

Auglaize County OSU Extension Weekly Agriculture Newsletter – June 3, 2020

Scouting and Latest Information



Manure side-dress trial started



Manure side-dress trial started

Hello!! Good afternoon! I pray you are well.

Sorry for needing to cancel the Farm Talk Tuesday. I had field research to take care of. We will meet this Tuesday. Every Tuesday from 8:30 to 9:30 AM we will be hosting a virtual meeting via Zoom that can also act as a simple conference call for those of you not able to get online to view live. The meeting will be set up to discuss key, timely information for your operation and to open the floor for questions and sharing of information. You may propose topics for the next meeting at anytime during the week by e-mailing or calling me. **At this time weather is the only topic on the schedule for next week.** Please join use every Tuesday for Auglaize County Farm Talk.

If you are a buyer or seller of hay or straw, let me know and I can keep a list to share with others.

List of individuals searching for hay or straw: None

List of individuals selling hay or straw:

1. About 200 3' X 3' wheat straw bales for sale. This same individual is willing to sell his winter cover crops as forage to anyone interested.
2. At least 500 small square wheat straw bales for sale.

Call the OSU Extension office at 701-541-0043 or e-mail me at stachler.1@osu.edu to get the contact information.

Joke: What did the baby corn say to the mama corn??

Agricultural Fun Fact: About 25% of U.S. farm products by value are exported each year.

Rain fell 4 days this past week. Rainfall on Tuesday, May 26st ranged from a 0" near Harris and St. Rt. 29 roads, Dowty and County Road 66A roads, Santa Fe-New Knoxville and Kettlersville roads, and Buckland-Holden and St. Rt. 501 roads to 1.0" near Mercer Line and St. Rt. 197 roads. Rainfall on Wednesday ranged from 0" at 12 locations to 0.25" near Mercer Line and St. Rt. 197 roads. Rainfall on Thursday ranged from 0" near St. Rt. 67 and St. Rt. 117 roads and near Feikert and St Rt. 385 roads to 0.25" near Harris and St. Rt. 29 roads, near St. Rt. 364 and Clover Four roads, and near Tri-Township and Lock Two roads. Rainfall on Friday ranged from 0.05" near Feikert and St Rt. 385 roads to 0.38" near Lowe's. Rainfall for the week ranged from 0.18" near Bloody Bridge to 1.45" near Mercer Line and St. Rt. 197 roads. Rainfall for the week averaged 0.57", 0.17" more than last week. The average rainfall for the month of May was 4.62", which is 0.44" above the monthly average of 4.18". The current year to date rainfall total is 19.66" which is 4.71" more than the normal of 14.95". Rainfall is forecasted at least at 25% for today, Friday, and Tuesday.

The average high temperature now is 77 degrees F, two degrees more than last week. Temperatures were above normal for **3** days of the week and below normal for **4** days of the week. The range in high temperature for the week was 64 to 88 degrees F. The average high temperature for the week was 74.7 degrees F, which is 0.9 degrees F warmer than last week and 2.3 degrees F **below** the current normal high temperature! Temperatures for the next 7 days will almost all be above normal.

Wheat



Wheat has flowered (Feekes 10.5)



Field of wheat

Wheat development is moving along quite well. All wheat has flowered now. Now we just wait for harvest. I slightly changed the wheat condition. The current rating of the wheat crop is: 10% excellent, 42% good, 43% fair, 5% poor and 0% very poor. Last week's rating was 4% excellent, 44% good, 48% fair, 4% poor, and 0% very poor. Leaf diseases are still at a very low level!!

Alfalfa



Near maximum height of alfalfa in a field



Alfalfa field ready for harvest

Alfalfa grew quite a bit again this past week. The maximum size of alfalfa is now up to 28” in some fields with an average maximum height of about 26”. Most alfalfa is still in the vegetative stage, but you will find plants with buds and some flowering already. Harvest began in the last week. Yields are lower than normal. Try to let the soil dry before harvesting so you do not leave tracks in the field.

