Farm Tax Update

David Marrison, OSU Extension

Circular 230 Disclosure

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Today’s Objective

Provide a Brief Overview of Changes from Federal Tax Reform
COVID-19

- Stay Safe and Stop the Spread.
- Tax Deadline has been extended until July 15, 2020.
  - HRA & IRA?
  - Taxpayer Assistance Centers are closed and no face-to-face service throughout the country until further notice
- Ohio Department of Health Resources
- OSU Extension – A Tournament of Education.
  [go.osu.edu/agmadness](http://go.osu.edu/agmadness)

Federal Tax Reform
Tax Cuts and Jobs Act of 2017

Some of the Goals were:
- Create Postcard Sized Tax Form
- Reduce Tax Brackets
- Help Businesses Stay in USA

Estate Taxes
Federal Estate Tax

- American Taxpayer Relief Act of 2012 (Fiscal Cliff Legislation) has made estate planning easier.
- Set permanent limit indexed for inflation and includes portability to spouse.
- Was $5,490,000 for 2017 then went to 11.18 in 2019
- Is $11,580,000 for 2020. ($23.16 million for a married couple).
- Annual gift exclusion is $15,000.
- Step up in basis has been continued.
- In 2026, will revert back to 2017 (w/ adjustments).

Ohio Estate Tax

- As of January 1, 2013, the Ohio Estate Tax has been repealed.
New Tax Brackets

<table>
<thead>
<tr>
<th>Rate</th>
<th>2017 Tax Brackets</th>
<th>2018 Tax Brackets</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>$0 - $9,324</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>$0 - $9,524</td>
<td></td>
</tr>
<tr>
<td>15%</td>
<td>$9,325 - $37,949</td>
<td>12%</td>
</tr>
<tr>
<td></td>
<td>$9,525 - $38,699</td>
<td></td>
</tr>
<tr>
<td>25%</td>
<td>$37,950 - $91,899</td>
<td>22%</td>
</tr>
<tr>
<td></td>
<td>$38,700 - $82,499</td>
<td></td>
</tr>
<tr>
<td>28%</td>
<td>$91,900 - $191,649</td>
<td>24%</td>
</tr>
<tr>
<td></td>
<td>$82,500 - $157,599</td>
<td></td>
</tr>
<tr>
<td>33%</td>
<td>$191,650 - $416,699</td>
<td>32%</td>
</tr>
<tr>
<td></td>
<td>$157,500 - $199,999</td>
<td></td>
</tr>
<tr>
<td>35%</td>
<td>$416,700 - $418,399</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td>$200,000 - $499,999</td>
<td></td>
</tr>
<tr>
<td>39.60%</td>
<td>$418,400+</td>
<td>37%</td>
</tr>
<tr>
<td></td>
<td>$500,000+</td>
<td></td>
</tr>
</tbody>
</table>
### Married Filing Jointly

<table>
<thead>
<tr>
<th>Rate</th>
<th>Income Bracket</th>
<th>Rate</th>
<th>Income Bracket</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>$0 - $18,649</td>
<td>10%</td>
<td>$0 - $19,049</td>
</tr>
<tr>
<td>15%</td>
<td>$18,650 - $75,899</td>
<td>12%</td>
<td>$19,050 - $77,399</td>
</tr>
<tr>
<td>25%</td>
<td>$75,900 - $153,099</td>
<td>22%</td>
<td>$77,400 - $164,999</td>
</tr>
<tr>
<td>28%</td>
<td>$153,100 - $233,349</td>
<td>24%</td>
<td>$165,000 - $314,999</td>
</tr>
<tr>
<td>33%</td>
<td>$233,350 - $416,699</td>
<td>32%</td>
<td>$315,000 - $499,999</td>
</tr>
<tr>
<td>35%</td>
<td>$416,700 - $470,699</td>
<td>35%</td>
<td>$400,000 - $599,999</td>
</tr>
<tr>
<td>39.60%</td>
<td>$470,700+</td>
<td>37%</td>
<td>$600,000+</td>
</tr>
</tbody>
</table>

