

State of Iowa

Iowa
Administrative
Code
Supplement

Biweekly
January 29, 2020



Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

Agriculture and Land Stewardship Department[21]

Replace Chapter 64

Utilities Division[199]

Replace Analysis

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Libraries and Information Services Division[286]

Replace Chapter 1

Replace Chapter 3

Egg Council, Iowa[301]

Replace Analysis

Replace Chapters 1 to 5

Homeland Security and Emergency Management Department[605]

Replace Chapter 10

Professional Licensure Division[645]

Replace Chapter 100

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

[Appeared as Ch 1, 1973 IDR]

[Ch 16, IAC 7/1/75 renumbered as 11.3, 12.1 to 12.33, and 16.24 and 16.25 renumbered 16.6 and 16.7
as per written instructions from Ag. Dept. 10/11/77]

[Prior to 7/27/88, see Agriculture Department 30—Ch 16]

21—64.1(163) Reporting disease. Whenever any person or persons who shall have knowledge of the existence of any infectious or contagious disease, such disease affecting the animals within the state or resulting in exposure thereto, which may prove detrimental to the health of the animals within the state, it shall be the duty of such person or persons to report the same in writing to the State Veterinarian, Bureau of Animal Industry, Wallace State Office Building, Des Moines, Iowa 50319, who shall then take such action as deemed necessary for the suppression and prevention of such disease. The diseases as classified by the Office International Des Epizooties are included. The following named diseases are infectious or contagious and the diagnosis or suspected diagnosis of any of these diseases in animals must be reported promptly to the Iowa department of agriculture and land stewardship by the veterinarian making the diagnosis or suspected diagnosis:

64.1(1) Multiple species diseases.

- Anthrax
- Aujeszky's disease
- Bluetongue
- Brucellosis (*Brucella abortus*)
- Brucellosis (*Brucella melitensis*)
- Brucellosis (*Brucella suis*)
- Crimean Congo haemorrhagic fever
- Echinococcosis/hydatidosis
- Epizootic haemorrhagic disease
- Equine encephalomyelitis (Eastern)
- Foot and mouth disease
- Heartwater
- Japanese encephalitis
- Johne's disease
- Leptospirosis
- New world screwworm (*Cochliomyia hominivorax*)
- Old world screwworm (*Chrysomya bezziana*)
- Q fever
- Rabies
- Rift Valley fever
- Rinderpest
- Surra (*Trypanosoma evansi*)
- Trichinellosis
- Tularemia
- Vesicular stomatitis
- West Nile fever

64.1(2) Cattle diseases.

- Bovine anaplasmosis
- Bovine babesiosis
- Bovine genital campylobacteriosis
- Bovine spongiform encephalopathy
- Bovine tuberculosis
- Bovine viral diarrhoea
- Contagious bovine pleuropneumonia
- Enzootic bovine leukosis

- Haemorrhagic septicaemia
- Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis
- Lumpy skin disease
- Theileriosis
- Trichomonosis
- Trypanosomosis (tsetse-transmitted)
- 64.1(3) *Swine diseases.***
- African swine fever
- Classical swine fever
- Nipah virus encephalitis
- Porcine cysticercosis
- Porcine reproductive and respiratory syndrome
- Swine vesicular disease
- Transmissible gastroenteritis
- 64.1(4) *Sheep and goat diseases.***
- Caprine arthritis/encephalitis
- Contagious agalactia
- Contagious caprine pleuropneumonia
- Enzootic abortion of ewes (ovine chlamydiosis)
- Maedi-visna
- Nairobi sheep disease
- Ovine epididymitis (*Brucella ovis*)
- Peste des petits ruminants
- Salmonellosis (*S. abortusovis*)
- Scrapie
- Sheep pox and goat pox
- 64.1(5) *Equine diseases.***
- African horse sickness
- Contagious equine metritis
- Dourine
- Equine encephalomyelitis (Western)
- Equine infectious anaemia
- Equine influenza
- Equine piroplasmosis
- Equine rhinopneumonitis
- Equine viral arteritis
- Glanders
- Venezuelan equine encephalomyelitis
- 64.1(6) *Avian diseases.***
- Avian chlamydiosis
- Avian infectious bronchitis
- Avian infectious laryngotracheitis
- Avian mycoplasmosis (*M. gallisepticum*)
- Avian mycoplasmosis (*M. synoviae*)
- Duck virus hepatitis
- Fowl cholera
- Fowl typhoid
- Highly pathogenic avian influenza and low pathogenic avian influenza in poultry
- Infectious bursal disease (Gumboro disease)
- Marek's disease
- Newcastle disease
- Pullorum disease

- Turkey rhinotracheitis
- 64.1(7) *Lagomorph diseases.***
 - Myxomatosis
 - Rabbit haemorrhagic disease
- 64.1(8) *Fish diseases.***
 - Epizootic haematopoietic necrosis
 - Epizootic ulcerative syndrome
 - Gyrodactylosis (*Gyrodactylus salaris*)
 - Infectious haematopoietic necrosis
 - Infectious salmon anaemia
 - Koi herpesvirus disease
 - Red sea bream iridoviral disease
 - Spring viraemia of carp
 - Viral haemorrhagic septicaemia
- 64.1(9) *Mollusc diseases.***
 - Infection with abalone herpes-like virus
 - Infection with *Bonamia exitiosa*
 - Infection with *Bonamia ostreae*
 - Infection with *Marteilia refringens*
 - Infection with *Perkinsus marinus*
 - Infection with *Perkinsus olseni*
 - Infection with *Xenohaliotis californiensis*
- 64.1(10) *Crustacean diseases.***
 - Crayfish plague (*Aphanomyces astaci*)
 - Infectious hypodermal and haematopoietic necrosis
 - Infectious myonecrosis
 - Taura syndrome
 - White spot disease
 - White tail disease
 - Yellowhead disease
- 64.1(11) *Amphibian diseases.***
 - Infection with *Batrachochytrium dendrobatidis*
 - Infection with ranavirus
- 64.1(12) *Other diseases.***
 - Camel pox
 - Chronic wasting disease
 - Leishmaniosis

Reporting is required for any case or suspicious case of an animal having any disease that may be caused by bioterrorism, epidemic or pandemic disease, or novel or highly fatal infectious agents or biological toxins and that might pose a substantial risk of a significant number of animal fatalities, incidents of acute short-term illness in animals, or incidents of permanent or long-term disability in animals.

This rule is intended to implement Iowa Code sections 163.1, 163.2, 189A.12, 189A.13 and 197.5. [ARC 9102B, IAB 9/22/10, effective 9/1/10; ARC 0230C, IAB 7/25/12, effective 8/29/12]

[Filed March 12, 1962]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 3/9/84—published 3/28/84, effective 3/9/84]

[Filed 5/4/83, Notice 3/28/84—published 5/23/84, effective 6/27/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 11/27/96, Notice 10/23/96—published 12/18/96, effective 1/22/97]

[Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]
[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
effective 9/1/10]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

21—64.2(163) Disease prevention and suppression. Whenever the chief of division of animal industry shall have knowledge of an outbreak of any contagious, infectious or communicable disease among domestic animals in the state, the chief of the division of animal industry shall take such action as necessary for the prevention and suppression of such disease, including establishment, enforcement and maintenance of quarantines. The chief of the division of animal industry is authorized and empowered to obtain assistance of any peace officer.

This rule is intended to implement Iowa Code sections 163.1 and 163.10.

21—64.3(163) Duties of township trustees and health board. Whenever notice is given to the trustees of a township or to a local board of health that animals are suspected of being affected with or having been exposed to any contagious, infectious or communicable disease, they may impose such restrictions as deemed necessary to prevent the spread of the disease. It shall be the duty of such township trustees or local boards to immediately notify the chief of division of animal industry.

This rule is intended to implement Iowa Code section 163.17.

21—64.4(163) “Exposed” defined. An animal must be considered as “exposed” when it has stood in a stable with, or been in contact with, any animal known to be affected with a contagious, infectious or transmissible disease; or if placed in a stable, yard or other enclosure where such diseased animal or animals have been kept unless such stable, yard or other enclosure has been thoroughly cleaned and disinfected after containing animals so affected.

This rule is intended to implement Iowa Code section 163.1.

21—64.5(163) Sale of vaccine. No attenuated or live culture vaccine or virus shall be sold or offered for sale at retail except to a licensed veterinarian of this state, nor shall it be administered to any livestock or poultry except by a licensed veterinarian of the state of Iowa. This does not apply to the sale of and administration of virulent classical swine fever virus when sold to and administered by valid permit holders for its use on hogs owned by themselves on their own premises.

This rule is intended to implement Iowa Code section 163.1.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.6(163) “Quarantine” defined. The term “quarantine” shall be construed to mean the perfect isolation of all diseased or suspected animals from contact with other animals as well as the exclusion of other animals from yards, stables, enclosures or grounds where suspected or diseased animals are or have been kept.

This rule is intended to implement Iowa Code section 163.1.

21—64.7(163) Chiefs of Iowa and U.S. animal industries to cooperate. The department of agriculture and land stewardship hereby authorizes and directs the chief of division of animal industry to cooperate with the bureau of animal industry, United States Department of Agriculture, in all regulations for the prevention, control and eradication of contagious and infectious diseases among domestic animals in the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.8(163) Animal blood sample collection. Any animal slaughtered in Iowa is subject to having blood samples taken in order to determine whether the animal is infected with an infectious or contagious disease. Upon written notification from the department or from the United States Department of Agriculture, the management of a slaughter facility shall provide for or permit the collection of blood samples for testing from any animal confined at or being slaughtered at such a facility.

If the department or the United States Department of Agriculture chooses to place government employees or private contractors in the facility for the purpose of collecting the blood samples, neither the facility nor the management of the facility shall charge a fee for providing such access. In addition, the slaughter facility shall provide blood collectors access to facilities routinely available to plant employees such as rest rooms, lockers, break rooms, lunchrooms, and storage facilities to facilitate blood collection in the same manner and on the same terms as the facility provides access to the facility to meat inspectors employed by the department or the Food Safety Inspection Service of the United States Department of Agriculture.

21—64.9 Reserved.

[July 1952 IDR; File 6/3/55; Amended 3/12/62]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed emergency 1/28/98—published 2/25/98, effective 1/28/98]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

GLANDERS AND FARCY CONTROL

21—64.10(163) Preventing spread of glanders. No person owning or having the care or custody of any animal affected with glanders or farcy, or which there is a reason to believe is affected with said disease, shall lead, drive or permit such animal to go on or over any public grounds, unenclosed lands, street, road, public highway, lane or alley; or permit such animal to drink at any public watering trough, pail or spring, or keep such diseased animal in any enclosure in or from which such diseased animal may come in contact with, or in proximity to, any animal not affected with such disease.

This rule is intended to implement Iowa Code section 163.20.

21—64.11(163) Disposal of diseased animal. Whenever any animal affected with glanders dies or is destroyed the carcass of such animal shall be disposed of as determined by the department.

As glanders is transmissible to human beings great care must be exercised in handling diseased animals or carcasses.

This rule is intended to implement Iowa Code section 163.1.

[ARC 2591C, IAB 6/22/16, effective 7/27/16]

21—64.12(163) Glanders quarantine. It shall be the duty of the chief of division of animal industry to maintain quarantine on all animals affected with glanders until such animals have been destroyed by consent of the owner or otherwise, and carcasses disposed of in accordance with 21—64.11(163) and the premises where the same have been kept thoroughly cleaned and disinfected.

This rule is intended to implement Iowa Code section 163.2.

21—64.13(163) Tests for glanders and farcy. In suspected cases of glanders and farcy the most efficient field test is the intrapalpebral mallein test, and as valuable aids to diagnosis the mallein Strass' agglutination and precipitation tests shall be recognized.

This rule is intended to implement Iowa Code section 163.1.

21—64.14 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed ARC 2591C (Notice ARC 2517C, IAB 4/27/16), IAB 6/22/16, effective 7/27/16]

BLACKLEG CONTROL

21—64.15(163) Blackleg. Upon the appearance of an outbreak of blackleg on any premises all calves and yearlings on the premises should be promptly immunized. All carcasses of animals dead of blackleg must be burned intact without removal of the hide. Such carcasses may be disposed of by removal within 24 hours by the operator of a regularly licensed rendering plant. In the event that the owner of any animal dead from blackleg neglects or refuses to make such disposition of the carcass or carcasses as indicated above, then in such cases the disposal shall be handled in accordance with 21—61.33(163).

This rule is intended to implement Iowa Code sections 167.18 and 163.2.

21—64.16 Reserved.

[Filed 6/3/55]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

DEPARTMENT NOTIFICATION OF DISEASES

21—64.17(163) Notification of chief of animal industry. It shall be the duty of any city or local board of health or township trustees, whenever notice is given of animals being affected with rabies, glanders, scabies, classical swine fever or any contagious or infectious disease or having been exposed to the same, to promptly notify the state veterinarian.

This rule is intended to implement Iowa Code section 163.17.
[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.18 to 64.22 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

RABIES CONTROL

21—64.23(163) Rabies—exposed animals. Whenever rabies is known to exist in any community it shall be the duty of all owners of dogs or other exposed animals to immediately confine such dogs or animals securely to prevent them from spreading the infection should they develop the disease.

This rule is intended to implement Iowa Code section 351.39.

21—64.24(163) Rabies quarantine. When quarantine is established in any community on account of the existence of rabies all dogs not confined or muzzled shall be promptly destroyed.

This rule is intended to implement Iowa Code section 351.40.

21—64.25(351) Control and prevention of rabies.

64.25(1) *Antirabies vaccine.*

a. Vaccines and immunization procedures recommended in the Compendium of Animal Rabies Vaccines prepared by the National Association of Public Health Veterinarians, Inc. are approved by the Iowa department of agriculture and land stewardship.

b. Reserved.

64.25(2) *Tag and certificate.*

a. The veterinarian shall issue a tag with the numerical number thereon and the certificate of vaccination shall designate the tag number.

b. Each rabies vaccination certificate issued by the veterinarian must be an Official Rabies Vaccination Certificate approved by the Iowa department of agriculture and land stewardship.

This rule is intended to implement Iowa Code section 351.35.

21—64.26 to 64.29 Reserved.

[Filed 6/3/55, amended 7/13/65, 3/21/67]

[Filed 4/17/87, Notice 3/11/87—published 5/6/87, effective 6/10/87]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

SCABIES OR MANGE CONTROL

21—64.30(163) Scabies or mange quarantine. Whenever the state veterinarian shall have knowledge of any horses, cattle, sheep or swine affected with scabies or mange, owners of any horses, cattle, sheep or swine affected shall medicate the animals at intervals the state veterinarian deems necessary with a method approved by the state veterinarian.

This rule is intended to implement Iowa Code section 166A.8.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.31 Reserved.

[Filed 6/3/55]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

DISEASE CONTROL AT FAIRS AND EXHIBITS

21—64.32(163) State fairgrounds—disinfection of livestock quarters. It shall be the duty of the chief of division of animal industry to supervise the disinfection of all buildings, stalls and pens at the state fairgrounds just prior to the opening of such fair and to supervise the disinfecting daily of hog pens and such other enclosures.

This rule is intended to implement Iowa Code section 163.1.

21—64.33(163) County fairs—disinfection of livestock quarters. It shall be the duty of all secretaries of all county fairs or exhibitions of livestock in the state of Iowa, excepting the Iowa state fair, to supervise the disinfecting of all buildings, stalls and pens prior to the opening of such county fair or exhibition of livestock and to disinfect hog pens and all such enclosures daily during such fairs and exhibitions.

This rule is intended to implement Iowa Code section 163.1.

21—64.34(163) Health requirements for exhibition of livestock, poultry and birds at the state fair, district shows and exhibitions.

64.34(1) General requirements. All animals, poultry and birds intended for any exhibition will be considered under quarantine and not eligible for showing until the owner or agent presents an official Certificate of Veterinary Inspection. Unless otherwise indicated herein, the Certificate of Veterinary Inspection must be issued by an accredited veterinarian within 30 days (14 days for sheep and 7 days for swine) prior to the date of entry and must indicate that the veterinarian has inspected the animals, poultry or birds and any nurse stock that accompany them, and that they are apparently free from symptoms of any infectious disease (including warts, ringworm, footrot, draining abscesses and pinkeye) or any communicable disease. Individual Certificates of Veterinary Inspection will not be required in certain classes, if the division superintendent for the exhibition has made prior arrangements with the official fair veterinarian and state veterinarian to have all animals and birds inspected on arrival.

64.34(2) Cattle.

a. Individual identification and certificate. All cattle intended for exhibition shall have individual official identification and be accompanied by a Certificate of Veterinary Inspection.

b. Tuberculosis. Cattle originating from a USDA accredited-free state or zone may be exhibited without other testing requirements when accompanied by a Certificate of Veterinary Inspection that lists individual official identification. Cattle from a herd or area under quarantine for tuberculosis may not be exhibited. Cattle from a state or zone which is not a USDA accredited-free state or zone must meet the following requirements:

- (1) Have had an individual animal test conducted within 60 days of the exhibition; or
- (2) Originate from a tuberculosis accredited-free herd, with the accredited herd number and date of last test listed on the Certificate of Veterinary Inspection; and
- (3) Have been issued a preentry permit from the state veterinarian's office.

c. Brucellosis.