Corn



Current stage of corn (V3)



A corn field

We got back to planting corn in the past week with quite a bit of activity in the last few days. I’m hearing of replanting going on and certainly have observed the need, but the majority of stands are just fine. Some corn is purple and/or yellow in color due to the cold weather at times. Side-dressing began this past week. I’m estimating that 90% of the corn was planted in the county as of this past Sunday. Last year at this time we had 10% of the corn planted in the county, but 99% in 2018! We should be at 90% planted now in Ohio, so we are on schedule. I rated the corn crop as 24% excellent, 44% good, 25% fair, 7% poor, and 0% very poor. The largest corn at this time is at the V4 stage (4th collar visible). Most corn is in the V2 (second collar) to V3 (third collar). Most corn is relatively short for its age.

Soybean



Most developed soybean (V1)



Field of soybean

Soybeans are growing slowly, but making some progress. Stands in most fields are good, but stands are minimal in others. Replanting and spot-planting has gone on and will. My estimate is that 80% of the soybeans have been planted in the county as of Sunday. At this time last year only 4% of the soybeans had been planted in the county, but in 2018 98% were planted! We should be at 76% planted now in Ohio, so we are still ahead of historical planting. The current condition of soybean in the county is 28% excellent, 44% good, 20% fair, 7% poor, and 1% very poor. The most advanced soybean is almost at the V1 stage (1st trifoliate leaf unrolled).

Weeds



Cressleaf groundsel not killed in a corn field



Young waterhemp plants



Mess of giant ragweed and waterhemp



Pennsylvania smartweed

The biggest topic this week is the cancellation of the registration of dicamba applied to dicamba-resistant soybean! This has huge ramifications. Purchase fomesafen products as soon as possible to ensure the best weed control possible. The second biggest topic continues to be cressleaf groundsel. Now that it is in full flower, it is present in more areas than I thought. Since it is a poisonous plant to livestock care must be taken to not harvest hay or wheat fields with more than a hand full of plants in the field. There are still fields that have no burndown, this is not a good situation. Get these fields sprayed as soon as possible. I am also seeing

large weed densities in some fields that had no preemergence herbicide applied, please watch these fields closely so a timely postemergence herbicide application can be made. Waterhemp is certainly in fields, manage appropriately.

Insects/other



Alfalfa weevil and damage

The alfalfa weevil density has declined drastically. We should not have to scout the second cutting for alfalfa weevil with this decline. However, the second cutting will need to be scouted for the potato leafhopper as it has returned! I have heard of some slug damage occurring in some fields with cover crops. Keep an eye on wheat fields as armyworm and cutworm moths flights are quite high at this time.

With the cancellation of dicamba to dicamba soybean, I did not update the label information below. Not sure of label changes for Engenia (<https://agro.basf.us/campaigns/engenia/tankmixselector/>), XtendiMAX (<http://www.xtendimaxapplicationrequirements.com/Pages/default.aspx>), FeXapan (<https://www.corteva.us/products-and-solutions/crop-protection/fexapan/tank-mix-partners.html>), and Tavium (<http://www.syngenta-us.com/herbicides/tavium-tank-mixes>) this week. The Engenia label still has the most approved products compared to XtendiMAX and FeXapan. No new herbicide was added to the XtendiMAX label this past week, which totals 252 herbicides. No new adjuvant was added the XtendiMAX label, now totaling 442. No new nozzles were added to the XtendiMAX label, which totals 44. No new Drift Reducing Adjuvant (DRA's) were added to the XtendiMAX label this week, making a total of 107 DRA's.

No nutritional products were removed from the XtendiMAX label which totals 259. No new products were added to the Insecticides, Fungicides, Insecticides plus Fungicides, Plant Growth Regulator and Other group on the XtendiMAX label which totals 115. No new adjuvants were added to the Engenia label, which now totals 600. No new herbicides were added to the Engenia label, which brings the total herbicide count to 204. No new products were added to the Other category (growth regulators and fungicides) on the Engenia label, which totals 37. No new insecticides were added to the Engenia label which currently has 49 products. No new Drift Reducing Adjuvants (DRA's) were added to the Engenia label, which totals 131. No new nozzles were added to the Engenia label, which totals 31. No new nutritional products were added to the Engenia label which totals 231 products. No new products was added to the pH Modifier group of the Engenia label which totals 17 products. The FeXapan label has many of same the products and nozzles as the XtendiMAX label, but NOT all are the same, so check the FeXapan label carefully. The FeXapan website has changed drastically! They now have DRA's listed for each product type that must be mixed with FeXapan. There are some products that need no DRA added! There are 13 glyphosate formulations, 229 herbicides, 41 insecticides, 17 fungicides, 96 DRA's, 317 adjuvants, 204 nutritionals, 30 plant growth regulators, 18 other products, and 46 nozzles that have been approved for the FeXapan label. There are 47 herbicides, 101 DRA's, 316 adjuvants, 96 nutritionals, 16, insecticides, 7 fungicides, 8 other products, and 41 nozzles approved for use with Tavium.