### 2019 Tax Rates

<table>
<thead>
<tr>
<th>Tax Rate</th>
<th>Single Filers</th>
<th>Married-Jointly Filers</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>$0 - $9,700</td>
<td>$0 - $19,400</td>
</tr>
<tr>
<td>12%</td>
<td>$9,701 - $39,475</td>
<td>$19,401 - $78,950</td>
</tr>
<tr>
<td>22%</td>
<td>$39,476 - $84,200</td>
<td>$78,951 - $168,400</td>
</tr>
<tr>
<td>24%</td>
<td>$84,201 - $160,725</td>
<td>$168,401 - $321,450</td>
</tr>
<tr>
<td>32%</td>
<td>$160,726 - $204,100</td>
<td>$321,451 - $408,200</td>
</tr>
<tr>
<td>35%</td>
<td>$204,101 - $510,300</td>
<td>$408,201 - $612,350</td>
</tr>
<tr>
<td>37%</td>
<td>$510,301 and higher</td>
<td>$612,350 and higher</td>
</tr>
</tbody>
</table>
New Post Card Tax Form (?)

New 1040
Standard Deduction

<table>
<thead>
<tr>
<th>Filing Status</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$6,350</td>
<td>$12,000</td>
<td>$12,200</td>
</tr>
<tr>
<td>Married Filing Jointly</td>
<td>$12,700</td>
<td>$24,000</td>
<td>$24,400</td>
</tr>
<tr>
<td>Head of Household</td>
<td>$9,350</td>
<td>$12,000</td>
<td>$18,350</td>
</tr>
<tr>
<td>Personal Exemption</td>
<td>$4,050</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

Schedule A Deductions

1. State/Local/Property Tax (SALT)
2. Medical and Dental Expense Deduction
3. Home Mortgage Interest Deduction
4. Personal Casualty & Theft Loss Deduction
5. Charitable Contribution Deductions
6. Misc. Itemized Deductions Subject to 2% Floor
Federal Estate Tax

- American Taxpayer Relief Act of 2012 (Fiscal Cliff Legislation) has made estate planning easier.
- Set permanent limit indexed for inflation and includes portability to spouse.
- Was $5,490,000 for 2017 then went to 11.18 in 2019
- Is $11,580,000 for 2020. ($23.16 million for a married couple).
- Annual gift exclusion is $15,000.
- Step up in basis has been continued.
- In 2026, will revert back to 2017 (w/ adjustments).

Farm Tax Update
2019 Farmers Tax Guide

Get a copy of the Farmer’s Tax Guide at or your local County Extension office or access it on-line at:

2018 Farm Bill

- Signed December 20, 2018
- Includes commodity, food, & nutrition, and crop insurance provisions
- Remains in place through 2023

Projected Costs of 2018 Farm Bill (FY 2019-2028)

- Commodities: 77%
- Conservation: 7%
- Nutrition: 7%
- Crop Insurance: 9%
- All Other: 0.5%

Dairy Margin Coverage Program

- The 2014 Margin Protection Program (MPP) was retooled to become the Dairy Margin Coverage Program (DMC).
- Annual or life of farm bill decision
- Annual fee to participate
- 2019 will generate taxable income.
Commodity Programs

- Ag Risk Coverage (ARC) and Price Loss Coverage (PLC) are continued with some modifications.
- PLC protects for low prices and ARC protects for low revenue.
- [http://go.osu.edu/farmbill2019](http://go.osu.edu/farmbill2019)

2018 Farm Bill:

**Elect a Federal Commodity Program**

- **Agricultural Risk Coverage- County**
  - Paid on 85% of Base Acres
- **Agricultural Risk Coverage- Individual**
  - Paid on 65% of Base Acres
- **Price Loss Coverage**
  - Paid on 85% of Base Acres

<table>
<thead>
<tr>
<th>Share of Base Acres Enrolled in PLC 2018</th>
<th>Nationally</th>
<th>Ohio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corn</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Soybeans</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Wheat</td>
<td>42%</td>
<td>18%</td>
</tr>
</tbody>
</table>