(1) Native Iowa cattle originating from a herd not under quarantine may be exhibited when accompanied by a Certificate of Veterinary Inspection that lists individual official identification.

(2) Cattle originating outside the state must meet one of the following requirements:

1. Originate from brucellosis class "free" states, accompanied by a Certificate of Veterinary Inspection that lists individual official identification; or

2. Be beef heifers under 24 months of age and dairy heifers under 20 months of age which are official brucellosis vaccinates, accompanied by a Certificate of Veterinary Inspection that lists the official calfhood vaccination tattoo and individual official identification; or

3. Be animals of any age that originate from a herd not under quarantine, accompanied by a Certificate of Veterinary Inspection that lists a report of a negative brucellosis test conducted within 30 days prior to opening date of exhibition and individual official identification; or

4. Originate from a certified brucellosis-free herd, accompanied by a Certificate of Veterinary Inspection that lists individual official identification, herd number, and date of last test; or

5. Be calves under six months of age, accompanied by a Certificate of Veterinary Inspection that lists individual official identification.

(3) All brucellosis tests must have been confirmed by a state-federal laboratory. All nurse cows which accompany calves to be exhibited must meet the health requirements set forth in 64.34(2) "c."

(4) All cattle originating from states not classified as "free" for brucellosis must have been issued a preentry permit from the state veterinarian's office.

64.34(3) Market beef cattle. Steers and beef-type heifers exhibited in market classes must be accompanied by a Certificate of Veterinary Inspection, showing individual official identification for each animal, and must originate from a herd not under quarantine.

64.34(4) Swine. All swine shall originate from a herd or area not under quarantine. All swine shall have official identification and be accompanied by a Certificate of Veterinary Inspection. The Certificate of Veterinary Inspection shall indicate that a licensed and accredited veterinarian has inspected the swine and that the swine appear free from symptoms of any infectious or communicable disease. An initial inspection shall have occurred within seven days prior to the date of entry into the exhibition site. All swine shall be inspected again upon arrival at the exhibition site and before the swine are unloaded or leave a designated and isolated inspection area. Biosecurity and sanitary practices shall be implemented for all inspections. All identification is to be recorded on the pseudorabies test chart and the Certificate of Veterinary Inspection.

a. Brucellosis. All breeding swine six months of age and older must:

- (1) Originate from a brucellosis class "free" state; or
- (2) Originate from a brucellosis validated herd with herd certification number and date of last test listed on the Certificate of Veterinary Inspection; or
- (3) Have a negative brucellosis test conducted within 60 days prior to show and confirmed by a state-federal laboratory.

b. Aujeszky's Disease (pseudorabies)—all swine.

(1) Native Iowa swine. Exhibitors of native Iowa swine that originate from a Stage IV or lower-status county must present a test record and Certificate of Veterinary Inspection that indicate that each swine has had a negative test for pseudorabies within 30 days prior to the show (individual show regulations may have more restrictive time restrictions), regardless of the status of the herd, and that show individual official identification. Exhibitors of native Iowa swine that originate from a Stage V county must present a Certificate of Veterinary Inspection that lists individual official identification. No pseudorabies testing requirements will be necessary for native Iowa swine that originate from Stage V counties. Electronic identification will not be considered official identification for exhibition purposes.

(2) Swine originating outside Iowa. All exhibitors must present a test record and Certificate of Veterinary Inspection that indicate that each swine has had a negative test for pseudorabies within 30 days prior to the show (individual show regulations may have more restrictive time restrictions), regardless of the status of the herd, and that show individual official identification. Electronic identification will not be considered official identification for exhibition purposes.

64.34(5) Sheep and goats. All sheep and goats must be individually identified and a record of the identification noted on the Certificate of Veterinary Inspection and must originate from a herd or flock not under quarantine. Any evidence of club lamb fungus, draining abscesses, ringworm, footrot, sore mouth or any other contagious disease shall eliminate the animal from the show. The Certificate of Veterinary Inspection for sheep shall require clinical inspection by an accredited veterinarian within 14 days (30 days for goats) prior to date of entry to exhibition grounds.

a. Sheep and goats—scrapie. All sexually intact sheep must be identified with an individual scrapie flock of origin identification tag, and this number must be listed on the Certificate of Veterinary Inspection.

All sexually intact goats must be identified with an individual scrapie flock of origin identification tag or by an official registered tattoo, and one of these numbers must be listed on the Certificate of Veterinary Inspection. The Certificate of Veterinary Inspection must also include a statement certifying the herd's participation in the scrapie program.

b. Goats—brucellosis and tuberculosis. Goats must be from a state certified brucellosis-free herd or have a record of a negative brucellosis test performed within 90 days of the exhibition. In addition, they must originate from a herd having a negative tuberculosis test within the last 12 months or have a record of a negative tuberculosis test performed within 90 days of exhibition.

64.34(6) Horses and mules. Native Iowa horses and mules can be exhibited when accompanied by an individual Certificate of Veterinary Inspection listing individual identification or a description of the individual animals.

All equine, six months of age or older, originating from outside the state shall be accompanied by an official Certificate of Veterinary Inspection listing individual identification or a description of the individual animals; and indicating that each animal in the shipment has had a negative official equine infectious anemia test within 12 months of importation. The testing laboratory, laboratory accession number and date of test must appear on the certificate.

64.34(7) Poultry and birds. All poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of the exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit.

64.34(8) Dogs and cats. Dogs and cats exhibited must have current, official rabies vaccination certificates.

64.34(9) Removal from fair or exhibition. The veterinary inspector in charge shall order that any livestock, poultry or birds found to be infected with any contagious or infectious disease be removed from the fair or exhibition.

64.34(10) Cervidae. For the purposes of this subrule, "Cervidae" means all animals belonging to the Cervidae family, and "CWD susceptible Cervidae" means whitetail deer, blacktail deer, mule deer, red deer, and elk.

a. Native Iowa Cervidae. Native Iowa Cervidae from a herd not under quarantine may be exhibited without additional testing for brucellosis or tuberculosis. CWD susceptible Cervidae intended

for exhibition must originate from a herd that has completed at least one year in the CWD monitoring program. Native Iowa Cervidae may be exhibited without other testing requirements when the Cervidae are accompanied by a Certificate of Veterinary Inspection that lists individual official identification and the monitored CWD cervid herd number or certified CWD herd number for CWD susceptible Cervidae, including the status level and anniversary date, and contains the following statement:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to the herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

b. Cervidae originating outside Iowa. Cervidae that originate outside Iowa must obtain an entry permit from the state veterinarian’s office prior to import into Iowa. Cervidae that originate outside Iowa which are six months of age or older must originate from a herd not under quarantine and have been tested negative for Tuberculosis (TB) by the Single Cervical Tuberculin (SCT) test (Cervidae) or by the Cervid TB Stat-Pak test within 90 days of exhibition, or originate from an Accredited Herd (Cervidae), or originate from a Qualified Herd (Cervidae), with test dates shown on the Certificate of Veterinary Inspection. Herd status and SCT test are according to USDA Tuberculosis Eradication in Cervidae Uniform Methods and Rules, effective January 22, 1999.

Cervidae that originate outside Iowa which are six months of age or older must also have been tested negative for brucellosis within 90 days of exhibition, or originate from a certified brucellosis-free cervid herd, or a cervid class-free status state (brucellosis). This negative test result must be determined by brucellosis tests approved for cattle and bison, and the test must have been conducted in a cooperative state-federal laboratory.

(1) All CWD susceptible Cervidae must have originated from a monitored or certified CWD cervid herd in which the animals have been kept for at least one year or to which the animals were natural additions. The originating herd must have achieved a CWD status equal to completion of three years in an approved CWD monitoring program, and the CWD herd number and enrollment date must be listed on the Certificate of Veterinary Inspection. Cervidae originating from a herd with a diagnosis, sign, or epidemiological evidence of CWD or from an area under quarantine for chronic wasting disease shall not be exhibited. The following statement must appear on the Certificate of Veterinary Inspection:

“All Cervidae listed on this certificate originate from a chronic wasting disease monitored or certified herd in which these animals have been kept for at least one year or to which the animals were natural additions. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

(2) Other Cervidae. For all other Cervidae, the following statement must appear on the Certificate of Veterinary Inspection:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to this herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

This rule is intended to implement Iowa Code sections 163.1 and 163.14.

[ARC 9942B, IAB 12/28/11, effective 1/1/12; ARC 0656C, IAB 3/20/13, effective 3/1/13; ARC 4885C, IAB 1/29/20, effective 3/4/20]

21—64.35(163) Health requirements for exhibition of livestock, poultry and birds at exhibitions. Each county fair shall have an official veterinarian who will inspect all livestock, poultry and birds when they are unloaded or shortly thereafter. No Certificate of Veterinary Inspection will be required on livestock, poultry and birds exhibited at a county 4-H or FFA show. Quarantined animals or animals from quarantined herds cannot be exhibited. Evidence of warts, ringworm, footrot, pinkeye, draining abscesses or any other contagious or infectious condition will eliminate the animal from the show.

64.35(1) Swine exhibition requirements. “Swine exhibition” means an exhibit, demonstration, show, or competition involving an event on the state fairgrounds, a county fair, or other exhibition event. The sponsor of the exhibition must retain an Iowa licensed veterinarian to supervise the health of the swine at the exhibition location. The sponsor must electronically file the approved registration form and obtain approval from the state veterinarian at least 30 days before the event. The registration form includes

the name of the exhibition and the address and telephone number of its location; the name, address and telephone number of the veterinarian; and the date of the planned exhibition. Sales of swine will not be allowed unless the event has been registered and received approval from the state veterinarian 30 days prior to the event.

64.35(2) *Swine exhibition report required.* The sponsor of the swine exhibition shall electronically submit to the department the approved report form within five business days after the conclusion of the exhibition. The form includes the name of the exhibition and the address and telephone number of its location; the name, address and telephone number of the veterinarian; the date that the exhibition occurred; the name, address and telephone number of the owner of the swine; and the address and telephone number of the premises from which the swine was moved after the exhibition if such premises is a different premises.

64.35(3) *Dogs and cats.* All dogs and cats exhibited in county exhibitions must have a current, official rabies certification.

64.35(4) *Poultry and birds.* Except as provided in this subrule, all poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit.

However, no testing for salmonella pullorum-typhoid shall be required for “market classes” of poultry, if the poultry are consigned to a slaughter establishment directly from the exhibition. Poultry exhibited in these “market classes” shall be maintained separate and apart from poultry not exempted from the testing requirements. Separate and apart shall include both of the following: holding poultry so that neither poultry nor organic material originating from the poultry has physical contact with other poultry; and poultry exhibited in “market classes” shall be maintained in enclosures at least ten feet apart or separated by an eight-foot high solid partition from all other poultry. Poultry exhibited in “market classes” shall be so declared at the time of entry into this exhibition or before.

All enclosures maintaining poultry shall be thoroughly cleaned and disinfected.

64.35(5) *Sheep and goats.* All sexually intact sheep must have an individual scrapie flock of origin identification tag. All sexually intact goats must have an individual scrapie flock of origin identification tag or an official registered tattoo.

64.35(6) *Cervidae.* Native Iowa Cervidae from a herd not under quarantine may be exhibited without additional testing for brucellosis or tuberculosis. CWD susceptible Cervidae intended for exhibition must originate from a herd that has completed at least one year in the CWD monitoring program. Native Iowa Cervidae may be exhibited without other testing requirements when the Cervidae are accompanied by a Certificate of Veterinary Inspection that lists individual official identification and the monitored CWD cervid herd number or certified CWD herd number for CWD susceptible Cervidae, including the status level and anniversary date, and contains the following statement:

“All Cervidae listed on this certificate have been part of the herd of origin for at least one year or were natural additions to the herd. There has been no diagnosis, sign, or epidemiological evidence of chronic wasting disease in this herd for the past year.”

64.35(7) *Show veterinarian.* The decision of the show veterinarian shall be final.

This rule is intended to implement Iowa Code sections 163.1 and 163.14.

[ARC 9942B, IAB 12/28/11, effective 1/1/12]

21—64.36 and 64.37 Reserved.

[Filed 6/3/55]

[Filed 3/30/77, Notice 2/23/77—published 4/20/77, effective 5/26/77]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 4/13/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]

[Filed 10/18/90, Notice 7/25/90—published 11/14/90, effective 1/1/91]

[Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]

[Filed 5/7/93, Notice 3/3/93—published 5/26/93, effective 6/30/93]

- [Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]
 [Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]
 [Filed emergency 4/18/03 after Notice 2/19/03—published 5/14/03, effective 4/18/03]
 [Filed 3/17/04, Notice 2/4/04—published 4/14/04, effective 5/19/04]
 [Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]
 [Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]
 [Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]
 [Filed emergency 3/23/06 after Notice 2/1/06—published 4/12/06, effective 3/23/06]
 [Filed emergency 4/11/08—published 5/7/08, effective 4/11/08]
 [Filed Emergency After Notice ARC 9942B (Notice ARC 9836B, IAB 11/2/11), IAB 12/28/11,
 effective 1/1/12]
 [Filed Emergency ARC 0656C (Notice ARC 0642C, IAB 3/6/13), IAB 3/20/13, effective 3/1/13]
 [Filed ARC 4885C (Notice ARC 4784C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

DISEASE CONTROL BY CONVEYANCES

21—64.38(163) Transportation companies—disinfecting livestock quarters. All railroad and transportation companies are hereby required to provide for proper drainage of all stockyards, pens, alleyways and chutes, and to clean and disinfect the same between April 15 and May 15 of each year and at such other times as may be deemed necessary. All expense incurred for the disinfecting and supervision of same must be paid by the railroad company. The chief of the division of animal industry shall enforce this rule.

This rule is intended to implement Iowa Code section 163.1.

21—64.39(163) Livestock vehicles—disinfection. It is hereby ordered by the state of Iowa, secretary of agriculture, that all cars or vehicles that have been used for conveying any animal or animals that have been found to have suffered or are suffering from any contagious or infectious diseases must be cleaned and disinfected thoroughly before leaving the yards where such animal or animals have been unloaded within the state of Iowa.

This rule is intended to implement Iowa Code section 163.1.

21—64.40 Reserved.

[Filed 6/3/55]

[Filed emergency 7/8/88 after Notice of 6/1/88—published 7/27/88, effective 7/8/88]

INTRASTATE MOVEMENT OF LIVESTOCK

21—64.41(163) General. All places where livestock is assembled, either bought or sold for purposes other than immediate slaughter, whether by private sale or public auction, when not under federal supervision must be under state supervision.

64.41(1) The management of all livestock auction markets shall make application for, and obtain a permit from the department to conduct such sales.

64.41(2) Before movement, the livestock shall comply with requirements as set forth below.

64.41(3) Livestock imported for resale shall meet all health requirements governing their admission into the state as set forth in 21—Chapter 65.

This rule is intended to implement Iowa Code sections 163.1, 163.11, and 163.14.

21—64.42(163) Veterinary inspection.

64.42(1) All livestock markets shall be under the general supervision of the Chief, Bureau of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319, and the

direct supervision of the approved veterinary inspector. Markets shall pay inspection fees directly to the veterinary inspector.

64.42(2) The veterinary inspector shall:

- a. Examine all livestock moving through the market.
- b. Prohibit the sale of any animal deemed to be diseased.
- c. Issue quarantines when required, and
- d. Supervise the cleaning and disinfection of yards following sales.

This rule is intended to implement Iowa Code section 163.1.

21—64.43(163) Swine.

64.43(1) *Brucellosis*. All breeding swine four months of age or over moving through a livestock market or offered for sale or sold by the owner by private treaty must:

- a. Originate from a validated herd, or from a validated brucellosis-free state according to Title 9 CFR as amended effective May 23, 1994, and published in the Federal Register, Vol. 59, No. 77, April 21, 1994, or
- b. Be proved negative to a brucellosis test conducted within 60 days prior to sale or service and originate from a herd not under quarantine.

All breeding swine showing a positive reaction to a brucellosis test conducted at a livestock market shall be tagged in the left ear with a reactor tag and moved direct to slaughter on permit. The herd of origin shall be placed under quarantine for immediate test. Such quarantine to remain in effect until a complete negative herd test is conducted.

The negative animals from a reactor group disclosed at an auction market can return to the farm of origin under strict quarantine to be tested no sooner than 30 days nor later than 60 days from the date of test.

64.43(2) Reserved.

This rule is intended to implement Iowa Code sections 163A.1 and 163A.3.

21—64.44(163) Farm deer. Rescinded IAB 11/26/03, effective 12/31/03.

21—64.45 and 64.46 Reserved.

[Filed 7/14/64; amended 1/12/66, 5/14/68, 7/9/68, 4/18/73]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]

[Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]

[Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]

[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]

BRUCELLOSIS

21—64.47(163) Definitions as used in these rules.

64.47(1) “*Department*” means the Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa.

64.47(2) “*Federal Office*” means the Animal, Plant and Health Inspection Service, United States Department of Agriculture, Federal Building, Des Moines, Iowa 50309.

64.47(3) “*Brucellosis*” means the disease of brucellosis in animals.

64.47(4) “*Brucellosis test*” means the blood serum test for brucellosis, applied in accordance with a technique approved by the department.

64.47(5) “*B.R.T.*” means a brucellosis ring test as applied to milk and cream, and used as a presumptive test for locating possible brucellosis infected herds according to a technique approved by the department.