Enlist One and **Enlist Duo** for Enlist soybeans and corn also have approved tank-mix partners and nozzles like the dicamba products. **There were no changes to the labels.** The list of approved tank-mixtures for both of these products has been updated. Please follow these labels online at <https://www.enlist.com/en/herbicides.html> . There are 48 nozzles, 143 herbicides, 19 glyphosate formulations, 9 glufosinate formulations, 11 Dry AMS products, 85 insecticides, 30 fungicides, 21 plant growth regulators, 645 other products, and 315 fertilizers / nutrients labeled with Enlist One. There are 23 nozzles, 74 herbicides, 48 insecticides, 17 fungicides, 22 plant growth regulators, 8 Dry AMS products, 512 Other products, and 168 fertilizers / nutrients labeled with Enlist Duo.

Other information about the Enlist products include the following:

1. Enlist Duo rate is 4.75 pts/A which only has 1.0 lbs ae/A of glyphosate which is really not enough. You would think you could just add more glyphosate, but you CAN NOT add more glyphosate with Enlist Duo.
2. Enlist One can be mixed with ANY rate of glyphosate, glufosinate and 192 other herbicides.
3. Never use Enlist One alone on Enlist crops and always apply Enlist One at 2 pts/A
4. You CAN NOT add glufosinate with Enlist Duo!
5. When adding a postemergence grass soybean herbicide like quizalofop, clethodim, sethoxydim, or fluazifop to Enlist One add 33% higher rate of these products to reduce the antagonism with grasses OR apply the postemergence grass herbicides 7 days after the Enlist One.

Upcoming Meetings

1. **Auglaize County Farm Talk.** Every Tuesday from 8:30 to 9:30 AM we will have a virtual agricultural meeting. The third Tuesday will be the Ag Breakfast. Next week's topic is Weather by Aaron Wilson and more. The link to get onto the meeting is as follows: <https://osu.zoom.us/j/2119847503> If you just want to call in the phone number and meeting code are as follows: 646-876-9923 2119847503#
2. **The OSU Farm Office is Open.** The OSU Extension Farm Office Team will open our offices online and offer biweekly live office hours on Thursdays from **9:00-10:30 am** EST. This week there will be a meeting. Each office session is limited to 500 people and if you miss our office hours, we'll post recordings on farmoffice.osu.edu the following day. **Register at <https://go.osu.edu/farmofficelive>.**
3. **All OSU Extension face to face meetings have been cancelled or postponed through July 6th. Meetings after this date will go on as planned at least until further notice.**

Answer to joke: Where's popcorn!!

When Should Postemergence Herbicides be Applied to Corn?



Corn is at the V2 (second collar visible) to V5 (fifth collar visible) growth stage. Now it is time to start watching for weeds and apply herbicides in a timely manner. Scouting for weeds is critical, especially important is identifying waterhemp. This will likely be the number one weed to watch for in corn this growing season.

Corn does not compete well against weeds, especially grassy weeds. Corn yield is almost never reduced when weeds are controlled at the one to two-inch stage. However as weed size becomes larger than two inches, crop yield usually begins to decline. The amount of yield lost will depend upon weed height and density and water and nutrient availability. The larger the weed beyond two inches the more likely yield loss will occur. The greater the weed density the greater the chance for yield reductions due to weeds. The drier the soil conditions the greater the yield loss from weeds. The lower the fertility levels the greater the loss of corn yield. With this combination of factors, yield loss could begin when weeds are between one to two inches in height.

Another aspect to consider is the loss of nutrients by letting the weeds be present in the corn. The larger the weeds the more nutrients are taken up into the weed and likely will no longer be available to the corn plant for the rest of the season. This loss of nutrients, in particular nitrogen, is usually a loss of revenue. Side-dressing nitrogen after the herbicide application can usually compensate for the loss of nitrogen caused by the weeds. For fields that were tilled but no residual herbicides were applied, Capreno, Callisto, Impact, DiFlexx DUO Status, Shieldex, or Laudis plus atrazine at 0.5 to 0.75 pounds active ingredient per acre should be mixed with glyphosate in Roundup Ready corn. The herbicides must be applied before three-inch weeds. This type of comprehensive program is necessary to control glyphosate-resistant weeds and provide a little long-term residual control of waterhemp. If high densities of waterhemp are present, then consider including acetochlor, metolachlor, or Zidua with the above herbicides for additional residual waterhemp control. The acetochlor, metolachlor, Zidua, and atrazine must be applied before 11 to 12-inch corn.

