TREASURER OF STATE(cont'd)

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants	Maximum 6.0%
74A.4 Special Assessments	Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Financial Institutions as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective September 11, 2013, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum .05%
32-89 days	Minimum .05%
90-179 days	Minimum .05%
180-364 days	Minimum .05%
One year to 397 days	Minimum .05%
More than 397 days	Minimum .05%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 1030C

PHARMACY BOARD[657]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 147.76 and 2013 Iowa Acts, Senate File 353, the Board of Pharmacy hereby amends Chapter 8, "Universal Practice Standards," Iowa Administrative Code.

The amendment rescinds current rule 657—8.33(147,155A) and adopts new rule 657—8.33(155A). The rule establishes training and continuing education requirements for pharmacists engaged in the administration of vaccines, identifies the vaccines that a qualified pharmacist may administer to patients within specified age categories, and requires compliance with and utilization of the United States Centers for Disease Control and Prevention's (CDC) protocol for the administration of vaccines.

The rule also requires the pharmacist, prior to administering a vaccine on the approved adult vaccination schedule of the CDC Advisory Committee on Immunization Practices, a vaccine recommended by the CDC for international travel, or a vaccine to be administered pursuant to a prescription or medication order for an individual patient, to consult with the statewide immunization registration or health information network. The rule requires the pharmacist to report the administration of a vaccine described in this paragraph to the statewide immunization registry or health information network and to the patient's primary health care provider, if known, within 30 days of the administration.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the July 24, 2013, Iowa Administrative Bulletin as **ARC 0883C**. The Board received numerous written comments regarding the proposed rule. The adopted rule differs from that published under Notice.

Many of the commenters expressed concerns that pharmacists would be required to check the statewide immunization registration prior to administration pursuant to protocol of an influenza vaccine. Others were concerned that pharmacists would be required to report the administration pursuant to protocol of every influenza vaccine to the statewide immunization registry and to the patient's primary health care provider. Neither of these perceived requirements, as they relate to influenza vaccines administered via protocol, is included in the noticed or adopted rule. Subrule 8.33(7) has been amended to clearly state the exemption from these requirements for influenza vaccines and other emergency vaccines administered pursuant to protocol.

Other suggestions included eliminating the duplicative phrases "or immunization" and "and immunization" throughout the rule, authorizing the signing of a protocol between one or more authorized pharmacists and one or more licensed prescribers practicing in Iowa, eliminating the requirement that the prescribers be practicing within the local provider service area, and eliminating paragraph 8.33(5)"c" since the vaccinations identified in the paragraph would be included in paragraph 8.33(5)"a." These suggested changes have been made to the proposed rule by eliminating paragraph 8.33(5)"c" as duplicative and amending paragraph 8.33(3)"a" to require that a protocol be signed by a prescriber practicing in Iowa. Since the definitions of "immunization" and "vaccine" are identical, the duplicative phrases identifying both terms have been amended throughout the rule to address only "vaccine" or "vaccines."

Based on a suggestion from a commenter, the definition of "vaccine" has been amended to read as follows: "*'Vaccine'* means a specially prepared antigen administered to a person for the purpose of providing immunity." In addition, subparagraph 8.33(2)"a"(2), numbered paragraph "8," has been amended to add the identification of contraindications to the vaccine as a subject to be addressed by the education requirements for an authorized pharmacist.

The requirements for a protocol have been amended in subrule 8.33(3) to require that a protocol be unique to a pharmacy and identify the pharmacists authorized to administer vaccines pursuant to the protocol and that serious complications be reported to the prescriber who signed the protocol and to the Vaccine Advisory Event Reporting System (VAERS). Reporting to VAERS has also been added to subrule 8.33(6) for vaccines administered via prescription.

Commenters expressed support for the requirements for pharmacist continuing education relating to the administration of vaccines and generally supported the amendment and the expanded opportunity for pharmacists to contribute to increased immunization rates and patient health and safety in Iowa.

The Board finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the emergency adoption of this rule confers a benefit on the public. Pharmacists are currently in the process of establishing protocols for the administration of the annual influenza vaccines. Delaying the effective date of this rule to a normal effective date under the rule-making process will delay availability of influenza vaccine administration by pharmacists, increasing the risk of infection to patients in Iowa. Pharmacists in Iowa routinely administer the majority of influenza vaccines prior to and during the annual flu season.

The amendment was approved during the August 28, 2013, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 155A.3 and 155A.4 and 2013 Iowa Acts, Senate File 353.

This amendment became effective on September 1, 2013.

The following amendment is adopted.

Rescind rule 657—8.33(147,155A) and adopt the following **new** rule in lieu thereof:

657—8.33(155A) Vaccine administration by pharmacists. An authorized pharmacist may administer vaccines pursuant to protocols established by the CDC in compliance with the requirements of this rule.

8.33(1) *Definitions.* For the purposes of this rule, the following definitions shall apply:

"ACIP" means the CDC Advisory Committee on Immunization Practices.

"ACPE" means the Accreditation Council for Pharmacy Education.

"Authorized pharmacist" means an Iowa-licensed pharmacist who has met the requirements identified in subrule 8.33(2).

"CDC" means the United States Centers for Disease Control and Prevention.

"Immunization" shall have the same meaning as, and shall be interchangeable with, the term "vaccine."

"Protocol" means a standing order for a vaccine to be administered by an authorized pharmacist.

"Vaccine" means a specially prepared antigen administered to a person for the purpose of providing immunity.

8.33(2) *Authorized pharmacist training and continuing education.* An authorized pharmacist shall document successful completion of the requirements in paragraph 8.33(2)*"a"* and shall maintain competency by completing and maintaining documentation of the continuing education requirements in paragraph 8.33(2)*"b."*

a. Initial qualification. An authorized pharmacist shall have successfully completed an organized course of study in a college or school of pharmacy or an ACPE-accredited continuing education program on vaccine administration that:

(1) Requires documentation by the pharmacist of current certification in the American Heart Association or the Red Cross Basic Cardiac Life Support Protocol for health care providers.

(2) Is an evidence-based course that includes study material and hands-on training and techniques for administering vaccines, requires testing with a passing score, complies with current CDC guidelines, and provides instruction and experiential training in the following content areas:

1. Standards for immunization practices;
2. Basic immunology and vaccine protection;
3. Vaccine-preventable diseases;
4. Recommended immunization schedules;
5. Vaccine storage and management;
6. Informed consent;
7. Physiology and techniques for vaccine administration;
8. Pre- and post-vaccine assessment, counseling, and identification of contraindications to the vaccine;
9. Immunization record management; and

10. Management of adverse events, including identification, appropriate response, documentation, and reporting.

b. Continuing education. During any pharmacist license renewal period, an authorized pharmacist who engages in the administration of vaccines shall complete and document at least one hour of continuing education related to vaccines.

8.33(3) *Protocol requirements.* A pharmacist may administer vaccines pursuant to CDC protocols. A protocol shall be unique to a pharmacy and shall identify all pharmacists authorized to administer vaccines pursuant to the protocol. Links to CDC protocols shall be provided on the board's Web site at www.iowa.gov/ibpe. A protocol:

a. Shall be signed by a licensed Iowa prescriber practicing in Iowa.

b. Shall expire no later than one year from the effective date of the signed protocol.

c. Shall be effective for patients who wish to receive a vaccine administered by an authorized pharmacist, who meet the CDC recommended criteria, and who have no contraindications as published by the CDC.

d. Shall require the authorized pharmacist to notify the prescriber who signed the protocol within 24 hours of a serious complication and shall submit a Vaccine Advisory Event Reporting System (VAERS) report.

8.33(4) *Influenza and other emergency vaccines.* An authorized pharmacist shall only administer via protocol, to patients six years of age and older, influenza vaccines and other emergency vaccines in response to a public health emergency.

8.33(5) *Other adult vaccines.* An authorized pharmacist shall only administer via protocol, to patients 18 years of age and older, the following vaccines:

a. A vaccine on the ACIP-approved adult vaccination schedule.

b. A vaccine recommended by the CDC for international travel.

8.33(6) *Vaccines administered via prescription.* An authorized pharmacist may administer any vaccine pursuant to a prescription or medication order for an individual patient. In case of serious complications, the authorized pharmacist shall notify the prescriber who authorized the prescription within 24 hours and shall submit a VAERS report.

