



FACT SHEET: Ohio Department of Agriculture

LIVESTOCK ENVIRONMENTAL PERMITTING PROGRAM



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What is a background check?

A background check is a procedure used by the Ohio Department of Agriculture to review an applicant's past compliance with the Federal Water Pollution Control Act, the Safe Drinking Water Act, or any other applicable environmental state laws. It is a requirement of Ohio Revised Code Section 903.05, because the crafters of S.B. 141 felt a background check would keep "bad actors" out of Ohio. The rules further explain this process, in 901:10-1-02 and 901:10-1-03 of the Ohio Administrative Code (OAC).

Who is subject to a background check?

Basically, every farmer applying for a Permit to Install or a Permit to Operate is subject to a background check. This includes a farmer operating a smaller livestock or poultry farm who wants to expand his farm; a farmer who wants to operate a concentrated animal feeding facility (CAFF) who has not operated a farm in the state for at least two of the last five years; or for a farmer who wants to transfer an existing permit into his name, if he has not operated a farm in the state of at least two of the last five years. Those farmers who are applying for a PTO and have been operating a CAFF for at least two of the past five years will have their compliance history taken into consideration by the Director of ODA as he makes a decision on the permit. The only exception to the background check rule is a farmer who is transitioning his current Ohio EPA Permit to Install to an ODA Review Compliance Certificate.

What information must the owner or operator include for a background check?

An owner or operator must complete the Compliance Information form and submit it to ODA's Livestock Environmental Permitting Program with the PTI or PTO application. This form asks for names and addresses of other farms that the applicant has operated, whether in Ohio, in another state, or in another country. It also asks the farmer to list all administrative enforcement orders, notices of violations, or civil actions in which the applicant was involved. The background check also takes into consideration all criminal actions in which the applicant pleaded guilty or was convicted during the five years immediately preceding the submission of the application having to do with applicable environmental laws. Finally, the farmer must submit a list of any violation of environmental laws of another country. On a more positive note, the farmer may also submit information regarding his expertise, records of reliability, and any other documentation regarding his competence.

All this information helps the Director determine if the applicant has sufficient reliability, expertise, and competence to operate the farm. While ODA staff will review and check the information provided by the farmer, failure by the farmer to disclose information or submittal of false or misleading information would result in permit revocation or denial.

What Does ODA do with the information submitted for a background check?

All information submitted to ODA for a background check is verified by checking with other divisions within ODA, the Ohio EPA, local Soil and Water Conservation Districts, other states' regulatory agencies, and any appropriate governmental agencies in another country. When checking with these other agencies, staff will determine whether or not the applicant and persons associated with the farm have a history of substantial noncompliance with any applicable environmental laws in Ohio, other states, or other countries, especially with respect to any violations of the Federal Water Pollution Control Act and the Federal Safe Drinking Water Act. The Director will obtain copies of files, if any, from other government agencies for the record. A report on compliance will be created and included as part of the Director's final decision on a permit.

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