For fields where residual herbicides were applied at planting or before, wait until weeds reach three to four inches in height and apply glyphosate in Roundup Ready corn at the full labeled rate of 1.125 pounds acid equivalent per acre. If glyphosate-resistant weeds or waterhemp are present, then other herbicides need to be included. Include Callisto, Capreno, DiFlexx Duo, Impact, Laudis, Realm Q, or Status with atrazine and glyphosate to improve control of glyphosate-resistant weeds and provide additional mechanisms of action. If corn is 12 inches or less add atrazine at 0.5 pound active ingredient per acre. If corn is taller than 12 inches, DiFlexx Duo provides the most effective, broad-spectrum control of weeds and crop safety. The next most effective herbicides to mix with glyphosate on large corn include Capreno, Laudis, or Status. Apply the maximum rate of the these postemergence herbicides. Use the best adjuvant for the herbicides being mixed with glyphosate to maximize herbicide activity.

Glyphosate is somewhat effective on yellow nutsedge. It is most effective when plants are beginning to flower, but you can't wait that long in corn so you will have to take what you get or apply glyphosate a second time. The most effective corn herbicide to control yellow nutsedge is halosulfuron (Permit) applied at 1 ounce per acre.

Be sure to adhere to the rainfastness of herbicides to make sure they work appropriately. Consult the 2020 Ohio, Indiana, and Illinois Weed Control Guide for rainfastness, the use of postemergence herbicides where a soil-applied organophosphate insecticide was applied and more and the herbicide label.

C.O.R.N. Newsletter

<https://agcrops.osu.edu/newsletter/corn-newsletter>

Cressleaf Groundsel in Hay



Cressleaf Groundsel

Cressleaf Groundsel is in full flower currently in forage and unplanted fields across the state. While this is not a new weed prevalence has been increasing, causing concern for many livestock producers.

Toxicity

Cressleaf Groundsel is toxic to both cattle and horses. Cattle are 30-40 times more susceptible to poisoning than sheep or goats. Calves and younger cattle are more susceptible than older cattle, but it can be fatal at high enough doses to all age groups. Pyrrolizidine alkaloids are the principle toxin in these plants. It is known to cause liver disease in cattle, producing symptoms such as listlessness, decreased appetite, depression, anorexia, diarrhea, and photosensitization in extreme cases. It also appears that this species has been responsible for abortions in cattle, making control of butterweed a necessity. Cattle that consumed 4 to 8% of their body weight in the green plant over a few days developed acute liver necrosis and died within 1 to 2 days. Cattle that ingested 0.15% of their body weight (fresh weight) of a species in the same genus as butterweed for a minimum of 20 days resulted in 100% mortality. This comparative ratio equates to a 20-day cumulative dose of 2% of an animal's body weight of dry plants (Knight and Walter 2001). Most beef cattle will consume 2-2.5% of their body weight in dry matter per day. Since these toxins are cumulative when hay is over 5% Cressleaf Groundsel dry matter weight, enough can be consumed within 20 days to cause mortality.



Cressleaf Groundsel

While toxicity decreases in some plants as they dry, that is not the case with Cressleaf Groundsel. These toxins are not decreased if the plants are dried and baled. Ensilaging will decrease the concentration of toxin but not eliminate them. Producers with high concentrations of Cressleaf Groundsel maybe forced to bale first cutting and throw it away so that livestock are not poisoned. Areas of sparse concentration may be baled and fed cautiously, ideally alongside hay that is free from poisonous weeds. Cattle may sort the weeds out. A new bale should be fed before the only thing left in the feeder is weeds. In grazing situations, cattle will usually not eat poisonous plants as long as they have access to other quality forages. Be cautious anytime drought conditions decrease forage stands.

