

COSHOCTON COUNTY AGRICULTURE & NATURAL RESOURCESSeptember 23, 2020 Issue

Coshocton County Soybean Weed Survey
Fall-applied herbicides - what goes around
comes around
Fall Forage Management Tips
Be Alert to Late-Season Potential Forage
Toxicities
Expansion of the Coronavirus Food
Assistance Program Begins Sept. 21
Last Chance: Act Now to Update PLC Yields
Governor signs Ohio coronavirus immunity
bill
Safely Sharing the Road During Harvest

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Hello, Coshocton County! Since Saturday morning, we have been experiencing over-night lows in the mid 30s and I am sure some low-lying areas may have already experienced a light frost. I know these low temperatures have made us take notice that fall has definitely arrived.

Cattle producers feeding annual forages need to keep in mind the potential for some forage toxicities and other problems that can arise due to frosts. Check out the fall forage management and late season forage toxicities articles in today's newsletter.

I also completed the annual soybean weed survey this past week and have shared my report in today's newsletter. Over 55% of the fields were rated clean and we have made huge improvements in Marestalk control.

We are half-way through our virtual Farm Science Review. I hope you can take a few moments to check out the virtual show at: fsr.osu.edu Welcome to fall and harvest season here in Coshocton County!

Sincerely,

David L. Marrison

Coshocton County OSU Extension ANR Educator



THE OHIO STATE UNIVERSITY

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AND ENVIRONMENTAL SCIENCES

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Coshocton County Soybean Weed Survey

By David Marrison

Last week, I drove across around Coshocton County to determine the weeds which are the most prevalent in our local soybean fields. In fact, OSU Extension Educators from most every county in the state are completing this survey for the OSU Agronomic Crops Team to determine which weeds are present in fields prior to harvest (were not adequately controlled during growing season).

As I drove across Coshocton County, I took observations from 105 soybean fields accounting for an estimated 4,200 acres. Overall, we have made huge improvement in weed control in soybeans as 55.2% of the fields were rated clean. Marestalk continues to lay claim to our number #1 weed control issue in soybeans with 25.7% of the fields surveyed having marestalk.

However, the big news for marestalk is that it is down almost 22% from 2019.!



The #2 weed observed was giant ragweed in 17.1% of the fields down modestly at -3.1%. The #3 weed observed was redroot pigweed in 13.3% of fields (up 3.3.%) followed by volunteer corn and foxtail in 8.6% of the fields. One notable is that johnsongrass was observed in 2.9% of fields. Other Extension Educators across Ohio are also seeing an increase in johnsongrass so this will be a weed to continue to monitor. The following table list the prevalence of weeds found in the fields surveyed.

2020 Coshocton County Soybean Weed Survey	Percentage of Fields Containing this weed	Percentage Change from 2019
Marestalk	25.7%	-22.0%
Giant Ragweed	17.1%	-3.1%
Redroot Pigweed	13.3%	+3.3%
Volunteer Corn	8.6%	-2.4%
Giant Foxtail & Other Grasses	8.6%	+1.3%
Johnsongrass	2.9%	Not recorded
Velvetleaf	2.9%	-3.5%
Common Lambsquarter	1.90%	-1.8%
Common Ragweed	0.95%	+0.05

So what should farmers be doing now to help themselves next year? It is well worth the time for farmers to jump in their farm truck and do a scouting loop of their fields. Scouts should keep records of their scouting to indicate where exactly a problem was identified, how common the problem was, how damaging the problem was and what, if any, control measures were utilized in 2020. It is important to note the hotspots so you can make sure to address the problem and then re-evaluate the results.

The scouting reports can then be used to design a weed management plan for each field. This plan might mean that a chemical application is needed right after the soybeans are harvested this fall. This is especially crucial with Marestalk as fall applications of weed control are superior to in-season control.

Fall-Applied Herbicides- What Goes Around Comes Around

By: Mark Loux

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/2020-32/fall-applied-herbicides-what-goes-around-comes-around>

Fall herbicide treatments have fallen off over the past several years for a couple of reasons, among them the effectiveness of new soybean trait systems for managing marestail, some generally crappy weather in late fall, and efforts to reduce input costs. We are seeing a resurgence in some weeds, such as dandelion, which respond well to fall herbicides, though. Some growers have also experience issues with messy fields and late spring burndowns that could have been avoided with fall herbicides. It's worth recalling the history of fall herbicide applications, which helps explain some of their benefits, especially if you have not been managing weeds or making recommendations for as long as some of us have.