64.47(6) “*Brucellosis test classification*” means the designation of animals tested by the methods of card test or rivanol or any other method approved jointly by the state and federal departments of agriculture.

64.47(7) “*Veterinarian*” means a graduate of an approved veterinary school who is licensed and registered to practice veterinary medicine in this state.

64.47(8) “*Designated animals*” means only the following named bovine animals: beef cattle, dairy cattle, American bison or “buffalo,” and their hybrids.

This rule is intended to implement Iowa Code section 163A.9.

21—64.48 Reserved.

21—64.49(163) Certified brucellosis-free herd. In order to qualify a herd of cattle as brucellosis-free and receive a certificate evidencing same, the owner thereof shall comply with the following requirements:

64.49(1) *Certified brucellosis-free herd.* A herd may qualify for initial certification by a minimum of three consecutive negative milk ring tests (B.R.T.) conducted at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative milk ring test; or at least two consecutive negative blood tests not less than 10 months nor more than 14 months apart. A herd may qualify for recertification by a negative blood test within 60 days of each anniversary date, and the certification period being 12 months. If recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same for initial certification.

64.49(2) *Additions to certified herds.*

a. To certified herds:

(1) From herds with equal status.

(2) From once-tested clean herds. Calf vaccinated animals up to 30 months of age on certificate of vaccination—over 30 months if negative; or nonvaccinated animals on evidence of negative retest not less than 60 days from date of negative herd test.

b. To once-tested clean herds:

(1) From herds with equal or superior status.

(2) From other herds, calfhooed vaccinated animals up to 30 months of age on certificate of vaccination; over 30 months, if negative; nonvaccinated animals if tested negative, then segregated and retested negative in not less than 60 days.

64.49(3) The owner or veterinarian shall make a request to the chief, division of animal industry for certification or recertification, for a brucellosis-free herd when the required tests are completed.

This rule is intended to implement Iowa Code section 164.4.

21—64.50(163) Restraining animals. To facilitate the vaccination, taking of blood sample or identifying animals as reactors, it shall be the duty of the owner to confine the animals in a suitable enclosure and to restrain the individual animal in a manner sufficient to permit the veterinarian to perform any of the services required under laws and rules of Iowa.

This rule is intended to implement Iowa Code section 164.4.

21—64.51(163) Quarantines.

64.51(1) Bovine animals classified as reactors shall be quarantined on the premises and not permitted to mingle with other cattle until disposed of for slaughter under a permit issued by the department or its authorized agent.

64.51(2) All bovine animals comprising a herd operating under control Plan A shall be quarantined when one of its members has been classified as a reactor, such quarantine to remain in effect until two consecutive negative brucellosis tests, 30 to 60 days apart, have been made. No animals of such a herd may be moved or sold except to slaughter under permit issued by the department or its authorized agent except that the department in hardship cases may permit the movement of such animals other than to

slaughter with quarantines remaining in effect at the new location, together with any new animals with which they may commingle.

64.51(3) Owners of animals tested for brucellosis shall hold the entire herd on the premises until the results of the test are determined.

64.51(4) Notice of quarantine shall be delivered in writing by the department or its authorized agent to the owner or caretaker of all cattle quarantined. A report of such quarantine shall also be filed with the department as prescribed.

This rule is intended to implement Iowa Code sections 164.15 and 164.19.

21—64.52(163) Identification of bovine animals.

64.52(1) *Identification tag.* Every veterinarian, in conjunction with the testing of any bovine animal for brucellosis or the vaccination of any such animal, shall insert an identification tag of the type approved by the department in the right ear of each animal which is not so identified; provided that in the case of an animal registered with a purebred association, the registry or tattoo number assigned to the animal by such association may be used for identification in lieu of an identification tag.

64.52(2) *Official vaccinates.* An animal vaccinated with RB-51 brucella abortus vaccine must have an official identification tag in the right ear or an individual animal registration tattoo. Additionally, the animal must be tattooed in the right ear with the U.S. Registered Shield and the letter “V,” which shall be preceded by a letter “R” and followed by a number corresponding to the last digit of the year in which the animal was vaccinated.

64.52(3) *Reactor identification.* Bovine-reactor cattle eight months of age or over shall be permanently branded with a hot iron on the tailhead over the fourth to the seventh coccygeal vertebrae with the letter “B” not less than two inches nor more than three inches high and shall also be tagged in the left ear with a reactor identification tag approved by the department within 15 days of the date on which they were disclosed as reactors. This subrule shall not apply to official calthood vaccination as defined in Iowa Code section 164.1. Such vaccinates need not be branded if they react to the brucellosis test until 30 months of age.

This rule is intended to implement Iowa Code sections 164.11 and 164.12.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.53(163) Cleaning and disinfection. After any disclosure of reactors to the brucellosis test and following their disposal for slaughter, the owner of such cattle shall be required to clean and disinfect all barns and premises in which said cattle have been held. Such cleaning and disinfection shall be done in accordance with instructions and with a disinfectant approved by the department.

This rule is intended to implement Iowa Code section 163.1.

21—64.54(163) Disposal of reactors.

64.54(1) Reactor cattle disclosed in herds operating under Plan A shall be tagged and branded within 15 days of the date the blood samples were taken. In accordance with Iowa law, an additional 30 days will be allowed for slaughter.

64.54(2) All reactors shall be disposed of for slaughter only in plants operating under federal meat inspection or slaughtering establishment approved by the department and must be accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

64.54(3) No cattle shall be disposed of through public sales or sales barns.

This rule is intended to implement Iowa Code section 164.17.

21—64.55(163) Brucellosis tests and reports.

64.55(1) All brucellosis tests conducted at state-federal expense must be performed at a state-federal laboratory as determined by the department.

64.55(2) The department shall approve a veterinarian as eligible to conduct brucellosis tests upon successful completion of a course of training and instruction provided by the department. The department shall specify the standards for maintaining such approval.

64.55(3) All brucellosis tests conducted by a veterinarian must be reported to the department, on forms prescribed, within seven days following completion of such tests. A copy of such tests shall also be given to the herd owner by the veterinarian.

64.55(4) Reports of vaccination shall be rendered by the veterinarian within 30 days in compliance with the regulation. It is from the information on these reports that the owner of the cattle will receive recognition as being under official supervision.

This rule is intended to implement Iowa Code section 164.10.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.56(163) Suspect animals designated as reactors.

64.56(1) A nonvaccinated animal classified as a suspect on the brucellosis test may be reclassified as a reactor by the veterinarian obtaining the blood sample provided that such an animal is known to have aborted and is from a herd containing reactors.

64.56(2) Animals so designated in 64.38(1) and 64.38(2) will be eligible for indemnity in accordance with the laws and rules governing same.

This rule is intended to implement Iowa Code section 163.1.

21—64.57(163) Indemnity not allowed.

64.57(1) No indemnity shall be paid unless the test was previously authorized by proper state or federal authority.

64.57(2) No indemnity may be paid on an animal which was vaccinated when it was more than eight months of age.

64.57(3) Rescinded.

64.57(4) No indemnity may be paid as a result of a test of an official vaccinate less than 30 months of age.

64.57(5) No indemnity may be paid upon reactors unless they are tagged, branded and slaughtered according to the state and federal regulations.

64.57(6) No indemnity may be paid upon cattle entering the state of Iowa which have not met the requirements for entry as breeding or dairy cattle.

64.57(7) No indemnity can be paid on reactors owned by the state or county.

64.57(8) No indemnity may be paid on unregistered reactor bulls, steers or spayed heifers.

64.57(9) No indemnity will be paid for brucellosis reactors when known reactors have been held on the premises for more than 30 days from the date on which they were tagged and branded.

64.57(10) No indemnity will be paid when infected premises have not been cleaned and disinfected to the satisfaction of the department in such a manner as to prevent the further spread of the disease.

64.57(11) No indemnity will be paid if the claimant has failed to comply with any of the requirements of these rules.

64.57(12) No indemnity will be paid on brucellosis reactors disclosed in a herd unless a state-federal cooperative agreement has been signed by the owner prior to conducting the brucellosis test.

64.57(13) No indemnity will be allowed unless all animals comprising the herd, both beef and dairy type, have been subjected to a brucellosis test conducted at the state-federal laboratory.

64.57(14) No indemnity will be paid on any reactors unless they are slaughtered in a plant operating under federal meat inspection and accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

This rule is intended to implement Iowa Code section 163.15.

21—64.58(163) Area testing.

64.58(1) Counties shall be tested in the order that valid petitions are received unless the department shall decide that it is not expedient to make tests in that order.

64.58(2) All provisions of the rules as promulgated under authority of Iowa Code section 164.2 are also in effect for counties designated as under area testing.

64.58(3) An area may be declared modified certified brucellosis-free by the application of two milk tests not less than six months apart, together with a blood test of all milk reacting herds and such other herds as are not included in the milk test. The number of reactors (exclusive of officially calf vaccinated animals under 30 months of age) must not exceed 1 percent of the cattle and the herd infection must not exceed 5 percent. Infected herds shall be quarantined until they have passed at least two consecutive blood tests not less than 60 days apart.

64.58(4) If testing as outlined in 64.58(3) above reveals an animal infection rate of more than 1 percent, but not over 2 percent and a retest of the infected herds applied within 120 days discloses not more than 1 percent animal infection in not over 5 percent of the herds, the area may then be certified.

64.58(5) If the test of an area as outlined under 64.58(3) results in more than 2 percent reactors, or if a retest of infected herds as under 64.58(3) does not qualify the area for certification, it shall be necessary to make a complete area retest.

64.58(6) Recertification. Areas may be recertified with the application of semiannual milk tests, follow-up blood tests of milk reacting herds and blood tests at three-year intervals on 20 percent of all herds not included in the milk test, if the incidence of infection does not exceed 1 percent of the cattle and 5 percent of the herds under test.

64.58(7) If testing as outlined under 64.58(6) reveals an animal infection rate of more than 1 percent, but not over 2 percent and a retest of the infected herds applied within 120 days discloses not more than 1 percent animal infection in not over 5 percent of the herds, the area may then be certified.

64.58(8) Any area not qualifying for recertification under the provisions of 64.58(7) shall be required to reestablish its certified status through testing procedures as outlined under 64.58(3).

64.58(9) The report of suspicious ring test of any herd shall be cause for a brucellosis test to be made.

64.58(10) The report of negative ring test will exempt a herd from brucellosis test unless such herd is due a test because of previous infection.

64.58(11) Milk producing herds missed on more than one regularly scheduled ring test will be required to have a brucellosis test made.

This rule is intended to implement Iowa Code sections 163.1, 164.2, 164.4, and 165.2.

21—64.59 to 64.62 Reserved.

[Filed 11/26/57, amended 4/18/73]

[Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 7/25/97, Notice 6/18/97—published 8/13/97, effective 9/17/97]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

BOVINE BRUCELLOSIS

21—64.63(164) Back tagging in bovine brucellosis control.

64.63(1) All bovine animals two years of age and older received for sale or shipment to a slaughtering establishment shall be identified with a back tag issued by the department. The back tag will be affixed to the animal as directed by the department.

64.63(2) It shall be the duty of every livestock trucker, when delivering to an out-of-state market, and every livestock dealer, livestock market operator, stockyards operator and slaughtering establishment to identify all such bovine animals not bearing a back tag at the time of receiving possession or control of such animals. A livestock trucker may be exempted from this requirement if the animals are identified as to the farm of origin when delivered to a livestock market, stockyards or slaughtering establishment agreeing to accept responsibility for back tag identification.

64.63(3) Every person required to identify animals under this rule shall file reports of such identification on forms prescribed by the department. Each such report will cover all animals identified during the preceding week.

This rule is intended to implement Iowa Code section 164.30.

21—64.64(164) Fee schedule.

64.64(1) *Bleeding.* Thirty dollars per stop (herd) and five dollars per head for all cattle bled.

64.64(2) *Tagging and branding reactors.* Fifteen dollars for the first reactor and five dollars for each additional reactor.

This rule is intended to implement Iowa Code section 164.6.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.65(163) Definitions.

64.65(1) *Bleeding.* Bleeding shall mean the taking of a blood sample in a vial or tube, to be submitted to a laboratory for testing and diagnosis of diseases.

64.65(2) *Injection.* Injection shall mean the injection of tuberculin into a prescribed area of the animal as a diagnostic test for tuberculosis.

64.65(3) *Reading.* Reading shall mean the examination of the injection site to ascertain whether or not there has been a reaction. A reaction at the injection site is a positive diagnosis of tuberculosis.

64.65(4) *Stop.* Stop shall mean a personal visit at a particular farm for the expressed purpose of testing animals for tuberculosis or brucellosis, for reading animals for tuberculosis, or for tagging and branding animals diagnosed as having tuberculosis or brucellosis.

This rule is intended to implement Iowa Code section 164.4.

21—64.66 Reserved.

[Filed 9/26/67, amended 9/25/73, 10/10/73, 12/9/74]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]

ERADICATION OF SWINE BRUCELLOSIS

21—64.67(163A) Brucellosis test. When reactor animals are revealed on any test, the herd of origin and all exposed animals shall be placed under quarantine and inspections and tests performed as provided in Iowa Code chapter 163A.

This rule is intended to implement Iowa Code section 163A.12.

21—64.68(163A) Veterinarians to test. The department will designate a federal or state veterinarian or it may designate a licensed accredited veterinarian to make the inspections and tests. The expense of the tests may be charged to the county brucellosis eradication fund as provided in Iowa Code section 163A.12.

This rule is intended to implement Iowa Code section 163A.12.

21—64.69 and **64.70** Reserved.

21—64.71(163A) Fee schedule.

64.71(1) *Bleeding.* Thirty dollars per stop (herd) and five dollars per head for all animals bled.

64.71(2) *Tagging of reactors.* Thirty dollars per stop (herd) and two dollars per head for all swine tagged.

This rule is intended to implement Iowa Code section 163A.12.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.72 Reserved.

[Filed 5/14/73, amended 9/25/73, 12/9/74]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed 8/13/82, Notice 7/7/82—published 9/1/82, effective 10/6/82]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
effective 9/1/10]

ERADICATION OF BOVINE TUBERCULOSIS

21—64.73(163) Tuberculin tests classified. Tuberculin tests adopted by the department of agriculture and land stewardship are:

64.73(1) The subcutaneous or “Thermal” test.

64.73(2) The intradermic or “Skin” test.

64.73(3) The ophthalmic or “Eye” test.

64.73(4) The TB Stat-Pak test for cervids.

This rule is intended to implement Iowa Code section 165.13.

[ARC 0656C, IAB 3/20/13, effective 3/1/13]

21—64.74(163) Acceptance of intradermic test. The intradermic tuberculin test will be accepted provided it has been applied by a regularly employed state or federal veterinarian, an accredited veterinarian or by an approved veterinarian when endorsed by the authorities of the state of origin, provided the observations be made at the seventy-second hour.

This rule is intended to implement Iowa Code section 164.4.

21—64.75(163) Adoption of intradermic test. The intradermic test is hereby adopted for area tuberculosis eradication work.

This rule is intended to implement Iowa Code section 164.4.

21—64.76(163) Ophthalmic test. The ophthalmic test will not be accepted as an official test except when applied in combination with either the subcutaneous or intradermic test.

This rule is intended to implement Iowa Code section 164.4.

21—64.77(163) Tuberculin test deadline. All tuberculin tests must be made within 30 days of date of shipment.

This rule is intended to implement Iowa Code section 164.4.

21—64.78(163) Health certificate. All certificates of health must show the number of cattle included in the test, the name of the owner and the post-office address.

This rule is intended to implement Iowa Code section 164.7.

21—64.79(163) Ear tags. All cattle not identified by registration name and number shall be identified by a proper metal tag bearing a serial number attached to the right ear.

This rule is intended to implement Iowa Code section 164.11.

21—64.80(163) Cattle importation. No cattle shall be imported into the state of Iowa except in accordance with 21—65.4(163).

This rule is intended to implement Iowa Code sections 163.11 and 165.36.

21—64.81(163) Tuberculin reactors. All herds of breeding cattle in counties that are under state and federal supervision for the eradication of tuberculosis in which reactors have been found may be held in quarantine until they have passed a negative tuberculin test.

All cattle that react to the tuberculin test, as well as those which show physical evidence of tuberculosis, shall be marked for identification by branding with the letter “T” not less than two or more than three inches high on the hip near the tailhead, and to the left ear shall be attached a metal tag bearing a serial number and the inscription “REACTOR”.

This rule is intended to implement Iowa Code section 165.4.
[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.82(163) Steers—testing. All untested steer cattle shall be handled and maintained as a separate unit from the breeding cattle (which means they shall be quarantined, watered and fed apart from breeding cattle).

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.83(163) Female cattle—testing. Female cattle, the products of which are intended for family use, may be tuberculin tested without being denied the use of the same pastures and the same watering troughs as steers in feeding. This does not apply to female cattle, the products of which are handled commercially; neither does it apply where the feeding cattle are other than steers. Cows kept under such conditions cannot be sold for any purpose other than slaughter without being subjected to an additional tuberculin test.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.84(163) Certificates and test charts. Certificates and test charts must be made to conform with United States Bureau of Animal Industry rules governing the interstate movement of cattle; the original must be attached to the waybill and a copy forwarded to the Chief of Division of Animal Industry, Iowa Department of Agriculture and Land Stewardship, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code sections 163.1 and 164.4.