Biology and Identification

Cressleaf groundsel reproduces only from seeds and emerges as a rosette in the fall, then bolts, flowers, and goes to seed in the spring. Bolting stems are hairless, hollow, grooved, and can reach heights of three feet with inflorescences that have six to twelve yellow ray flowers. The flowers are like other species in the Aster family, with ray (outside) and disk (center) petals. The outer ray will normally consist of 5 to 15 petals that are bright yellow, and the inner disk will be a more golden yellow in color. Plants will eventually produce seeds that resemble those of dandelions. The seeds are small with a reddish to brown tint and have a feathery pappus that makes them easily carried by the wind.

Control

Cressleaf groundsel normally does not regrow after the first cutting of hay; however, our goal should be to prevent it from becoming established in the field. Take note of fields with Cressleaf Groundsel in them or nearby for increased scouting and control measures next year. Effective chemical control is when the plants are still in the rosette growth stage in late fall or early spring. Herbicides such as 2,4-D provide good control when applied at the correct growth stage. Larger plants may require additional herbicides such as dicamba. Products that can be used to control this weed and others can be found in the 2020 Weed Control Guide for Ohio, Indiana, and Illinois. One caution using these broadleaf herbicides is that they also damage legumes such as alfalfa and clovers in pastures and hayfields. For additional information on identifying weeds go to https://cpb-us-w2.wpmucdn.com/u.osu.edu/dist/7/3461/files/2014/04/Cressleaf_groundsel_article_-_p-zna9t9.pdf

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Recommendations for Soybeans Planted in June



While progress is way ahead of last year, soybean planting is spilling into June. (According to USDA NASS, 53% of soybean acreage was planted by May 24, 2020. Last year, at the same time, only 11% of soybean acreage was planted.) As planting continues into June, farmers may want to consider adjusting their cultural practices:

Row spacing. Soybean planted in narrow rows (7.5 or 15-inch row width) generally yields higher than soybean planted in wide rows (30-inch). The row spacing for June-planted soybeans 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 soybean plants begin to flower. The later in the growing season soybeans are planted, the higher the yield increase due to narrow rows.

Seeding rate. Higher seeding rates are recommended for June planting dates. The final (harvest) population for soybean 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.)

Relative maturity. Plant the latest maturity 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.

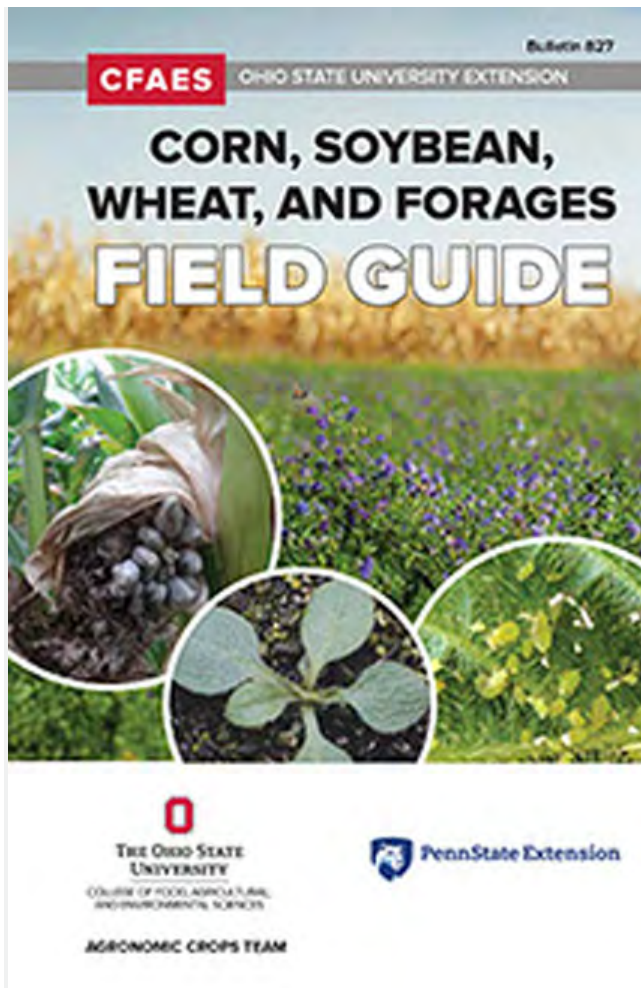
	Planting Date	Suitable Relative Maturity
Northern Ohio	June 1-15	3.2-3.8
	June 15-30	3.1-3.5
	July 1-10	3.0-3.3
Central Ohio	June 1-15	3.4-4.0
	June 15-30	3.3-3.7