8.33(7) *Verification and reporting.* The requirements of this subrule do not apply to influenza and other emergency vaccines administered via protocol pursuant to subrule 8.33(4). An authorized pharmacist shall:

a. Prior to administering a vaccine identified in subrule 8.33(5) or subrule 8.33(6), consult the statewide immunization registry or health information network.

b. Within 30 days following administration of a vaccine identified in subrule 8.33(5) or subrule 8.33(6), report the vaccine administration to the statewide immunization registry or health information network and to the patient's primary health care provider, if known.

[Filed Emergency After Notice 8/30/13, effective 9/1/13]
[Published 9/18/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/18/13.

ARC 1024C
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code section 163.1, the Department of Agriculture and Land Stewardship hereby amends Chapter 64, "Infectious and Contagious Diseases," Iowa Administrative Code.

These amendments change the term for designated laboratories from "approved" to "official" laboratory. The amendments specify that contact with a contaminated premises causes an animal to become CWD exposed. The amendments remove negative stain electron microscopy and bioassay from the list of official cervid tests for CWD. The amendments update identification requirements. The amendments also clarify that CWD testing must occur and the results be found non-detected prior to the removal of a quarantine. The amendments clarify that the Department will investigate CWD suspect herds. The amendments also clarify that DNR approval is necessary for the disposal of CWD affected or exposed animals. The amendments clarify that the herd plan must contain testing requirements and that movement restrictions cannot be lifted prior to approval of the herd plan. The amendments provide that a complete physical herd inventory will be completed by the Department every three years.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0771C** on May 29, 2013.

Two comments were received from the public. The Farm Deer Council requested more options with identification requirements and for additional personnel to be able to conduct herd inventories. Another comment requested formation of a rule-making stakeholder group and establishment of an indemnification program.

Three changes from the Notice have been made. The ELISA test for CWD, which was recently approved by USDA, was added in rule 21—64.107(163) as an official CWD test. Identification requirements in subrule 64.106(3) were updated by allowing association tags but not referring to them as official cervid identification. Rule 21—64.114(163) was revised to allow state authorized veterinarians to conduct herd inventories.

After analysis and review of this rule making, no adverse effect on jobs has been found.

These amendments are intended to implement Iowa Code section 163.1.

These amendments will become effective October 23, 2013.

The following amendments are adopted.

ITEM 1. Amend the following definitions in rule **21—64.104(163)**:

"Accredited veterinarian" means a veterinarian approved by the deputy administrator of veterinary services, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), and the state veterinarian in accordance with Part 161 of Title 9, Chapter 1, of the Code of Federal Regulations, revised as of ~~July 21, 2006~~ January 9, 2013, to perform functions required by cooperative state/federal animal disease control and eradication programs.

"~~Approved~~ Official laboratory" means ~~an~~ a USDA-approved American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa.

"Cervid CWD surveillance identification program" or *"CCWDSI program"* means a CWD surveillance program that requires identification and laboratory diagnosis on all deaths of Cervidae 12 months of age and older including, but not limited to, deaths by slaughter, hunting, illness, and injury. A copy of ~~approved~~ official laboratory reports shall be maintained by the owner for purposes of completion of the annual inventory examination for recertification. Such diagnosis shall include examination of brain and any other tissue as directed by the state veterinarian. If there are deaths for which tissues were not submitted for laboratory diagnosis due to postmortem changes or unavailability, the department shall determine compliance.

"CWD exposed" or *"exposed"* means a designation applied to Cervidae that are either part of an affected herd or for which epidemiological investigation indicates contact with CWD affected animals,

~~or~~ contact with animals from a CWD affected herd or contact with a contaminated premises in the past five years.

"Official cervid identification" means one of the following:

1. A USDA-approved identification ear tag that conforms to the alphanumeric national uniform ear tagging system as defined in 9 CFR Part 71.1, Chapter 1, revised as of ~~July 21, 2006~~ January 9, 2013.
2. A plastic or other material tag that includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
3. A legible tattoo which includes the official herd number issued by the USDA, and includes individual animal identification which is no more than five digits and is unique for each animal.
4. ~~A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Elk Breeders Association.~~
5. ~~A plastic or other material tag which provides unique animal identification and is issued and approved by the North American Deer Farmers Association.~~

ITEM 2. Amend subrules 64.106(1) and 64.106(3) as follows:

64.106(1) *Slaughter establishments.* All slaughtered Cervidae 12 months of age and older must have brain tissue submitted at slaughter and examined for CWD by an ~~approved~~ official laboratory. This brain tissue sample will be obtained by a state or federal meat inspector or accredited veterinarian on the premises at the time of slaughter.

64.106(3) *Identification.* All cervid animals must receive the identification before 12 months of age and be identified with either:

a. ~~two~~ Two forms of official cervid identification~~.~~, or ~~Cervid animals identified with a tattoo must have a second visual form of official identification.~~

b. One form of official cervid identification along with either a state-approved tag or a tag from the North American Elk Breeders Association or North American Deer Farmers Association.

ITEM 3. Amend rule 21—64.107(163) as follows:

21—64.107(163) Official cervid tests. The following are recognized as official cervid tests for CWD:

1. Histopathology.
2. Immunohistochemistry.
3. Western blot.
4. ~~Negative stain electron microscopy~~ Enzyme-linked immunosorbent assay (ELISA).
5. ~~Bioassay.~~
6. 5. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.

ITEM 4. Amend rule 21—64.108(163) as follows:

21—64.108(163) Investigation of CWD affected animals identified through surveillance. Traceback must be performed for all animals diagnosed at an ~~approved~~ official laboratory as affected with CWD. All herds of origin and all adjacent herds having contact with affected animals as determined by the CCWDSI program must be investigated epidemiologically. All herds of origin, adjacent herds, and herds having contact with affected animals or exposed animals must be quarantined. The department will investigate CWD suspect herds.

ITEM 5. Amend rule 21—64.109(163) as follows:

21—64.109(163) Duration of quarantine. Quarantines placed in accordance with these rules must maintain compliance with rules 21—64.104(163) through 21—64.119(163). Quarantines maintaining compliance shall be removed ~~as follows:~~

~~1. For herds of origin, quarantines shall be removed~~ after five years ~~of compliance with rules 21—64.104(163) through 21—64.119(163)~~ from the date of the last CWD detected test or after all animals have died or been depopulated and have been tested without the detection of CWD.

~~2. For herds having contact with affected or exposed animals, quarantines shall be removed after five years of compliance with rules 21—64.104(163) through 21—64.119(163).~~

~~3. For adjacent herds, quarantines shall be removed as directed by the state veterinarian in consultation with the epidemiologist.~~

ITEM 6. Amend rule 21—64.110(163) as follows:

21—64.110(163) Herd plan. The herd owner, the owner's veterinarian, if requested, and the epidemiologist shall develop a plan for eradicating CWD in each affected herd. The plan must be designed to reduce and then eliminate CWD from the herd, to prevent spread of the disease to other herds, and to prevent reintroduction of CWD after the herd becomes a certified CWD cervid herd. Animals that die, are depopulated, or are otherwise killed must be tested for CWD. The herd plan must be developed and signed within 60 days after the determination that the herd is affected. The plan must address herd management and adhere to rules 21—64.104(163) through 21—64.119(163). The plan must be formalized as a memorandum of agreement between the owner and program officials, must be approved by the state veterinarian, and must include plans to obtain certified CWD cervid herd status. No movement restrictions may be removed prior to formalization of the agreement.

ITEM 7. Amend rule 21—64.111(163) as follows:

21—64.111(163) Identification and disposal requirements. Affected and exposed animals must remain on the premises where they are found until they are identified and disposed of in accordance with direction from the state veterinarian. The department and the Iowa department of natural resources shall approve disposal issues of affected and exposed animals including manner and site.

ITEM 8. Amend rule 21—64.113(163), introductory paragraph, as follows:

21—64.113(163) Methods for obtaining certified CWD cervid herd status. Certified CWD cervid herd status must include all Cervidae under common ownership. The animals that are part of a certified herd cannot be commingled with other cervids that are not certified, and a minimum geographic separation of 30 feet between herds of different status must be maintained in accordance with the USDA Uniform Methods and Rules as defined in APHIS Manual 91-45-011, revised as of January 22, 1999. The escape, disappearance or death of any cervid shall be promptly reported along with identification numbers and estimated time of escape, disappearance or death. Tissue samples shall be available. A herd may qualify for status as a certified CWD cervid herd by one of the following means:

ITEM 9. Amend rule 21—64.114(163) as follows:

21—64.114(163) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by ~~state veterinarians~~ the department, a state-authorized veterinarian, or authorized federal personnel are required every 9 to 15 months from the anniversary date. A complete physical herd inventory will be completed by the department, a state-authorized veterinarian, or authorized federal personnel every three years. For continuous certification, adherence to the provisions in these rules and all other state laws and rules pertaining to raising cervids is required. A herd's certification status is immediately terminated and a herd investigation shall be initiated if CWD affected or exposed animals are determined to originate from that herd.