21—64.85(163) Slaughtering reactors. Reactors to the tuberculin test brought in for immediate slaughter must be consigned to a slaughtering establishment having federal inspection and must be transported thereto in accordance with section V, Regulation 7, of B.A.I. Order No. 309.

64.85(1) When it is found on slaughter that animals are affected with tuberculosis, the chief, division of animal industry, may order an immediate investigation, and if deemed advisable have all breeding cattle on the premises from which the tubercular animals originated, tested for tuberculosis.

64.85(2) When cattle within the state of Iowa are sold under sale contract to pass a 60- or 90-day tuberculin test and have failed to pass the same, before being returned to the original owner, the party wishing to return such animal or animals shall first obtain a permit from the chief, division of animal industry, Iowa department of agriculture and land stewardship, to do so.

64.85(3) When cattle are sold out of the state of Iowa under sale contract to pass a 60- or 90-day tuberculin test and failing to pass the same, before being returned to the original owner, the party wishing to return such animal or animals shall first furnish a tuberculin test chart showing the reaction, giving the date of reaction and proving to the satisfaction of the chief, division of animal industry, that such animals are reactors.

This rule is intended to implement Iowa Code section 165.4.

21—64.86(163) Agriculture tuberculin rules. The rules adopted by the Iowa department of agriculture and land stewardship governing the establishment of tuberculosis-free accredited herds and accredited areas or units in Iowa will be applied to such herds, and areas or units in cooperation with the bureau of animal industry, United States department of agriculture.

This rule is intended to implement Iowa Code section 165.12.

21—64.87(163) “Tuberculosis-free accredited herd” defined. A tuberculosis-free accredited herd is one which has been tuberculin tested by the subcutaneous method or any other test approved by the bureau of animal industry, under the supervision of the Iowa department of agriculture and land stewardship and the United States department of agriculture or a veterinary inspector employed by the

state in which cooperative tuberculosis eradication work is being conducted jointly by the United States department of agriculture and the state. Further, it shall be a herd in which no animal affected with tuberculosis has been found upon two annual or three semiannual tuberculin tests, as above described, and by physical examination.

This rule is intended to implement Iowa Code section 165.12.

21—64.88(163) Retesting. The entire herd, or any cattle in the herd, shall be tuberculin tested or retested at such time as is considered necessary by the federal or state authorities.

This rule is intended to implement Iowa Code section 165.32.

21—64.89(163) Accredited herd. No herd shall be classed as an accredited herd, in which tuberculosis has been found by the application of the test as referred to in 21—64.63(163), until such herd has been successfully subjected to two consecutive tests with tuberculin applied at intervals of not less than six months, the first interval dating from the time of removal of the tuberculous animals from the herd.

This rule is intended to implement Iowa Code section 165.12.

21—64.90(163) Selection of cattle for tuberculin tests. No cattle shall be presented for the tuberculin test which have been injected with tuberculin within 60 days immediately preceding or which have at any time reacted to a tuberculin test.

This rule is intended to implement Iowa Code sections 165.10, 165.13 and 165.26.

21—64.91(163) Identification for test. Prior to each tuberculin test satisfactory evidence of the identity of the registered animal shall be presented to the inspector. Any grade cattle maintained in the herd or associated with the animals of the herd shall be identified by a tag or other marking satisfactory to the state and federal officials.

This rule is intended to implement Iowa Code section 163.1.

21—64.92(163) Removing cattle from herd. All removals of cattle from the herd, either by sale, death or slaughter, shall be reported promptly to the said state or federal officials, giving the identification of the animal, and if sold, the name and address of the person to whom transferred. If the transfer is made from the accredited herd to another accredited herd the shipment shall be made in only cleaned and disinfected cars. No cattle which have not passed a tuberculin test approved by the state and federal officials shall be allowed to associate with the herd.

This rule is intended to implement Iowa Code section 163.1.

21—64.93(163) Milk. All milk and other dairy products fed to calves shall be that produced by an accredited herd, or if from outside or unknown sources it shall be pasteurized by heating to not less than 150° F. for not less than 20 minutes.

This rule is intended to implement Iowa Code section 163.1.

21—64.94(163) Sanitary measures. All reasonable sanitary measures and other recommendations by the state and federal authorities for the control of tuberculosis shall be complied with.

This rule is intended to implement Iowa Code section 163.1.

21—64.95(163) Interstate shipment. Cattle from an accredited herd may be shipped interstate on certificate obtained from the office of the chief, division of animal industry, or from the office of the bureau of animal industry without further tuberculin test, for a period of one year, subject to the rules of the state of destination.

This rule is intended to implement Iowa Code section 165.36.

21—64.96(163) Reactors—removal. All cattle which react to the tuberculin test and for which the owner desires indemnity, as provided by statute, must be removed immediately from the cattle barn, lots and pastures where other cattle are being kept.

64.96(1) The barn or place where reacting cattle have been housed or kept shall be thoroughly cleaned and disinfected immediately.

64.96(2) Feed places and floors must be cleared of all hay and manure and scraped clean.

64.96(3) All loose boards and decayed woodwork should be removed, and when deemed necessary, and requested by the veterinarian, must be accomplished before it will be considered that the place has been properly cleaned and disinfected.

64.96(4) The feeding places, troughs, floors and partitions near the floor should be washed and scoured with hot water and lye.

This rule is intended to implement Iowa Code section 163.1.

21—64.97(163) Certificate. Strict compliance with these methods and rules shall entitle the owner of tuberculosis-free herds to a certificate, “TUBERCULOSIS-FREE ACCREDITED HERD”, to be issued by the United States Department of Agriculture, bureau of animal industry and the division of animal industry, Iowa department of agriculture and land stewardship. Said certificate shall be good for one year from date of test unless revoked at an earlier date.

This rule is intended to implement Iowa Code section 165.12.

21—64.98(163) Violation of certificate. Failure on the part of the owners to comply with the letter or spirit of these methods and rules shall be considered sufficient cause for immediate cancellation of the cooperative agreement with them by the state and federal officials.

This rule is intended to implement Iowa Code section 165.12.

21—64.99(163) Tuberculin—administration. In accordance with the provisions of Iowa Code chapter 165, the Iowa department of agriculture and land stewardship shall have control of the sale, distribution and use of all tuberculin used in the state and shall formulate regulations for its distribution and use. Only such persons as are authorized by the department, inspectors of the B.A.I. and regularly licensed practicing veterinary surgeons of the state of Iowa shall be entitled to administer tuberculin to any animal included within the meaning of this chapter.

This rule is intended to implement Iowa Code section 165.13.

21—64.100(163) Sale of tuberculin. No person, firm or corporation shall sell or distribute tuberculin to any person or persons in the state of Iowa except under the following conditions:

64.100(1) That the person or persons are legally authorized to administer tuberculin.

64.100(2) That all sales of tuberculin shall be reported to the secretary of agriculture on proper forms, which forms may be obtained from the chief, division of animal industry.

64.100(3) Reports of all sales and distribution of tuberculin in the state of Iowa shall be made in triplicate; the original copy to be delivered with the tuberculin to the person obtaining same; the duplicate to be forwarded to the Chief, Division of Animal Industry, Des Moines, Iowa 50319; and the triplicate copy to be retained by the manufacturer or distributor. All reports shall be made within 60 days from date of sale.

This rule is intended to implement Iowa Code section 165.12.

21—64.101(165) Fee schedule.

64.101(1) Injection. Thirty dollars per stop (herd) and two dollars per head.

64.101(2) Reading. Thirty dollars per stop (herd) and two dollars per head.

64.101(3) Tagging and branding reactors. Five dollars first reactor and three dollars each additional reactor.

This rule is intended to implement Iowa Code section 165.17.

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.102 and 64.103 Reserved.

[Filed 11/26/57, amended 7/13/65]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]
[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
effective 9/1/10]
[Filed Emergency ARC 0656C (Notice ARC 0642C, IAB 3/6/13), IAB 3/20/13, effective 3/1/13]

CHRONIC WASTING DISEASE (CWD)

21—64.104(163) Definitions. Definitions used in rules 21—64.104(163) through 21—64.119(163) are as follows:

“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 January 9, 2013, to perform functions required by cooperative state/federal animal disease control and eradication programs.

“Adjacent herd” means one of the following:

1. A herd of Cervidae occupying premises that border an affected herd, including herds separated by roads or streams.
2. A herd of Cervidae occupying premises that were previously occupied by an affected herd within the past four years as determined by the designated epidemiologist.

“Affected cervid herd” means a cervid herd from which any animal has been diagnosed as affected with CWD and which has not been in compliance with the control program for CWD as described in rules 21—64.104(163) through 21—64.119(163).

“Certificate” means an official document, issued by a state veterinarian or federal animal health official or an accredited veterinarian at the point of origin, containing information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state veterinarian.

“Certified CWD cervid herd” means a herd of Cervidae that has met the qualifications for and has been issued a certified CWD cervid herd certificate signed by the state veterinarian.

“Cervidae” means all animals belonging to the Cervidae family.

“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 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.

“Cervid dealer” means any person who engages in the business of buying, selling, trading, or negotiating the transfer of Cervidae, but not a person who purchases Cervidae exclusively for slaughter on the person’s own premises or buys and sells as part of a normal livestock production operation.

“Cervid herd” means a group of Cervidae or one or more groups of Cervidae maintained on common ground or under common ownership or supervision that are geographically separated but can have interchange or movement.

“Cervid herd of origin” means a cervid herd, or any farm or other premises, where the animals were born or where they currently reside.

“Chronic wasting disease” or *“CWD”* means a transmissible spongiform encephalopathy of cervids.

“CWD affected” means a designation applied to Cervidae diagnosed as affected with CWD based on laboratory results, clinical signs, or epidemiologic investigation.

“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,

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

“*CWD susceptible Cervidae*” means whitetail deer, blacktail deer, mule deer, red deer, elk, moose, and related species and hybrids of these species.

“*CWD suspect*” or “*suspect*” means a designation applied to Cervidae for which laboratory evidence or clinical signs suggest a diagnosis of CWD but for which laboratory results are inconclusive.

“*Designated epidemiologist*” means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

“*Group*” means one or more Cervidae.

“*Individual herd plan*” means a written herd management and testing plan that is designed by the herd owner, the owner’s veterinarian, if requested, and a designated epidemiologist to identify and eradicate CWD from an affected, exposed, or adjacent herd.

“*Monitored CWD cervid herd*” means a herd of Cervidae that is in compliance with the CCWDSI program as defined in this rule. Monitored herds are defined as one-year, two-year, three-year, four-year, and five-year monitored herds in accordance with the time in years such herds have been in compliance with the CCWDSI program.

“*Official cervid CWD test*” means an approved test to diagnose CWD conducted at an official laboratory.

“*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 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.

“*Official laboratory*” means a USDA-approved American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa.

“*Permit*” means an official document that is issued by the state veterinarian or USDA area veterinarian-in-charge or an accredited veterinarian for movement of affected, suspect, or exposed animals.

“*Quarantine*” means an imposed restriction prohibiting movement of cervids to any location without specific written permits.

“*State*” means any state of the United States; the District of Columbia; Puerto Rico; the U.S. Virgin Islands; or Guam.

“*Traceback*” means the process of identifying the herd of origin of CCWDSI-positive animals, including herds that were sold for slaughter.

[ARC 0391C, IAB 10/17/12, effective 11/1/12; ARC 1024C, IAB 9/18/13, effective 10/23/13]

21—64.105(163) Supervision of the cervid CWD surveillance identification program. The state veterinarian’s office will conduct an annual inventory of Cervidae in a herd enrolled in the CCWDSI program.

21—64.106(163) Surveillance procedures. For cervid herds enrolled in this voluntary certification program, surveillance procedures shall include the following:

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 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(2) Cervid herds. All cervid herds must be under continuous surveillance for CWD as defined in the CCWDSI program.

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

- a. Two forms of official cervid identification, or
 - 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.
- [ARC 0391C, IAB 10/17/12, effective 11/1/12; ARC 1024C, IAB 9/18/13, effective 10/23/13]

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. Enzyme-linked immunosorbent assay (ELISA).
 5. Any other tests performed by an official laboratory to confirm a diagnosis of CWD.
- [ARC 1024C, IAB 9/18/13, effective 10/23/13]

21—64.108(163) Investigation of CWD affected animals identified through surveillance. Traceback must be performed for all animals diagnosed at an 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.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

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 after five years 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.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

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.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

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.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

21—64.112(163) Cleaning and disinfecting. Premises must be cleaned and disinfected under state supervision within 15 days after affected animals have been removed.

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:

64.113(1) Purchasing a certified CWD cervid herd. Upon request and with proof of purchase, the department shall issue a new certificate in the new owner's name. The anniversary date and herd status for the purchased animals shall be the same as for the herd to which the animals are added; or if part or all of the purchased herd is moved directly to premises that have no other Cervidae, the herd may retain the certified CWD status of the herd of origin. The anniversary date of the new herd is the date of the most recent herd certification status certificate.

64.113(2) Upon request and with proof by records, a herd owner shall be issued a certified CWD cervid herd certificate by complying with the CCWDSI program for a period of five years.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

21—64.114(163) Recertification of CWD cervid herds. A herd is certified for 12 months. Annual inventories conducted by 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.

[ARC 1024C, IAB 9/18/13, effective 10/23/13]

21—64.115(163) Movement into a certified CWD cervid herd.

64.115(1) Animals originating from certified CWD cervid herds may move into another certified CWD cervid herd with no change in the status of the herd of destination.

64.115(2) The movement of animals originating from noncertified or lesser status herds into certified CWD cervid herds will result in the redesignation of the herd of destination to the lesser status.

21—64.116(163) Movement into a monitored CWD cervid herd.

64.116(1) Animals originating from a monitored CWD cervid herd may move into another monitored CWD cervid herd of the same status.

64.116(2) The movement of animals originating from a herd which is not a monitored CWD cervid herd or from a lower status monitored CWD cervid herd will result in the redesignation of the herd of destination to the lesser status.

21—64.117(163) Recognition of monitored CWD cervid herds. The state veterinarian shall issue a monitored CWD cervid herd certificate, including CWD monitored herd status as CWD monitored Level 1 during the first calendar year, CWD monitored Level 2 during the second calendar year, CWD monitored Level 3 during the third calendar year, CWD monitored Level 4 during the fourth calendar year, CWD monitored Level 5 during the fifth calendar year, and CWD certification at the completion of the fifth year and thereafter.

21—64.118(163) Recognition of certified CWD cervid herds. The state veterinarian shall issue a certified CWD cervid herd certificate when the herd first qualifies for certification. The state veterinarian shall issue a renewal form annually.

21—64.119(163) Effective period. Rescinded IAB 9/14/05, effective 8/16/05.

These rules are intended to implement Iowa Code chapter 163 and Iowa Code Supplement chapter 170.

21—64.120 to 64.132 Reserved.

[Filed 8/18/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]

[Filed 4/18/03, Notice 2/19/03—published 5/14/03, effective 6/18/03]
 [Filed emergency 9/5/03—published 10/1/03, effective 9/5/03]
 [Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]
 [Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]
 [Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]
 [Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]
 [Filed emergency 8/16/05—published 9/14/05, effective 8/16/05]
 [Filed 10/2/08, Notice 8/27/08—published 10/22/08, effective 11/26/08]
 [Filed Emergency After Notice ARC 0391C (Notice ARC 0263C, IAB 8/8/12), IAB 10/17/12,
 effective 11/1/12]
 [Filed ARC 1024C (Notice ARC 0771C, IAB 5/29/13), IAB 9/18/13, effective 10/23/13]

ERADICATION OF SWINE TUBERCULOSIS

21—64.133(159) Indemnity. Indemnity may be paid for losses incurred by slaughtering establishments in the event native Iowa swine purchased by the establishments for immediate slaughter are determined to have tuberculosis by the official meat inspector at the establishment, subject to laboratory confirmation at the discretion of the department by any laboratory procedure acceptable to the department. Indemnity will be paid by the county of origin of the swine provided that swine shall be identified to the farm of origin located in that county. If no identification can be established on swine no indemnity may be paid.

If the county bovine tuberculosis eradication funds are insufficient, the claim may be filed and may be paid in subsequent years.

Indemnity will be paid to the producer of swine only after proof of cleaning and disinfecting of premises has been established.

If a herd of swine is tested for tuberculosis at program expense authorization must be given by an official of the Iowa department of agriculture and land stewardship.

This rule is intended to implement Iowa Code sections 159.5 and 163.15.

21—64.134(159) Fee schedule.

64.134(1) Injection. Thirty dollars per stop (herd) and two dollars per head.

64.134(2) Reading. Thirty dollars per stop (herd) and one dollar per head.

64.134(3) Tagging. Five dollars for first reactor and one dollar for each additional reactor.

This rule is intended to implement Iowa Code section 159.5(13).

[ARC 9102B, IAB 9/22/10, effective 9/1/10]

21—64.135 to 64.146 Reserved.

[Filed 10/16/73]

[Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10,
 effective 9/1/10]

PSEUDORABIES DISEASE

21—64.147(163,166D) Definitions. As used in these rules:

“*All-in-all-out*” means a management system whereby feeder swine are handled in groups kept “separate and apart” from other groups in a production facility. These groups are removed from the production facility with the completely vacated area being cleaned and sanitized prior to the introduction of another group.