Data Source: USDA-FSA, ARC and PLC Landing Page
Government farm program payments to farm producers, 2009-19F

$ billion (nominal)

- 20 15 10 5 0


- All other program payments 1/
- Payments that are a function of crop prices 2/
- Fixed payments 3/
- Conservation payments

Note: F = forecast.
1/ All other payments include supplemental and ad hoc disaster assistance, tobacco transition, Cotton Ginning Cost Share, dairy, and miscellaneous programs (such as the Market Facilitation Program).
2/ Includes Price Loss Coverage (PLC), Agriculture Risk Coverage (ARC), counter-cyclical payments (CCP), Average Crop Revenue Election (ACRE) payments, loan deficiency payments (excluding grazeout payments), marketing loan gains, and certificate exchange gains. CCP and ACRE were not continued in the 2014 Farm Bill. PLC and ARC payments began in 2015.
3/ Includes direct fixed payments portion of Direct and Counter-Cyclical Program (DCP) and Cotton Transition Assistance Program (CTAP) payments (in 2014/15).

2018 Market Facilitation Payments

2018 Market Facilitation Payments by Acre - Ohio
Adjusted to be comparable to 2019 MFP per Acre Rates*

Dollars Per Acre

2019 Market Facilitation Payments by Acre - Ohio
Only 70% of the County Rate has been Authorized

Dollars Per Acre

*calculated by weighting 2013 commodity specific acreage and multiplying by 2018 (old and 2019 MFP payment rates)

Lien on County is divided into East and West, but averaged for this analysis.

Source: USDA Farm Service Agency
Lien on County is divided into East and West, but averaged for this analysis.
2018 Market Facilitation Payments by Acre - Ohio

Adjusted to be comparable to 2019 MFP per Acre Rates*

Dollars Per Acre

*calculated by weighting 2018 commodity specific acreage and multiplying by 2018 yield and 2018 MFP payment rate
Lucas County is divided into East and West, but averaged for this analysis

2019 Market Facilitation Payments by Acre - Ohio

Only 50% of the County Rate has been Authorized

Dollars Per Acre

Source: USDA Farm Service Agency
Lucas County is divided into East and West, but averaged for this analysis
Taxation of Government Payments

- Include in income the year it is received.
  - Dairy Margin Coverage payments (current year’s production)
  - ARC & PLC payments (previous year’s production)
  - Margin Facilitation Program payments
- Schedule F (Form 1040)
- Subject to SE tax

Conservation Programs

- Conservation Reserve Program (CRP)
- Conservation Reserve Enhancement Program (CREP)
- Farmable Wetlands Program (FWP)
- Biomass Crop Assistance Program (BCAP)
- Noninsured Crop Disaster Program (NAP)
- Agricultural Management Assistance (AMA)
- Clear 30 – pilot program to benefit water resources
- Soil Health and Income Protection Program (SHIPP)
Taxation of Conservation Payments

Include in income
- Usually subject to SE tax
  - Unless material participating farmer receiving Social Security or Disability benefits

IRC § 175 Deduction
- Deduct qualifying soil and water conservation expense

IRC § 126 Exclusion of cost-share payments
- See qualifying criteria in the book (p 566)

Commodity Credit Corporation CCC Loans

- Low interest loan secured by farmer’s unsold crop
- Not included in income unless section 77 election
  - Pay attention to previous years’ election
- If section 77 election, sets crop basis at loan rate
Equipment Depreciation

Changes for Farm & Machinery Depreciation

- Cost recovery period is now 5 years (not 7) for new farm machinery and equipment.
- Grain bins, fences, and used equipment stay as 7 year assets.
- 200% declining balance is to be used on 3, 5, 7 and 10 year property.
- 150% declining balance on 15 and 20 year property.
- Trees and vines are 10 year property – previously SL, now 150 DB.
A Comparison of Depreciation Schedules