In the late 1990s, a few years after the initial introduction of Roundup Ready soybeans, a number of growers were experiencing problems in spring with dense infestations of winter annual weeds - chickweed, purple deadnettle, mustards, cressleaf groundsel, etc – and also dandelion. These weeds were generally interfering with spring tillage and crop establishment, slowing the drying and warming of soils, and also harboring insects. Spring burndown herbicides could be variably effective and, under cool conditions, slow to kill the weeds. One of the reasons for the increase in these weeds was the use of only glyphosate in soybeans, and the oversimplification of herbicide programs. This included a failure to apply burndown early enough (the “hey I’ll just plant soybeans into weeds and spray glyphosate whenever I get around to it” approach), which allowed winter annuals to go to seed, and a failure to include residual herbicides, some of which could possibly persist long enough to shut down some of the late-season winter annual weed emergence. This approach also allowed dandelion to proliferate and become more difficult to kill, because it had too much time to increase its root size and go to seed unimpeded. We recall walking fields infested with dandelion in the fall where the weeds were so dense we almost could not see the soil. Application of herbicides in fall largely solved these issues, providing for a weedfree seedbed well into spring, and reducing dandelion back to manageable levels.

Fast forward to the mid 2000s when glyphosate-resistant marestail became widespread. While the spring-applied mix of glyphosate and 2,4-D worked for a while on marestail, the increase in the level of glyphosate resistance shifted all of the work to the 2,4-D, which is really only about 70% effective on overwintered marestail. The net result was a failure of many burndown treatments for control of the overwintered plants. The solution was fall application of 2,4-D mixtures, which controls fall-emerging plants, so that the spring burndown has to control only small spring emergers. Fall herbicide treatments have been standard component of marestail management programs for many growers since then. More recently, the availability of some alternative spring burndown treatments that can include Sharpen, glufosinate, Gramoxone, and/or dicamba have reduced the need for fall herbicide treatments on marestail. A consequence of this, along with a move once again to oversimplify herbicide programs, appears to be an increase in dandelion and winter annuals again. The Xtend, Enlist, and LibertyLink soybean programs cannot adequately control some of these weeds if not used in an integrated, multi-application system that includes an occasional fall herbicide treatment. The bottom line here is that fall-applied herbicides, even if used only every other year or so, go a long way toward preventing issues with these weeds and maintaining a more problem-free no-till planting situation. This can be especially true when wet weather in spring delays herbicide application and planting, and the result is a big, dense weed population that herbicides struggle to control. Fields with a fall herbicide treatment are likely to stay much more manageable into late spring compared to those without.

So this is just a suggestion to think about making fall herbicides part of the weed management program again, and especially where the increase in winter annual weeds, dandelion, wild carrot, and curly dock has been noticeable and problematic. We have previously run articles in C.O.R.N. that cover the details of fall herbicide treatments, and this information really has not changed much. Links to some these articles below:

[“Five things to know about fall herbicide treatments” \(2014\)](#)

[“Fall herbicide treatments and new technology” \(2015\)](#)

[“Fall herbicide applications – an integral part of marestail management” \(2012\)](#)

Fall Forage Management Tips

By: Mark Sulc

Source: <https://agcrops.osu.edu/newsletter/corn-newsletter/2020-32/fall-forage-management-tips>

Fall is a great time to take care of some very important aspects for managing forage hay fields and pastures. Below is a list of things that when done in the fall can help avoid big headaches this winter and next spring or even next summer.

- One of the most important things to do now is to pull soil samples and get a soil test. Ask for the 2020 Tri-State Fertility Recommendations to be applied to the results. Apply fertilizer to correct any soil deficiencies and replace nutrients that were removed in hay and silage. Fall is a great time to apply both P and K to prepare established forage stands for winter. Soil sampling and testing is especially critical in preparation for making new forage seedings next spring or summer. Now is the time to apply lime to raise low soil pH levels for next year's seedings. Soil preparation now will also help you be ready to plant when the first break in the weather comes next spring. Many headaches with forage stands can be greatly alleviated with proper fertility levels. Deficient fertility leads to weak forage stands that are susceptible to stresses (including winter injury) and especially weed invasion. Links to additional soil fertility resources can be found at <https://forages.osu.edu/forage-management/soil-fertility-forages>.
- Scout hay fields and pastures for current and emerging weed problems. Most perennial, biennial, and winter annual weeds are much easier to control now in the fall than next spring. A good example is cressleaf groundsel, as discussed by Mark Loux recently (<https://agcrops.osu.edu/newsletter/corn-newsletter/2020-30/scout-now-cressleaf-groundsel-hayfields-or-pay-price-may>). Some herbicides are best applied in October, while others have to be applied as dormant applications during the winter. Scouting now will help you determine the major weed problems and consequently when is the best time for corrective action. But remember the first point above. If the soil is deficient, chemical weed control will have at best a temporary effect.
- Harvest or take a final grazing of summer annual grasses now before frost events begin. This is especially important for peace of mind regarding the worries of prussic acid poisoning potential associated with forages in the sorghum family. For more details about the effect of maturity on yield and nutritive value of summer annual grasses see <https://forages.osu.edu/news/harvest-management-summer-annual-grasses>. For details about frost injury and late season forage concerns see <https://forages.osu.edu/news/be-alert-late-season-potential-forage-toxicities>.
- Continue to allow a fall rest period for forage stands, especially legumes. For more detail see <https://agcrops.osu.edu/newsletter/corn-newsletter/2020-28/late-season-forage-harvest-management>.
- Avoid overgrazing pastures in the fall. Grasses like legumes need to accumulate energy reserves for the winter, and they need plenty of leaf area to accomplish that. Light grazing or even resting pastures completely in the fall will ensure more vigorous stands next spring. Stockpiling pasture growth from late summer through the fall for winter grazing is a good way to allow the plants to prepare for winter, while also providing forage for winter grazing rather than having to feed so much hay during cold weather.
- An exception to the above rule is where you want to frost seed legumes into pastures. In that case, you should overgraze the pasture hard enough so that patches of soil are exposed. And if it grows back before winter, graze it hard again! This will weaken the grass sod and open spaces to allow good seed-soil contact for the legume seed to be broadcast late winter. Overgrazing through the fall will also



