

**AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 159.5, the Department of Agriculture and Land Stewardship hereby amends Chapter 1, "Administration," Iowa Administrative Code.

Chapter 1 provides the administrative structure of the Department. These amendments reflect the current structure of the Department and align Bureaus with their appropriate Division.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because these amendments update administrative rules to reflect the Department's existing structure.

Pursuant to Iowa Code section 17A.5(2), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments be made effective September 30, 2009. These amendments provide a benefit to the public by providing accurate information about the Department.

These amendments are intended to implement Iowa Code sections 17A.3 and 17A.4 and Iowa Code chapter 159.

These amendments became effective September 30, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 1.1(4) as follows:

**1.1(4)** The department is organized into ~~three~~ four branches known as the consumer protection and industry services division, the administration division, ~~and~~ the soil conservation division, and the food safety and animal health division. The deputy secretary of agriculture heads the administration division, and division directors head the consumer protection and industry services division, ~~and~~ the soil conservation division, and the food safety and animal health division. The directors assist the secretary in the implementation of the secretary's policies within the various bureaus, laboratories, and units assigned to that division. The directors shall also assist the secretary in supervising the work of the various bureaus and units assigned to that division, provide the expertise of their division to other divisions where appropriate, and perform other duties as assigned by the secretary.

ITEM 2. Rescind rule 21—1.2(159) and adopt the following new rule in lieu thereof:

**21—1.2(159) Consumer protection and industry services division.** In addition to the duties outlined in subrule 1.1(4), the director of the consumer protection and industry services division advises the secretary of activities and any impending or potential problems that have come to the attention of the division's personnel. The bureaus and laboratories under the supervision of the consumer protection and industry services division are as follows:

**1.2(1) Grain warehouse bureau.** This bureau licenses, inspects and examines grain dealers and grain warehouse facilities and reviews financial statements of licensees to ensure compliance with requirements, including payment of fees into the grain indemnity fund. The bureau also reviews claims made against the fund and makes recommendations on those claims to the grain indemnity fund board, upon which the board takes action.

**1.2(2) Weights and measures bureau.** This bureau inspects and licenses for commercial use all weights and measures or weighing and measuring devices; conducts petroleum products sampling and testing, tests and certifies antifreeze, and conducts random package and labeling inspections of products offered for sale; registers and licenses all service agencies and persons who service or repair commercial weighing and measuring devices; approves or rejects all blueprints on new scale installations; and approves or rejects bonds for scale installation. The bureau maintains the state metrology laboratory and, following the rules and regulations of the National Institute of Standards and Technology and using the weights and measures standards that are traceable to the National Institute of Standards and Technology, adjusts, certifies, and seals weights and measures used by state inspectors, commercial

repairers and private industry. The bureau deals with renewable fuels and coproducts by facilitating increased production and consumption of products made from Iowa's agricultural commodities and by encouraging production and use of renewable fuels and coproducts.

**1.2(3) *Entomology and seed laboratory.*** This laboratory licenses establishments selling or distributing seeds that are sold for agricultural purposes; controls the movement of serious insect pests and plant diseases, including those under federal quarantine; and inspects nursery stock growers and dealers.

**1.2(4) *Agricultural diversification and market development bureau.*** This bureau processes applications for organic certification and works closely with the Iowa organic standards board to ensure approval of those applications that meet state and federal regulations. This bureau provides marketing opportunities for diversified agricultural products throughout the state.

**1.2(5) *Agricultural marketing bureau.*** This bureau works with the various boards of Iowa agricultural organizations to assist and support their respective marketing efforts. The bureau also seeks new opportunities to assist Iowa's private firms to find markets for their products. Additionally, the bureau provides Iowa livestock and grain producers with essential market information on a timely basis through the market news reporting service, a joint effort with the United States Department of Agriculture.

**1.2(6) *Audit bureau.*** This bureau analyzes reports filed by feed and fertilizer companies for fees paid into the general fund of the state. The bureau also makes audits to check for compliance with check-off law for the commodity promotion boards.

**1.2(7) *Horse and dog bureau.*** This bureau promotes the Iowa horse and dog breeding industry by registering qualified Iowa-foaled horses and Iowa-whelped dogs and working in cooperation with the racing industry. The bureau administers the payment of breeder awards to the breeders of qualified winning horses and dogs.

