beef and dairy producers to re-new their beef quality assurance certification. In total, 165 producers will need to obtain re-certification before the end of 2021. To help producers, obtain their certification, the Coshocton County Extension office will be offering both in-person and Zoom virtual sessions throughout the remainder of the year. Pre-registration is required for each session as space is limited. There is no fee to attend. Upcoming events include:

June/July In-Person Re-Certification Sessions

Wednesday, June 30 or
Monday, July 12
7:00 to 8:30 p.m.
Coshocton County Services Building
Room 145, 724 South 7th Street.
Call 740-622-2265 to pre-register
No registration fee

June/July Zoom Re-Certification Sessions

Monday, June 21 or
Monday, July 19
7:00 to 8:30 p.m.
Via Zoom
Pre-registration is required at
go.osu.edu/bqa-cosh

Additional trainings will be offered throughout 2021. Online certification and recertification is also available anytime at https://www.bqa.org/beef-quality-assurance-certification/online-certifications.

Profiting on Cull Cattle

By: Dean Kreager, Ohio State University Extension Agriculture and Natural Resources Educator, Licking County (originally published in Ohio Farmer on-line)
Source: https://u.osu.edu/beef/2021/05/26/profiting-on-cull-cattle/

As cattle producers we often look at ways to improve our bottom line. Where can we profit the most from our production? Is it from sales of feeder calves, breeding stock, finished cattle, freezer beef or some combination? This decision may change from year to year based on economic conditions, feed availability, and facilities.

One type of sale that sometimes gets overlooked is the sale of cull animals. National studies estimate the value of these sales amounts to 15 – 30% of the revenue for beef farms. These culls make up 20% of the beef consumed. Considering the value and importance of these animals to the supply chain we should look at ways that we can manage them to increase our profits.

There are many reasons for culling animals. Physical problems, poor performance, age, reproduction, and falling outside of a calving window are all common reasons. These reasons can have a big impact on how and when we cull these individuals with the goal of receiving the highest income.

Research out of the University of Tennessee demonstrated that...
while a cow may be 4 or 5 years old when it reaches its breakeven point, missing 1 calf can increase that by 2-3 years and if they miss 2 calves they may not break even in their lifetime. Culling those cows that miss a calf often is your best decision.

There are 2 important factors that go into the price you receive for those cull animals. The first is the time of year when the animal is being sold and the second is the body condition of the animal.

Many years of market price evaluations have revealed rather consistent trends. Typically cull cow prices begin to rise in January, peak in March and remain relatively constant until August. From August until October they drop, and then remain steady until January when they begin to rise again. Of course, these are averages and any individual animal can fall outside of this pattern. Following these trends we would usually like to market culls between February and August. While this fits the schedule for fall calving herds it is not such a good fit for most people with spring calving herds.

The second factor affecting price is body condition score (BCS). Cull cows are divided into 3 categories of marketing classes. Breakers are those with a BCS above 7. Boners fall into the 5-7 BCS range, while leans and lights have a BCS of 1-4. The lights are the very small, light muscled individuals. The dressing percentage and carcass quality grade also factor into the price. Several years of observations have shown that breakers do not bring more than boners so feeding culls beyond a 7 BCS will probably not improve profits. Breakers and boners typically earn 4-5% over leans while lights bring 16% less than leans.

Given this information, in an ideal world we would like to sell all our cull animals during the season high and have them at a body condition score above 5. With spring calving herds, the problem is that we are weaning calves when the cows are both at their lowest BCS and at the seasonal low in price. The positive is this can play into your favor if you can find a way to put those cows on feed for a little while. Thin healthy cows can have good feed conversion and compensatory gain. On top of the increased price from weight gain, you will likely receive a higher price due to seasonal variation. Research in South Dakota showed that keeping thin cull animals on corn stalks and a supplement for 70 days, from November 15th to February 1st, resulted in an extra income over expenses of $125 per head in 2019. This capitalized on both increased value from weight gain and improvement in price by seasonal variation.

Not all culls should be put on feed. Cows with chronic physical conditions may get worse with time. Those animals should be marketed as soon as possible. Cows with a high BCS will probably cost more to feed than any price increase that may come from seasonal variations. There likely is not an advantage of additional gain on these animals. Finally, if you are in a seasonal high for the market, such as in July, additional feed costs of keeping culls for another 70-90 days and selling at a seasonal low probably would not make sense. A final consideration for increasing the value of cull cows is to breed and market good young cows that fall outside of your calving window. These bred cattle that may fall into someone else’s calving window. The value of good quality, young, bred cows would also provide a premium over normal slaughter prices. Finding individuals that have a use for these cows could be worth the effort when they would otherwise have become routine culls.
**JBS Cyber Attack**
By: Josh Maples, Assistant Professor & Extension Economist, Department of Agricultural Economics, Mississippi State University
Source: [https://u.osu.edu/beef/2021/06/02/jbs-cyber-attack/](https://u.osu.edu/beef/2021/06/02/jbs-cyber-attack/)

News broke over the holiday weekend that JBS had suffered a cyber attack that caused disruptions at some plants globally. According to a [statement by JBS](https://u.osu.edu/beef/2021/06/02/jbs-cyber-attack/), the attack affected “. . . some of the servers supporting its North American and Australian IT systems.”