weaken the grass competition next spring when the legumes are beginning to establish.

- Prepare fencing and water supply needs for grazing corn stover after grain harvest is complete. Corn stover is an especially useful resource for beef cattle. For more details on grazing corn stover see <https://u.osu.edu/beef/2019/11/20/corn-stalks-provide-another-grazing-option/>
- Plan fencing and water supply needs for winter strip grazing of stockpiled pastures and annual cover crops sown this summer into wheat stubble or fall planted into corn silage stubble. Strip grazing will improve the utilization of those forages in late fall and into the winter months.
- Make logistical plans for winter feeding of hay. This might involve distributing bales around the winter pasture area. This type of placement can be strategically used with strip grazing to build up soil fertility with manure from livestock during winter feeding on pasture.
- Collect core samples from hay, haylage bales, and silage and have them tested for nutritive value in preparation for winter feeding. This will inform your livestock supplementation needs when you begin feeding the hay.

I realize fall is a very busy time for most of us. But taking care of these items now will only help make things smoother and more successful down the road.

Be Alert to Late-Season Potential Forage Toxicities

By: Mark Sulc

Originally Published October 4, 2019

Source: <https://forages.osu.edu/news/be-alert-late-season-potential-forage-toxicities>

Livestock owners feeding forage need to keep in mind the potential for some forage toxicities and other problems that can develop late this season. Nitrate and prussic acid poisoning associated with drought stress or frost are the main potential concerns to be aware of. These are primarily an issue with annual forages and several weed species, but nitrates can be an issue even in drought stressed perennial forages. There is also an increased risk of bloat when grazing legumes after a frost. Each of these risks is discussed in this article along with precautions to avoid them.

Nitrate Toxicity

Drought stressed forages can accumulate toxic nitrate levels. This can occur in many different forage species, including both annuals and perennials. Several areas in Ohio have become very dry late this summer into fall. Corn, oat and other small grains, sudangrass, and sorghum sudangrass, and many weed species including johnson grass can accumulate toxic levels of nitrates. Even alfalfa can accumulate toxic nitrate levels under severe drought stress.



Sorghum sudangrass is one of several species with potential for prussic acid poisoning

Before feeding or grazing severely drought stressed forage, the forage should be analyzed for nitrates. Most labs now offer nitrate tests, so it is likely that you can get forage plants tested for nitrates by your favorite lab. A number of labs are listed at the end of this article that have nitrate testing available. This list is for your convenience and no labs are intentionally omitted. Check your chosen lab's web site and follow their specific instructions about how to take and handle the sample. The cost is well worth it against the risk of losing animals.

See the following references for more details:

<https://fyi.extension.wisc.edu/forage/nitrate-poisoning-in-cattle-sheep-and-goats/>

<http://forages.tamu.edu/PDF/Nitrate.pdf>

Nitrate accumulation in frost forages. Freezing damage slows down metabolism in all plants, and this might result in nitrate accumulation in plants that are still growing, especially grasses like oats and other small grains,

millet, and sudangrass. This build-up usually isn't hazardous to grazing animals, but greenchop or hay cut right after a freeze can be more dangerous. When in doubt, send a forage sample to a forage testing lab for nitrate testing before grazing or feeding it.

Prussic Acid Toxicity

Several forage and weed species contain compounds called cyanogenic glucosides that are converted quickly to prussic acid (i.e. hydrogen cyanide) in freeze-damaged plant tissues, or under drought conditions. Several labs provide prussic acid testing of forages. Sampling and shipping guidelines should be carefully followed because prussic acid is a gas and can dissipate during shipping leading to a false sense of security when no prussic acid is found in the sample.