“*Aujeszky’s disease*,” commonly known as pseudorabies, means the disease wherein an animal is infected with Aujeszky’s disease virus, irrespective of the occurrence or absence of clinical symptoms.

“*Breeding swine*” means boars, sows and gilts used, or intended for use, exclusively for reproductive purposes.

“*Department*” means the Iowa department of agriculture and land stewardship.

“*Exigent circumstances*” means an extraordinary situation that the secretary concludes will impose an unjust and undue economic hardship if coupled with the imposition of these rules.

“*Fertility center*” means a premises where breeding swine are maintained for the purposes of the collection of semen, ovum, or other germplasm and for the distribution of semen, ovum, or other germplasm to other swine herds.

“*Herd*” means any group of swine maintained for 60 days or more on common ground for any purpose, or two or more groups of swine that have been intermingled without regard to pseudorabies status and are under common ownership or possession and that have been geographically separated within the state of Iowa. Two or more groups of swine are assumed to be one herd, unless an investigation by the epidemiologist has determined that intermingling and contact between groups has not occurred.

“*Low incidence state/area*” means a state or subdivision of a state with little or no incidence of pseudorabies and which qualifies for Stage III, or higher, and has been designated Stage III, or higher, by the National Pseudorabies Control Board as defined in the State/Federal Industry Program Standards for pseudorabies eradication; or an area outside the United States with a low incidence of pseudorabies determined by at least an equivalent testing protocol as is used to establish Stage III status.

“*Native Iowa feeder pig*” means a feeder pig farrowed in Iowa, and always located in Iowa.

“*Premises*” means a parcel of land together with buildings, enclosures and facilities sufficient for swine production.

“*Restricted movement*” means movement of swine in accordance with 2000 Iowa Acts, Senate File 2312, section 17.

“*Vicinity*” means a distance less than one-half mile.

21—64.148(163,166C) Pseudorabies tests and reports. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.149(163,166C) Approval of qualified pseudorabies negative herd. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.150(163,166C) Shipment of breeding swine and feeder pigs. Rescinded IAB 9/6/89, effective 10/11/89.

21—64.151(163,166D) Quarantines.

64.151(1) Except for sales to slaughter or to pseudorabies-approved premises, owners of animals tested for pseudorabies shall hold the entire herd on the premises until results are determined.

64.151(2) Infected herds not on an approved cleanup plan. All known pseudorabies infected herds, not on an approved herd cleanup plan, are subject to restricted movement to slaughter according to 64.154(2)“c” and 64.155(8).

64.151(3) Quarantine releasing procedures.

a. A herd of swine shall no longer be classified as a known infected herd after removal of all positive swine and at least one of the following three conditions have been met:

(1) All swine have been removed and the premises have been cleaned and disinfected and maintained free of swine for 30 days or a period of time determined adequate by an official pseudorabies epidemiologist.

(2) All swine seropositive to an official test have been removed and all remaining swine, except suckling pigs, are tested and found negative 30 days or more after removal of the seropositive animals.

(3) All swine seropositive to an official test have been removed, and all breeding swine that remain in the herd and an official random sample consisting of at least 30 animals from each segregated group of grower-finisher swine over two months of age are tested and found negative 30 days or more after removal of the seropositive animals. A second test of grower-finisher swine at least 30 days after the first test is required.

b. In nurseries and finishing herds without any breeding swine and where no pigs are received from quarantined premises, quarantines may be released as follows:

(1) A negative official random-sample test consisting of at least 30 animals from each segregated group, conducted at least 30 days following depopulation with cleaning and disinfection of the premises and 7 days' downtime, or

(2) A negative official random-sample test consisting of at least 30 animals from each segregated group, conducted at least 30 days following a similar negative official random-sample test.

A similar official random-sample test must then be conducted between 60 and 90 days following quarantine release.

Any quarantine releasing procedure deviating from the above procedures or Iowa Code section 166D.9 must be approved by the official pseudorabies epidemiologist and the state veterinarian.

21—64.152(163,166D) Nondifferentiable pseudorabies vaccine disapproved. The only pseudorabies vaccine or pseudorabies vaccine combination used in this state shall be a differentiable vaccine.

After July 1, 1993, this vaccine must be differentiable by a licensed and approved differentiable pseudorabies test capable of determining gp1 negative swine vaccinated with a gp1 gene deleted vaccine.

21—64.153(166D) Pseudorabies disease program areas.

64.153(1) Pseudorabies disease program areas as declared by the Iowa department of agriculture and land stewardship: all counties in the state of Iowa.

64.153(2) All producers will permit sufficient swine in their herds to be tested at program expense to determine the health status of the herd at intervals during the course of the program as deemed necessary by the department.

The owner shall confine the swine to be tested in a suitable place and restrain them in a suitable manner so that the proper tests can be applied. If the owner refuses to confine and restrain the swine, after reasonable time the department may employ sufficient help to properly confine and restrain them and the expense of such help shall be paid by the owner.

The swine tested shall be sufficient in number, and by method of selection, to quality for the surveillance program required to attain and maintain the program stages according to the most recent "State-Federal-Industry Program Standards" for pseudorabies eradication.

64.153(3) No indemnities will be paid for condemned animals.

64.153(4) Any person possessing swine is required to provide the name and address of the owner or the owner's agent to a representative of the department.

64.153(5) Beginning on October 1, 1999, all swine located within three miles of a pseudorabies-infected herd are required to be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official. One dose of vaccine shall be administered to growing swine prior to 14 weeks of age or 100 pounds. Swine over six months of age or greater than 200 pounds, used or intended to be used for breeding, shall receive vaccine on a schedule designed to administer at least four doses throughout a 12-month period. The department may require a herd test to monitor both the pseudorabies status and the pseudorabies vaccine status of the herd.

A waiver for this vaccination requirement may be issued by the state veterinarian, based on epidemiological investigation and risk determination. Herd testing, at a level determined by the pseudorabies epidemiologist, will be required as a condition for issuance of a vaccination waiver.

In addition, beginning April 19, 2000, all swine located in a county designated as in Stage II of the national pseudorabies eradication program are required to be vaccinated with a modified-live differentiable vaccine. Breeding swine shall at a minimum receive quarterly vaccinations. Feeder swine shall at a minimum receive one vaccination administered when the swine reach 8 to 12 weeks of age or 100 pounds. These vaccination requirements shall be waived if:

- a.* The swine are part of a herd's being continuously maintained as a qualified negative herd; or
- b.* The swine are part of a herd located within a county where both of the following conditions apply:

(1) The department has determined that the county has a six-month history of 0 percent prevalence of pseudorabies infection among all herds in the county, and

(2) All contiguous counties have a 0 percent prevalence of pseudorabies infection among herds in that county.

64.153(6) All premises containing swine which are located in the Stage II area of Iowa must have a monitoring test for the premises conducted between January 1, 2000, and August 31, 2000.

21—64.154(163,166D) Identification.

64.154(1) All breeding and feeder swine being exhibited or having a change of ownership must be identified by a method approved by the Iowa department of agriculture and land stewardship. The identification shall be applied by the owner, the pig dealer, or the livestock dealer at the farm of origin or by the pig dealer or the livestock dealer at the first concentration point.

64.154(2) Approved identification.

a. Breeding swine.

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification for each animal.

(2) Ear notches or ear tattoos, if applied according to the standard breed registry system.

(3) Electronic devices, other devices, or marks which, when applied, will permanently and uniquely identify each animal.

(4) Breeding swine qualified to move intrastate without individual tests may move without unique identification of each animal, if they are all identified as a group to the herd of origin by an official premises tattoo.

b. Feeder swine.

(1) Ear tags or tattoos with an alphabetic or numeric system to provide unique identification with each herd, each lot, or each individual swine.

(2) Electronic devices, other devices, or marks which, when applied, will provide permanent identification with each herd, each lot, or each individual swine.

c. Restricted movement swine.

(1) All infected herds not on an approved herd cleanup plan shall only move swine directly to slaughter by restricted movement. All animals from infected herds must move by restricted movement to slaughter (slaughtering plant or fixed concentration point) or to an approved premises detailed in the herd cleanup plan. The department may, until a herd plan is approved and showing progress, require the movement of all slaughter swine by “direct movement,” to slaughter only, by a Permit for Restricted Movement to Slaughter which provides a description of the animals, the owner, the consignee, the date of movement, the destination, and the identification or vehicle seal number if applicable. These “restricted movement to slaughter only swine” shall be individually identified by approved metal ear tags applied at the farm of origin, if required. The transportation vehicle must be sealed at the farm of origin. This seal shall be applied by an accredited veterinarian. This seal shall be removed by an accredited veterinarian, USDA official, department official, or the person purchasing the swine upon arrival of the consignment at the destination indicated on the Permit for Restricted Movement to Slaughter.

The ear tags shall have an alphabetic or numeric numbering system to provide unique identification with each herd, each lot, or each individual swine. They shall be applied prior to movement and listed on the Permit for Restricted Movement to Slaughter, if required. This Permit for Restricted Movement to Slaughter shall be issued and distributed by an accredited veterinarian as follows:

1. Original to accompany shipment.
2. Mail a copy to the department.
3. Veterinarian issuing permit will retain a copy.

(2) The vehicle sealing requirement may be waived by the department. Written application for waiver must be directed to the state veterinarian’s office, and written waivers may be granted for herds in compliance with an approved herd cleanup plan. The minimal requirements for granting a waiver shall be:

1. No clinical disease in the herd for the past 30 days.

2. Complete herd vaccination documentation.
3. Compliance with herd plan testing requirements.
4. Concurrence of herd veterinarian and regulatory district veterinarian.

No waiver shall be granted, and waivers already granted shall be voided, for herds still classified as infected four months from the initial infection date. The department may impose additional requirements on a case-by-case basis.

The department may grant an extension to this waiver for a period of up to four additional months on a case-by-case basis. Written application for waiver extension must be directed to the state veterinarian's office, and written waivers may be granted for herds in compliance with an approved herd cleanup plan.

64.154(3) Approved ear tags available from the Iowa department of agriculture and land stewardship:

- a. Pink tags to identify pseudorabies vaccinated swine.
- b. Silver tags to identify feeder pigs from pseudorabies noninfected herds.
- c. Blue tags to identify other swine.

64.154(4) Farm-to-farm movement of native Iowa feeder pigs.

a. Native Iowa feeder pigs sold and moved farm-to-farm within the state are exempt from identification requirements if the owner transferring possession and the person taking possession agree in writing that the feeder pigs will not be commingled with other swine for a period of 30 days. The owner transferring possession shall provide a copy of the agreement to the person taking possession of the feeder pigs.

b. "Moved farm-to-farm" as used in this rule means feeder pigs farrowed and raised in Iowa by a farm owner or operator and sold to another farm owner or operator who agree, in writing, not to commingle these pigs for at least 30 days.

Feeder pigs purchased for resale by a pig dealer cannot be moved farm-to-farm, as described in the above paragraph. They must be accompanied by a Certificate of Veterinary Inspection and be identified.

c. Identification-exempt feeder pigs must originate from a "monitored," or other "noninfected," herd. The "monitored herd" number, or other qualifying number, and the date of expiration must also be shown on the Certificate of Inspection.

All identification-exempt feeder pigs aboard the transport vehicle must be from the same farm of origin and be the only pigs aboard. They must be kept in "isolation" and transported by "direct movement" to the farm of destination.

d. The veterinarian will certify, by signature on the Certificate of Inspection, that the above conditions have been met and that the pigs are exempt from the identification requirements and will qualify for movement according to 64.155(4).

64.154(5) Swine being relocated intrastate without a change of ownership are exempt from health certification, identification requirements, and transportation certification except as required by Iowa Code chapter 172B provided relocation records sufficient to determine the origin, the current pseudorabies status of the herd of origin, the number relocated, the date relocated, and destination of the relocated swine are available for inspection.

Swine relocated within a herd held on multiple premises are exempted from this health certification, identification requirement, and transportation certification, except as required by Iowa Code chapter 172B and the above record-keeping requirements.

Relocation records, if required, shall be maintained and available for inspection for a minimum of two years.

64.154(6) This rule should not be construed to implement or affect the identification requirements set down in Iowa Code sections 163.34, 163.35, 163.36, and 163.37. Records of identification applied to slaughter swine at concentration points shall be reported weekly to the department on forms provided by the department.

21—64.155(163,166D,172B) Certificates of inspection. The following certificates shall be used as outlined. All are provided by the department. All require inspection by a licensed accredited veterinarian.

64.155(1) Iowa origin Interstate Certificates of Veterinary Inspection shall be used for exporting breeding swine or feeder swine out of the state.

64.155(2) Intrastate Certificates of Veterinary Inspection shall be used for the following movements:

a. The intrastate movement of feeder swine, with a change of ownership, originating from noninfected herds requires approved identification and noninfected herd identification number, showing the date of last test on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

b. The intrastate movement, with a change of ownership, of breeding swine from nonquarantined herds requires approved identification and noninfected herd number, or individual test results and dates tested included on a Certificate of Veterinary Inspection only. The breeding swine shall be quarantined for 30 days.

c. The concentration points to farm movement of feeder swine originating from noninfected herds requires approved identification and herd identification number and date tested included on a Certificate of Veterinary Inspection. The feeder swine shall be quarantined for 30 days.

d. The concentration point to farm intrastate movement of noninfected breeding swine from nonquarantined herds requires approved identification and noninfected herd number or individual test results and dates tested included on a Certificate of Veterinary Inspection. The breeding swine shall be quarantined for 30 days.

e. The farm to an approved premises or from a concentration point to an approved premises movement of feeder swine requires approved identification and approved premises number to be included on a Certificate of Veterinary Inspection. A statement, "Quarantined until slaughter," shall be included on a Certificate of Veterinary Inspection.

f. Movement of exhibition swine to an exhibition when a certificate is required must be with a Certificate of Veterinary Inspection.

64.155(3) QLSM certificate. A QLSM certificate shall be used when moving swine under restricted movement and quarantined until moved to slaughter. The certificate shall be used for the following movements:

a. Movement of feeder swine from quarantined herds to approved premises. Approved identification and approved premises number shall be included on the certificate. The swine are quarantined to slaughter or can be moved to another approved premises on a certificate of inspection.

b. Movement of feeder swine from herds of unknown status, feeder pig cooperators herd plans, or herd cleanup plans. Approved identification shall be included on the certificate. This certificate is used for farm-to-farm or concentration point to farm movements.

64.155(4) A Farm-to-Farm Certificate of Veterinary Inspection or an Intrastate Certificate of Veterinary Inspection shall be used for moving identification-exempt native Iowa feeder pigs farm-to-farm according to 64.154(4) "b." Feeder swine purchased for resale by a pig dealer must be identified and accompanied by a Certificate of Inspection.

64.155(5) Import Interstate Certificates from out-of-state origins shall accompany shipments of breeding swine and feeder swine into Iowa.

a. Feeder swine: If a state of origin does not issue a monitored herd number, then the certificate shall include the statement, "These pigs are from a noninfected herd and the date of last test was _____," or "These pigs are from a monitored herd tested within the last 12 months. Date of last test was _____." The certificate shall include the following statement: "These feeder pigs are quarantined until moved to slaughter."

b. Breeding swine: Individual test results and date tested or noninfected herd number and date of last test shall be included on the certificate.

c. Feeder swine from low incidence state/area of origin. The certificate shall include the following statements, "These pigs were born and raised in the state/area of _____," (state/area name) and "These feeder pigs are quarantined until moved to slaughter."

d. Beginning January 1, 1998, all imported feeder swine, except those from qualified negative herds entering qualified negative herds, must be vaccinated for pseudorabies with a G1 deleted vaccine within 45 days of arrival if imported into a county with a pseudorabies prevalence greater than 3 percent.

This requirement must be stated on the import interstate certificate. Imported swine consigned directly to slaughter are exempt from vaccination requirements.

64.155(6) Slaughter affidavits shall accompany all shipments of feeder swine or finished swine from concentration points moving direct to slaughter.

64.155(7) Transportation certificate. This certificate involves shipments of swine from farm or approved premises moving direct to slaughter as detailed in Iowa Code chapter 172B. Veterinary inspection not required.

64.155(8) Rescinded IAB 10/22/97, effective 10/1/97.

21—64.156(166D) Noninfected herds.

64.156(1) *Qualified pseudorabies negative herd—recertification.*

a. Recertification of a qualified pseudorabies negative herd and a qualified differential negative herd shall be by monthly testing, as detailed in Iowa Code section 166D.7(1)“*a.*”

b. The status of a qualified pseudorabies negative herd will be revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification testing is not done on time.
- (4) Inadequate number of animals are tested.
- (5) Once a qualified pseudorabies negative herd is decertified, the herd must meet all requirements of Iowa Code section 166D.7, to recertify as a qualified pseudorabies negative herd.

64.156(2) *Iowa monitored feeder pig herd.*

a. Test requirements for a monitored feeder pig herd status include a negative herd test every 12 months of randomly selected breeding animals according to the following schedule:

1-10 head	Test all
11-35 head	Test 10
36 or more	Test 30 percent or 30, whichever is less.