![Cattle Slaughter Graph](image)

It is unclear the full extent of the attack or the impact it might have on slaughter in the United States. Daily slaughter estimates have not been released at the time of this writing. The figure above does not include any data since the attack. Cattle futures markets have been volatile in trading today as market participants react to emerging information.

The June contract opened about $3 below Friday’s closing price. Contract months further in the future opened around $2 lower than last week. The range of trading for the June live cattle contract was a low of $111.48 to a high of $114.85. The June contract was $2.50 lower at the end of the trading day and the August was down $2.25. The August feeder cattle futures contract was down $2.73 and other months were down less. Overall, cattle futures prices were lower but this was not a limit-down day.

Looking ahead, the duration of the impact on cattle markets will directly depend on how long the attack impacts cattle processing operations and the severity of the disruptions in terms of reduced slaughter. Beef markets would also be impacted by any disruptions. All impacts are speculative at this point. For cattle producers, more information is needed to understand the impact this might have on prices and decision making. Many producers and analysts will be watching the release of the [USDA daily slaughter cattle reports](https://www.ams.usda.gov/AMSv1_xbide/ProdDetail?prodId=0030652) to better understand the potential impact of the attack on slaughter totals.

**Fertilizing Hay and Pastures**
By: Mark Sulc and Greg Labarge

Many hay producers across the state have completed or are in the process of completing their first cutting of the year. One of the two best times to topdress maintenance fertilizer on hay is right after the first cutting. The other top choice is in the early fall. Remember that hay crops will remove about 50 lbs of K2O and 12 lbs of P2O5 per ton of dry hay harvested.

Fertilizer can be topdressed on hay or pastures at any time during the growing season, but right after the first cutting and early fall provide times when the soils are usually firm enough to support fertilizer spreading.
equipment and the nutrients are applied to actively growing plants when they are most needed. A recent soil test should be the guide for what nutrients to apply and how much. If nutrient deficiencies are suspect, then tissue tests can be helpful in diagnosis along with the soil test values. Where high rates of phosphorus and potassium are recommended, there is an advantage to splitting the application, with half applied now after the first harvest and the remainder applied in the fall.

The Ohio State University Extension has an Excel tool to help you determine the right rates to apply based on your soil test report. The OSU Fertility Recommendation Calculator and a user guide are available at https://forages.osu.edu/forage-management/soil-fertility-forages.

Strategic applications of nitrogen might be needed on pure grass hay and pasture stands. Moderate amounts of nitrogen (30-50 pounds N/Acre) can be applied in June through early July after the first cutting or after the spring flush and reproductive stages of the cool-season grasses are over in pastures. This application will stimulate summer hay growth or pasture grass growth that can be stockpiled for use when pastures slow down later in the season. This application should be limited in acreage for pastures, based on how much grass growth is needed to carry the herd or flock.

Be aware of the forecasted weather conditions when applying nitrogen. While moderate rainfall will incorporate most sources of nitrogen when topdressed, be mindful when predicted rainfall exceeds 1 inch which increases potential losses of nitrogen into downstream water sources.

It’s All About Maximizing a Grazing Season
By: Victor Shelton, NRCS State Agronomist/Grazing Specialist
Source: https://u.osu.edu/beef/2021/06/02/its-all-about-maximizing-a-grazing-season/

It’s June. Am I the only one who feels like we lost a month somewhere? The longer-than-normal cooler spring has warped time a little. Forages in the last 14 to 21 days went from vegetative to seed heads. No, it’s not your imagination, that was a bit early.

Not only was seed head production early, but the quantity of seed heads was also higher. Grass plants tend to react to stress factors by initiating their survival mode. This generally means they produce more seed. Cool season forages prefer cool, moist growing conditions. It has been a little cooler and while soil moisture conditions have varied quite a bit across the area, it’s leaning more towards the drier side now, especially in some spots.

The real kicker this year, I believe, was late freezes. New spring growth was a little early this year and there was quite a bit of growth present, actually a lot in some locations, when temperatures dropped to below freezing. I was concerned about row crops that had been planted, fruit trees that were blooming, tender transplants in the garden, and heavy frost/freezes on forages. Cool season forages are pretty tolerable to frosts; freezing conditions can be a little more detrimental. I noticed light colored tips and even some whitening on orchardgrass. The plants quickly appeared to grow out of this with no ill effects, but I believe that the late freezes this year were the stress factor trigger that set the stage for earlier and heavier seed head production.

