



Managing Legal Risk for Livestock and Dairy Producers in Ohio

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Project Support

- This project is provided with support from the North Central Risk Management Education Center, whose mission is *to empower the strengths and skills of individuals in the North Central region who are involved in the management of agricultural production, marketing, financial, legal, and human resource risks.*

- Visit the website at www.NCRME.org



Workshop Overview

Addressing legal risks in emerging risk areas:

- Animal identification
- Ohio Livestock Care Standards
- GIPSA
- Farm security issues

Understanding, assessing and adopting risk management strategies.

Workshop Overview

We will . . .

1. Explain the laws and legal issues.
2. Discuss strategies for managing risk.
3. Follow up.
4. Make resources available on website.

You will . . .

5. Assess your operation.
6. Identify risk management practices.
7. Adopt risk management practices.
8. Evaluate the program and participate in follow up surveys.

Workshop Overview

- **Important components:**
 - Exercises
 - Evaluations
 - Action
 - Follow up



Ohio Livestock Care Standards and Ohio Animal Cruelty Laws

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Ohio Livestock Care Standards

- New regulations that establish standards of care for dairy, beef, swine, turkeys, broilers, sheep, goats, alpacas, llamas, and equine.
 - Feed and water
 - Health
 - Management
 - Transportation
 - Euthanasia
- Effective September 29, 2011.
- Ohio Administrative Code 901:12.

Ohio Livestock Care Standards

- Burden is now on the livestock operator to know and implement the standards.
- ODA fact sheets on the standards are included in workshop handbook.
- Detailed guides for each specie, videos and the regulations are available online at <http://www.agri.ohio.gov/LivestockCareStandards/>

Enforcement of Ohio Livestock Care Standards

- Ohio Department of Agriculture is responsible for enforcement of the livestock care standards.
- Enforcement program is complaint driven.
 - No new inspection program for enforcing the standards.
- ODA's goals:
 - Acknowledge the learning curve.
 - Help bring operators into compliance.

Enforcement of Ohio Livestock Care Standards

- After receiving a credible complaint, ODA will investigate the complaint.
 - A credible complaint is one that does not specify facts or an act that is a violation of standards.
- ODA has authority to enter the premises to investigate the complaint.
 - With permission of property owner/operator, or
 - If permission not granted, then with an administrative search warrant.

Enforcement of Ohio Livestock Care Standards

- ODA will issue a report after an investigation.
- Will identify whether an operator is not meeting the care standards.
 - Will include recommendations for corrective measures that will bring operator into compliance.
 - Operator will have time to institute corrective measures.

Enforcement of Ohio Livestock Care Standards

- If operator doesn't come into compliance, ODA can assess notice of violation and civil penalties.
 - Farmer has right to request a hearing within 30 days after receiving notice of violation.
 - Administrative hearing is before an independent hearing officer who is not an employee of ODA.
 - After notified of hearing officer's decision, operator has right to appeal the decision.

Enforcement of Ohio Livestock Care Standards

- **Penalties -- minor violations:**
 - Acts of neglect or unintentional substandard practices.
 - Fine of up to \$500 for first offense.
 - Up to \$1000 for subsequent violations within 5 years.

Enforcement of Ohio Livestock Care Standards

- **Penalties -- major violations**
 - For reckless or intentional acts that unjustifiably inflict pain, including acts that:
 - ✦ Place animal's life in peril
 - ✦ Causes long term disfigurement
 - ✦ Causes long term health impairments
 - ✦ Causes loss or impairment of limb or organ
 - Fine of up to \$5,000 for first offense.
 - Up to \$10,000 for subsequent violations within 5 years.

Enforcement of Ohio Livestock Care Standards

- **To date:**
 - ODA has received 34 complaints.
 - Not all were credible complaints.
 - In nearly all cases where concerns were legitimate, concerns were addressed through corrective measures and without further action by ODA.
 - A few open cases exist; not known whether corrective measures will take place or notice of violation will result.

What about Ohio's Animal Cruelty Law?

- **Livestock care standards are independent of animal cruelty law enforcement.**
- **There could be overlap:**
 - A complaint or an incident might lead to investigations or violations of both the livestock care standards and the animal cruelty law.

Ohio Animal Cruelty Law

- **Ohio Revised Code 959.13 (see handbook)**
 - Neglect – food, water, shelter
 - Torturing, beating, mutilating, killing
 - Transporting stress
 - Misdemeanor penalties
 - ✦ Up to \$750 and 90 days in jail for each offense.

Ohio Animal Cruelty Law

- **Enforced by local humane society agents or local law enforcement.**
 - Similar process as livestock care standards, but likely not a “corrective measures” approach:
 - ✦ Credible complaint
 - ✦ Investigation
 - ✦ Seizure of animals, penalties, criminal prosecution

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