Effective July 1, 2000, all breeding herd locations in Stage II counties must have a monitored or better status or move by restricted movement.

b. A monitored identification card will be sent by first-class mail to the herd owner shown on the test chart if test results qualify the herd as monitored. An expiration date which is 12 months from the date that the certifying tests were drawn will be printed on the card.

It is the owner’s responsibility to retest the herd annually. The monitored status is voided on the date of expiration. A monitored herd status is revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist and interpreted as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification test is not done on time.
- (4) Not enough tests, according to herd size and vaccination status, are submitted.

c. Additions of swine to a monitored herd shall be from noninfected herds, according to Iowa Code section 166D.7.

d. Feeder pigs sold for further feeding require a monitoring test conducted within the six months prior to movement if the feeder pigs have been maintained on the same site as the breeding herd.

e. Monitored, or higher, status feeder pigs sold may regain, and maintain, monitored status by a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to resale.

f. Nursery units located in Stage II counties and not in the vicinity of the breeding herd are required to maintain a monitored status on the nursery unit in order for the swine to be eligible to be relocated to a finishing premises. Feeder pigs sold from these nursery units must meet the requirements of a negative test of all or a random sample of 30 head of each segregated group, whichever is less, within 30 days prior to sale. An official random-sample test shall be required for each segregated group of swine on

an individual premises every 12 months for the maintenance of this monitored status. These testing requirements apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all nursery locations in Stage II counties must have a monitored or better status or move by restricted movement.

g. Off-site finishing units located in the Stage II counties are required to maintain a monitored status on the finishing unit in order for the swine to be eligible to be sold to slaughter. An official random-sample test will be required for each segregated group of swine on an individual premises every 12 months for the maintenance of this monitored status. These testing requirements also apply to swine eligible for relocation movement. Testing requirements for this random sampling are:

Test 10 head per building, minimum 14 head per site.

Effective July 1, 2000, all finishing locations in Stage II counties must have a monitored or better status or move by restricted movement.

h. Relocation, and sales to slaughter, require a 12-month monitoring test.

64.156(3) *Qualified differentiable negative herd—recertification.*

a. Recertification of a qualified differentiable negative herd will include monthly testing, as detailed in Iowa Code section 166D.7. A minimum of five breeding swine or 10 percent of the breeding herd, whichever is greater, must be tested each month.

b. The status of a qualified differentiable negative herd will be revoked if:

- (1) A positive test is recognized and interpreted by a pseudorabies epidemiologist as infected.
- (2) Pseudorabies infection is diagnosed.
- (3) Recertification testing is not done on time.
- (4) Inadequate number of animals are tested.
- (5) Once a qualified differentiable negative herd is decertified, the herd must meet all requirements in Iowa Code section 166D.7 to recertify as a qualified differentiable negative herd.

64.156(4) *Maintaining qualified negative status (progeny).* Progeny from qualified negative (unvaccinated) or from qualified negative (vaccinated) herds moved to a facility not within the vicinity of the herd of origin and unexposed to lesser status swine may maintain qualified negative status by a monthly negative test of 10 percent or 60 head, whichever is less, of swine that have been on the premises for at least 30 days.

64.156(5) *Other qualified pseudorabies negative herds.* Any breeding herd in a Stage IV or V State/Area or an area outside the United States with a low incidence of pseudorabies equivalent to a Stage IV or V State/Area is recognized as a qualified pseudorabies negative herd.

64.156(6) *Fertility centers.* Breeding swine in a fertility center shall attain a “noninfected herd” status by an initial negative test of all breeding swine in the center. This status shall be maintained by a monthly negative test of a random sample of five head or 10 percent, whichever is greater, of the swine at the center. All additions of swine to the fertility center must originate from a “noninfected” herd, must be placed in isolation for 30 days or more, and must test negative for pseudorabies 20 days or more after being isolated.

a. Semen and germplasm must be identified to the fertility center of origin.

b. Imported semen or germplasm must originate from a fertility center, or “noninfected” herd, with requirements at least equivalent to the above, and be identified to the fertility center.

21—64.157(166D) Herd cleanup plan for infected herds (eradication plan).

64.157(1) The herd cleanup plan shall be a written plan approved and on file with the department.

64.157(2) The herd cleanup plan shall contain:

- a. Owner’s name, location and herd number.
- b. Type of herd plan selected, e.g., offspring segregation, test and removal, depopulation.
- c. Description of the plan, which shall include the following requirements:
 - (1) The breeding herd shall be maintained on an approved vaccination program, at least four times per year;

(2) The progeny shall be weaned and segregated by five weeks of age or less, and progeny group isolation shall be maintained according to the terms of the herd plan;

(3) The herd must be visited on a regular basis (at least quarterly) by the herd veterinarian to monitor progress of the herd cleanup plan. This will include monthly testing if applicable, overseeing management procedures which may include all-in, all-out swine movement, ventilation, sanitation, disinfection, and vaccine handling;

(4) Vaccine shall be administered to the progeny swine at least once, or more often if required by the herd plan;

(5) Feeder pig movement or relocation from the premises of origin must be detailed in writing in the herd cleanup plan. Feeder pig movement or relocation from the premises of origin will only be allowed to approved premises and must be detailed in writing in the herd cleanup plan. Movement will not be allowed from the herd if the herd has experienced clinical symptoms of pseudorabies in the past 30 days. Effective April 19, 2000, all movements from infected premises shall be by restricted movement. "Movement" in this paragraph includes movement to a premises in the production system not in the vicinity of the current location, irrespective of whether there is a change of ownership;

(6) Culled breeding swine must move by restricted movement directly to slaughter (slaughtering plant or fixed concentration point) or to an approved premises in compliance with Iowa Code section 166D.10 as amended by 2000 Iowa Acts, Senate File 2312, section 16, and as detailed in the herd cleanup plan. No swine moved from infected herds may be represented as breeding swine;

(7) Herds identified as infected on or after August 1, 1999, with breeding swine, shall implement a test and removal herd cleanup plan which allows for the phased test and removal of bred animals for one farrowing cycle, followed by a whole herd test and removal plan. Effective August 1, 2000, a whole herd test and removal plan shall be implemented for all infected breeding herds. The herd plan shall include the following:

1. All breeding swine, including boars, shall be tested within 14 days of the herd's being classified as infected. Testing shall also include progeny, if applicable.

2. All breeding swine must be identified by an approved ear tag, or other approved identification method, at the time of blood collection.

3. Until August 1, 2000, all seropositive, unbred breeding swine must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days after blood collection. All seropositive, bred swine must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days of weaning. All replacement breeding stock must be vaccinated prior to addition into the herd and must be retested 60 days after entry into the herd. Effective August 1, 2000, all seropositive animals, bred or unbred, must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), within 15 days of the whole herd test. All known positive animals in the herd on August 1, 2000, must be removed from the herd by restricted movement, direct to slaughter (slaughtering plant or fixed concentration point), by August 15, 2000.

4. A whole herd test shall be required within 30 days after the removal of the last known positive animal. Any additional seropositive animals must be removed from the herd by restricted movement, direct to slaughter, within 15 days of the collection date. Whole herd retests shall be required at 30-day intervals, with removal of positive animals within 15 days of the test, until it has been determined that the herd is noninfected.

5. Seropositive swine must be removed from the herd, by restricted movement, direct to a buying station or to a slaughtering establishment.

All swine movement from infected herds must be by restricted movement directly to slaughter or to an approved premises as detailed in the herd cleanup plan.

When a herd is designated a noninfected herd, or has been depopulated, by procedures detailed in Iowa Code section 166D.9, the plan is completed;

(8) Beginning October 1, 1999, a herd cleanup plan shall be implemented for all infected finishing herds which shall include the following:

1. A description of the premises, including the location, capacity, physical layout, owner's name, and herd number.
2. Vaccination requirements:
 - Every animal, unless such animal is within three weeks of anticipated slaughter, must be vaccinated with an approved pseudorabies vaccine within seven days of notification by a regulatory official.
 - New animals introduced into the infected premises are to be vaccinated with an approved pseudorabies vaccine according to the timetable outlined in the herd plan.
 - If, through subsequent testing, additional buildings on the site are determined to be infected, all swine on the site shall be managed by all-in, all-out production.
3. Testing requirements:
 - A minimum of 14 swine, selected randomly, per building, shall be tested immediately.
 - Swine shall be retested, at a minimum of 14 animals, selected randomly, per building, every 45 days, if necessary, until the premises are determined to be noninfected.
4. Description, restrictions, and requirements of pig flow through the facilities.
5. All movements from infected finishing sites shall be by restricted movement and only to slaughter.
 - d.* Specific movement limitations which may include approved destination locations, "restricted movement to slaughter," or other appropriate animal movement control measures.
 - e.* Signatures of the herd owner, the owner's veterinarian, and the epidemiologist or the epidemiologist's representative.

64.157(3) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(4) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(5) If this herd cleanup plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and is subject to "restricted movement to slaughter," according to 2000 Iowa Acts, Senate File 2312, section 17, until a new and approved cleanup plan is in place and showing progress according to a designated epidemiologist.

64.157(6) Rescinded IAB 10/22/97, effective 10/1/97.

64.157(7) A deviation from a herd cleanup plan may be used in exigent circumstances if the deviation has the approval, in writing, of the epidemiologist and the state veterinarian.

21—64.158(166D) Feeder pig cooperator plan for infected herds.

64.158(1) A feeder pig cooperator plan shall be a written plan approved and on file with the department.

64.158(2) Feeder Pig Cooperator Plan Agreement—revised effective April 1, 1995.

Feeder Pig Cooperator Plan Agreement—Revised

Date:

Herd I.D. Number:

Owner's Name:

Address:

Telephone Number:

The Feeder Pig Cooperator Plan Agreement shall include the following:

1. The herd has not experienced clinical signs of pseudorabies within the previous 30 days.
2. Maintain the breeding herd on an approved vaccination program, at least four times per year.
3. Wean and segregate progeny by five weeks of age or less and maintain progeny group isolation until moved as feeder pigs.
4. The herd must be visited at least quarterly by the herd veterinarian to monitor progress of herd cleanup plan; this shall include quarterly testing, if applicable, overseeing management procedures including all-in, all-out swine movement, ventilation, animal waste handling, sanitation, disinfection and vaccine handling.

5. Feeder pigs may be marketed or moved intrastate as cooperator pigs by restricted movement to approved premises detailed in the herd cleanup plan provided that all requirements of this plan are followed.

6. All feeder pigs must be vaccinated prior to sale. Vaccine shall be administered according to individual's herd plan.

7. All feeder pigs must be identified prior to sale with an official pink feeder pig ear tag, or a tattoo, approved by the department, beginning with the letters PR. All movement of feeder pigs from the herd shall be by restricted movement and only be allowed to approved premises detailed in the herd cleanup plan. All feeder pigs are quarantined to farm of destination until sold to slaughter. Movement to slaughter must be by restricted movement.

8. Breeding swine shall move directly to slaughter, or an approved premises in compliance with Iowa Code section 166D.10 as amended by 2000 Iowa Acts, Senate File 2312, section 16, and as detailed in the herd cleanup plan, and by restricted movement. No swine from infected herds may be represented as breeding swine.

9. The producer shall maintain a record of all test charts, all sales transactions by way of health certificates or restricted movement permits, and vaccine purchases for at least two years. These records shall be available to department officials upon request.

10. When this herd is determined, through procedures as detailed in Iowa Code section 166D.9, to become a noninfected herd or is depopulated, the plan is completed.

11. I agree, if this plan is not followed, is discontinued, or is not progressing in a satisfactory manner as determined by the department, the herd is a quarantined herd and subject to restricted movement, direct to slaughter or to an approved premises.

I am currently enrolled in an approved herd cleanup plan. I further agree to comply with all the requirements contained in this Feeder Pig Cooperator Plan Agreement.

Herd Owner:

Date:

Herd Veterinarian:

Date:

21—64.159(166D) Herds of unknown status. Feeder pigs from herds of unknown status may not move after September 30, 1993; however, these herds may test to determine status and feeder pigs may be moved according to 64.156(1), 64.156(2), 64.156(3), 64.157(3), or 64.158(2).

The owner must provide test data, prior to movement, proving that these requirements have been met.

21—64.160(166D) Approved premises. The purpose of an approved premises is to maintain feeder swine and feeder pigs under quarantine with movement either direct to slaughter or to another approved premises. Effective June 1, 2000, all swine moved or relocated from an infected herd on an approved herd cleanup plan may only move by restricted movement to an approved premises for further feeding or to slaughter (slaughtering plant or fixed concentration point).

64.160(1) The following are requirements establishing, renewing, or revoking an approved premises permit:

a. A permit application, as part of the herd cleanup plan, must indicate the name of the premises operator and address of the premises.

b. To be valid, an approved premises must be detailed as part of a herd cleanup plan and approved by a department or inspection service official certifying that the facility meets the following guidelines:

(1) Must be a dry lot facility located in an area of confirmed cases of pseudorabies.

(2) Shall not be in the vicinity of a breeding herd. Effective June 1, 2000, an approved premises shall not be located in a county designated as in Stage III of the national pseudorabies eradication program, nor shall it be located in a county which has achieved 0 percent prevalence of pseudorabies infection among all herds in the county as of March 1, 2000, or later. Effective August 1, 2000, an approved premises shall not be located within one and one-half miles of a noninfected herd or three miles of a qualified negative herd.

- (3) Shall be built such that it can be thoroughly cleaned and disinfected.
- (4) The lay of the land or the facilities shall not be conducive to animal waste draining onto adjacent property.
- (5) Only feeder swine and cull swine may be moved onto this premises. Boars and sows are to be maintained separate and apart.
- (6) Swine on the premises must be maintained in isolation from other livestock.
 - c. The permittee must provide to the department or inspection service, during normal business hours, access to the approved premises and to all required records. Records of swine transfers must be kept for at least one year. The records shall include information about purchases and sales, names of buyers and sellers, the dates of transactions, and the number of swine involved with each transaction.
 - d. Swine must be vaccinated for pseudorabies according to the herd cleanup plan. Vaccination records must be available for inspection during normal business hours.
 - e. Dead swine must be disposed of in accordance with Iowa Code chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.
 - f. Swine must be moved direct to slaughter or to another approved premises by restricted movement and as detailed in the herd cleanup plan.
 - g. An approved premises permit may be revoked by following quarantine release methods as detailed in Iowa Code section 166D.9, or failure to comply with departmental operation rules, or if swine have been removed from the premises for a period of 12 or more months.
 - h. Renewal of an approved premises will not be permitted when:
 - (1) The approved premises is not compliant with the requirements of this rule.
 - (2) Federal law prohibits approved premises.
 - (3) The approved premises no longer is part of an approved herd cleanup plan, or the county where the approved premises is located no longer allows approved premises or the site of the approved premises no longer complies with requirements.
 - i. Revocation of an approved premises will result in the issuance of a quarantine by the department effective until quarantine release methods have been followed as detailed in Iowa Code section 166D.9, or the approved premises has been depopulated by restricted movement to slaughter or to another approved premises as detailed in the herd cleanup plan.

64.160(2) An approved premises will be considered permitted as long as the approved premises is compliant with all regulations and is part of an approved herd cleanup plan.

21—64.161(166D) Sales to approved premises. After June 1, 2000, all feeder pigs and cull swine except those from “noninfected herds” must be moved directly to an approved premises by restricted movement for further feeding; however, these pigs may continue to move as cooperator pigs if a “Feeder Pig Cooperator Plan Agreement—Revised” is approved by the department and movement is permitted by the department.

21—64.162(166D) Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis.

64.162(1) Requirements for certification. To be certified, the veterinarian shall meet both of the following requirements:

- a. Be an accredited veterinarian.
- b. Attend and complete continuing education sessions as determined by the Iowa pseudorabies advisory committee and the department.

64.162(2) Responsibilities. A certified veterinarian is authorized to do the following:

- a. Complete and submit herd plan and herd agreement forms (supplied by the department) within ten days of completion for approval by the department.
- b. Review and update herd plans and herd agreements and report to the department any changes made.

64.162(3) *Revocation of certification.* Failure to comply with the above requirements of this rule will result in revocation of certification.

64.162(4) *Remuneration.* Compensation will be made to the veterinarian or veterinarians certified to initiate herd plans and herd agreements. Payment will be made from pseudorabies program funds, if available and authorized for these purposes. Fees for payment shall be approved by the advisory committee and established by the department by order. Payment will be made for the following:

- a. Initial herd cleanup plan with or without an accompanying feeder pig cooperator agreement. Payment will be made upon submission of the completed form and department approval of the plan.
- b. Review of herd cleanup plan. Payment will be made upon submission of the completed form and department approval of the plan review.
- c. Upon completion of the herd cleanup plan and release of the infected status, the veterinarian will receive a payment.
- d. All other herd consultation or time devoted to herd plan implementation shall be at owner's expense.

64.162(5) *Fee basis.* The following fees are allocated to the testing veterinarian when approved by the department, provided funding is available:

- a. Herd stop fee per stop not to exceed four stops per year.
- b. Bleeding fee per animal, not to exceed 100 tests per herd, per year.
- c. Differentiable vaccine reimbursement per dose, when dispensed during the first 24 months from the date of initial program area designation. Doses of pseudorabies differentiable vaccine are dispensed to infected herds on approved cleanup plans, based upon date of herd plan approval, according to the number of breeding swine.
- d. Fees for additional herd stops and tests may be allocated by approval from the department.