That push might not have been all bad. With drier weather conditions in many areas a lot more hay was cut this spring in a much timelier manner. This usually indicates higher quality hay. Depending on the severity of
the earlier freezes and fertility, which is always a factor, yields for first cutting hay have been pretty good for the time frame.

I have always been a promoter of forage/pasture staging. What you really don’t want to happen in a grazing system is all of your forage becoming mature at the same time. You really want to keep it as vegetative as possible for as long as possible. Years like this one make that extremely challenging. The fields that were “just” grazed are even trying to go to seed. Remember, the grass decided to go into survival mode just to be on the safe side. This is also where I have to ask myself sometimes, “does the grass know something that we don’t?” I’ll even go out on a limb and say, could it possibly know what weather might lie ahead? Honestly, I don’t think so, but it sure appears that way sometimes. Early maturity could conceivably be tied to future drier conditions, but that would be assuming a lot. The real topic at hand is how to manage this floodgate of maturing forage.

When forages are growing fast, move the animals likewise. When forages start slowing down, then the rotation can also slow down some. It is still important to keep the animals moving and never grazing closer than three to four inches whenever possible on cool season forages. When the floodgates are open though, you are usually better off top grazing. Top grazing is literally just that, allowing the animals to just graze off the very top one third or so of the plant. Certainly, less than “take half, leave half” and quite a reduction from stop grazing heights for sure. The normal goal should be to maintain as much pasture as possible in what I’ve referred to in the past as “stage two” growth – quality vegetative leafy growth prior to seed head production. We are past that now! We now just need to try and get forages back under some type of control. If this is not a problem for you and forage is short, then you actually have a bigger issue.

For most people, the first reaction is cutting it for hay. This can be a viable option, but quite often gets way out of hand. I’ve seen a few people cut everything for hay. What are some of the ramifying factors of doing that? First, that is a lot of nutrients being removed and moved; ka ching; enough said on that. Second, if it turns dry, and it could, you will end up turning around and having to feed that to the livestock quicker and usually less efficiently than if it was just grazed.

You never want to feed hay when you can be grazing except when doing so will provide needed rest for the pasture or prevent overgrazing, such as during a drought. On a few rare occasions, I’ve seen people feeding hay while making hay with very puzzled looks on the cows faces. In that case, there are way too many wheels turning and I don’t know how you pencil that out. If you know that a certain amount of forage is going to be needed to feed the herd, leave it and let the cows work for you more! They work for grass.

I’d much rather have a problem with too much grass than not enough grass. But as I mentioned earlier, I’d rather try and keep forages as vegetative as possible too. If you can’t top graze fast enough, and that is certainly possible right now, then mechanical topping might be warranted to help keep it vegetative and growing.

If you find yourself in this situation, then top the last paddocks that were grazed with the bushhog to delay the urgency of needing to return to those a little longer. This slight topping and deferment will usually reap benefits as long as sufficient moisture is available and even help some if moisture is short.

Raise the mower up enough to, ideally, only remove stems and seed heads and very little leaf matter. Once leaf matter is removed, regrowth slows some because of the removal of good photosynthetic plant material. Removal of stems and seed heads should not be a large amount of material. Mowing deeper into the stand and laying down too much material not only removes some of that solar panel, but it also covers up a good bit of it, too. This slows regrowth and tillering; exactly what we want to promote.

If you can’t mow it high enough then you have two choices; graze it or hay it. If you plan ahead and these runaway fields are ones that could use additional soil organic matter, improved soil health and/or nutrient cycling, then you are better off grazing them. Strip-grazing them is then the best scenario to achieve those goals, allocating out strips or small blocks of this forage using high stock density for a very short time frame.
The livestock will eat the best and lay down and help re-set the rest. Grass that is “trampled down” is not wasted; it is mulch for moisture conservation and fertilizer for future growth. These fields are often some of the best stockpile for later use. This can be done even with mature forages that got skipped, but expect slightly less intake depending on the forages present.

Now, most producers do need some hay, and mowing it earlier rather than later means higher quality forage and probably more potential for increased regrowth. As any grass or legume plant matures, quality declines in terms of crude protein, energy and digestibility. Figure out how much hay you think you will really need for winter use and then stop. If you keep it vegetative, it is really not going anywhere. Grazing it is still the most efficient use of it and is usually the easiest on your bottom line. Remember, it’s not about maximizing a grazing event, but maximizing a grazing season! Keep on grazing!

**Poisonous Pasture Weeds & Livestock**

By: Dwight Lingenfelter  
Source: [https://extension.psu.edu/poisonous-pasture-weeds-and-livestock](https://extension.psu.edu/poisonous-pasture-weeds-and-livestock)

During drought and other poor environmental conditions that reduce forage growth, there are concerns for poisonous weeds in pastures and hay. Livestock may be forced to graze on weeds that normally they would not, or they may eat weeds out of curiosity. Scout your pastures and remove these weeds before they cause livestock health problems. Keep in mind there are numerous poisonous plants that could invade an area or pasture. Many plants contain potentially poisonous substances that may be toxic to livestock if consumed. In addition, certain plants may be problematic because of mechanical irritation when eaten, photosensitization, and disagreeable tastes or odors in meat, milk or milk products. If you suspect livestock poisoning, call your local extension educator or veterinarian immediately. If death occurs, the stomach contents should be examined for consumed herbage. Identify the suspected plants and remove livestock from the grazing area until all poisonous plants have been removed or destroyed. The table below lists only some common weeds and their poisonous properties; many other plants can be toxic to livestock.