[Filed 8/28/13, effective 10/23/13]
[Published 9/18/13]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/18/13.

ARC 1023C

AUDITOR OF STATE[81]

Adopted and Filed

Pursuant to the authority of 2012 Iowa Acts, chapter 1107, section 2, the Auditor of State amends Chapter 21, "Filing Fees," Iowa Administrative Code.

Rule 81—21.2(11) establishes a periodic examination fee necessary to perform periodic examinations of cities with a population less than 2,000 which do not have budgeted annual expenditures of more than $1 million for two consecutive years.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 24, 2013, as **ARC 0849C**. A public hearing was held on August 13, 2013, with written comment accepted until August 16, 2013. No one attended the public hearing, and no written comments were received. This amendment is identical to that published under Notice of Intended Action.

This amendment was adopted by the Auditor of State on August 28, 2013.

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement 2012 Iowa Acts, chapter 1107, section 2.

This amendment shall become effective October 23, 2013.

The following amendment is adopted.

Adopt the following **new** rule 81—21.2(11):

81—21.2(11) Periodic examination fee. A periodic examination fee, as provided for under 2012 Iowa Acts, chapter 1107, section 2, shall be paid annually by cities that do not otherwise have an audit or fiscal year examination conducted pursuant to Iowa Code section 11.6, subsection 1 or subsection 3, during a fiscal year.

21.2(1) The fee shall be remitted according to a fee schedule using four strata based on the budgeted expenditures of the original certified budget of the governmental subdivision for the fiscal year.

21.2(2) The designated strata and applicable fees are as follows:

Budgeted Expenditures in Thousands of Dollars	Fee Amount
Under 50	$ 100
At least 50 but less than 300	$ 475
At least 300 but less than 600	$ 900
600 or more	$1,200

21.2(3) The fee shall be remitted to the office of auditor of state on or before March 31 each year.

This rule is intended to implement 2012 Iowa Acts, chapter 1107, section 2.

[Filed 8/28/13, effective 10/23/13]
[Published 9/18/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/18/13.

ARC 1013C

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby amends Chapter 22, "Controlling Pollution," and Chapter 28, "Ambient Air Quality Standards," Iowa Administrative Code.

The purpose of the amendments is for the Commission and the Department of Natural Resources (Department) to revise the administrative rules as necessary to allow for implementation of new and revised air quality standards, also known as National Ambient Air Quality Standards or NAAQS. In consultation with stakeholders, the Commission and the Department have made changes necessary to maintain air quality and protect the public health, while minimizing the regulatory impact to the extent possible.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 12, 2013, as **ARC 0785C**, and a public hearing was held on July 15, 2013. The Department received no comments at the public hearing. The Department received one written comment prior to the July 15, 2013, deadline for public comments. The Department's Public Participation Responsiveness Summary is available from the Department upon request.

The Commission did not make any changes to the adopted amendments in response to the written comment. However, after the close of the public comment period, the Department received an informal inquiry from a member of the public concerning the intent of the term "constructed" as it relates to the construction permit exemptions amended herein. In response to the inquiry, the Commission made minor changes to the adopted amendments in Items 1, 2, and 3 to clarify the intent of the rule changes. The changes from the Notice of Intended Action are described in the preamble description for Items 1, 2, and 3 below.

Summary of Rule Changes

As part of the Department's implementation of the new federally mandated NAAQS for fine particulate matter (particulate matter with a diameter of 2.5 microns or less, "$PM_{2.5}$"), lead, and sulfur dioxide (SO_2), the Commission has revised a subset of the air construction permit exemptions and Title V "insignificant activities" specified in Chapter 22 to set appropriate emissions thresholds and operating conditions to sufficiently protect public health. The Commission has also revised the spray booth "permit by rule" specified in Chapter 22 to sufficiently protect public health by adding content limits for lead-containing spray materials. Additionally, the Commission has revised Chapter 28 to adopt by reference the new NAAQS for SO_2 and to remove the use of PM_{10} (particulate matter with a diameter of 10 microns or less) as a surrogate for the annual standard of the $PM_{2.5}$ NAAQS.

During the period from 2006 through 2010, the U.S. Environmental Protection Agency (EPA) revised the NAAQS for $PM_{2.5}$, lead, and SO_2. In each instance, EPA strengthened the NAAQS for these pollutants based on reviews of the latest public health information and scientific data. The Commission already adopted the new lead NAAQS in a previous rule making (see **ARC 8215B**, IAB 10/7/09). Also in previous rule makings, the Commission adopted changes to the Prevention of Significant Deterioration (PSD) program and to stack test methods necessary to implement the new $PM_{2.5}$ NAAQS (see **ARC 0260C**, IAB 8/8/12, and **ARC 0330C**, IAB 9/9/12, respectively).

The amendments in this rule making set appropriate thresholds for new or altered (modified) equipment emitting lower levels of $PM_{2.5}$ or lead to be exempt from construction permitting. Additionally, these amendments update emissions thresholds for $PM_{2.5}$ and lead for Title V insignificant activities (facilities are not required to pay Title V fees for insignificant activities). The amendments impact any owner or operator of a facility with new or altered (modified) equipment emitting $PM_{2.5}$ or lead if that owner or operator wishes to use the exemptions or insignificant activities provisions.

$PM_{2.5}$ NAAQS

EPA first created an air quality standard in 1997 for $PM_{2.5}$ in order to protect the public from the adverse impacts of $PM_{2.5}$ on human health. EPA strengthened the 24-hour averaged $PM_{2.5}$ standard in 2006 based on reviews of the latest public health information and scientific data, reducing the acceptable level of $PM_{2.5}$ that humans can be exposed to from 65 micrograms per cubic meter of air ($\mu g/m^3$) to 35 $\mu g/m^3$ of air.

In an effort to better address a wide range of concerns and issues about $PM_{2.5}$, the Department formed a workgroup in 2010 for stakeholders to provide input and explore approaches for implementing the $PM_{2.5}$ NAAQS in Iowa. The Department has traditionally requested stakeholder input when implementing a new standard. This approach was formalized in 2010 with the enactment of Iowa Code section 455B.134(14).

The workgroup consisted of approximately 120 members, with representative stakeholder participation from industry and business, trade groups and associations, environmental groups, and local and state agencies. Many of the amendments included in this rule making related to $PM_{2.5}$ are based on recommendations of the workgroup.

The Department's final report to the Governor and General Assembly, "Implementing the PM2.5 Ambient Air Quality Standard in the State of Iowa," is available at http://www.iowadnr.gov/portals/idnr/uploads/air/insidednr/stakeholder/pm25/pm25_implementation_report.pdf?amp;tabid=1567.

Lead NAAQS

On October 15, 2008, EPA finalized new NAAQS for lead. The level of the standard was revised from 1.5 $\mu g/m^3$ of air to 0.15 $\mu g/m^3$ of air. The Department has determined that some of the exemptions from construction permitting specified in administrative rules are not sufficiently protective of the lead NAAQS. To provide regulatory flexibility, the Department seeks, to the extent possible, to retain the availability of the construction permit exemptions. The amendments to the exemptions from construction permitting provide the opportunity for owners and operators of lower-emitting lead sources to be exempt from the requirement to apply for construction permits.

SO_2 NAAQS

On June 3, 2010, EPA finalized revisions to the primary SO_2 NAAQS to strengthen the standard to adequately protect public health. Specifically, EPA established a new 1-hour SO_2 NAAQS at a level of 75 parts per billion (ppb). EPA also revoked both the existing 24-hour and annual primary SO_2 NAAQS.

As required by Iowa Code section 455B.134(14), the Department solicited input from stakeholders at its quarterly air quality client contact meetings and issued a report to the Governor and the General Assembly. The Department discussed the new SO_2 NAAQS and possible rule changes with stakeholders at its air quality client contact meetings in February, May, and September 2012. The Department's final report to the Governor and General Assembly, "Review of Emission Limitations and Standards for the Revised NO2 and SO2 National Ambient Air Quality Standards," is available from the Department upon request.

