

LEGAL PROBLEMS USING COVER CROPS AS FORAGE

I have a real legal dilemma today. And it has to do with cover crops, cover crops that you want to graze or harvest as forage.

What is the dilemma, you ask? Well, the dilemma is that, from a legal standpoint, it may be illegal for you to use your cover crop as a harvested forage or for grazing.

The problem stems from herbicides used. With the exception of glyphosate, most herbicides commonly used with our annual crops have rotational restrictions on how soon various crops can be planted after that herbicide was used. That includes forage crops. And if the label doesn't specifically mention your cover crop, or one of the species in your cover crop cocktail, then the rotational restriction automatically becomes the maximum interval, which usually is 18 months.

So – what does this mean from a practical standpoint? For starters, if you graze or harvest as forage a cover crop that falls under a rotational restriction, technically you are breaking the law. And potential penalties are severe. Your livestock could be quarantined or even destroyed. And it doesn't matter whether the crop was seed corn, hauled out, chopped for silage, or combined normally.

Does this mean these cover crops aren't safe? Well, the correct answer is 'we don't know for sure'. Sufficient herbicide residue tests have not been conducted to determine a tolerance level for the herbicide on that specific cover crop. That's why it's illegal. Even if you or other farmers have used this cover crop forage with no ill effects in the past, it is still illegal.

Now – will you get caught if you use it anyway? Well, that's another story and a risk, similar to speeding down the highway. that you must decide for yourself. The risk of harm or of getting caught may be small, but penalties severe.

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