Key points about weed forage quality and poisonous plants:

- Some weeds have excellent nutritive quality.
- Weeds in the vegetative stage of development usually are more nutritious than more mature weeds.
- Regardless of weed quality, livestock may avoid grazing certain plants because of taste, smell, or toxicity.
- Some plants contain potentially poisonous substances that may be toxic to livestock if consumed – properly identify potential problem weeds and consult with a veterinarian if necessary.
- A productive pasture is important to reduce the potential incidence of toxic weed exposure to livestock. Remember to soil test and maintain the proper lime and fertility levels. If possible, routinely mow or spray to manage weed problems within and around pasture area.
- Recently, there has been some research that suggests that for every pound of weeds present in pastures, available desirable forage is reduced by one to one and a half pounds! So, if a pasture is really weedy, there is a lot of forage that is not being consumed by the livestock or is unable to compete with the weeds.

For additional information and resources on plants that are poisonous to livestock see these sites: [Cornell University](https://www.cornell.edu/); [Colorado State University](https://www.colostate.edu/); and the [Weed Science Society of America](https://www.weedsci.org/). In addition, there are numerous other websites that contain information on this subject. Simply conduct a web search for poisonous...
Selected poisonous plants of the Northeast
(Information adapted from Fishel 2000; Hardin 1973; and Hill and Folland 1986 and D. Wolfgang, (retired, Penn State))

<table>
<thead>
<tr>
<th>Common name</th>
<th>Problem/symptoms</th>
<th>Toxic ingredient – toxicity dosage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bouncing bet</td>
<td>Leaves and stem – delayed for several days; depression, vomiting, abdominal pain, diarrhea</td>
<td>Saponin – amount equivalent to 3% (dry wt.) of sheep wt. killed within 4 hr.</td>
</tr>
<tr>
<td>Buttercups</td>
<td>Leaves and stem especially in flower. Dried hay loses toxicity – anorexia, salivation, weakness, convulsions, breathing difficulty, death</td>
<td>Protoanemonin – toxicity reported to vary with species, age, and habitat. Generally 1-3% of body weight necessary.</td>
</tr>
<tr>
<td>Cherry, black</td>
<td>Leaves (wilted leaves are worse), stems, bark and fruit – anxiety, staggering, breathing difficulty, dilated pupils, bloat, death</td>
<td>Cyanogenic glycosides – Less than 0.25 lb leaves (fresh wt.) can be toxic to 100 lb animal. Leaves from several small to mid sized branches are sufficient to kill an adult animal.</td>
</tr>
<tr>
<td>Clover species</td>
<td>Vegetation – Hairballs; Sweet clover: nose bleeding, anemia, abdominal swelling</td>
<td>Coumarin with sweet clover - varies</td>
</tr>
<tr>
<td>Fern, bracken</td>
<td>Entire plant – Dullness, fever, bleeding, loss of appetite, and salivation</td>
<td>Glycoside thiaminase – Cattle fed 50% bracken for 30 to 80 days was toxic. Others report that only 20% of diet for 30-60 days was toxic.</td>
</tr>
<tr>
<td>Garlic, wild</td>
<td>All plant parts – tainted milk and meat</td>
<td>Only toxic in large quantities</td>
</tr>
<tr>
<td>Hemlock, poison</td>
<td>All plant parts – nervousness, salivation, vomiting, diarrhea, weakness, paralysis, trembling, dilation of pupils convulsions, and coma, death</td>
<td>Coniine and others (pyridine alkaloids) – 0.5 to 4% (fresh wt.) equivalent of cattle wt. is toxic. In horses, 0.25% of body weight.</td>
</tr>
<tr>
<td>Jimsonweed</td>
<td>Entire plant (seeds are most toxic – Thirst, mood swings, convulsions, coma, death</td>
<td>Solanaceous alkaloids – 0.06 to 0.09% (dry wt.) equivalent of animal body wt. is toxic.</td>
</tr>
<tr>
<td>Locust, black</td>
<td>Leaves (especially wilted), seeds, and inner bark - Causes weakness, depression, anorexia, vomiting and diarrhea</td>
<td>Phytotoxin robin, glycoside robitinm – bark extract and powder in amount equivalent to 0.04 – 0.1% of animal wt. toxic to horses. Cattle 10-times more tolerant.</td>
</tr>
<tr>
<td>Milkweeds</td>
<td>Entire plant – depression, muscle tremors, spasms, bloat, difficult breathing.</td>
<td>Glycosides and galitoxin – 0.3 to 0.6% of body weight.</td>
</tr>
<tr>
<td>Mustards</td>
<td>All parts (especially seeds) – oral and gastrointestinal irritation, shaking, salivation, abdominal pain, vomiting, and diarrhea</td>
<td>Thiocyanates, irritant oils, and nitrates (large quantities generally necessary for toxicity)</td>
</tr>
<tr>
<td>Nightshade species</td>
<td>Vegetation, unripe fruit – loss of appetite, salivation, weakness, trembling, paralysis</td>
<td>Solanine – toxic at 42 mg/kg (LD50). 0.1 to 0.3% of body weight.</td>
</tr>
<tr>
<td>Pigweed species</td>
<td>Foliage (worse in drought) – kidney disease, weakness, edema, rapid respiration</td>
<td>Nitrates nitrate oxalates, unknown – 0.5 to 1% of diet. Sheep, hogs, and young calves most susceptible.</td>
</tr>
<tr>
<td>Pokeweed, common</td>
<td>Entire plant, especially roots - gastrointestinal cramps, weakened pulse, respiration, salivation</td>
<td>Phytolactinm – 10 or more berries can result in toxicity to humans. Unknown for livestock, but perhaps 100-200 berries/1000 lb.</td>
</tr>
<tr>
<td>Snakeroot, white</td>
<td>Leaves and stem – constipation, loss of appetite, salivation, rapid respiration. Toxin passes through milk (milk sickness).</td>
<td>Trophine alkaloid – varies from 1 to 2% of animal body wt. after 2 weeks. Toxic cumulative.</td>
</tr>
<tr>
<td>St. Johnswort</td>
<td>Flowers and leaves – photosensitivity which leads to redness of muzzle, around eyes, and around white hair.</td>
<td>Hypercin - uncertain</td>
</tr>
</tbody>
</table>
**Recommendations for Soybeans Planted in June**