	July 1-10	3.2-3.5
Southern Ohio	June 1-15	3.6-4.2
	June 15-30	3.5-3.9
	July 1-10	3.4-3.7

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Use the Field Guide to find answers for your crop problems



Field Guide

Judging from the calls I have been getting over the past week, we have some issues out there. One good source of information – with pictures and often accompanied by a remedy is the OSU/PSU Corn, Soybean, Wheat, and Forages Field Guide. We have two versions – the bound copy, which I love, and a pdf version that is digital and can be downloaded now. The hard copy will have to be mailed to you because Extension offices are still closed or offering limited services.

For the calls I received last week that I referred folks to the Guide:

- My corn seed is rotting in the field – how do I know if I need to replant? – see page 8 & 9.
- My crop went underwater last weekend, will the plant survive? See page 11 for corn; for soybean, see page 91.

- My corn is purple, can I put on a foliar to get it through? See page 73 for a photo, and no, usually, it will grow out of it with warmer weather and as the root system outgrows the compaction or waterlogging problem.
- I see beetles in my soybeans, are they a problem? See page 99 for a picture of the Bean leaf beetle and suggestions on management.
- Sprayer set up? Yes, that's in here too. Page 227.
- Need help with sorting out pigweeds? Or just need help to identify a weed? Again see the field guide, page 198 to 226.

The newly revised Corn, Soybean, Wheat, and Forages Field Guide is a compilation of the latest research by Extension specialists from The Ohio State University in partnership with Pennsylvania State University.

Designed as a guide for scouts, crop advisors, and farmers, this handy spiral-bound book contains updated information and images to aid with insect, disease, and weed identification. Significant revisions to the text include the latest fertilizer recommendations, broadleaf weed ID keys, and a manure sampling and manure applicator calibration section. Tar spot, a new disease to Ohio, is now included in the Corn Disease section.

The Guide is divided into six sections: Corn Management, Soybean Management, Wheat Management, Forage Management, Weed Identification, and General Crop Management, which includes updated sampling information. The index at the back of the book can be used to quickly locate page numbers for your topic of interest while in the field.

The Field Guide is 5.5 inches wide by 8 inches tall, spiral bound. I'm getting old, so those old guides with the small pictures or tables just don't cut it anymore – for this one, I made sure my old eyes can still see all the details. And with the spiral binding, the Guide can be opened to a page, and it stays there while I drive a little farther down the field to check another spot.

The Guide is available from the OSU Extension publications store:

- For the hardcopy, <https://extensionpubs.osu.edu/corn-soybean-wheat-and-forages-field-guide/>. The price is \$15.75
- And the pdf copy, <https://extensionpubs.osu.edu/corn-soybean-wheat-and-forages-field-guide-pdf/>. The price is \$7.75.

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Other Articles

OHIO HOUSE PASSES BILL TO LIMIT LIABILITY FOR COVID-19 TRANSMISSIONS

By: Peggy Kirk Hall, Friday, May 29th, 2020

Source: <https://farmoffice.osu.edu/blog>

“Will I be liable for that?” is a common question we hear in the legal world. COVID-19 has made that question even more commonplace, especially as more businesses reopen or expand services and more people reengage in public activities. About a dozen states have acted on the liability concern and passed COVID-19 liability protections, and Congress is also deliberating whether federal legislation is necessary. Here in Ohio, the House and the Senate have been reviewing separate immunity proposals. Yesterday, Ohio’s House passed its bill, which aims to limit liability in certain situations where a person claims harm from the transmission of COVID-19.

The language of House Bill 606 effectively explains the House’s intent in putting forth its proposal, stating that:

- The Ohio General Assembly is aware that lawsuits related to the COVID-19 health emergency numbering in the thousands are being filed across the country.
- Ohio business owners, small and large, as they begin to re-open their businesses are unsure about what tort liability they may face, and recommendations regarding how best to avoid infection with COVID-19 change frequently.
- Businesses and premises owners have not historically been required to keep members of the public from being exposed to airborne viruses, bacteria, and germs.
- Those individuals who decide to go out into public places are responsible to take those steps they feel are necessary to avoid exposure to COVID-19, such as social distancing and wearing masks.

The House bill declares that for the above reasons, any COVID-19 “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.”