<table>
<thead>
<tr>
<th>Year</th>
<th>MACRS 150%</th>
<th>MACRS 200%</th>
<th>Straight-Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 (1/2 Year)</td>
<td>$5,357</td>
<td>$7,143</td>
<td>$3,571</td>
</tr>
<tr>
<td>2019</td>
<td>$9,566</td>
<td>$12,245</td>
<td>$7,143</td>
</tr>
<tr>
<td>2020</td>
<td>$7,516</td>
<td>$8,746</td>
<td>$7,143</td>
</tr>
<tr>
<td>2021</td>
<td>$6,124</td>
<td>$6,247</td>
<td>$7,143</td>
</tr>
<tr>
<td>2022</td>
<td>$6,124</td>
<td>$4,462</td>
<td>$7,143</td>
</tr>
<tr>
<td>2023</td>
<td>$6,124</td>
<td>$4,462</td>
<td>$7,143</td>
</tr>
<tr>
<td>2024</td>
<td>$6,124</td>
<td>$4,462</td>
<td>$7,143</td>
</tr>
<tr>
<td>2025 (1/2 Year)</td>
<td>$3,062</td>
<td>$2,231</td>
<td>$3,571</td>
</tr>
</tbody>
</table>

For Used Tractor: Purchase Price of $50,000

What a Difference a Year Makes

$100,000 for tractor purchased without Bonus or Section 179 Depreciation

2017- $10,714 depreciation
($100,000/7 x .5 x 150%)

2019- $20,000 depreciation
($100,000/5 x .5 x 200%)

$9,286 more
NEW Bonus Depreciation Rules

- Expands to 100% for next five years.
- For property placed in service after 9/27/2017. Recovery period still 20 year or less.
- Removes requirement that usage must begin with taxpayer so both new and used equipment is eligible.
- Family sale restrictions.

Bonus Depreciation Rules

- 100% through 2022
- 80% for 2023
- 60% for 2024
- 40% for 2025
- 20% for 2026
- 0% for 2027 and beyond

Section 179-Equipment Expensing

- Can expense new or used equipment in year of purchase.
- Cannot exceed the taxable income derived from the business or create a loss.
- For 2019 - expanded to $1,020,000 million with a $2.55 million dollar phase-out limit ($1 for $1).
- Will be indexed for inflation for future years.
- Provisions are not set to expire.
Excessive Depreciation Concerns

- This increase in the rate of depreciation for many farm assets, combined with the shorter MACRS recovery class for new farm equipment and machinery, may generate more depreciation than is needed by some taxpayers.
- The taxpayer can elect to use the SL method of depreciation and now may also elect to use the 150% method. **Both elections are made on a class-by-class basis each year.** To further reduce the amount of depreciation, the taxpayer may elect to use the alternative depreciation system (ADS), which calculates depreciation using the SL method and lengthens the recovery period.

Like Kind Exchanges
No Like Kind Exchange for Personal Property

- §1031 now only applies to real property (land) under the TCJA. Farm equipment not eligible.
- Equipment trade-ins are now immediate (in the year) taxable events.
- Most likely result will be taxable gain.
- Taxable gain may be offset – Bonus Dep. & §179

Tractor Trade-In: Old vs. New Rules

**2019**

- New Tractor Cost- $300,000
- Tractor for Trade In Value (no tax basis) $200,000
- Boot $100,000

**Old rules:** No gain recognized and no tax due, $100K expensable

**New rules:** Taxable gain of $200k, $300k expensable
Cautions/Observations

- May already have used the maximum $1,020,000 section 179 deduction or may have exceeded the $2,550,000 investment limit on qualifying purchases.
- May not want to use bonus depreciation because it applies to the entire recovery class basis. This may create more than the optimal amount of depreciation expense.
- State taxes will be treated differently – Bonus Dep. And Section 179 have limitations on Ohio state taxes
- Ohio Income Tax may be higher as a result of this change – however this recapture income is also eligible and included in business income that qualifies for the Ohio Business Tax Exclusion of $250,000

No Like Kind Exchange for Personal Property Impacts on State and School District Income Tax