By: Laura Lindsey  
Source: [https://agcrops.osu.edu/newsletter/com-newsletter/16-2021/recommendations-soybeans-planted-june](https://agcrops.osu.edu/newsletter/com-newsletter/16-2021/recommendations-soybeans-planted-june)

According to the USDA National Agricultural Statistics Service, 66% of soybean acreage in Ohio was planted by May 23. As soybean planting continues into June, consider row spacing, seeding rate, and relative maturity adjustments.

**Row spacing.** The row spacing for June planting should be 7.5 to 15 inches, if possible. Row width should be narrow enough for the soybean canopy to completely cover the interrow space by the time the soybeans begin to flower. The later in the growing season soybeans are planted, the greater the yield increase due to narrow rows.

**Seeding rate.** Higher seeding rates are recommended for June plantings. The final (harvest) population for soybeans planted in June should be 130,000 to 150,000 plants/acre. For May planting dates, a final stand of 100,000 to 120,000 plants/acre is generally adequate. (For more information on soybean planting date and seeding rate interactions see this video: [https://www.youtube.com/watch?v=6pqQSB4VBBQ&t=1463s](https://www.youtube.com/watch?v=6pqQSB4VBBQ&t=1463s) starting at minute 8:00.)

**Relative maturity.** For June planting dates, select the latest maturing variety that will reach physiological maturity before the first killing frost. This is to allow the plants to grow vegetatively as long as possible to produce nodes where pods can form before vegetative growth is slowed due to flowering and pod formation. The recommended relative maturity ranges are shown in the table below.

<table>
<thead>
<tr>
<th>Planting Date</th>
<th>Suitable Relative Maturity</th>
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<tbody>
<tr>
<td>Northern Ohio</td>
<td></td>
</tr>
<tr>
<td>June 1-15</td>
<td>3.2-3.8</td>
</tr>
<tr>
<td>June 15-30</td>
<td>3.1-3.5</td>
</tr>
<tr>
<td>July 1-10</td>
<td>3.0-3.3</td>
</tr>
<tr>
<td>Central Ohio</td>
<td></td>
</tr>
<tr>
<td>June 1-15</td>
<td>3.4-4.0</td>
</tr>
<tr>
<td>June 15-30</td>
<td>3.3-3.7</td>
</tr>
<tr>
<td>July 1-10</td>
<td>3.2-3.5</td>
</tr>
<tr>
<td>Southern Ohio</td>
<td></td>
</tr>
<tr>
<td>June 1-15</td>
<td>3.6-4.2</td>
</tr>
<tr>
<td>June 15-30</td>
<td>3.5-3.9</td>
</tr>
<tr>
<td>July 1-10</td>
<td>3.4-3.7</td>
</tr>
</tbody>
</table>

**A Spring Full of Pesticide Law – Part 1**

By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law  
Tuesday, June 01st, 2021  
Source: [https://farmoffice.osu.edu/blog/tue-06012021-900am/spring-full-pesticide-law-part-1](https://farmoffice.osu.edu/blog/tue-06012021-900am/spring-full-pesticide-law-part-1)

Spring is a common time for farmers to deal with pesticides and insecticides, but this spring the legal system has also been busy with pesticides and insecticides. Important legal developments with dicamba, glyphosate, and chlorpyrifos raise questions about the future of the products, with proponents on both sides pushing for and against their continued use. In today’s post, we summarize legal activity concerning dicamba. Part 2 to
this series will cover recent developments with Roundup.

