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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 349
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Sheehy and Hicks-Hudson

Amanda George Goodman, Attorney

SUMMARY

- Prohibits the construction of a new, or expansion of an existing, regulated concentrated animal feeding facility (CAFF) in the Maumee River watershed if the Maumee River contained a certain amount of phosphorus during the preceding calendar year.
- Exempts CAFFs that are under construction or expansion at the time of the bill's effective date from the bill's provisions.
- Requires the Director of Agriculture, in consultation with the Director of Environmental Protection, to study the feasibility of using waste water systems or other effective systems to accommodate and reduce nutrient runoff into the Maumee River watershed and Western Basin of Lake Erie.

DETAILED ANALYSIS

Prohibition of CAFFs in the Maumee River Watershed

The bill prohibits the Director of Agriculture from issuing a permit to install to a person for the construction of a new regulated concentrated animal feeding facility (CAFF) or the expansion (meaning an increase in the total design capacity) of an existing regulated CAFF if both of the following apply:

1. The facility is located in the Maumee River watershed;¹ and
2. The Director determines that, in the preceding calendar year, the spring load of total phosphorus exceeded 860 metric tons and the total dissolved reactive phosphorus

¹ <https://www.epa.state.oh.us/dsw/tmdl/MaumeeRiver>.

exceeded 186 metric tons for the Maumee River, as specified in the 2015 Western Basin of Lake Erie Collaborative Agreement.²

However, if a person initiates the construction of a new CAFF or expansion of an existing CAFF in accordance with a permit to install issued by the Director prior to the bill's effective date, the bill's provisions do not apply.³ Currently, the Director may issue permits to construct or modify CAFFs in accordance with a CAFF program established by the Director.⁴

For purposes of the bill's prohibition, a regulated CAFF is an animal feeding facility that stables or confines the number of animals specified in any of the following categories:⁵

CAFF qualifications	
Number of animals	Type of animal
200 or more	Mature dairy cattle whether milked or dry
300 or more	Veal calves
300 or more	Cattle other than mature dairy cattle or veal calves
750 or more	Swine that each weigh 55 pounds or more
3,000 or more	Swine that each weigh less than 55 pounds
150 or more	Horses
3,000 or more	Sheep or lambs
16,500 or more	Turkeys
9,000 or more	Laying hens or broilers if the animal feeding facility uses a liquid manure handling system
37,500 or more	Chickens, other than laying hens, if the animal feeding facility uses a nonliquid manure handling system

² R.C. 903.021(B). See <https://gsgp.org/media/lx1dmrsn/western-basin-of-lake-erie-collaborative-agreement-6-13-15.pdf>.

³ R.C. 903.021(C).

⁴ R.C. 903.02, not in the bill.

⁵ R.C. 903.021(A).

CAFF qualifications	
Number of animals	Type of animal
25,000 or more	Laying hens if the animal feeding facility uses a nonliquid manure handling system
10,000 or more	Ducks if the animal feeding facility uses a nonliquid manure handling system
1,500 or more	Ducks if the animal feeding facility uses a liquid manure handling system

Feasibility study

The bill also requires the Director of Agriculture, in consultation with the Director of Environmental Protection, to conduct a study to determine the feasibility of waste water system or other effective system to accommodate and reduce nutrient runoff into the Maumee River watershed and Western Basin of Lake Erie. The Director of Agriculture must create a report summarizing the study's conclusions and submit the report to the General Assembly by December 31, 2022.⁶

HISTORY

Action	Date
Introduced	06-15-21

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⁶ Section 2.