The bill’s reference to not establishing a legal duty in regards to COVID-19 is important, as it forms the basis of immunity from liability for COVID-19 infections. Under Ohio law, a person who can prove that

harm resulted because another failed to meet a required duty of care can make a successful claim of negligence and receive damages for harm caused. Negating a legal duty of care for handling of COVID-19 removes the possibility of civil liability.

The House bill clearly lays out its general liability protection in Section 4 and extends the immunity from March 9 to December 31, 2020 to “any person,” which includes an individual, corporation, business trust, estate, trust, partnership, association, school, for-profit, nonprofit, governmental, or religious entity, and state institution of higher education. But it also makes an exception from immunity where a person has acted recklessly, intentionally, or with wanton misconduct:

- A. No civil action for damages for injury, death, or loss to person or property shall be brought against any person if the cause of action on which the civil action is based, in whole or in part, is that the injury, death, or loss to person or property is caused by the exposure to, or the transmission or contraction of [COVID-19] or any mutation thereof, *unless it is established that the exposure to, or the transmission or contraction of, any of those viruses or mutations was by reckless or intentional conduct or with willful or wanton misconduct on the part of the person against whom the action is brought.*

Opponents to the bill claim that it would encourage persons not to take any COVID-19 precautions, but proponents argue that the bill does so by discouraging reckless behavior. Under the legislation, to behave recklessly means that “with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause an exposure to, or a transmission or contraction of [COVID-19] or any mutation thereof, or is likely to be of a nature that results in an exposure to, or a transmission or contraction of, any of those viruses or mutations.”

In addition to the general immunity protection explained above, the House bill also provides temporary civil immunity for health care providers, grants immunity to the State for care of persons in its custody or if an officer or employee becomes infected with COVID-19 in the performance or nonperformance of governmental functions and public duties, and expands the definition of “governmental functions” for purposes of political subdivision immunity to include actions taken during the COVID-19 pandemic.

The Ohio Senate is working on its own version of a COVID-19 immunity bill. A fourth hearing on Senate Bill 308 took place on May 27 before the Senate Judiciary Committee. Several substitute bills have replaced the original bill, and it's yet uncertain what the final version will contain.

Read about House Bill 606 [here](#) and Senate Bill 308 [here](#).

Meat processing laws in Ohio and the U.S.

By: Peggy Kirk Hall, Associate Professor, Agricultural & Resource Law Thursday, May 28th, 2020

Source: <https://farmoffice.osu.edu/blog/thu-05282020-354pm/meat-processing-laws-ohio-and-us>

Meat sales have been subject to serious supply chain issues wrought by COVID-19, raising many questions here in Ohio about who can process meat and where meat can be sold. In my opinion, explaining meat processing laws is nearly as difficult as summarizing the Internal Revenue Code. But one easy answer to the meat processing questions we've been receiving relates to Ohio's participation in the **Cooperative Interstate Shipment (CIS) Program** established by the 2008 Farm Bill. Ohio was the first state to participate in CIS and is the largest of the seven approved state CIS programs. CIS participation means that a small Ohio processor can apply to operate as a "federally inspected" plant and sell meat across state lines, including through online sales.

To become a "CIS establishment," the processor must have fewer than 25 full-time employees and meet specific food safety and sanitation standards that are verified through an inspection and assessment process. Because Ohio's "state inspected program" already includes many components of the "federally inspected" standards, it's not a difficult leap for Ohio processors to get into the CIS program and expand their sales opportunities. Small processors interested in CIS start the process by talking with their designated meat inspector from the Ohio Department of Agriculture. For a list of Ohio's 26 CIS establishments, visit the *USDA/FSIS CIS Establishments* page [here](#).

Want to know more about meat processing laws? Our partner, the National Agricultural Law Center, will host a webinar on June 3, 2020 to address the topic. Join us at Noon EST for ***Slaughtering and Processing in the United States: Oversight and Requirements*** with Senior Staff Attorneys Rusty Rumley and Elizabeth Rumley. The two will outline the balance and differences between federal and state authority over slaughter and processing of meat and poultry, along with proposed federal legislation that might change processing requirements and additional challenges facing small meat processors. Information about the webinar and a link to the registration are on the National Agricultural Law Center's website, [here](#). And don't worry, it will make more sense than the Internal Revenue Code.

Prepared by Jeff Stachler

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