**Dicamba registration lawsuits.** In April, the federal courts resumed two cases filed late last year that challenge the registration and label of dicamba products made by Bayer, BSF and Syngenta. The cases had been on hold since February due to the change to the Biden Administration and its EPA leadership. Center for Biological Diversity v. EPA, in federal district court in Arizona, claims that the 2020 registration of the products should not have been granted because the registration fails to meet the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) standard that a pesticide may not cause “unreasonable adverse effects” to the environment. Relief requested by the plaintiffs includes overturning the registration approvals and also ordering EPA to officially reverse via rulemaking its long-standing policy to allow states to impose local restrictions on pesticide registrations under FIFRA’s Section 24(C).

In the D.C. district court, American Soybean Association v EPA takes the opposite approach and argues that the EPA exceeded its duties under FIFRA by imposing application cutoff dates of June 30 for soybeans and July 30 for cotton and establishing 310-foot and 240-foot buffer zones for certain endangered species. The plaintiffs in that suit want the court to remove the cutoff dates and buffer restrictions from the approved dicamba labels. Manufacturers Bayer, BASF, and Syngenta have intervened in the cases, which both now await responses from the EPA.

Two additional challenges to the dicamba 2020 label approval were consolidated for review to be heard together by the D.C. Circuit Court of Appeals and now await the court’s decision. National Family Farm Coalition v. EPA originally filed in the Ninth Circuit Court of Appeals, argues that EPA failed to support its conclusion of “no unreasonable adverse effects” and did not ensure that endangered species and critical habitat would not be jeopardized by approved dicamba use. On the flip side, American Soybean Association v. EPA alleges that the 2020 label cutoff dates are too restrictive and buffer requirements are too large, which exceeds the authority granted EPA in FIFRA and the Endangered Species Act. The EPA has filed a motion to dismiss the cases but the plaintiffs have asked to be returned to the Ninth Circuit.

**Bader Farms Appeal.** The $265 jury verdict awarded last year to Bader Farms, which successfully argued that Monsanto was responsible for harm to its peach farms resulting from dicamba drift, is on appeal before the Eighth Circuit Court of Appeals. Monsanto filed its brief on appeal in March, arguing that the verdict should be reversed for several reasons: because the court had not required Bader Farms to prove that Monsanto had manufactured or sold the herbicides responsible for the damages, which could have resulted from third party illegal uses of herbicides; because the damages were based on “speculative lost profits”; and because the $250 million award of punitive damages violated state law in Missouri.

**Office of Inspector General Report.** The EPA’s Office of the Inspector General (OIG), also played a role in recent dicamba developments. The OIG is an independent office within the EPA that audits, investigates and evaluates the EPA. Just last week, the OIG issued a report on EPA’s decision in 2018 to conditionally register dicamba products, allowing them to be used during the 2019 and 2020 growing seasons. That decision by EPA ultimately led to a legal challenge by environmental groups, a holding by the Ninth Circuit Court of Appeals that the EPA violated FIFRA in approving the registrations, and a controversial order ceasing use of the dicamba products. The OIG evaluated the EPA’s registration decision making process for the dicamba registration. The title to its report, “EPA Deviated from Typical Procedures in Its 2018 Dicamba Pesticide Registration Decision” is telling of the OIG’s conclusions.

OIG determined that EPA had “varied from typical operating procedures” in several ways. The EPA did not conduct the required internal peer reviews of scientific documents created to support the dicamba decision. Senior leaders in the EPA’s Office of Chemical Safety and Pollution Prevention were “more involved” in the dicamba decision than in other pesticide registration decisions, resulting in senior-level changes to or omissions from scientific analyses to support policy decisions. EPA staff were “constrained or muted in
sharing their scientific integrity concerns” on the dicamba registrations. The result of these atypical operating procedures by the EPA, according to the OIG, was substantial understatement or lack of acknowledgement of dicamba risks and the eventual decision by the Ninth Circuit to vacate the registrations.

The OIG recommended three actions the EPA should take in response to the report: requiring senior managers or policy makers to document changes or alterations to scientific opinions, analyses, and conclusions in interim and final pesticide registration decisions along with their basis for changes or alterations; requiring an assistant administrator-level verification statement that Scientific Integrity Policy requirements were reviewed and adhered to during pesticide registration decisions; and conducting annual training for staff and senior managers and policy makers to promote a culture of scientific integrity and affirm commitment to the Scientific Integrity Policy. The EPA had already taken action on the OIG’s first and third recommendations but has not resolved the second.

