



Protecting Your Organic Land from Unwanted Chemical Sprays

Many aspects of organic production are out of a farmer's control—the weather, seed quality and harm to the organic integrity of crops from conventional farming practices on adjoining land. While we cannot do anything about climatic conditions, we can take steps to lessen the chance of contamination from neighboring farms.

Public Right of Way

Road crews have a legal mandate to keep roadsides clear of obstructions that could block sight or prevent water from flowing through the ditches, which could cause roadside flooding. Some local governments provide flags organic farmers can use to mark the boundaries of land where no sprays are allowed. If flags aren't provided, it is a good idea to put up no-spray signs at the property lines and at road intersections. Many times, local personnel are not the ones doing roadside spraying; instead, hired crews come from outside the area. Signs can alert these crews to skip over organic land. (MOSES sells no-spray signs online at www.mosesorganic.org or call 715-778-5775.)

Each state has its own laws governing no-spray agreements with utilities and road crews. Organic farmers can reinforce these laws by creating a written management agreement. Most local governments will accept a roadside no-spray agreement if the landowner takes responsibility for brush and noxious weed control in the right-of-way. As with most agreements, a clear delineation of responsibilities is good for both parties and lessens the risk of unwanted spraying. A written agreement could state: "The property owner agrees to maintain vegetation along the roadway by keeping it mowed (or brush cleared, or noxious weeds removed) to allow for clear field of vision by those traveling on the roadway, and the unimpeded flow of water through road ditches. The Town, (county, state) will respect the wishes of the property owner and not spray the roadsides noted on the attached map. If the property owner does not maintain the roadsides as agreed, the Town (county, state) will maintain the roadsides to protect public health and safety."

Not all government entities will require the property owner to mow the roadsides, but most will require that brush and noxious weeds be controlled. You, as the property owner, need to monitor the roadsides consistently to control weeds and uphold your end of the agreement. If a local road crew happens past and spots brush or weeds, the crew could spray. Therefore, it's a good idea to note in the written agreement

that the property owner be notified first of any weed issue before action is taken. Generally the local government will give the landowner one or two weeks to take care of a problem before sending back a spraying crew.

If the road crew accidentally sprays, and you have a written agreement and have maintained your side of the bargain, you could have a case for receiving compensation. An example of fair compensation would be receiving the organic premium on the now non-organic buffer zone crop that would need to be removed along any sprayed roadside. Again, each state has its own rules on this type of liability. However, when there is a written agreement, the organic farmer has a better chance of getting compensated for an accidental spray incident.

Utilities

Utilities can be approached by property owners in the same fashion. Higher voltage transmission lines moving electricity from generation facilities to substations are managed differently than the shorter electric distribution poles that move electricity from homestead to homestead in rural areas. These distribution lines are managed either by private companies or by local rural electric cooperatives with its own policies regarding no-spray agreements. Contact these utilities to see if they have a standard no-spray agreement you could sign (many have them), or develop your own.

Utility companies actively maintain trees and brush around power lines. They may or may not notify you that they are intending to spray. Being prepared ahead of time with a clear agreement is the only way to avoid the unpleasant surprise of seeing a swath of dead grass and trees through your organic field. An easement for these utility companies to come onto your land and maintain the distribution lines was part of your deed when you purchased your land. Most of these easements were put on these deeds in the 1920s and 1930s.

Agreements with Neighbors

A friendly discussion with your neighbors concerning sprays or chemical fertilizer applications along the fence line also will be helpful. Most neighbors are willing to work with you, especially if you explain that you are accessing a specialty market (organic) and that there are certain rules you must follow, including protecting your crop from prohibited sprays and fertilizers. Explain that you have a buffer zone in place, but you would appreciate it if they would spray when the prevailing winds are light or are moving away from your

land. If your neighbors have pastures, you can ask them not to spray for weeds within 30 feet of a shared fence line (and offer to cut or dig their weeds if they wish). If they are willing to sign a yearly agreement concerning this no-spray area on their farms, then you will not need a buffer zone on your side of the fence. The agreement must be in writing, unless the neighbor's adjoining field is certified organic!