Drought stress can affect prussic acid poisoning risk. Drought-stunted plants can contain or produce prussic acid and can possess toxic levels at maturity. Prussic acid poisoning can be associated with new regrowth following a drought-ending rain, which is likely the case in some parts of Ohio now. Rain after drought plus young stages of plant maturity (see below) could combine to cause toxic levels of prussic acid in forage this year.

Plant age affects toxicity. Young, rapidly growing plants of species that contain cyanogenic glucosides will have the highest levels of prussic acid. Pure stands of indiangrass can have lethal levels of cyanide if they are grazed when the plants are less than 8 inches tall.

Species with prussic acid poisoning potential. Forage species that can contain prussic acid are listed below in decreasing order of risk of toxicity:

Grain sorghum = high to very high toxic potential

- Indiangrass = high toxic potential
- Sorghum-sudangrass hybrids and forage sorghums = intermediate to high potential
- Sudangrass hybrids = intermediate potential
- Sudangrass varieties = low to intermediate in cyanide poisoning potential
- Piper sudangrass = low prussic acid poisoning potential
- Pearl millet and foxtail millet = rarely cause toxicity

Species not usually planted for agronomic use can also develop toxic levels of prussic acid, including the following:

- Johnsongrass
- Shattercane
- Chokecherry
- Black cherry
- Elderberry

It is always a good idea to check areas where wild cherry trees grow after a storm and pick up and discard any fallen limbs to prevent animals from grazing on the leaves and twigs.

Frost affects toxicity. Cyanogenic glucosides are converted quickly to prussic acid (i.e. hydrogen cyanide) in freeze-damaged plant tissues. Prussic acid poisoning potential is most commonly associated the first autumn frost. New growth from frosted plants is palatable but can be dangerously high in prussic acid.

Fertility can affect poisoning risk. Plants growing under high nitrogen levels or in soils deficient in phosphorus or potassium will be more likely to have high prussic acid poisoning potential.

Fresh forage is more risky. After frost damage, cyanide levels will likely be higher in fresh forage as compared with silage or hay. This is because cyanide is a gas and dissipates as the forage is wilted and dried for making silage or dry hay.

Prussic Acid Toxicity Symptoms

Animals can die within minutes if they consume forage with high concentrations of prussic acid. Prussic acid interferes with oxygen transfer in the blood stream of the animal, causing it to die of asphyxiation. Before death, symptoms include excess salivation, difficult breathing, staggering, convulsions, and collapse. Ruminants are more susceptible to prussic acid poisoning than horses or swine because cud chewing and rumen bacteria help release the cyanide from plant tissue.

According to a Texas Cooperative Extension Factsheet, “Animals consuming forages with high nitrate levels cannot complete the conversion of nitrate to protein, and toxic nitrite levels accumulate. Nitrite is adsorbed directly into the bloodstream through the rumen wall, where it combines with hemoglobin to form methhemoglobin. Hemoglobin carries oxygen in the blood, but methhemoglobin does not. The formation of methhemoglobin can cause an animal to die from asphyxiation, or lack of oxygen. The animal’s blood turns brown instead of the normal bright red. Monogastrics (i.e., horses, mules, swine, etc.) are less sensitive to nitrate toxicity than ruminants. An animal’s conditioning affects its ability to assimilate or tolerate nitrates, so consult your veterinarian before feeding forage that contains nitrates.”

(see <http://forages.tamu.edu/PDF/Nitrate.pdf>).

Grazing Precautions

- The following guidelines will help you avoid danger to your livestock this fall when feeding species with nitrates or prussic acid poisoning potential:
- Under drought conditions, allow animals to graze only the upper one-third to one-half of the plant or the leaves of coarse-stemmed forages if the nitrate levels in these plant parts is safe. Monitor animals closely and remove them quickly when the upper portion of plants is grazed off.
- Generally, forage nitrate levels drop significantly 3 to 5 days after sufficient rainfall, but it is always safer to send in a sample for testing before grazing or feeding forage soon after drought stress periods.
- Making hay does not reduce nitrate levels in the forage, but the hay can be tested and diluted sufficiently with other feeds to make it safe for animals.
- Ensiling forage converts nitrates to volatile nitrous oxides, or “silo gases”. These gases are highly toxic to humans. Safety practices include removing tarps from a portion of the silo a day or two before removing the silage from the bunker.
- Do not graze on nights when frost is likely. High levels of toxic prussic acid are produced within hours after a frost, even if it was a light frost.
- Do not graze after a killing frost until plants are dry, which usually takes 5 to 7 days.
- After a non-killing frost, do not allow animals to graze for two weeks because the plants usually contain high concentrations of prussic acid.
- New growth may appear at the base of the plant after a non-killing frost. If this occurs, wait for a killing freeze, then wait another 10 to 14 days before grazing the new growth.
- Don’t allow hungry or stressed animals to graze young growth of species with prussic acid potential. To reduce the risk, feed ground cereal grains to animals before turning them out to graze.
- Use heavy stocking rates (4-6 head of cattle/acre) and rotational grazing to reduce the risk of animals selectively grazing leaves that can contain high levels of prussic acid.
- Never graze immature growth or short regrowth following a harvest or grazing (at any time of the year). Graze or greenchop sudangrass only after it is 15 to 18 inches tall. Sorghum-sudangrass should be 24 to 30 inches tall before grazing.
- Do not graze wilted plants or plants with young tillers.