<table>
<thead>
<tr>
<th>Equipment</th>
<th>New Purchase</th>
<th>Trade-In</th>
</tr>
</thead>
<tbody>
<tr>
<td>JD Sprayer</td>
<td>$533,425</td>
<td>$360,000</td>
</tr>
<tr>
<td>JD 1770NT Planter</td>
<td>$254,224</td>
<td>$198,300</td>
</tr>
<tr>
<td>JD 1795 SR Planter</td>
<td>$289,632</td>
<td>$165,200</td>
</tr>
</tbody>
</table>

Total $1,077,281 $723,500

Sec 179 Exp $723,500
Add Back (5/6 x (723500 -25000) = 582083
Allowable Dep. Ohio $141,417
Ohio Taxable Income $582,083
Potential Ohio Tax Due @ 4.797% $27,923
Potential School Tax Due @ 1.5% $8,731
A New World for Business
Deductions & Taxation

New Tax Rate C-Corporations

- Tax rate for C-Corporations reduced to a flat 21%

<table>
<thead>
<tr>
<th>Pre-TCJA C-Corp Tax Bracket</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxable Income</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Over 50,000, 75,000</td>
</tr>
<tr>
<td>75,000, 100,000</td>
</tr>
<tr>
<td>100,000, 335,000</td>
</tr>
<tr>
<td>335,000, 1,000,000</td>
</tr>
<tr>
<td>1,000,000, 15,000,000</td>
</tr>
<tr>
<td>15,000,000, 18,333,333</td>
</tr>
<tr>
<td>18,333,333, —</td>
</tr>
</tbody>
</table>

- Medium to larger C-Corps benefit
- Smaller C-Corps don’t benefit
- A C-Corp with net income less than $96,500 was better off with the old C-Corp rates (in terms of rates only)
So What About Pass Through Entities Which Could Have Tax Rate Up to 37%

How Do We Make it Fair?

New IRC Section 199A Deduction

- Helps even playing field for sole proprietorships, partnerships, and S corporations (LLCs are included).
- A new deduction of 20% of qualified business income (QBI) was created to help pass through entities. (12/31/2017 – 01/01/2026). It is subject to limitations.
- Taxable income threshold amount of $157,500 (individual) & $315,000 (married taxpayers filing jointly) before phase-ins apply.
QBI Deduction – Limitations

<table>
<thead>
<tr>
<th>Full 20% Deduction</th>
<th>Wage Limitation Phase-in Range</th>
<th>Full Wage Limitation Applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0</td>
<td>$157,500 - $315,000</td>
<td>$207,500 - $415,000</td>
</tr>
</tbody>
</table>

Definitions for QBI Deduction

- **Qualified Business Income (QBI)** - is the net amount of qualified items of income, gain, deduction, and loss with respect to any qualified trade or business of the taxpayer.
- **Trade or Business** - taxpayer must be involved in the activity with continuity and regularity and the taxpayer’s primary purpose for engaging in the activity must be for income or profit.

See: I.R.C. §162. & Commissioner v. Groetzinger
New IRC Section 199A Deduction

- Determine Qualified Business Income (QBI).
  - Includes Schedule C, F, E, Form 4797 recapture, Form 4835
  - There are a number of definitions, thresholds, and limitations that apply to this deduction.
- Generally the 199A deduction for QBI is the lessor of:
  - 20% of combined QBI or
  - 20% of taxable income minus net capital gain-qualified cooperative dividends.

Farm With No Business Income from Cooperatives

- Oliver & Minney Tractor had $100,000 of Qualified Business Income from their Schedule F (sole prop.). They sold grain to a local grain elevator (non-cooperative). No other income sources.
- With the new standard deduction of $24,400 their taxable income is $75,600 (assuming all income is ordinary).
- Deduction is the lesser of:
  - 20% of $100,000 (QBI) = $20,000
  - 20% of $75,600 (taxable income minus net capital gains) = $15,120
- Deduction is $15,120.
- Would pay taxes on $60,480.
### Standard Deduction

