

## **Legal Concerns of Farmers**

*By Ed Lentz, OSU Extension Educator, Hancock County*

Farmers and non-farm individuals have challenges they face each year. Last fall at the Farm Science Review, the Ohio State University's Agricultural & Resource Law booth took an informal survey on what farmers considered their biggest legal concern.

These concerns are listed below with the most common answer given first:

1. Farm transition and estate planning. Many farmers shared concerns about whether the family would do any estate planning, how to transition the farm business and assets to the next generation, understanding estate tax implications and planning for long-term health care needs.

This is a major concern in the countryside given that a high percentage of farmland and farm wealth will change hands in the next ten years.

2. Premises liability. Whether for trespassers, hunters or customers, landowners worry about liability for injuries to people who come onto the farm property. This is common requested topic at various meetings throughout the state.

3. Regulation of farm food sales. There is confusion about the division between state and local authority over cottage foods and home baked goods. Many farmers are concerned about regulations that affect the sale of eggs and fresh or frozen meat.

4. Oil and gas leases and hydro-fracturing. Common questions on this topic included "will development come my way?", "can I get out of an old oil and gas lease?" and "is hydro-fracturing dangerous?"

5. Water rights. Many farmers have a concern whether there will be enough water in Ohio to go around. One may add the challenges facing farmers in nutrient management and concerns about Lake Erie.

6. Current Agricultural Use Valuation. The calculation of agriculture's differential property tax assessment is an ongoing issue for farmers. Hancock County has had many meetings this past year informing the public about this taxation system.

7. Neighbor issues. In the words of one farmer, “how do I deal with difficult neighbors?” Many farmers have particular concerns about co-existing with non-farm neighbors as well as farm neighbors.

8. Animal rights activists. Even with the implementation of Ohio’s Livestock Care Standards, some farmers worry about being targeted by animal rights activists.

9. Pesticide drift and bees. Bees are important to Ohio’s agriculture. Controlling insect pests and keeping bees safe may become a bigger challenge in the future.

This survey and other agricultural law issues may be found at the following OSU Extension blog: <http://ohioaglaw.wordpress.com/author/aglaw/>.

Many of us have concerns and resolutions as one year ends and another begins. Farmers are no different than the rest of us.

As 2013 comes to end, farmers are left with many unsettling concerns: no Farm Bill (federal government agricultural policy), inflated land prices and rental rates, high input costs, and diminishing grain prices.

Fortunately, farmers are an optimistic group. They will still plant a crop expecting a harvest in the end. I am grateful for their optimism because our food supply depends upon it.

Happy New Year! See you in 2014.