To provide regulatory flexibility, the Department seeks, to the extent possible, to retain the availability of the construction permit exemptions for low-emitting sources of SO_2.

In this rule making, the Commission adopts the following amendments:

Item 1 amends subrule 22.1(2) to modify several of the specific exemptions from the requirement to obtain an air construction permit. The amendment adds emission thresholds for $PM_{2.5}$ to existing exemptions and adds operating limits to other exemptions that will limit $PM_{2.5}$ emissions from those activities to sufficiently protect public health. The amendment also revises emission thresholds and operating limits for lead to sufficiently protect public health. The amendment allows owners and operators of activities with low emissions to continue to be exempt from the requirement to obtain an air construction permit.

The amendment revises the construction permit exemptions (set out in lettered paragraphs in subrule 22.1(2)) as they apply to new, reconstructed, or altered equipment, operations, or facilities as follows:

- Fuel-burning equipment for indirect heating or cooling (paragraph "b"): Removes coal as an allowed fuel, adds operating limits for used oil and for vegetative matter ("biomass," such as seeds and pellets). (The PM2.5 Stakeholder Workgroup recommended removing coal from this exemption.)
- Incinerators and pyrolysis cleaning furnaces (paragraph "e"): Removes incinerators from the exemption, changes the description of "pyrolysis units" to "paint clean-off ovens," and limits the exemption to combustible materials that do not contain lead.
- One pound per hour exemption (paragraph "i"): Discontinues use of this exemption for new, reconstructed, or altered equipment. (The PM2.5 Stakeholder Workgroup made this recommendation.)
- Small unit exemption (paragraph "w"): Adds allowable emission rates for $PM_{2.5}$ and lowers the allowable emission rates for lead. (The PM2.5 Stakeholder Workgroup provided this recommendation.)
- Production welding (paragraph "ff"): Revises quantity limits on electrodes to limit emissions of $PM_{2.5}$ and lead. (The PM2.5 Stakeholder Workgroup developed the new formula.)
- Soldering (paragraph "gg"): Adds operating limits for lead-containing solder.

- Research and development (paragraph "kk"): Revises the allowable actual emission levels for $PM_{2.5}$ and lead to correspond to the levels adopted for the small unit exemption (paragraph "w"). (The PM2.5 Stakeholder Workgroup recommended the emission limits for $PM_{2.5}$.)

The changes to subrule 22.1(2) in Item 1 apply only to facilities or emission units constructed, installed, reconstructed, or altered after the effective date of the adopted amendment, October 23, 2013. The changes do not apply retroactively to existing equipment.

If the changes proposed in Item 1 were not adopted, smaller facilities (minor sources) would not be sufficiently restricted from using the construction permit exemptions and would potentially consume air resources. Consumption of air resources could potentially limit larger industrial facilities from making desired changes.

After the close of the public comment period, the Department received an informal inquiry from a member of the public concerning the intent of the term "constructed" as it relates to the amendment in Item 1. The member of the public asked whether the owner or operator needs to have started construction on the facility, operation, or equipment on or before October 23, 2013, for the equipment or facility to be considered "constructed." Alternatively, does the owner or operator need to have completed the construction or actually started up the facility or equipment for the facility or equipment to be considered "constructed?" In response to the inquiry, the Department made minor changes to the adopted amendment to clarify that the owner or operator needs to have initiated construction, installation, reconstruction, or alteration, as defined in 567—20.2(455B), for the facility or equipment to meet the pre-October 23, 2013, exemption requirements under the amendment.

Item 2 amends rule 567—22.8(455B), which specifies the requirements for the permit by rule for spray booths. The amendment adds maximum lead content limits for lead-containing sprayed materials. The changes apply to new facilities or new uses of lead spray materials for operations for owner- or operator-initiated construction, installation, reconstruction, or alteration after October 23, 2013.

In response to the public inquiry related to the amendment in Item 1 described above, the Department made corresponding changes to the amendment in Item 2.

Item 3 amends subrule 22.103(2) to modify the requirements for insignificant activities for the Title V operating permit. The changes to insignificant activities correspond to the changes for the construction permit exemptions described in Item 1. Although owners and operators are required to include insignificant activities in the Title V application, activities that meet the conditions in subrule 22.103(2) do not need to be included in the Title V facility's annual emissions inventory and are not assessed any Title V fees. The changes affect Title V permit applications, modifications and renewals after October 23, 2013.

In response to the public inquiry related to the amendment in Item 1 described above, the Department made corresponding changes to the amendment in Item 3.

Item 4 amends rule 567—28.1(455B) to adopt by reference the revised NAAQS for SO_2 and to remove the use of PM_{10} as a surrogate for the annual $PM_{2.5}$ NAAQS. The Department adopted the revised NAAQS for lead in a previous rule making.

Jobs Impact Statement

After analysis and review of this rule making, the Department has determined that jobs could be impacted. However, the amendments implement federally mandated regulations. This rule making does not impose on Iowa businesses any regulations not required by federal law.

The Department has minimized the impact of the federal regulations to the greatest extent possible by establishing exemption levels for $PM_{2.5}$ and lead. Further, equipment emitting $PM_{2.5}$ or lead for which the owner or operator initiates construction, installation, reconstruction, or alteration on or before October 23, 2013, will be unaffected by these amendments. Only equipment constructed, installed, reconstructed, or altered after October 23, 2013, will be affected.

In consultations with stakeholders in the PM2.5 Stakeholder Workgroup, air quality client contact meetings and many other forums, the Department identified equipment and activities emitting low levels of $PM_{2.5}$ or lead that could be exempt from the requirement to obtain an air construction permit. Additionally, the Department identified insignificant activities emitting low levels of $PM_{2.5}$ or lead that could be excluded from annual Title V fee calculations.

To qualify for an exemption or insignificant activity status, owners and operators of low-emitting equipment may need to perform calculations or keep additional records, which may require additional expenditures or resources. However, the Department expects that any potential cost impact or jobs impact will be less than the impacts associated with preparing a construction permit application or Title V permit application or with paying annual Title V fees.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments shall become effective on October 23, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 22.1(2) as follows:

22.1(2) *Exemptions.* The requirement to obtain a permit in ~~567—~~subrule 22.1(1) is not required for the equipment, control equipment, and processes listed in this subrule. The permitting exemptions in this subrule do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. Equipment, control equipment, or processes subject to rule 567—22.4(455B) and 567—Chapter 33, prevention of significant deterioration requirements, or rule 567—22.5(455B), special requirements for nonattainment areas, may not use the exemptions from construction permitting listed in this subrule. Equipment, control equipment, or processes subject to 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567—subrule 23.1(5), emission guidelines, may still use the exemptions from construction permitting listed in this subrule provided that a permit is not needed to create federally enforceable limits that restrict potential to emit. If equipment is permitted under the provisions of rule 567—22.8(455B), then no other exemptions shall apply to that equipment.

Records shall be kept at the facility for exemptions that have been claimed under the following paragraphs: 22.1(2)*"a"* (for equipment > 1 million Btu per hour input), 22.1(2)*"b,"* 22.1(2)*"e,"* 22.1(2)*"r"* or 22.1(2)*"s."* The records shall contain the following information: the specific exemption claimed and a description of the associated equipment. These records shall be made available to the department upon request.

The following paragraphs are applicable to paragraphs 22.1(2)*"g"* and *"i."* A facility claiming to be exempt under the provisions of paragraph 22.1(2)*"g"* or *"i"* shall provide to the department the information listed below. If the exemption is claimed for a source not yet constructed or modified, the information shall be provided to the department at least 30 days in advance of the beginning of construction on the project. If the exemption is claimed for a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the information listed below shall be provided to the department within 60 days of March 20, 1996. After that date, if the exemption is claimed by a source that has already been constructed or modified and that does not have a construction permit for that construction or modification, the source shall not operate until the information listed below is provided to the department:

- A detailed emissions estimate of the actual and potential emissions, specifically noting increases or decreases, for the project for all regulated pollutants (as defined in rule 567—22.100(455B)), accompanied by documentation of the basis for the emissions estimate;
- A detailed description of each change being made;
- The name and location of the facility;
- The height of the emission point or stack and the height of the highest building within 50 feet;
- The date for beginning actual construction and the date that operation will begin after the changes are made;
- A statement that the provisions of rules 567—22.4(455B) and 567—22.5(455B) and 567—Chapter 33 do not apply; and
- A statement that the accumulated emissions increases associated with each change under paragraph 22.1(2)*"i,"* when totaled with other net emissions increases at the facility contemporaneous with the proposed change (occurring within five years before construction on the particular change

commences), have not exceeded significant levels, as defined in 40 CFR 52.21(b)(23) as amended through ~~March 12, 1996,~~ October 20, 2010, and adopted in rule 567—22.4(455B), and will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. This statement shall be accompanied by documentation for the basis of these statements.