<table>
<thead>
<tr>
<th>Filing Status</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$6,350</td>
<td>$12,000</td>
<td>$12,200</td>
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<td>Married Filing Jointly</td>
<td>$12,700</td>
<td>$24,000</td>
<td>$24,400</td>
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<tr>
<td>Head of Household</td>
<td>$9,350</td>
<td>$12,000</td>
<td>$18,350</td>
</tr>
<tr>
<td>Personal Exemption</td>
<td>$4,050</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

### Small Farm Example

- Professor Plum has income from the following:
  - W2- $75,000
  - Schedule C- $1,000
  - Schedule F- $7,000
  - Schedule E- $3,000

- With the new standard deduction of $12,200 his taxable income (single) is $67,800 (assuming all income is ordinary).
- Deduction is the lesser of:
  - 20% of $5,000 (QBI) = $1,000
  - 20% of $67,800 (taxable income minus net capital gains) = $13,560
- Deduction is $1,000
- Would pay taxes on $66,800.
What Qualifies for QBI?

Guidelines Are Being Released- Notice 2019-07 (Safe Harbor)

Rental activity will automatically be QBI if for each real estate enterprise the following applies:

- Separate books and records are maintained for each real estate enterprise.
- For each real estate enterprise, you must provide at least 250 hours of actual work. This must be work related to maintaining the real estate. This includes (1) advertising to rent, (2) negotiating and executing leases, (3) verifying information, (4) collection of rent, (5) daily operation, maintenance and repair of property, (6) management of real estate, (7) purchase of materials, and (8) supervision of employees and independent contractors.
- You must do this for each year between 2019 and 2022, whereas starting in 2023, you only need these hours in three out of five years.
Getting Out of the Business of Farming

- Farmers making the decision to cease the farming business either voluntarily by retiring or involuntarily through financial distress may face significant tax liabilities.
- Generally, sale of all the farm assets within the same tax year will result in the highest tax liability for the farmer who chooses to go out of business.
- Are you having these conversations about your farm business?
Selling Assets All in 1 Year

Gain calculation of total sale

<table>
<thead>
<tr>
<th>Asset</th>
<th>FMV</th>
<th>Basis</th>
<th>Gain (loss)</th>
<th>Character</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stored grain</td>
<td>$50,000</td>
<td>$0</td>
<td>$50,000</td>
<td>Ordinary</td>
</tr>
<tr>
<td>Livestock held for sale</td>
<td>100,000</td>
<td>20,000</td>
<td>80,000</td>
<td>Ordinary</td>
</tr>
<tr>
<td>Real property</td>
<td>480,000</td>
<td>210,000</td>
<td>270,000</td>
<td>Long-term capital gain (section 1231)</td>
</tr>
<tr>
<td>Equipment</td>
<td>100,000</td>
<td>0</td>
<td>100,000</td>
<td>Ordinary (section 1245)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$730,000</strong></td>
<td><strong>$230,000</strong></td>
<td><strong>$500,000</strong></td>
<td><strong>Ordinary</strong></td>
</tr>
</tbody>
</table>

Ordinary tax $46,944
LTCG triggers tax $43,773
Total tax bill $90,717

George nets $639,283, BUT he still owes the bank $60,717
Selling over Several Years

- What if George would sell over a few years?
  - Sell grain and real property 2019
  - Sell livestock in 2020
  - Sold ½ equipment in 2021 and rest in 2022
- Tax bill is reduced by $15,061 ($90,717 – $75,656)
- Does not address net present value of money, additional interest paid, change in valuation of assets over time, etc. It may be advisable to sell in one year even with insufficient income to cover the loan.
Installment Sale Option

Taxpayers can use the installment method by taking payments over time.

- Installment reporting is automatic if:
  - There is gain on the sale
  - At least one payment received in year after sale
  - Gain is not from depreciation recapture (§ 1245 gain)
Thank You!

David L. Marrison, Extension Educator
Coshocton County Extension
724 South 7th Street, Room 110
Coshocton, Ohio 43812
marrison.2@osu.edu
740-622-2265