Greenchop

Green-chopping will not reduce the level of nitrates and is not likely to greatly reduce the level of prussic acid present. However, green-chopping frost-damaged plants will lower the risk compared with grazing directly, because animals are less likely to selectively graze damaged tissue. Stems in the forage dilute the high prussic acid content that can occur in leaves. However, the forage can still be toxic, so feed greenchop with great caution after a frost. If feeding greenchopped forage of species containing cyanogenic glucosides, feed it within a few hours of greenchopping, and don’t leave greenchopped forage in wagons or feedbunks overnight.

Hay and Silage

Prussic acid content in the plant decreases dramatically during the hay drying process and the forage should be safe once baled as dry hay. The forage can be mowed anytime after a frost if you are making hay. It is rare for dry hay to contain toxic levels of prussic acid. However, if the hay was not properly cured and dried before baling, it should be tested for prussic acid content before feeding to livestock.

Forage with prussic acid potential that is stored as silage is generally safe to feed. To be extra cautious, wait 5 to 7 days after a frost before chopping for silage. If the plants appear to be drying down quickly after a killing frost, it is safe to ensile sooner.

Delay feeding silage for 8 weeks after ensiling. If the forage likely contained high levels of cyanide at the time of chopping, hazardous levels of cyanide might remain and the silage should be analyzed before feeding.

Species That Can Cause Bloat After Frost

Forage legumes such as alfalfa and clovers have an increased risk of bloat when grazed one or two days after a hard frost. The bloat risk is highest when grazing pure legume stands and least when grazing stands having mostly grass.

The safest management is to wait a few days after a killing frost before grazing pure legume stands – wait until the forage begins to dry from the frost damage. It is also a good idea to make sure animals have some dry hay before being introduced to lush fall pastures that contain significant amounts of legumes. You can also swath your legume-rich pasture ahead of grazing and let animals graze dry hay in the swath. Bloat protectants like poloxalene can be fed as blocks or mixed with grain. While this an expensive supplement, it does work well when animals eat a uniform amount each day.

Frost and Equine Toxicity Problems

(source: Bruce Anderson, University of Nebraska)

Minnesota specialists report that fall pasture, especially frost damaged pasture, can have high concentrations of nonstructural carbohydrates, like sugars. This can lead to various health problems for horses, such as founder and colic. They recommend pulling horses off of pasture for about one week following the first killing frost.

High concentrations of nonstructural carbohydrates are most likely in leafy regrowth of cool-season grasses such as brome, timothy, and bluegrass but native warm-season grasses also may occasionally have similar risks.

Another unexpected risk can come from dead maple leaves that fall or are blown into horse pastures. Red blood cells can be damaged in horses that eat 1.5 to 3 pounds of dried maple leaves per one thousand pounds of bodyweight. This problem apparently does not occur with fresh green leaves or with any other animal type. Fortunately, the toxicity does not appear to remain in the leaves the following spring.

Where to Test Forages for Nitrates

Brookside Laboratories, Inc.
New Bremen, Ohio
www.blinc.com/
419-977-2766

Cumberland Valley Analytical Services
Waynesboro, PA
www.foragelab.com/
800-282-7522

Dairyland Labs
www.dairylandlabs.com
Wisconsin & Minnesota
608-323-2123

Dairy One
dairyone.com
Ithaca, NY
800-344-2697

Holmes Lab
holmeslab.com
Millersburg, Ohio
330-893-2933 or 330-893-1326

Spectrum Analytic
www.spectrumanalytic.com
Washington Court House, Ohio
800-321-1562

Rock River Lab
www.rockriverlab.com
Wooster, OH
330-462-6041

Sure-Tech
www.winfieldunited.com/research-and-innovation/suretech-laboratories
Indianapolis, Indiana
800-266-7176

Expansion of the Coronavirus Food Assistance Program Begins September 21

WASHINGTON, Sept. 18, 2020 – President Donald J. Trump and U.S. Secretary of Agriculture Sonny Perdue today announced up to an additional \$14 billion for agricultural producers who continue to face market disruptions and associated costs because of COVID-19. Signup for the Coronavirus Food Assistance Program (CFAP 2) will begin September 21 and run through December 11, 2020.