The written statement shall contain certification by a responsible official as defined in rule 567—22.100(455B) of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

a. No change.

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than 1 million Btu per hour input per combustion unit when burning ~~coal,~~ untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil, provided that the equipment and the fuel meet the conditions specified in this paragraph. Used oils meeting the specification from 40 CFR 279.11 as amended through May 3, 1993, are acceptable fuels for this exemption. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3,600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that fuel usage is less than the exemption thresholds. Owners or operators initiating construction, installation, reconstruction, or alteration of equipment (as defined in rule 567—20.2(455B)) on or before October 23, 2013, burning coal, used oils, untreated wood, untreated seeds or pellets, or other untreated vegetative materials that qualified for this exemption may continue to claim this exemption after October 23, 2013, without being restricted to the maximum heat input or throughput specified in this paragraph.

c. and *d.* No change.

e. Incinerators and pyrolysis cleaning furnaces with a rated refuse burning capacity of less than 25 pounds per hour for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013. Pyrolysis cleaning furnace exemption is limited to those units that use only natural gas or propane. Salt bath units are not included in this exemption. Incinerators or pyrolysis cleaning furnaces for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall not qualify for this exemption. After October 23, 2013, only paint clean-off ovens with a maximum rated capacity of less than 25 pounds per hour that do not combust lead-containing materials shall qualify for this exemption.

f. to *h.* No change.

i. ~~Construction,~~ Initiation of construction, installation, reconstruction, ~~or modification~~ or alteration (modification) to equipment (as defined in rule 567—20.2(455B)) on or before October 23, 2013, which will not result in a net emissions increase (as defined in paragraph 22.5(1)*"f"*) of more than 1.0 lb/hr of any regulated air pollutant (as defined in rule 567—22.100(455B)). Emission reduction achieved through the installation of control equipment, for which a construction permit has not been obtained, does not establish a limit to potential emissions.

Hazardous air pollutants (as defined in rule 567—22.100(455B)) are not included in this exemption except for those listed in Table 1. Further, the net emissions rate INCREASE must not equal or exceed the values listed in Table 1.

Table 1

Pollutant	Ton/year
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Vinyl Chloride	1
Fluorides	3

This exemption is ONLY applicable to vertical discharges with the exhaust stack height 10 or more feet above the highest building within 50 feet. If a construction permit has been previously issued for the equipment or control equipment, the conditions of the construction permit remain in effect. In order to use this exemption, the facility must comply with the information submission to the department as described above.

The department reserves the right to require proof that the expected emissions from the source which is being exempted from the air quality construction permit requirement, in conjunction with all other emissions, will not prevent the attainment or maintenance of the ambient air quality standards specified in 567—Chapter 28. If the department finds, at any time after a change has been made pursuant to this exemption, evidence of violations of any of the department's rules, the department may require the source to submit to the department sufficient information to determine whether enforcement action should be taken. This information may include, but is not limited to, any information that would have been submitted in an application for a construction permit for any changes made by the source under this exemption, and air quality dispersion modeling.

Equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall not qualify for this exemption.

j. to *v.* No change.

w. Small unit exemption.

(1) "Small unit" means any emission unit and associated control (if applicable) that emits less than the following:

1. ~~40~~ 2 pounds per year of lead and lead compounds expressed as lead (40 pounds per year of lead or lead compounds for equipment for which initiation of construction, installation, reconstruction or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013);
2. 5 tons per year of sulfur dioxide;
3. 5 tons per year of nitrogen oxides;
4. 5 tons per year of volatile organic compounds;
5. 5 tons per year of carbon monoxide;
6. 5 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));
7. 2.5 tons per year of ~~PM10~~ PM_{10}; ~~or~~
8. ~~5 tons per year of hazardous air pollutants (as defined in rule 567—22.100(455B)).~~ 0.52 tons per year of $PM_{2.5}$ (does not apply to equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013); or
9. 5 tons per year of hazardous air pollutants (as defined in rule 567—22.100(455B)).

For the purposes of this exemption, "emission unit" means any part or activity of a stationary source that emits or has the potential to emit any pollutant subject to regulation under the Act. This exemption applies to existing and new or modified "small units."

An emission unit that emits hazardous air pollutants (as defined in rule 567—22.100(455B)) is not eligible for this exemption if the emission unit is required to be reviewed for compliance with 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR 61, NESHAP), or 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR 63, NESHAP).

An emission unit that emits air pollutants that are not regulated air pollutants as defined in rule 567—22.100(455B) shall not be eligible to use this exemption.

(2) to (5) No change.

(6) For the purposes of this paragraph, "substantial small unit" means a small unit which emits more than the following amounts, as documented in the exemption justification document:

1. ~~30~~ 2 pounds per year of lead and lead compounds expressed as lead (30 pounds per year of lead or lead compounds for equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013);
2. 3.75 tons per year of sulfur dioxide;
3. 3.75 tons per year of nitrogen oxides;
4. 3.75 tons per year of volatile organic compounds;
5. 3.75 tons per year of carbon monoxide;
6. 3.75 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));
7. 1.875 tons per year of ~~PM10~~ PM_{10}; ~~or~~
8. ~~3.75 tons per year of any hazardous air pollutant or 3.75 tons per year of any combination of hazardous air pollutants.~~ 0.4 tons per year of $PM_{2.5}$ (does not apply to equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013); or
9. 3.75 tons per year of any hazardous air pollutant or 3.75 tons per year of any combination of hazardous air pollutants.

An emission unit is a "substantial small unit" only for those substances for which annual emissions exceed the above-indicated amounts.

(7) No change.

(8) "Cumulative notice threshold" means the total combined emissions from all substantial small units using the small unit exemption which emit at the facility the following amounts, as documented in the exemption justification document:

1. 0.6 tons per year of lead and lead compounds expressed as lead;
2. 40 tons per year of sulfur dioxide;
3. 40 tons per year of nitrogen oxides;
4. 40 tons per year of volatile organic compounds;
5. 100 tons per year of carbon monoxide;
6. 25 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp));
7. 15 tons per year of ~~PM10~~ PM_{10}; ~~or~~
8. ~~10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.~~ 10 tons per year of $PM_{2.5}$ (does not apply to equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013); or
9. 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants.

x. to *ee.* No change.

ff. Production welding.

(1) Consumable electrode.

1. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013, using a consumable electrode, provided that the consumable ~~electrodes~~ electrode used ~~fall~~ falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below 200,000 pounds per year for GMAW and 28,000 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years.

For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of 1380x - 19,200 or 200,000 for GMAW, or

Y = the greater of 187x - 2,600 or 28,000 for SMAW or FCAW

Where ~~x~~ "x" is the minimum distance to the property line in feet~~,~~ and "Y" is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

2. Welding operations for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, using a consumable electrode, provided that the consumable electrode used falls within American Welding Society specification A5.18/A5.18M for Gas Metal Arc Welding (GMAW), A5.1 or A5.5 for Shielded Metal Arc Welding (SMAW), and A5.20 for Flux Core Arc Welding (FCAW), and provided that the quantity of all electrodes used at the stationary source of the acceptable specifications is below 1,600 pounds per year for GMAW and 12,500 pounds per year for SMAW or FCAW. Records that identify the type and annual amount of welding electrode used shall be maintained on site by the owner or operator for a period of at least two calendar years.

For stationary sources where electrode usage exceeds these levels, the welding activity at the stationary source may be exempted if the amount of electrode used (Y) is less than:

Y = the greater of 84x - 1,200 or 1,600 for GMAW, or

Y = the greater of 11x - 160 or 12,500 for SMAW or FCAW

Where "x" is the minimum distance to the property line in feet and "Y" is the annual electrode usage in pounds per year.

If the stationary source has welding processes that fit into both of the specified exemptions, the most stringent limits must be applied.