21—64.163(166D) *Nondifferentiable pseudorabies vaccine disapproved.* Transferred and amended, see 21—64.152(163,166D), IAB 8/19/92.

These rules are intended to implement Iowa Code chapters 163 and 166D.

21—64.164 to 64.169 Reserved.

- [Filed emergency 6/30/77—published 7/27/77, effective 6/30/77]
- [Filed emergency 7/22/77—published 8/10/77, effective 7/22/77]
- [Filed emergency 9/2/77—published 9/21/77, effective 9/2/77]
- [Filed 9/2/77, Notice 7/27/77—published 9/21/77, effective 10/26/77]
- [Filed emergency 9/29/77—published 10/19/77, effective 9/29/77]
- [Filed emergency 11/18/77—published 12/14/77, effective 11/18/77]
- [Filed emergency 11/22/77—published 12/14/77, effective 11/22/77]
- [Filed 5/3/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]
- [Filed emergency 8/25/78—published 9/20/78, effective 8/25/78]
- [Filed emergency 9/7/78—published 9/20/78, effective 9/20/78]
- [Filed emergency 11/1/78, after Notice 9/20/78—published 11/15/78, effective 11/1/78]
- [Filed 12/3/82, Notice 10/27/82—published 12/22/82, effective 1/26/83]
- [Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]
- [Filed 5/24/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]¹
- [Filed emergency 9/13/88—published 10/5/88, effective 9/13/88]
- [Filed emergency 9/29/88—published 10/19/88, effective 9/29/88]
- [Filed 1/20/89, Notice 10/19/88—published 2/8/89, effective 3/15/89]²
- [Filed emergency 6/23/89—published 7/12/89, effective 7/1/89]
- [Filed 8/18/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]
- [Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]
- [Filed 3/27/92, Notice 2/19/92—published 4/15/92, effective 5/20/92]
- [Filed 7/29/92, Notice 6/24/92—published 8/19/92, effective 9/23/92]
- [Filed 9/10/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]

[Filed 3/29/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
 [Filed 7/1/93, Notice 5/26/93—published 7/21/93, effective 8/25/93]
 [Filed 12/1/94, Notice 10/26/94—published 12/21/94, effective 1/25/95]³
 [Filed emergency 10/1/97 after Notice 8/27/97—published 10/22/97, effective 10/1/97]
 [Filed 7/22/98, Notice 6/17/98—published 8/12/98, effective 9/16/98]
 [Filed 8/5/99, Notice 6/2/99—published 8/25/99, effective 10/1/99]
 [Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]
 [Filed emergency 7/6/00 after Notice 5/31/00—published 7/26/00, effective 7/6/00]
 [Filed emergency 1/3/03—published 1/22/03, effective 1/3/03]
 [Filed 3/6/03, Notice 1/22/03—published 4/2/03, effective 5/7/03]

PARATUBERCULOSIS (JOHNE'S) DISEASE

21—64.170(165A) Definitions. Definitions used in rules 21—64.170(165A) through 21—64.178(165A) are as follows:

“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 January 1, 2000, to perform functions required by cooperative state-federal animal disease control and eradication programs.

“Approved laboratory” means an American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory or the National Veterinary Services Laboratory, Ames, Iowa. An approved laboratory must have successfully passed the Johne's diagnostic proficiency test in the previous year.

“Certificate” means an official document that is issued at the point of origin by a state veterinarian, federal animal health official, or accredited veterinarian and contains information on the individual identification of each animal being moved, the number of animals, the purpose of the movement, the points of origin and destination, the consignor, the consignee, and any other information required by the state veterinarian.

“Designated epidemiologist” means a veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

“Individual herd plan” means a written herd management plan that is designed by the herd owner, the owner's veterinarian, if requested, and a designated epidemiologist to identify and control Johne's disease in an affected herd. The individual herd plan may include optional testing.

“Johne's disease-affected animal” means an animal which has reacted positively to an organism-based detection test conducted by an approved laboratory.

“Permit” means an official document for movement of affected or exposed animals that is issued by the state veterinarian, USDA Area Veterinarian-in-Charge, or accredited veterinarian.

“State” means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Guam.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.171(165A) Supervision of the Johne's disease program. The state veterinarian's office will provide supervision for the Johne's disease program.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.172(165A) Official Johne's disease tests. Organism-based detection tests will be considered as official Johne's disease tests. These tests include, but are not limited to, Polymerase Chain Reaction (PCR) tests and bacteriological culture.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.173(165A) Vaccination allowed. Vaccination against Johne's disease is allowed with the permission of the state veterinarian. The herd owner requesting vaccination of the herd must sign and follow a Johne's disease herd control plan consisting of best management practices designed to prevent the introduction of and control the spread of Johne's disease. A risk assessment may be included as part of the herd control plan. The herd owner shall submit animal vaccination reports to the department on forms provided by the department.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.174(165A) Herd plan. The herd owner, the owner's veterinarian, if requested, and the designated epidemiologist may develop a plan for preventing the introduction of and controlling the spread of Johne's disease in each affected herd.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.175(165A) Identification and disposal requirements. Affected animals must remain on the premises where they are found until they are permanently identified by an accredited veterinarian applying a C-punch in the right ear of the animal. Affected animals may be moved only for the purpose of consigning the animal to slaughter.

21—64.176(165A) Segregation, cleaning, and disinfecting. Positive animals, consigned to slaughter through a state-federal approved auction market, must be maintained separate and apart from noninfected animals. Positive animals must be the last class of animal sold. Cleaning and disinfection of the alleyways, pen(s) and sale ring used to house positive animals must be accomplished prior to the next scheduled sale. Affected animals entering slaughter marketing channels must be moved directly to the slaughter facility or the slaughter market concentration point. Transportation vehicles used to haul affected animals shall be cleaned and disinfected after such use and before transporting any additional animals.

21—64.177(165A) Intrastate movement requirements.

64.177(1) Animals that are positive to an official Johne's disease test may be moved from the farm of origin for slaughter only if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of a C-punch in the right ear of the animal.

64.177(2) Animals that are positive to an official Johne's disease test may be moved within Iowa for slaughter and consigned to a state-federal approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the statement is delivered to the consignee. Positive animals shall be identified prior to movement by application of a C-punch in the right ear of the animal.

64.177(3) Animals that are positive to an official Johne's disease test may be moved within Iowa for purposes other than slaughter only by permit from the state veterinarian.

[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.178(165A) Import requirements.

64.178(1) Animals that are positive to an official Johne's disease test may be imported into Iowa for slaughter if the animals are moved directly to a recognized slaughtering establishment and accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the statement is delivered to the consignee. All animals must be officially identified.

64.178(2) Animals that are positive to an official Johne's disease test may be imported into Iowa for slaughter and consigned to a state-federal approved slaughter market if the animals are accompanied by an owner-shipper statement that identifies the animals as positive to an official Johne's disease test and the statement is delivered to the consignee. Positive animals shall be identified at the market, prior to sale, by application of a C-punch in the right ear of the animal.

64.178(3) Animals that are positive to an official Johne's disease test may be imported into Iowa for purposes other than slaughter only by permit from the state veterinarian.
[ARC 0230C, IAB 7/25/12, effective 8/29/12]

21—64.179 to 64.184 Reserved.

These rules are intended to implement Iowa Code Supplement chapter 165A.

[Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]

[Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

21—64.185(163) Definitions. Terms used in these rules are defined as follows:

"Affected poultry flock" means a poultry flock from which any animal has been diagnosed as infected with LPAI and which is not in compliance with the provisions of the control program for LPAI as described in this chapter.

"Approved laboratory" means the Iowa State University Veterinary Diagnostic Laboratory, Ames, Iowa, or other American Association of Veterinary Laboratory Diagnosticians (AAVLD) accredited laboratory, including the National Veterinary Services Laboratory, Ames, Iowa.

"Designated epidemiologist" means a state veterinarian who has demonstrated the knowledge and ability to perform the functions required under these rules and who has been selected by the state veterinarian.

"House/housing facilities" means the individual barn that houses the poultry.

"Individual flock plan" means a written flock management and testing plan that is designed by the flock owner, the owner's veterinarian, if requested, and a designated epidemiologist to identify and eradicate LPAI from an affected or exposed flock and to prevent the spread of the disease to an adjacent flock.

"Low pathogenic avian influenza (LPAI)" means an infectious, contagious disease of poultry caused by Type A influenza virus. For the purposes of these rules, LPAI shall include only subtypes identified as H5 or H7.

"LPAI affected" means a designation applied to poultry diagnosed as infected with LPAI based on laboratory results, clinical signs, or epidemiologic investigation.

"LPAI suspect" means a designation applied to poultry for which laboratory evidence or clinical signs suggest a diagnosis of LPAI but for which laboratory results are inconclusive.

"Monitored LPAI poultry flock" means a flock of poultry that is in compliance with the surveillance and testing procedures set forth in these rules.

"Official avian influenza test" means an approved test conducted at a laboratory approved to diagnose avian influenza.

"Poultry" means commercial egg-laying and meat-producing chickens and commercial turkeys. "Poultry" also means breeder flocks.

"Poultry flock" means a group of poultry, generally of the same age, that are hatched, housed, managed, and sold together as one unit.

"Quarantine" means an imposed restriction prohibiting movement of poultry to any location without specific written permits.

"Slaughter/disposal" means the removal or depopulation of the poultry flock.

21—64.186(163) Supervision of the low pathogenic avian influenza program. The state veterinarian's office shall provide oversight and supervision of the LPAI program in Iowa.

21—64.187(163) Surveillance procedures. Surveillance procedures shall only apply to commercial poultry flocks of 10,000 or more layers, commercial chicken broiler operations with 10,000 or more broilers, and commercial turkey operations with 1,000 or more turkeys. Breeders that participate in, and qualify under, the USDA, APHIS, NPIP U.S. Avian Influenza Clean Program meet or exceed the

surveillance provisions of this plan and are exempt from further certification under this rule. For poultry flocks, surveillance procedures shall include the following:

64.187(1) Turkeys and turkey poults.

a. Preslaughter/movement testing. A minimum of six blood samples per flock may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation or movement; or

b. Slaughter/disposal testing. Six blood samples per flock shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

64.187(2) Laying chickens and pre-lay pullets.

a. Preslaughter/disposal/movement testing. Eleven blood samples shall be collected and forwarded to an approved laboratory for LPAI testing within 30 days prior to depopulation or disposal of spent hens or movement of pre-lay pullets to another farm.

b. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

c. Routine serologic testing. A test for LPAI of 11 birds per barn during a 12-month period shall be collected and forwarded.

64.187(3) Broiler chickens.

a. Preslaughter testing. Eleven blood samples may be collected and forwarded to an approved laboratory for LPAI testing within 21 days prior to depopulation; or

b. Slaughter/disposal testing. Eleven blood samples shall be collected at slaughter/disposal and forwarded to an approved laboratory for LPAI testing.

c. Sick flock testing. Twenty blood samples shall be collected between 10 days and 21 days after the onset of respiratory disease and forwarded to an approved laboratory for LPAI testing, and 20 pharyngeal swabs shall be collected at onset of respiratory disease and forwarded to an approved laboratory for LPAI testing.

d. Routine serologic testing. A test for LPAI should be included.

[ARC 1802C, IAB 12/24/14, effective 1/1/15]

21—64.188(163) Official LPAI tests. Official tests for LPAI are:

1. Agar Gel Precipitin (AGP);
2. Enzyme Linked Immunosorbent Assay (ELISA);
3. Any other tests performed by an approved laboratory to confirm a diagnosis of LPAI.

Tests positive to screening for avian influenza through AGP, ELISA, and any other tests performed by an approved laboratory to confirm a diagnosis of LPAI must be forwarded to National Veterinary Services Laboratory, Ames, Iowa, for subtype testing.

4. Influenza type A antigen detection tests approved by the state veterinarian. All influenza type A antigen detection tests performed shall be prior-approved by the state veterinarian, and all positive tests results shall be reported immediately to the state veterinarian. A monthly report of all test results shall be reported to the state veterinarian.

21—64.189(163) Investigation of LPAI affected poultry identified through surveillance. All poultry diagnosed at an approved laboratory as infected with LPAI must be traced back to the flock or farm of origin.

All flocks having contact with affected or exposed poultry as determined by the designated epidemiologist must be investigated epidemiologically. All farms of origin and flocks having contact

with affected or exposed poultry must be quarantined, pending the results of the epidemiological investigation.

21—64.190(163) Duration of quarantine. Quarantines imposed in accordance with these rules shall be in effect for a minimum of three months after the last detection of active avian influenza virus on the premises. Active avian influenza virus on the premises will be determined through the use of sentinel poultry or virus isolation.

21—64.191(163) Flock plan.

64.191(1) The flock owner, the owner's veterinarian, if requested, and the epidemiologist shall develop a plan for eradicating LPAI in each affected flock. The plan must be designed to reduce and then eliminate LPAI from the flock, to prevent spread of the disease to other flocks, and to prevent reintroduction of LPAI after the flock becomes disease-free. The flock plan must be developed and signed within 15 days after the determination that the flock is affected.

64.191(2) The flock plan will include, but is not limited to, the following areas:

a. Movement of vehicles, equipment, and people on and off the premises.
b. Cleaning and disinfection of vehicles entering and leaving the premises.
c. Proper elimination of daily mortality through composting on premises, incineration on premises, or other approved method.

d. Biosecurity procedures for people entering or leaving the facility.

e. Controlled marketing.

(1) No poultry may be removed from the premises for a minimum of 21 days after the last detection of active avian influenza virus on the premises. Immune flocks that have recovered from avian influenza infection may remain on the premises for the remainder of their scheduled life span.

(2) After 21 days, poultry marketing will only be allowed for delivery to slaughter establishments at the close of business for the week.

(3) Routes used to transport poultry to slaughter must avoid other poultry operations.

(4) Trucks used to transport poultry from an infected premises must be cleaned and disinfected and may not enter another poultry facility for at least 24 hours.

(5) Eggs which are washed, sanitized, and packed in new materials may be moved into normal marketing channels, but trucks hauling these eggs must not visit another premises between the production site and the market. Egg handling materials must be destroyed at the plant or cleaned, sanitized, and returned to the premises of origin without contacting materials going to other premises. Disposable egg flats or sanitized, plastic flats must be used to transport eggs.

(6) Eggs that are sold as "nest run" and are not washed and sanitized must be moved directly to only an "off-line" breaking operation for pasteurization and used for breaking only. The egg handling materials must be handled as described in (5) above.

(7) Liquid eggs from layer flocks may continue to move from breaking operations directly to pasteurization plants provided that the transport vehicles are cleaned and disinfected before entering and leaving the premises.

f. Vaccination. Avian influenza vaccine will be considered for use only if allowed by the state veterinarian and USDA APHIS.

(1) Killed H5 or H7 vaccine may be used to immunize all noninfected poultry remaining on the premises. Laying-flock replacement poultry should be vaccinated at least two weeks before entering the laying operation.

(2) Twenty sentinel (nonvaccinated) poultry will be kept in each vaccinated flock, and all 20 will be tested for avian influenza every 30 days.

(3) Avian influenza virus will be considered to be no longer active when all sentinel poultry are serologically negative on two consecutive tests conducted at least 14 days apart and when cloacal swabs from each of the 20 sentinel poultry are negative by virus isolation testing.

(4) Positive sentinel poultry must be euthanized and replaced by negative poultry after 14 days.

(5) Slaughter withdrawal times must be followed in the marketing of poultry.

g. Housing facilities and manure. Before a new flock is placed in an infected house, manure must be removed and the housing facilities must be cleaned and disinfected. Manure shall not be removed from the premises for a minimum of 30 days after the last active detection of avian influenza virus in a house. Manure from infected housing facilities must be carried in covered conveyances, and transportation routes must avoid other poultry operations. Manure handling and disposal will be at the direction of the state veterinarian.

h. Wild bird, insect, and rodent control. Wild bird, insect, and rodent control programs must be implemented on the premises before a facility is repopulated with poultry. Rodenticide must be set out before feed or birds are removed from the premises.

64.191(3) The plan must address flock management and be in compliance with all provisions of these rules. 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 a disease-free status.

21—64.192(163) Cleaning and disinfecting. The housing facilities must be cleaned and disinfected under state supervision within 15 days after affected poultry and manure have been removed.

21—64.193 to 64.199 Reserved.

These rules are intended to implement Iowa Code chapter 163.

[Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]

[Filed 5/7/04, Notice 2/18/04—published 5/26/04, effective 6/30/04]

[Filed emergency 11/29/07 after Notice 10/24/07—published 12/19/07, effective 11/29/07]

[Filed Emergency After Notice ARC 1802C (Notice ARC 1704C, IAB 10/29/14), IAB 12/24/14, effective 1/1/15]

SCRAPIE DISEASE

21—64.200(163) Definitions. Definitions used in rules 21—64.200(163) through 21—64.211(163) are as follows:

“Accredited veterinarian” means a veterinarian approved by the administrator of the 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 (CFR), to perform functions required by cooperative state-federal animal disease control and eradication programs.

“Administrator” means the administrator of APHIS or any employee of USDA to whom the administrator has delegated authority to act on behalf of the administrator.

“Animal” means any sheep or goat.

“APHIS representative” means an individual employed by the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) in animal health activities who is authorized by the administrator to perform the functions and duties involved.