**1.2(8) *Horticulture and farmers' market bureau.*** This bureau includes the following units:

*a. Horticulture.* This unit lends direction, continuity, leadership, and administrative services and guidance to the Iowa horticulture industry. The horticulture unit works with the Iowa State Horticultural Society to promote and encourage horticulture with the individual affiliate groups and the Iowa State Horticultural Society as a whole. The unit identifies and helps determine the market potential for horticultural crops such as ornamental plants, fruits and vegetables, Christmas trees, herbs, mushrooms, grapes, nuts, and turf products. The horticulture unit monitors the conditions of the industry and identifies, collects, and distributes pertinent information concerning horticulture and related interests. The unit acts as a resource for horticultural producers and provides referrals for assistance in marketing, production, financial aid, disaster programs, and regulatory issues. The horticulture unit acts as a liaison between industry organizations, other state and federal agencies, universities, noncommercial horticultural groups, and the agricultural community.

*b. Farmers' markets.* This unit assists in the organization and improvement of farmers' markets throughout the state. The unit collects and distributes information pertinent to the markets and provides market managers assistance in vendor recruitment, market promotion, and regulatory issues.

*c. Farmers' market nutrition programs.* This unit administers programs designed to provide a supplemental source of fresh, locally grown fruits and vegetables for women, infants, and children, seniors, and other clients; and to increase the production, distribution, and consumption of locally grown fruits and vegetables.

ITEM 3. Adopt the following **new** rule 21—1.5(159):

**21—1.5(159) Food safety and animal health.** In addition to the duties outlined in subrule 1.1(4), the director of the food safety and animal health division advises the secretary of activities and any impending or potential problems that have come to the attention of the division's personnel. The bureaus and laboratories under the supervision of the food safety and animal health division are as follows:

**1.5(1) *Animal industry bureau.*** This bureau is under the direction of the state veterinarian and consists of the following units:

*a. Animal health.* This unit conducts brucellosis, pseudorabies, and tuberculosis control and eradication programs; issues quarantines and approves premises for receiving animals of unknown health status for feeding or isolation while under quarantine; monitors and investigates reports of foreign animal diseases; inspects and licenses cattle dealers, pig dealers, auction markets, hatcheries, and rendering plants; registers cattle brands; provides administrative support, supplies and facilities for the board of veterinary medicine; maintains the capability to react to emergency situations; and maintains liaisons with livestock producer groups.

*b. Animal welfare.* This unit licenses and regulates facilities that engage in commercial activities relating to animals in the pet industry including, but not limited to, pet stores, dog and cat breeders and dealers, animal shelters and pounds, and kennels.

**1.5(2) Commercial feed and fertilizer bureau.** This bureau licenses feed mills and commercial feed manufacturing facilities; registers feed and stock tonic products; collects commercial feed tonnage fees; inspects medicated feed in accordance with Food and Drug Administration (FDA) rules and regulations; licenses and registers fertilizer plants and products; collects, compiles, and distributes data on plant food consumption; collects commercial fertilizer tonnage fees and groundwater protection fees; approves, inspects and regulates all anhydrous ammonia installations; and licenses, samples, evaluates and certifies all limestone quarries.

**1.5(3) Dairy products control bureau.** This bureau conducts a statewide program of dairy products control and regulates all phases of production, processing, and manufacturing of Grade A and Grade B dairy foods (manufacturing milk), dairy food, milk and dairy products, and other by-products. The dairy program is a part of a national regulatory scheme which provides for the interstate shipment of raw milk, pasteurized milk, and dairy products.

**1.5(4) Meat and poultry inspection bureau.** This bureau enforces and administers Iowa Code chapter 189A, the meat and poultry inspection Act. It is a cooperative program with the United States Department of Agriculture. The program must maintain an “equal to” status with the federal Wholesome Meat and Poultry Products Inspection Acts. This bureau conducts inspections of facilities, animals, products, and labeling and exercises processing controls and reinspection of meat and poultry products for intrastate commerce.

**1.5(5) Pesticide bureau.** This bureau registers pesticide products, licenses and certifies pesticide applicators, establishes programs for best management practices of agricultural chemicals, monitors consumer products for pesticide residues, implements pesticide enforcement and certification programs of the Environmental Protection Agency, and cooperates with the department of natural resources and other agencies.

**1.5(6) Feed, fertilizer, vitamin and drug laboratory.** This laboratory analyzes feed and fertilizer samples to ensure that they comply with the guaranteed analysis. The laboratory analyzes medicated feed samples to ensure that they are manufactured and used in accordance with Food and Drug Administration (FDA) regulations. The laboratory also analyzes milk products for added vitamins A and D<sub>3</sub>.

**1.5(7) Food, meat, poultry and dairy laboratory.** This laboratory analyzes samples to detect bacterial contamination and determine the composition of the product and substances added to determine wholesomeness and safety; certifies private dairy laboratories in the state; and tests public and private water supplies for bacteria and nitrate content.

**1.5(8) Pesticide residue and formulation laboratory.** This laboratory analyzes samples collected from pesticide retail establishments, from pesticide manufacturers to determine if pesticides have been used and produced properly, and during use/misuse investigations.

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