“America’s agriculture communities are resilient, but still face many challenges due to the COVID-19 pandemic. President Trump is once again demonstrating his commitment to ensure America’s farmers and ranchers remain in business to produce the food, fuel, and fiber America needs to thrive,” said Secretary Perdue. “We listened to feedback received from farmers, ranchers and agricultural organizations about the impact of the pandemic on our nations’ farms and ranches, and we developed a program to better meet the needs of those impacted.”

Background

The U.S. Department of Agriculture (USDA) will use funds being made available from the Commodity Credit Corporation (CCC) Charter Act and CARES Act to support row crops, livestock, specialty crops, dairy, aquaculture and many additional commodities. USDA has incorporated improvements in CFAP 2 based from stakeholder engagement and public feedback to better meet the needs of impacted farmers and ranchers.

Producers can apply for CFAP 2 at USDA’s Farm Service Agency (FSA) county offices. This program provides financial assistance that gives producers the ability to absorb increased marketing costs associated with the COVID-19 pandemic. Producers will be compensated for ongoing market disruptions and assisted with the associated marketing costs.

CFAP 2 payments will be made for three categories of commodities – Price Trigger Commodities, Flat-rate Crops and Sales Commodities.

Price Trigger Commodities

Price trigger commodities are major commodities that meet a minimum 5-percent price decline over a specified period of time. Eligible price trigger crops include barley, corn, sorghum, soybeans, sunflowers, upland cotton, and all classes of wheat. Payments will be based on 2020 planted acres of the crop, excluding prevented planting and experimental acres. Payments for price trigger crops will be the greater of: 1) the eligible acres multiplied by a payment rate of \$15 per acre; or 2) the eligible acres multiplied by a nationwide crop marketing percentage, multiplied by a crop-specific payment rate, and then by the producer’s weighted 2020 Actual Production History (APH) approved yield. If the APH is not available, 85 percent of the 2019 Agriculture Risk Coverage-County Option (ARC-CO) benchmark yield for that crop will be used.

For broilers and eggs, payments will be based on 75 percent of the producers’ 2019 production.

Dairy (cow’s milk) payments will be based on actual milk production from April 1 to Aug. 31, 2020. The milk production for Sept. 1, 2020, to Dec. 31, 2020, will be estimated by FSA.

Eligible beef cattle, hogs and pigs, and lambs and sheep payments will be based on the maximum owned inventory of eligible livestock, excluding breeding stock, on a date selected by the producer, between Apr. 16, 2020, and Aug. 31, 2020.

Flat-rate Crops

Crops that either do not meet the 5-percent price decline trigger or do not have data available to calculate a price change will have payments calculated based on eligible 2020 acres multiplied by \$15 per acre. These crops include alfalfa, extra long staple (ELS) cotton, oats, peanuts, rice, hemp, millet, mustard, safflower, sesame, triticale, rapeseed, and several others.

Sales Commodities

Sales commodities include specialty crops; aquaculture; nursery crops and floriculture; other commodities not included in the price trigger and flat-rate categories, including tobacco; goat milk; mink (including pelts); mohair; wool; and other livestock (excluding breeding stock) not included under the price trigger category that were grown for food, fiber, fur, or feathers. Payment calculations will use a sales-based approach, where producers are paid based on five payment gradations associated with their 2019 sales.

Additional commodities are eligible in CFAP 2 that weren't eligible in the first iteration of the program. If your agricultural operation has been impacted by the pandemic since April 2020, we encourage you to apply for CFAP 2. A complete list of eligible commodities, payment rates and calculations can be found on farmers.gov/cfap.

Eligibility

There is a payment limitation of \$250,000 per person or entity for all commodities combined. Applicants who are corporations, limited liability companies, limited partnerships may qualify for additional payment limits when members actively provide personal labor or personal management for the farming operation. In addition, this special payment limitation provision has been expanded to include trusts and estates for both CFAP 1 and 2. Producers will also have to certify they meet the Adjusted Gross Income limitation of \$900,000 unless at least 75 percent or more of their income is derived from farming, ranching or forestry-related activities. Producers must also be in compliance with Highly Erodible Land and Wetland Conservation provisions.

Applying for Assistance

Producers can apply for assistance beginning Sept. 21, 2020. Applications will be accepted through Dec. 11, 2020.

Additional information and application forms can be found at farmers.gov/cfap. Documentation to support the producer's application and certification may be requested. All other eligibility forms, such as those related to adjusted gross income and payment information, can be downloaded from farmers.gov/cfap/apply. For existing FSA customers, including those who participated in CFAP 1, many documents are likely already on file. Producers should check with FSA county office to see if any of the forms need to be updated.

Customers seeking one-on-one support with the CFAP 2 application process can call 877-508-8364 to speak directly with a USDA employee ready to offer assistance. This is a recommended first step before a producer engages with the team at the FSA county office.