Will the OIG Report affect ongoing litigation on dicamba, or lead to additional lawsuits? That’s a critical question without an immediate answer, and one to keep an eye on beyond this spring.

To read more about legal issues with dicamba, visit our partner, The National Agricultural Law Center and its excellent series on "The Deal with Dicamba" at https://nationalaglawcenter.org/category/the-deal-with-dicamba/

**American Wool Assurance Program**

By: American Wool Assurance Program  
Source: https://u.osu.edu/sheep/2021/05/25/american-wool-assurance-program/

The American Wool Assurance website launched on May 25 at AmericanWoolAssurance.org, is helping allowing American sheep producers to take a crucial step in certifying their wool through this voluntary, American industry-driven certification process.

The American Sheep Industry Association worked with Colorado State University the past two years to develop the voluntary program and standards that will allow manufacturers to purchase American wool with confidence that the animals producing that wool have been raised with a high level of care. Industry input from producers, shearers, buyers, extension, animal welfare experts and processors was critical in development of program standards.

“This is something that consumers and brands are asking for increasingly, and so it has become important to retailers, processors and wool buyers in recent years,” said ASI Deputy Director Rita Samuelson, who oversees wool marketing for the association. “We announced the standards for the voluntary American Wool Assurance program earlier this year and we know that many in the textile trade are anxious to buy wools with the assurance of best animal care practices. Launching the website and the accompanying education courses are important steps in the process. Most importantly, this process allows American wool producers to share their stories of using premium animal welfare practices, as well as their rich wool heritage.”

Sheep producers interested in earning certification should go to AmericanWoolAssurance.org and sign up as soon as possible. After filling out the initial sign-up form – which is for those involved in wool production only – users are then able to access the educational courses that are required to complete Level I (Educated) of the voluntary program. Producers must also complete ASI’s Sheep Safety and Quality Assurance course to complete the first level. Those who have previously completed the SSQA course will not have to complete it again.

The SSQA course – which is in the process of being updated – provides a foundation for care and handling of sheep. The AWA course narrows the focus to handling, shearing and production. It will guide producers
through three learning courses: an overview of AWA, year-round standards and shearing standards. The courses are user-friendly and can be accessed on any computer or mobile device with an internet connection. The AWA course should take about an hour for most producers to complete.

Following Level I accreditation, growers can become certified in Level II (Process Verified), which involves an evaluation by a second party such as a veterinarian or extension agent. Level III (Certified) requires an independent audit. To prepare for these next levels, growers are encouraged to develop an operating plan and hold records relating to each of the AWA standards. Additionally, training for veterinarians, extension and auditors is being developed and training will occur late this year and into next.

Following accreditation, growers can share their unique code with wool buyers, enabling buyers to verify the status of their certification. Additionally, as traceability becomes increasingly important, wool growers can choose if they would simply like to share the status of their certification, or if they would like to share more information, such as ranch name and general location.

"Accreditation in AWA certifies what growers are already doing, prioritizing the proper care of their sheep and provides another marketing tool for them," Samuelson said. "ASI suggests consulting with your wool warehouse or buyer for more information before making production and marketing decisions, as prices for certified wool will vary based on a number of factors. However, the feedback from wool buyers and processors is that international wools in an assurance program sell with a premium."

Small Ruminant A.I. Day in Licking County
By: Dean Kreager, OSU Extension Educator ANR, Licking County
Source: https://u.osu.edu/sheep/2021/05/18/small-ruminant-ai-day-in-licking-county/

The Licking County Sheep Improvement Association has been working with OSU Extension to provide the opportunity for multiple breeders to bring sheep to one location for artificial insemination. The August 2020 date marked the 3rd year of this event. Insemination of 104 sheep occurred during the 2020 event and included both fresh and frozen semen.

Below, breeding results from the 2020 event include the use of 20 different rams among 10 different producers.
- 71 inseminations with frozen semen and 33 with fresh
- Overall percentage of ewes inseminated resulting in live births = 55.8%
- Live lambs birthed per ewe = 1.53
- Pregnancy rate with fresh semen = 66.7%
- Pregnancy rate with frozen semen = 50.7%

These results provide an idea of results that could result from such procedures. Artificial insemination allows access to high quality genetics that would otherwise not be possible for many breeders from across the nation and around the world. We are continuing this program with another artificial insemination day planned for August 21, 2021. This year we are also including goats which may be held on August 22nd if there is enough interest. If you are interested in participating, please contact Dean Kreager at 740-618-6332 or by email at kreager.5@osu.edu.