(2) No change.

gg. Electric hand soldering, wave soldering, and electric solder paste reflow ovens for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013. Electric hand soldering, wave soldering, and electric solder paste reflow ovens for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall be limited to 37,000 pounds or less per year of lead-containing solder. Records shall be maintained on site by the owner or operator for at least two calendar years to demonstrate that use of lead-containing solder is less than the exemption thresholds.

hh. to *jj.* No change.

kk. Equipment related to research and development activities at a stationary source, provided that:

(1) Actual emissions from all research and development activities at the stationary source based on a 12-month rolling total are less than the following levels:

~~40~~ 2 pounds per year of lead and lead compounds expressed as lead (40 pounds per year for research and development activities that commenced on or before October 23, 2013);

5 tons per year of sulfur dioxide;

5 tons per year of nitrogen ~~dioxides~~ oxides;

5 tons per year of volatile organic compounds;

5 tons per year of carbon monoxide;

5 tons per year of particulate matter (particulate matter as defined in 40 CFR Part 51.100(pp) as amended through November 29, 2004);

2.5 tons per year of ~~PM10~~ PM_{10}; ~~and~~

0.52 tons per year of $PM_{2.5}$ (does not apply to research and development activities that commenced on or before October 23, 2013); and

5 tons per year of hazardous pollutants (as defined in rule 567—22.100(455B)); and

(2) and (3) No change.

ll. to *oo.* No change.

ITEM 2. Amend rule 567—22.8(455B) as follows:

567—22.8(455B) Permit by rule.

22.8(1) *Permit by rule for spray booths.* Spray booths which comply with the requirements contained in this rule will be deemed to be in compliance with the requirements to obtain an air construction permit and an air operating permit. Spray booths which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source limits for regulated air pollutants and hazardous air pollutants as defined in 567—22.100(455B).

a. Definition. "Sprayed material" is material sprayed from spray equipment when used in the surface coating process in the spray booth, including but not limited to paint, solvents, and mixtures of paint and solvents.

b. Facilities which facilitywide spray one gallon per day or less of sprayed material are exempt from all other requirements in 567—Chapter 22, except that they must submit the certification in 22.8(1)*"e"* to the department and keep records of daily sprayed material use. Any spray booth or associated equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall use sprayed material with a maximum lead content of 0.35 pounds or less per gallon if the booth or associated equipment is subject to the following NESHAP: 40 CFR Part 63, Subpart HHHHHH or Subpart XXXXXX. Any spray booth or associated equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, that is not subject to the NESHAP or is otherwise exempt from the NESHAP shall use sprayed material with a maximum lead content of 0.02 pounds or less per gallon. The owner or operator must keep the records of daily sprayed material use for 18 months from the date to which the records apply and shall keep safety data sheets (SDS) or equivalent records for at least two calendar years to demonstrate that the sprayed materials contain lead at less than the exemption thresholds. The owner or operator must also certify that the facility is in compliance with or otherwise exempt from the federal regulations specified in 22.8(1)*"e."*

c. Facilities which facilitywide spray more than one gallon per day but never more than three gallons per day are exempt from all other requirements in 567—Chapter 22, except that they must submit the certification in 22.8(1)*"e"* to the department, keep records of daily sprayed material use, and vent emissions from a spray booth(s) through a stack(s) which is at least 22 feet tall, measured from ground level. Any spray booth or associated equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall use sprayed material with a maximum lead content of 0.35 pounds or less per gallon if the booth or associated equipment is subject to the following NESHAP: 40 CFR Part 63, Subpart HHHHHH or Subpart XXXXXX. Any spray booth or associated equipment for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, that is not subject to the NESHAP or is otherwise exempt from the NESHAP shall use sprayed material with a maximum lead content of 0.02 pounds or less per gallon. The owner or operator must keep the records of daily sprayed material use for 18 months from the date to which the records apply and shall keep safety data sheets (SDS) or equivalent records for at least two calendar years to demonstrate that the sprayed materials contain lead at less than the exemption thresholds. The owner or operator must also certify that the facility is in compliance with or otherwise exempt from the federal regulations specified in 22.8(1)*"e."*

d. and *e.* No change.

22.8(2) Reserved.

ITEM 3. Amend subrule 22.103(2) as follows:

22.103(2) *Insignificant activities which must be included in Title V operating permit applications.*

a. The following are insignificant activities based on potential emissions:

An emission unit which has the potential to emit less than:

5 tons per year of any regulated air pollutant, except:

2.5 tons per year of ~~PM-10~~ PM_{10},

0.52 tons per year of $PM_{2.5}$ (does not apply to emission units for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013),

~~40~~ 2 lbs per year of lead or lead compounds (40 lbs per year for emission units for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013),

2500 lbs per year of any combination of hazardous air pollutants except high-risk pollutants,

1000 lbs per year of any individual hazardous air pollutant except high-risk pollutants,

250 lbs per year of any combination of high-risk pollutants, or

100 lbs per year of any individual high-risk pollutant.

The definition of "high-risk pollutant" is found in rule 567—22.100(455B).

b. The following are insignificant activities:

(1) Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input per combustion unit.

(2) Fuel-burning equipment for indirect heating for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning coal, untreated wood, or fuel oil.

Fuel-burning equipment for indirect heating for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, with a capacity of less than 1 million Btu per hour input per combustion unit when burning untreated wood, untreated seeds or pellets, other untreated vegetative materials, or fuel oil provided that the equipment and the fuel meet the condition specified in this subparagraph (22.103(2)*"b"*(2)). Used oils meeting the specification from 40 CFR 279.11 as amended through May 3, 1993, are acceptable fuels. When combusting used oils, the equipment must have a maximum rated capacity of 50,000 Btu or less per hour of heat input or a maximum throughput of 3600 gallons or less of used oils per year. When combusting untreated wood, untreated seeds or pellets, or other untreated vegetative materials, the equipment must have a maximum rated capacity of 265,600 Btu or less per hour or a maximum throughput of 378,000 pounds or less per year of each fuel or any combination of fuels.

(3) Incinerators with a rated refuse burning capacity of less than 25 pounds per hour for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred on or before October 23, 2013. Incinerators for which initiation of construction, installation, reconstruction, or alteration (as defined in rule 567—20.2(455B)) occurred after October 23, 2013, shall not qualify as an insignificant activity. After October 23, 2013, only paint clean-off ovens with a maximum rated capacity of less than 25 pounds per hour that do not combust lead-containing materials shall qualify as an insignificant activity.

(4) to (6) No change.

ITEM 4. Amend rule 567—28.1(455B) as follows:

567—28.1(455B) Statewide standards. The state of Iowa ambient air quality standards shall be the National Primary and Secondary Ambient Air Quality Standards as published in 40 Code of Federal Regulations Part 50 (1972) and as amended at 38 Federal Register 22384 (September 14, 1973), 43 Federal Register 46258 (October 5, 1978), 44 Federal Register 8202, 8220 (February 9, 1979), 52 Federal Register 24634-24669 (July 1, 1987), 62 Federal Register 38651-38760, 38855-38896 (July 18, 1997), 71 Federal Register 61144-61233 (October 17, 2006), 73 Federal Register 16436-16514 (March 27, 2008), 73 Federal Register 66964-67062 (November 12, 2008), ~~and~~ 75 Federal Register 6474-6537 (February 9, 2010), ~~except that the annual PM_{10} standard specified in 40 CFR Section 50.6(b) shall continue to be applied for purposes of implementation of new source permitting provisions in 567 IAC Chapters 22 and 33~~ and 75 Federal Register 35520-35603 (June 22, 2010). The department shall

implement these rules in a time frame and schedule consistent with implementation schedules in federal laws~~,~~ and regulations ~~and guidance documents~~.

This rule is intended to implement Iowa Code section 455B.133.

[Filed 8/26/13, effective 10/23/13]
[Published 9/18/13]
EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/18/13.

ARC 1014C
ENVIRONMENTAL PROTECTION COMMISSION[567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission (Commission) hereby amends Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The purpose of the rule making is to adopt by reference the federal air toxics standards for stationary engines commonly known as the RICE NESHAP. RICE NESHAP is the acronym for National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines (RICE) (40 Code of Federal Regulations (CFR) Part 63, Subpart ZZZZ). The Commission adopts the RICE NESHAP by reference into state rules so that all compliance deadlines will be in accordance with federal time lines.

The U.S. Environmental Protection Agency (EPA) recently updated the RICE NESHAP. The revised RICE NESHAP generally provides regulatory clarity to and relief from the previous requirements.

Upon the effective date of these amendments, the Department rather than EPA will implement and enforce these regulations in Iowa, thereby allowing the Department to provide compliance assistance and outreach to affected facilities as soon as possible.