All USDA Service Centers are open for business, including some that are open to visitors to conduct business in person by appointment only. All Service Center visitors wishing to conduct business with FSA, Natural Resources Conservation Service or any other Service Center agency should call ahead and schedule an appointment. Service Centers that are open for appointments will pre-screen visitors based on health concerns or recent travel, and visitors must adhere to social distancing guidelines. Visitors are also required to wear a face covering during their appointment. Our program delivery staff will be in the office, and they will be working with our producers in the office, by phone and using online tools. More information can be found at farmers.gov/coronavirus.

Last Chance: Act Now to Update PLC Yields

by Clint Schroeder, OSU Extension Educator

Source: <https://u.osu.edu/ohioagmanager/2020/09/18/last-chance-act-now-to-update-plc-yields/>

Landowners or producers with a Power of Attorney for their landowner have until September 30, 2020 to update their Price Loss Coverage (PLC) yield, also referred to as farm yield, information on file with the United States Department of Agriculture (USDA) Farm Service Agency (FSA). PLC yields exist for each FSA farm number and commodity. This one-time opportunity to update yield information for covered commodities was a provision in the 2018 Farm Bill. The updated yields will be used to calculate payments under the PLC program for the 2020 through 2023 crop years if market prices trigger payments. PLC yields have also been used before in disaster relief programs. There is no guarantee that farmers will have this opportunity again under future farm bills. If a farm chooses to not update their yield info the existing yields for the farm will be used. Not all updated yields will produce a higher yield. In the case where the new calculated yield for a farm and commodity is lower than the existing yield, FSA will take the higher of the two. Producers who are currently enrolled in the Agriculture Risk Coverage (ARC) should also consider updating their yields as the option to change program election exists within the current farm bill in 2021, 2022, and 2023.

Yields will be updated by submitting FSA form CCC-867 for each farm number and covered commodity. Each completed form will need to include one signature of a farm owner. If the reported yield in any year is less than 75 percent of the 2013-2017 average county yield, the yield will be substituted with 75 percent of the county average yield. For more information please contact your local FSA office.

The FSA form CCC-867 can be found at: <https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/NewsRoom/news-releases/pdf/form-ccc-867.pdf>

Governor Signs Ohio Coronavirus Immunity Bill

By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law

Source: <https://farmoffice.osu.edu/blog/wed-09162020-245pm/governor-signs-ohio-coronavirus-immunity-bill>

It took five months of negotiation, but the Ohio General Assembly has enacted a controversial bill that grants immunity from civil liability for coronavirus injuries, deaths, or losses. Governor DeWine signed House Bill 606 on September 14, stating that it strikes a balance between reopening the economy and keeping Ohioans safe. The bill will be effective in 90 days.

The bill's statement of findings and declaration of intent illustrate why it faced disagreement within the General Assembly. After stating its findings that business owners are unsure of the tort liability they may face when reopening after COVID-19, that businesses need certainty because recommendations on how to avoid COVID-19 change frequently, that individuals who decide to go out in public places should bear responsibility for taking steps to avoid exposure to COVID-19, that nothing in existing Ohio law established duties on business and premise owners to prevent exposure to airborne germs and viruses, and that the legislature has not delegated authority to Ohio's Executive Branch to create new legal duties for business and premises owners, the General Assembly made a clear declaration of intent in the bill: "Orders and recommendations from the Executive Branch, from counties and local municipalities, from boards of health and other agencies, and from any federal government agency do not create any new legal duties for purposes of tort liability" and "are presumed to be irrelevant to the issue of the existence of a duty or breach of a duty....and inadmissible at trial to establish proof of a duty or breach of a duty in tort actions."



The bill's sponsor, Rep. Diane Grendell (R-Chesterland), refers to it as the "Good Samaritan Expansion Bill." That name relates to one of the two types of immunity in the bill, a temporary qualified immunity for coronavirus-based claims against health care providers. In its original version of H.B. 606, the House of Representatives included only the health care immunity provisions. Of interest to farms and other businesses are the bill's general immunity provisions, however, added to the final legislation by the Senate.

General immunity from coronavirus claims

The new law will prohibit a person from bringing a civil action that seeks damages for injury, death or loss to a person or property allegedly caused by exposure to or transmission of coronavirus, with one exception. The civil immunity does not apply if the exposure to or transmission of coronavirus resulted from a defendant's "reckless conduct," "intentional misconduct," or "willful or wanton misconduct." "Reckless conduct" means disregarding a substantial and unjustifiable risk that conduct or circumstances are likely to cause exposure to or transmission of coronavirus and having "heedless indifference" to the consequences.

Government guidelines don't create legal duties

Consistent with the bill's stated intent, the new law clarifies that a claimant cannot assert liability based on a failure to follow government guidelines for coronavirus. The law states that any government order, recommendation or guideline for coronavirus does not create a duty of care that can be enforced through a civil cause of action. A person may not admit such orders and guidelines as evidence of a legal right, duty of care or new legal cause of action.

