

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Regulatory Analysis

Notice of Intended Action to be published: 21—Chapter 63
“Branding”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 169A.13A(4)
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 169A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 29, 2026
10 to 11 a.m.

Borlaug Conference Room (H516)
Hoover State Office Building
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Iowa Department of Agriculture and Land Stewardship no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Colin Tadlock
1305 East Walnut Street
Des Moines, Iowa 50319
Email: colin.tadlock@iowaagriculture.gov

Purpose and Summary

The purpose of this proposed rulemaking is to clarify rules for the registration and use of livestock brands in the State of Iowa.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
Livestock owners will bear the costs of the proposed rulemaking.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Livestock owners utilizing brands will benefit from the proposed rulemaking.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
Livestock owners utilizing brands will bear the cost of registration fees.
 - **Qualitative description of impact:**
This proposed rulemaking provides for registration and utilization of livestock brands as well as resolution if brands are in conflict with one another.
3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**
The agency will bear administrative costs for registration.

- **Anticipated effect on State revenues:**

There are no anticipated effects on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Inaction would allow brands to be utilized indiscriminately. The lack of regulations around brands could lead to conflicting brands.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

No less costly or intrusive alternatives exist.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

The Department considered allowing unrestricted utilization of brands.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Unrestricted use of brands will create conflict among livestock owners.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

- Establish performance standards to replace design or operational standards in the rulemaking for small business.

- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 21—Chapter 63 and adopt the following new chapter in lieu thereof:

CHAPTER 63
BRANDING

21—63.1(169A) Location of brands on livestock.

63.1(1) Brands shall be recorded on one of either side of the animals, in any one of three locations: shoulder, rib, or hip.

63.1(2) For brands recorded prior to 1996, each location is considered a separate brand and not in or under conflict with the same or similar brand in a different location or on a different side.

This rule is intended to implement Iowa Code section 169A.5.

21—63.2(169A) Brands in conflict.

63.2(1) Whenever two or more brands are determined by the secretary to be in or under conflict, the secretary shall give written notice to the brand owners.

63.2(2) When herds bearing a similar brand are maintained in close proximity to each other, and the secretary determines that confusion or conflict may arise therefrom, then the secretary shall direct any change or changes in the position of the brands so as to remove such confusion or conflict.

63.2(3) When two or more brands are determined by the secretary to be in or under conflict, then the owner having recorded said brand on the earliest date shall be given preference in retaining said brand.

This rule is intended to implement Iowa Code section 169A.4.