In 2010, the Commission adopted an earlier version of the RICE NESHAP. In Executive Order (EO) 72, Governor Branstad subsequently rescinded adoption of the RICE NESHAP. EO 72 stated that the RICE NESHAP was too costly for small utilities that maintain and operate rarely used emergency engines and that the RICE NESHAP requirements could increase electricity rates for consumers.

In response to the concerns from Governor Branstad as expressed in EO 72 and concerns from other stakeholders, EPA agreed to reconsider the RICE NESHAP. Consequently, EPA made changes to the RICE NESHAP as published in the Federal Register on January 30, 2013 (available at www.gpo.gov/fdsys/pkg/FR-2013-01-30/pdf/2013-01288.pdf). The updated RICE NESHAP provides more circumstances for emergency engines and for engines that participate in electricity management programs to operate under non-emergency conditions. The Commission has adopted the amendments to the RICE NESHAP. If the Commission did not adopt the RICE NESHAP amendments, the inconsistency with federal regulations could have caused regulatory uncertainty and confusion for affected facilities.

Item 1 amends the introductory paragraph of subrule 23.1(4) to reference paragraph 23.1(4)"cz" for adoption of the RICE NESHAP.

Item 2 amends paragraph 23.1(4)"cz" to remove the earlier adoption date for the RICE NESHAP and to adopt the January 30, 2013, version of the federal regulations.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 15, 2013, as **ARC 0740C**, and a public hearing was held on June 4, 2013. The Department of Natural Resources (Department) received no comments at the public hearing. The Department received two written comments prior to the June 4, 2013, deadline for public comments. Both comments supported the Commission's adoption of the RICE NESHAP amendments. The Department's Public Participation Responsiveness Summary is available from the Department upon request. The Commission did not make any changes to the adopted amendments from those published in the Notice of Intended Action.

Jobs Impact Statement

The following is a summary of the jobs impact statement. The complete jobs impact statement is available from the Department upon request.

After analysis and review, the Department has determined that jobs could be impacted. However, the amendments are only implementing federally mandated regulations. This rule making does not impose on Iowa businesses any regulations that are not required by federal law. The Commission adopts the federal RICE NESHAP by reference so the rules are identical to federal requirements. Additionally, facilities are impacted by the federal standards regardless of whether the Commission adopts the standards into state administrative rules.

The Commission minimized the impact of the RICE NESHAP by waiting to adopt the standards until after EPA completed its reconsideration. EPA's final rule generally provides regulatory relief from and clarity to the requirements that EPA initially mandated. In particular, the new RICE NESHAP will provide more flexibility and potential cost savings to affected industries.

According to EPA's regulatory impact analysis, the new standards for engines will have capital and annual costs, but these costs are substantially less than the costs EPA estimated for previous standards. Further, more facilities will be subject only to work practice or record-keeping requirements rather than have costs associated with controlling emissions and monitoring emissions.

Facilities that cannot meet EPA's revised requirements for emergency engines must comply with the requirements for non-emergency engines. However, until May 3, 2014, "area source" facilities that operate their engines as part of a load management program may still operate their engines for up to 50 hours in a calendar year to provide electricity to the grid or as part of a financial arrangement with another entity (also known as "peak shaving"). EPA defines an "area source" as one that emits less than 10 tons per year of any one air toxic and less than 25 tons per year of any combination of air toxics. Essentially, these facilities have an extra year after the RICE NESHAP compliance date to determine how to use these engines.

Some facilities have already replaced their engines or installed emissions control equipment or are preparing to do so to ensure these engines can operate without any restrictions. Additionally, a facility may receive an extension of up to one year to install control equipment. Because the deadline for facilities to request extensions occurred prior to the effective date of Iowa's adoption of the RICE NESHAP amendments, EPA Region 7 (rather than the Department) is responsible for processing extension requests. According to information that EPA provided to the Department to date, 54 Iowa facilities have submitted requests for extensions. EPA has granted 49 extensions and expects to act on the remaining 4 requests in the near future (1 request was withdrawn).

These amendments are intended to implement Iowa Code section 455B.133 and 42 U.S.C. Section 7412 (Title I of the Clean Air Act, Section 112).

These amendments will become effective on October 23, 2013.

The following amendments are adopted.

ITEM 1. Amend subrule 23.1(4), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended or corrected through September 19, 2011, are adopted by reference, except those provisions which cannot be delegated to the states. The corresponding 40 CFR Part 63 subpart designation is in parentheses. An earlier date for adoption by reference may be included with the subpart designation in parentheses (except for paragraph 23.1(4)*"cz,"* which specifies a later date for adoption by reference). 40 CFR Part 63, Subpart B, incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, "hazardous air pollutant" has the same meaning found in 567—22.100(455B). For the purposes of this subrule, a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant

or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule, an "area source" means any stationary source of hazardous air pollutants that is not a "major source" as defined in this subrule. Paragraph 23.1(4)*"a,"* general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 2. Amend paragraph **23.1(4)"cz"** as follows:

cz. Emission standards for stationary reciprocating internal combustion engines. These standards apply to new and existing major sources and to new and existing area sources with stationary reciprocating internal combustion engines (RICE). ~~These standards also apply to new and reconstructed RICE located at area sources.~~ For purposes of these standards, stationary RICE means any reciprocating internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile. (Part 63, Subpart ZZZZ, as amended through ~~April 20, 2006~~ January 30, 2013)

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ARC 1011C

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby amends Chapter 91, "General Requirements for All Objects," Iowa Administrative Code.

This amendment updates a reference to an American Society of Mechanical Engineers' code. The Division's rules currently adopt by reference the 2009 edition of Controls and Safety Devices for Automatically Fired Boilers. The amendment adopts by reference the 2012 edition of that document.

The purposes of this amendment are to make the rule more current and to implement legislative intent.

Notice of Intended Action was published in the July 10, 2013, Iowa Administrative Bulletin as **ARC 0817C**. No public comment was received on the proposed amendment. This amendment is identical to that published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs will occur.

This amendment is intended to implement Iowa Code chapter 89.

This amendment shall become effective on October 31, 2013.

The following amendment is adopted.

Amend subrule 91.1(6) as follows:

91.1(6) *Control and safety device code adopted by reference.* Controls and Safety Devices for Automatically Fired Boilers (CSD-1) ~~(2009)~~ (2012) is adopted by reference, and reinstallations and installations after ~~January 1, 2010~~ October 31, 2013, shall comply with it.

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ARC 1031C

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby amends Chapter 2, "Pharmacist Licenses," Iowa Administrative Code.

The amendment provides that a license to practice pharmacy that has been issued by a state or U.S. territory with which Iowa has a reciprocal agreement for license transfer may be used as the basis for a license transfer to practice pharmacy in Iowa. The rule previously required that a license transfer shall only be based on a license by examination. The amendment further requires that the license upon which a transfer is based must be in good standing at the time of the application for license transfer and at the time the license transfer is finalized.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the July 24, 2013, Iowa Administrative Bulletin as **ARC 0884C**. The Board received no written comments regarding the proposed amendment. The adopted amendment is identical to that published under Notice.

The amendment was approved during the August 28, 2013, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 147.44, 147.49, 147.53, and 155A.7.

This amendment will become effective on October 23, 2013.

The following amendment is adopted.

Amend rule 657—2.9(147,155A) as follows:

657—2.9(147,155A) Licensure by license transfer/reciprocity. An applicant for license transfer/reciprocity must be a pharmacist licensed by examination in a state or territory of the United States with which Iowa has a reciprocal agreement, and the license by examination upon which the transfer is based must be in good standing at the time of the application and license transfer. All candidates shall take and pass the MPJE, Iowa Edition, as provided in subrule 2.1(1). Any candidate who fails to pass the examination shall be eligible for reexamination as provided in rule 657—2.6(147).

2.9(1) to **2.9(5)** No change.

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ARC 1032C

PHARMACY BOARD[657]

Adopted and Filed

Pursuant to the authority of 2011 Iowa Acts, chapter 63, section 36, as amended by 2012 Iowa Acts, chapter 1113, section 31, and as further amended by 2013 Iowa Acts, Senate File 446, section 128, the Board of Pharmacy hereby amends Chapter 8, "Universal Practice Standards," Iowa Administrative Code.

The amendment provides that the Board may extend or renew for additional time a pilot or demonstration research project initially approved for a period not to exceed 18 months.