No class actions

Another provision in the new law also prohibits a class action that alleges liability for coronavirus exposure or transmission if the law's general immunity provisions do not apply.

Time period covered

The general immunity provisions apply only to a specified period of time: from March 9, 2020, when the Governor declared a state of emergency due to COVID-19, until September 30, 2021.

Workers compensation not addressed

An earlier version of the bill passed by the House of Representatives would have classified coronavirus as an "occupational disease" and would have allowed food workers, first responders and corrections officers to receive workers' compensation benefits for the disease. However, the Senate removed the workers' compensation provisions from the final bill based on its belief that the Bureau of Workers' Compensation is already covering 85% of such claims.

What does H.B. 606 mean for agricultural businesses?

The new law provides certainty that agricultural businesses won't be assailed by lawsuits seeking damages for COVID-19. A person claiming harm from exposure to COVID-19 at an agricultural business will only be successful upon a showing that the business acted recklessly and with intentional disregard or indifference to the possibility of COVID-19. That's a high evidentiary standard and burden of proof for a claimant.

As is often the case when an immunity bill is enacted, however, there are several reasons why businesses should not let down their guards because of the new law. Note that while the law rejects government guidelines and orders about COVID-19 as a basis for placing legal duties upon businesses, following such guidelines and recommendations can counter an allegation of reckless or indifferent behavior about COVID-19 exposure or transmission. And there can be consequences from COVID-19 other than litigation, such as impacts on customer and employee health and safety, workers' compensation claims, and negative publicity from an alleged COVID-19 outbreak. Continuing to take reasonable actions to manage COVID-19 and documenting actions taken can enhance the certainty offered by Ohio's new COVID-19 immunity law.

Read H.B. 606 at: https://farmoffice.osu.edu/sites/aglaw/files/site-library/hb606_covid_immunity.pdf

Safely Sharing the Road During Harvest

By: David L Marrison

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Hello Coshocton County! As we officially move into fall, there will be an increase of farm equipment traveling on the roads. Road safety is especially important as farmers and motorists share the road during harvest season. This is a good time to refresh both the motoring public and farmers about some safe practices for traveling on public roads.

Vehicle collisions are often the result of the speed difference between slower moving farm equipment and passenger cars and trucks. Many times the vehicle driver simply doesn't have enough time to react if they do not recognize the farm equipment soon enough. It is critical for both farmers and motorists to do their part. Rural road rage can be negated if everyone takes the responsibility to have extra patience, careful driving habits, and use high-visibility markings and lighting.

For farmers, make sure your equipment has proper lighting and that a slow moving vehicle (SMV) emblem is mounted to the last piece of equipment being hauled. The emblem should be pointed up, placed 2-8 feet above the ground and as near to rear center as possible. It may also be wise to use an escort vehicle to follow behind especially during high traffic times in the morning and late afternoon.

For motorists, please remember that farm machinery has a legal right to use public roads just as other motor vehicles. Farm machinery can unexpectedly turn onto a public road from a field or driveway. Farm machinery travels slower than normal traffic, often at speeds of 25 miles per hour or less.

When you first see a tractor or combine on the road, your first instinct should be to slow down. A car traveling at 55 mph can overtake and close a gap of 300 feet with a tractor running 15 mph in just five seconds. This is about the length of a football field which does not give you much time. Watch for farm equipment and slow down immediately to avoid rear end crashes. Farm machinery operators may not be able to see you because the large equipment or a load can block part of their rearward view. Remember, if you can't see the driver, the driver can't see you.

Before passing farm machinery, check to be sure the machinery is not turning left. Look for left turn lights or hand signals. If the machinery slows and pulls toward the right side of the road, the operator is likely preparing to make a wide left turn. Likewise, sometimes to make a right turn with wide equipment, the driver must fade to the left. Also be on the look-out for roadside obstacles such as mailboxes, bridges, or road signs that may cause the machinery to move to the center of the road. Be sure there is adequate distance for you to safely pass.

Farmers are well aware that being stuck behind a tractor is not fun. As the line of cars backs up behind a tractor, the driver is scanning what is ahead and looking for a safe place to pull over and let traffic pass. Be patient. Farmers hate having to transport machinery on the road. It is a dangerous and nerve wracking part of their jobs but combines and tractors must be moved from one field to the next.



Remember, driving in that tractor or combine is someone's dad, mom, son or daughter. They are your neighbors. They are trying to do their job and get there safely, just like you. A little patience and courtesy can go a long way in keeping us all safe on the roads this fall.

For more information about rural roadway safety, visit the OSU Ag Safety and Health website, <http://agsafety.osu.edu>. To close, I would like to share a quote from Jeff Cooper who stated, "Safety is something that happens between your ears, not something you hold in your hands." Have a good and safe day!