Education: Not Just for Conservation
By: Zach Wallace, Coshocton Soil & Water Conservation District
Originally published in May 27 Farm and Dairy Newspaper

A few weeks ago I came back to the office late in the afternoon and received an email message from a concerned citizen, fearful about what the neighboring farmer was spraying on the crop field behind their home. They had just moved into a fairly rural area, most likely from an urban area, and had never seen farming practices up close before. This was during the nice stretch of weather that we had in late April, and it was easy for me to assume that the farmer was applying burndown herbicide to the field in preparation of planting. While
I take this knowledge for granted, the person who sent the email was extremely concerned about their property, well water, and pets who are out in the fenced in backyard. This person had no idea what was happening, only that a large tractor and trailing sprayer was covering the field with something, and that it had to be dangerous.

Like anyone else with a smartphone would do, this person took to the internet to answer the questions that they had. Not surprisingly, the internet told them that the farmer was most likely spraying glyphosate: an extremely dangerous herbicide that causes cancer in everyone that uses it. This has to be true, why else would juries in California award plaintiffs millions of dollars in lawsuits? Honestly, if I only had the internet to form my opinions about agricultural chemicals I would probably be scared out of my mind too.

While it would have been easy for me to laugh this off, I decided to take some time and try to educate this person on what exactly the farmer was trying to accomplish. I went into some depth on what glyphosate is, how it works, why it is popular with just about everyone, and why anyone can use it in the state of Ohio. I touched on the herbicide label, why it is the responsibility of the herbicide applicator to follow the label, and that farmers must take pesticide training and obtain a license to use the more restricted chemicals. I also wrote about general farming practices to try and help this person understand why the weeds need to be controlled in the crop field. I also added some personal experiences from my lifetime of being associated with farming and farm chemicals. Concluding the message, I encouraged the person to bring a sample of their well water to the local health department to be tested. That way they could know for sure that the water at the house is safe to drink. While I have not gotten a response from this person, I hope that the knowledge I shared helped to ease the fear and anxiety that was so clear in their email.

I didn’t share this to make fun of this person, but as an example of what the general public can think of our farming operations. Many people are moving from urban areas to the country, and often they have no idea of how the rural way of life can be. Common practices to us are as foreign to them as driving around in Columbus is to me. We can’t expect people who are 2 or 3 generations removed from the farm to adjust and accept our modern farming practices without any questions asked. We answer a lot of questions like this at the Soil and Water Conservation District. Even in Coshocton County people are moving in from surrounding urban areas, and they often have questions about what the big farm machinery is up to around their home.

While it is part of my job to educate the general public, I would suggest that it is becoming crucial for anyone involved in agriculture to take time to explain farming practices to those who don’t understand. Our SWCD has always championed the need for conservation and agricultural education. We allocate district time and resources to education events for school aged children, as well as events focused on adults. But what about the people who our programs doesn’t reach? They have the internet, and the internet can sometimes not be very kind to agriculture. While some of us understand the saying “I saw it on the internet so it has to be true” is meant as a joke, for most people it is the only source of information that they have (or at least the most convenient). That is why it is becoming important for farmers to talk to the neighbors that will listen. Try and present the facts of why we are doing what we do. Understand where they are coming from if they are concerned, and explain the precautions that we take to ensure that their property is not affected by our farming practices.

I know some people’s minds are already made up. The jury is out on whether or not I helped the person who emailed us understand what is happening around their home. That doesn’t mean that we shouldn’t try. The more that we can educate those who don’t understand agricultural practices, the stronger our agricultural communities will become. Take time to talk with the new neighbors who bought the house adjacent to your field. It is better than them searching the internet for “farm sprayer dangerous.”

“Life is Fragile. We don’t know what tomorrow will bring. Make the most of today. Love life. Love people. Serve others. Care more.”
SATURDAY, AUGUST 21, 2021

ARTIFICIAL INSEMINATION DAY

New for 2021 - adding Goats (if there is enough interest the goats may be moved to the 22nd)

Sponsored by The Licking County Sheep Improvement Association

The Licking County Sheep Improvement Association is hosting an artificial insemination day! If you have sheep or goats that you would like to have bred to some of the top rams or bucks in the country, this is for you. Many people could not afford to do this on their own but, when a group comes together, the cost are very reasonable. Proceeds support youth activities and lamb promotion.

Yearling ewes and older are preferred.
Semen collection of rams available but must be requested when making reservation.

Services provided by New Frontier Genetics – Glen Erickson (newfrontiergenetics.org)

Location: Hartford Fairgrounds New Swine Barn
Approximate Cost: $85 • Includes: Insemination, supplies and medications, and facilities fee
Semen cost is additional – Semen will be available from multiple sources or you can arrange for your own. Advance notice is required to be sure the rams you choose are available.
Registration Deadline: June 10th
Registration Information: Call Tom Wolford 740-334-9713 to schedule
Coshocton County will be hosting a series of Beef Quality Assurance re-certification programs to allow beef and dairy producers to re-certify their beef quality assurance. Both in-person and Zoom virtual sessions will be held throughout the rest of the year. Pre-registration is required for each session as space is limited. Producers may also complete the training online (at any time) at bqa.org.