More and more conventional farmers are hiring commercial applicators that might not be familiar with the area and the various operators of the fields. Putting up signs near field entrances stating that you have an organic farm and no sprays are allowed can be a little bit of insurance to keep a confused applicator from directly applying a prohibited substance to your organic field. Any prohibited application, whether a mistake or not, will cause that land to be removed from organic production for three years. Signs are especially important if you are renting land away from your home where you cannot see activities until the damage has been done. You can be proactive and notify the local co-ops and applicators about where your organic land is located. An easy way to do this is to color the organic fields on a photocopy of a plat book map or FSA aerial photo, include your name and phone number, and note that these are organic fields. You also can give these maps to local airport managers to pass on to aerial applicators that crop-dust in your region.

State Support

States vary in the assistance they provide organic producers to protect fields from stray spray. Some, such as Iowa, maintain a registry of organic farmers that commercial applicators can check before spraying. Iowa also provides special signs that are placed at a 45 degree angle on a pole, making it visible from both the ground and air. Contact the Iowa Organic Program for information. Certified organic growers in Minn., Wis., Mich., Ind., and Ill. can register their land in the Driftwatch™ registry managed by Purdue University (www.driftwatch.org). The program uses Google Maps to identify organic fields so commercial applicators know where to avoid.

Underground pipeline companies in Wisconsin have voluntarily located organic farms so they can avoid them when planning pipeline routes. While the State of Minnesota has a mitigation plan in place for pipelines going through organic land, in Wisconsin, these mitigation plans are on a case-by-case basis. Other states may have similar plans. Landowners should read any pipeline agreements carefully. If you think you might want an organic inspector or other trained person on-site when there are pipeline activities on your land, you should write this into the agreement.

GMO Contamination

Lastly, there is the issue of GMO contamination. While organic farms do not lose organic certification if there is GMO contamination of crops, they may lose access to the organic market, especially for crops destined for human consumption. Organic corn and soybeans for human food are tested extensively for GMO presence and rejected if it's found.

Widespread GMO testing of livestock feed may start in the near future. The organic farmer can do a variety of things to lessen the risk of GMO pollen drift, including planting later than conventional neighbors and not growing organic corn directly adjoining GMO corn (work your rotation so you are not growing corn the same year that your neighbor is). If your neighbors are growing GMO corn with the Bt gene, they will need to plant some of their acreage with non-Bt GMO corn in order to prevent the development of insect resistance. They sign a contract with the supplier of the seed where they agree to plant a minimum of 10% of their land to non-Bt GMO corn as a "refuge." The organic farmer can ask the nonorganic farmer to plant the refuge crops next to the organic land. Many neighbors are willing to do this.

If You Experience Pesticide Drift

In most states, it is illegal for pesticides to drift onto others' land without permission, and perpetrators are subject to fines. If you can smell the pesticide while in your field, it has drifted onto your land. Call the State Department of Agriculture's Pesticide Enforcement Bureau immediately to get someone out to document the activity. The enforcement officer can take samples from leaves, soil or even a car to prove drift. Keep track of the day, time, and location of all incidents. Commercial applicators' insurance usually will pay some damages to the victim of drift, even organic premiums for three years (only the premium since the crop can be sold as non-organic). However, if the crop is of high value, like vegetables, the producer usually will not be able to get full payment for all losses. In a recent claim, organic vegetable growers received about 1/3 of the approximately \$400,000 crop value (three years of crops) requested.

As organic farming becomes more and more part of our rural landscape, those who use "prohibited substances" are becoming more aware of the need to respect organic land and work with organic producers. Organic farmers can be proactive by writing agreements, putting up signs and registering land to protect the organic integrity of their crops.

National Pesticide Information Center:
Contact information for state Pesticide Regulatory Agencies
http://npic.orst.edu/reg/state_agencies.html



The Midwest Organic and Sustainable Education Service (MOSES) provides education and resources to farmers to encourage organic and sustainable farming practices. To learn more, please see:

www.mosesorganic.org