Since the provisions of rule 657—8.40(155A,84GA,ch63) implement legislative action providing for the establishment of projects that amount to a waiver of specific Iowa Code requirements, the Board will not consider waiver or variance of any provisions of this rule beyond approving a project request or request for extension of a project period pursuant to the rule.

Notice of Intended Action was published in the July 24, 2013, Iowa Administrative Bulletin as **ARC 0882C**. The Board received no written comments regarding the proposed amendment. The adopted amendment is identical to that published under Notice.

The amendment was approved during the August 28, 2013, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2013 Iowa Acts, Senate File 446, section 128.

This amendment will become effective on October 23, 2013.

The following amendment is adopted.

Amend subrule 8.40(3) as follows:

8.40(3) *Board approval of a project.* Board approval of a project may include the grant of an exception to or a waiver of rules adopted under the Act or under any law relating to the authority of prescription verification and the ability of a pharmacist to provide enhanced patient care in the practice of pharmacy. Project approval, including exception to or waiver of board rules, shall initially be for a specified period of time not exceeding 18 months from commencement of the project. The board may approve the extension or renewal of a project following consideration of a petition that clearly identifies the project, that includes a report similar to the final project report described in paragraph 8.40(6)*"a,"* that describes and explains any proposed changes to the originally approved and implemented project, and that justifies the need for extending or renewing the term of the project.

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ARC 1029C

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology hereby amends Chapter 240, "Licensure of Psychologists," and Chapter 241, "Continuing Education for Psychologists," Iowa Administrative Code.

These amendments rescind the provision for Board review of non-American Psychological Association (APA)/Canadian Psychological Association (CPA)-accredited or Association of State and Provincial Psychology Boards (ASPPB)-designated doctoral programs for licensure applicants who were matriculated in such programs prior to January 12, 2005; clarify the eligibility requirements for the national examination; provide for the multijurisdictional Certificate of Professional Qualification (CPQ) to be accepted as meeting the qualifications for licensure by endorsement; provide continuing education credit hours in the category of ethics, laws and regulations to Board members for attendance and participation at Board meetings; require additional criteria for approval of continuing education hours of credit per biennium that may be used for scholarly research and preparation of new courses; add the category of presentations to other professionals for continuing education credit; and increase the combined number of continuing education hours of credit per biennium that may be used for research, course preparation, and presentations to other professionals.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 10, 2013, as **ARC 0834C**. A public hearing was held on August 5, 2013, from 1 to 2 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. However, the Board determined that an effective date is necessary for the new continuing education requirements in paragraph 241.3(2)"c," to allow licensees to apply continuing education hours accrued pursuant to the current requirements for the 2014 license renewal. No other changes were made to the noticed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 154B and 272C and Iowa Code section 147.36.

These amendments will become effective on October 23, 2013.

The following amendments are adopted.

ITEM 1. Amend paragraph **240.2(1)"d"** as follows:

d. ~~No~~ Except as otherwise stated in these rules, no application will be considered by the board until:

(1) Official copies of academic transcripts sent directly from the school to the board of psychology have been received by the board; and

(2) Satisfactory evidence of the candidate's qualifications has been supplied in writing on the prescribed forms by the candidate's supervisors~~; and~~.

~~(3) Rescinded IAB 9/24/08, effective 10/29/08.~~

~~(4) Rescinded IAB 9/4/02, effective 10/9/02.~~

ITEM 2. Rescind and reserve subrule **240.3(4)**.

ITEM 3. Amend subrule 240.4(1) as follows:

240.4(1) To be eligible to take the national examination, the applicant shall:

a. Meet all requirements of subrule 240.2(1), paragraphs *"a"* to *"c"*; ~~and~~

b. Provide official copies of academic transcripts sent directly from the school to the board of psychology~~.~~; and

c. Provide the completed supervision registration form according to the instructions on the form.

ITEM 4. Amend rule 645—240.10(147) as follows:

645—240.10(147) Licensure by endorsement. An applicant who has been a licensed psychologist at the doctoral level under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may license by endorsement any applicant from the District of Columbia or another state, territory, province, or foreign country who:

240.10(1) Submits to the board a completed application.

240.10(2) Pays the licensure fee.

240.10(3) Provides verification of a current Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB). Applicants providing certification are deemed to have met the requirements stated in paragraphs 240.10(3)*"a"* to *"c."* The board may license by endorsement any other applicant who:

a. Provides one of the following: the official EPPP score sent directly to the board from the ~~Association of State and Provincial Psychology Boards,~~ ASPPB or verification of the EPPP score sent directly from the state of initial licensure. The recommended passing score established by the ~~Association of State and Provincial Psychology Boards~~ ASPPB shall be considered passing.

~~**240.10(4)**~~ *b.* Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

~~*a.*~~ (1) Licensee's name;

~~*b.*~~ (2) Date of initial licensure;

~~*c.*~~ (3) Current licensure status; and

~~*d.*~~ (4) Any disciplinary action taken against the license.

~~**240.10(5)**~~ *c.* Shows evidence of licensure requirements that are substantially equivalent to those required in Iowa by one of the following means:

~~*a.*~~ (1) Provides:

~~(1)~~ 1. Official copies of academic transcripts that have been sent directly from the school; and

~~(2)~~ 2. Satisfactory evidence of the applicant's qualifications in writing on the prescribed forms by the applicant's supervisors. If verification of professional experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision; or

~~*b.*~~ (2) Has an official copy of one of the following certifications sent directly to the board from the certifying organization~~.~~:

~~(1) Current Certification of Professional Qualification that was originally issued by the Association of State and Provincial Psychology Boards on or after January 1, 2002.~~

~~(2)~~ 1. Current credentialing at the doctoral level as a health service provider in psychology by the National Register of Health Service Providers in Psychology.

~~(3)~~ 2. Board certification by the American Board of Professional Psychology that was originally granted on or after January 1, 1983.

~~**240.10(6)** Rescinded IAB 9/24/08, effective 10/29/08.~~

ITEM 5. Amend paragraph **241.3(2)"b"** as follows:

b. For all renewal periods following the second license renewal, licensees shall obtain 6 hours of continuing education pertaining to the practice of psychology in any of the following areas: ethical issues, federal mental health laws and regulations, Iowa mental health laws and regulations, or risk management. For all board members appointed to a first term beginning May 1, 2013, or later, a maximum of 2 of these hours may be obtained by providing service as a member of the board as follows:

(1) One hour of credit for attendance and participation at a minimum of three regular quarterly board meetings during the license biennium, or

(2) Two hours of credit for attendance and participation at a minimum of six regular quarterly board meetings during the license biennium.

ITEM 6. Rescind paragraph **241.3(2)"c"** and adopt the following **new** paragraph in lieu thereof:

c. Effective July 1, 2014, a licensee may obtain the remainder of continuing education hours of credit by:

(1) Completing training to comply with mandatory reporter training requirements, as specified in 645—subrule 240.12(4). Hours reported for credit shall not exceed the hours required to maintain compliance with required training.

(2) Attending programs/activities that are sponsored by the American Psychological Association or the Iowa Psychological Association.

(3) Attending workshops, conferences, or symposiums that meet the criteria in subrule 241.3(1).

(4) Completing academic coursework that meets the criteria set forth in these rules. Continuing education credit equivalents are as follows:

1 academic semester hour = 15 continuing education hours

1 academic quarter hour = 10 continuing education hours

(5) Completing home study courses for which a certificate of completion is issued.

(6) Completing electronically transmitted courses for which a certificate of completion is issued.

(7) Conducting scholarly research, the results of which are published in a recognized professional publication. In order to claim such credit, the licensee must attest to the hours actually spent conducting research, demonstrate that the research is integrally related to the practice of psychology, explain how the research advances the licensee's knowledge in the field, and provide the published work.

(8) Preparing new courses on material that is integrally related to the practice of psychology and is beyond entry level. In order to claim such credit, the licensee must: attest that the licensee has not taught the course in the past or that the licensee has not substantially altered the course content; request a specific amount of continuing education credit; describe how the course is integrally related to the practice of the profession and advances the licensee's knowledge in the field; and supply a course syllabus that supports the licensee's request for credit.

(9) Presenting to other professionals. A licensee may receive credit on a one-time basis for presenting continuing education programs that meet the criteria of subrule 241.3(1). Two hours of credit will be awarded for each hour of presentation.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

ITEM 7. Amend paragraph **241.3(2)"d"** as follows:

d. A combined maximum of ~~20~~ 30 hours of credit per biennium may be used for scholarly research ~~and~~, preparation of new courses, and presentations to other professionals.

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