“Approved laboratory” means a diagnostic laboratory approved by APHIS to conduct tests for scrapie or genotypes on one or more tissues.

“Area veterinarian-in-charge” or *“AVIC”* means the veterinary official of APHIS assigned by APHIS to supervise and perform the official animal health work of APHIS in Iowa.

“Breed associations and registries” means the organizations that maintain the permanent records of ancestry or pedigrees of animals (including each animal’s sire and dam), individual identification of animals, and ownership of animals.

“Certificate of Veterinary Inspection” or *“CVI”* means an official document approved by the department and issued by a licensed accredited veterinarian at the point of origin of movement of animals.

“*Commingle*” means to group animals together in a manner that allows them to have physical contact with each other, including contact through a fence, but not limited contact. Commingling includes sharing the same section in a transportation unit where physical contact can occur.

“*Designated scrapie epidemiologist*” or “*DSE*” means a state or federal veterinarian designated by the department and APHIS to make decisions about the use and interpretation of diagnostic tests and field investigation data and the management of flocks and animals of epidemiological significance to the scrapie program.

“*Directly to slaughter*” means movement from a farm to a place of business where animals are processed into meat, excluding movement through an auction market or livestock dealer’s place of business.

“*Exposed animal*” means any animal that has had contact with a scrapie-positive animal or had contact with a premises where a scrapie-positive animal has resided and for which a flock plan has not yet been completed. Exposed animals shall be evaluated by a state or federal veterinarian in concurrence with the DSE and state veterinarian and may be redesignated into a risk category according to genetic resistance and exposure and may be restricted or have restrictions removed in accordance with current USDA regulations.

“*Exposed flock*” means any flock in which:

1. A scrapie-positive animal was born or gave birth; or
2. A high-risk or suspect female animal currently resides; or
3. A high-risk or suspect animal once resided that gave birth or aborted in the flock and from which tissues were not submitted for official scrapie testing.

“*Flock*” means a group of sheep or goats, or a mixture of both species, residing on the same premises or under common ownership or supervision on two or more premises with animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock.

“*Flock identification number*” or “*flock ID number*” means the unique alphanumeric premises identification number that appears on the official identification issued to a flock, that conforms with the standards for an epidemiologically distinct premises, as outlined in 9 CFR 79.1, and that is assigned by USDA and approved by the department.

“*Flock of origin*” means the flock of birth for male animals and, for female animals, means the flock in which the animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

“*Flock plan*” means a written flock management agreement signed by the owner of a flock, the accredited veterinarian, if one is employed by the owner, and a department or APHIS representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock or source flock or to reduce the risk of the occurrence of scrapie in a flock that contains a high-risk or exposed animal. As part of a flock plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the flock plan. The flock plan must include the requirements in 9 CFR 54.8.

“*Genetic susceptibility*” means the animal’s likelihood, based upon the genotype of the animal, of developing scrapie following exposure to scrapie.

“*High-risk animal*” means:

1. Any exposed female animal designated as genetically susceptible under current USDA guidelines;
2. The female offspring of a scrapie-positive female animal; or
3. Any other exposed female animal determined by the DSE to be a potential risk.

“*Infected flock*” means any flock in which the DSE has determined that a scrapie-positive female animal has resided, unless an epidemiological investigation conducted by the DSE shows that the animal did not give birth or abort in the flock.

“*Interstate commerce*” means trade, traffic, transportation, or other commerce between a place in a state and any place outside that state, or between points within a state but through any place outside that state.

“Limited contact” means incidental contact between animals away from the flock’s premises, such as at fairs, shows, exhibitions, markets, and sales; between ewes being inseminated, flushed, or implanted; or between rams at ram test or collection stations. Embryo transfer and artificial insemination equipment and surgical tools must be sterilized after each use in order for the contact to be considered limited contact. Limited contact does not include any contact with a female animal during or up to 30 days after she gave birth or aborted or when there is any visible vaginal discharge other than that associated with estrus. Limited contact does not include any activity in which uninhibited contact occurs, such as sharing an enclosure, sharing a section of a transport vehicle, or residing in other flocks for breeding or other purposes, except as allowed by scrapie flock certification program standards.

“Live-animal screening test” means any test used for the diagnosis of scrapie in a live animal, approved by APHIS, and conducted in a laboratory approved by APHIS.

“Noncompliant flock” means:

1. Any source or infected flock whose owner declines to enter into a flock plan or postexposure management and monitoring plan (PEMMP) agreement within 60 days of the flock’s being designated as a source or infected flock;
2. Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed upon by the department and the owner, or whose owner fails to submit required postmortem samples;
3. Any flock whose owner or manager has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or has misrepresented any other information on a certificate, permit, owner statement, or other official document within the last five years;
4. Any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of this chapter within the last five years; or
5. Any flock which does not meet the requirements of a flock plan or PEMMP.

“Official genotype test” means any test used to determine the genotype of a live or dead animal and conducted at an approved laboratory provided that the animal is officially identified and the samples used for the test are collected and shipped to the laboratory by either an accredited veterinarian or a department or APHIS representative.

“Official identification” or *“official ID”* means identification approved by the department and APHIS for use in the scrapie eradication program in the state of Iowa. For sheep, official identification consists of (1) approved ear tags which include the flock ID number combined with an individual animal number; (2) approved unique, alphanumeric serial-numbered ear tags; or (3) ear tags approved for use with the scrapie flock certification program. For goats, official identification consists of any method of identification approved by the USDA, as outlined in 9 CFR 79.2.

“Official test” means any test used for the diagnosis of scrapie in a live or dead animal, approved by APHIS for that use, and conducted at an approved laboratory.

“Owner” means a person, partnership, company, corporation, or any other legal entity which has legal or rightful title to animals.

“Owner/seller statement form” means a written document to be completed by the owner or seller of animals that require official identification and includes the owner’s/seller’s name, address, and telephone number; date of transaction; the flock identification number; the number of animals involved; a statement indicating that the animals that require official identification have been officially identified and that the owner/seller will maintain records as to the origin of the individual animals for five years; and a signed owner statement.

“Owner statement” means a statement signed by the owner certifying that the sexually intact animals are not scrapie-positive, suspect, high-risk, or exposed and that they did not originate from an infected, source, exposed, or noncompliant flock.

“Permit” means an official document that has been issued by an APHIS or department representative or an authorized accredited veterinarian and allows the interstate movement of animals under quarantine. A seal may be required by the state veterinarian or AVIC.

“Postexposure management and monitoring plan” or *“PEMMP”* means a written agreement signed by the owner of a flock, an accredited veterinarian, if one is employed by the owner, and a department or

APHIS representative in which each participant agrees to undertake actions specified in the agreement to reduce the risk of the occurrence of scrapie and to monitor for the occurrence of scrapie in the flock for at least five years after the last high-risk or scrapie-positive animal is removed from the flock or after the last exposure of the flock to a scrapie-positive animal, unless the monitoring time is otherwise specified by a department or APHIS representative. As part of a postexposure management and monitoring plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the plan. The plan must include the requirements in 9 CFR 54.8.

“Premises” means the ground, area, buildings, and equipment occupied by one or more flocks of animals.

“Quarantine” means an imposed restriction prohibiting movement of animals to any location without specific written permits.

“Scrapie” means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system of sheep and goats.

“Scrapie eradication program” or *“program”* means the cooperative state-federal-industry program administered by APHIS and states to control and eradicate scrapie.

“Scrapie flock certification program” or *“SFCP”* means a voluntary state-federal-industry cooperative program established and maintained to reduce the occurrence and spread of scrapie, to identify flocks that have been free of evidence of scrapie over specified time periods, and to contribute to the eventual eradication of scrapie. This program was formerly known as the voluntary scrapie flock certification program.

“Scrapie-positive animal” or *“positive animal”* means an animal for which a diagnosis of scrapie has been made by an approved laboratory through one of the following methods:

1. Histopathological examination of central nervous system (CNS) tissues from the animal for characteristic microscopic lesions of scrapie;
2. The use of protease-resistant protein analysis methods, including but not limited to immunohistochemistry or western blotting, on CNS or peripheral tissue samples from a live or a dead animal for which a given method has been approved by the administrator for use on that tissue;
3. Bioassay;
4. Scrapie-associated fibrils (SAF) detected by electron microscopy; or
5. Any other test method approved by the administrator in accordance with 9 CFR 54.10.

“Source flock” means a flock in which a department or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less.

“State animal health official” means an individual employed by the department in animal health activities and authorized by the department to perform the functions involved.

“Suspect animal” means:

1. A sheep or goat that exhibits any of the following possible signs of scrapie and that has been examined by an accredited veterinarian or a department or APHIS representative. Possible signs of scrapie include: weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high-stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, star gazing, head pressing, recumbency, or other signs of neurological disease or chronic wasting;
2. A sheep or goat that has tested positive for scrapie or for the protease-resistant protein associated with scrapie on a live-animal screening test, or any other official test, unless the animal is designated as a scrapie-positive animal; or
3. A sheep or goat that has tested inconclusive or suggestive of scrapie on an official test for scrapie.

“Trace” means all actions required to identify the flock of origin or flock of destination of an animal.

“Unofficial test” means any test used for the diagnosis of scrapie or for the detection of the protease-resistant protein associated with scrapie in a live or dead animal but that either has not been approved by APHIS or was not conducted at an approved diagnostic laboratory.

“Veterinary signature-stamped bill of sale” means a document allowed in Iowa in lieu of a Certificate of Veterinary Inspection for use when animals are sold through a licensed auction market and will remain in Iowa. The bill of sale shall contain the following statement: “I certify, as an accredited veterinarian, that these animals have been inspected by me and that they are not showing any signs of infectious, contagious, or communicable diseases (except where noted).” The signature of the veterinarian who inspected the animals at the sale must appear on the document.

21—64.201(163) Supervision of the scrapie eradication program. The scrapie eradication program is a cooperative program between the department and APHIS and is supervised by full-time animal health veterinarians employed by the state or federal government.

21—64.202(163) Identification. Animals required to be officially identified shall have official identification applied upon, or before, departure from the current flock of origin by the flock owner or the owner’s agent. An animal that already has identification recognized as official for Iowa does not need to have any additional official identification applied. If an animal was not identified prior to departing from its flock of birth or if its identification has been lost, then the animal must be identified upon, or before, departing from the current flock in which the animal resides and the flock of birth, or previous flock of origin, should be recorded, if known. No person shall apply a flock ID tag to an animal that has not resided in that flock. If a sexually intact animal that requires official identification is of uncertain origin or if the animal is identified with a blue metal “meat only” tag or a red or yellow tag denoting exposure or test status, then the animal may not be used for breeding and must be restricted until slaughter. Animals that require official identification and enter the state of Iowa from other states must be identified with an identification that complies with 9 CFR 79.2. For sheep originating from out of state, ear tags that comply with 9 CFR 79.2 will be considered official identification in Iowa. For goats, either ear tags or tattoos that comply with 9 CFR 79.2 will be considered official identification in Iowa.

64.202(1) Sheep—official identification required. Sheep required to be officially identified include:

- a. All sexually intact sheep, unless specifically excluded in these rules;
- b. All sexually intact sheep for exhibition;
- c. All sheep over 18 months of age;
- d. All sheep residing in noncompliant flocks;
- e. All exposed, suspect, positive and high-risk sheep; and
- f. Sexually intact sheep of any age imported into Iowa, except as noted in 64.202(2).

64.202(2) Sheep—official identification not required. Sheep that do not require official identification include:

- a. Sheep under 18 months of age originating from outside the state of Iowa moving into an approved terminal feedlot, and any sheep under 18 months of age moving directly to slaughter;
- b. Wether sheep for exhibition, unless over 18 months of age; and
- c. Sheep moved for grazing or similar management reasons provided that the sheep are moved from a premises owned or leased by the owner of the sheep to another premises owned or leased by the owner of the sheep.

64.202(3) Goats—official identification required. Goats that require official identification include:

- a. Sexually intact goats that are registered, are used for exhibition, or have resided on the same premises with or been commingled with sheep, excluding limited contact;
- b. All goats residing in noncompliant flocks; and
- c. All exposed, suspect, positive and high-risk goats.

64.202(4) Goats—official identification not required. Goats that do not require official identification include:

- a. Goats under 18 months of age originating from outside the state of Iowa moving into an approved terminal feedlot, and any goats under 18 months of age moving directly to slaughter;
- b. Wether goats for exhibition;

- c. Goats raised and maintained apart from sheep and used exclusively for meat and fiber production;
 - d. Pet goats raised and maintained apart from sheep and not registered or used for exhibition;
 - e. Dairy goats raised and maintained apart from sheep and not registered or used for exhibition;
- and
- f. Goats moved for grazing or similar management reasons provided that the goats are moved from a premises owned or leased by the owner of the goats to another premises owned or leased by the owner of the goats.

NOTE: Official identification requirements for goats will become identical to those for sheep 90 days following the disclosure of a case of scrapie in Iowa goats that cannot be attributed to exposure to sheep.

21—64.203(163) Restrictions on the removal of official identification. No person may remove or tamper with any approved means of identification required to be on sheep or goats, unless the identification must be removed for medical reasons, in which case new official identification must be applied to the animal as soon as possible and prior to commingling that could result in the loss of identity of the animal. A record documenting the change of official identification must be made.

21—64.204(163) Records.

64.204(1) Record-keeping requirements for owners. Records on every animal that requires official ID shall be maintained for five years from the time the animal leaves the flock or dies. For animals not born in the flock, records must include the flock-of-origin number or the previous owner's name and address, date of acquisition, a description of the animal (sheep or goat, and breed or class), and flock of birth, if known. When official ID tags are applied, it is recommended that the owner correlate official ID with production records, such as lambing dates, for all breeding animals. The owner shall maintain a record of the name and address of the market or buyer, the date, the number of animals sold, and a description of the animals (sheep or goat, and breed or class) for all animals moved from the flock. The owner must supply the market or buyer with the owner's flock ID number. A Certificate of Veterinary Inspection (CVI), or a veterinary signature-stamped bill of sale for animals purchased through Iowa markets, is required for every change of ownership of animals in Iowa, other than for animals sold to slaughter. A copy of the CVI or veterinary signature-stamped bill of sale must be maintained for every animal purchased, and for every animal sold privately, other than to slaughter. For animals sold to slaughter, records must show the date of sale, number of animals sold, and where or to whom sold.

64.204(2) Record-keeping requirements for auction markets. Markets must collect a completed and signed owner/seller statement form from each seller presenting animals that require official identification or must post where animals are unloaded signs which state that "sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant flock may not be unloaded or sold through this market." For animals identified by the market, the serial tag numbers applied to each seller's animals must be recorded. Animals that require official identification, but that cannot be identified to their flock of origin shall not be sold as breeding animals. Bill-of-sale records must indicate the seller or flock ID number(s) or serial tag numbers of the animals involved and will serve as documentation of the buyers of animals presented by any particular seller. The market must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address, the name or flock ID number of the owner of the flock of origin if different from the seller, and the buyer's name and address or buyer's flock ID number. All animals moving interstate must depart from the market with either a Certificate of Veterinary Inspection or slaughter affidavit; all animals remaining in Iowa must depart from the market with a Certificate of Veterinary Inspection, veterinary signature-stamped bill of sale, or slaughter affidavit. Certificates of Veterinary Inspection for animals moving interstate must contain the statement set forth in 21—64.208(163). All of these documents must be made available for inspection upon request and maintained as official records for five years.

64.204(3) Record-keeping requirements for licensed sheep dealers. The dealer must either collect a completed and signed owner/seller statement form from the person from whom the dealer takes possession of the animals or must post signs as described in 64.204(2) if there is any possibility that the animals will move interstate, other than through slaughter channels. The dealer must always record, either on the owner/seller statement form or separately, the following information on all sexually intact animals that require official identification: the seller's flock ID number or seller's name and address and the name of the owner of the flock of origin, or flock-of-origin ID number, if different from the seller. For animals identified by the dealer, the serial tag number applied to each animal must be recorded. Animals that move interstate, other than to slaughter, must be inspected by a veterinarian and have a Certificate of Veterinary Inspection that includes the required statements as set forth in 21—64.208(163). All animals that do not go to slaughter must be inspected by a veterinarian and have a Certificate of Veterinary Inspection completed prior to sale, unless the animals are being sold at a licensed auction market where a veterinary inspection will occur. For animals that are taken to an auction market, the dealer must provide to the market for its records a list of all flock ID numbers or serial tag numbers in the group. For animals that are resorted and sold, records must identify all potential buyers of any animal acquired. Every effort should be made to maintain the identity of groups from the same flock, through separate penning or use of temporary ID, such as chalk marking, in order to simplify efforts to identify the final destination of individual animals. If animals are under 18 months of age and the dealer picks them up at the owner's premises and delivers them directly to slaughter, then the official identification requirement may be waived; however, a record of the transaction must be maintained. Records must document the buyer's name and address or buyer's flock-of-origin ID number, date of sale, and animals sold for all private sales or sales to slaughter, so that animals can be traced to their final destination. All records must be kept for five years and made available for inspection upon request.

21—64.205(163) Responsibility of persons handling animals in commerce to ensure the official identification of animals. Licensed sheep dealers and auction markets and those that provide transport must ensure that animals are properly identified upon taking possession of the animals. Animals lacking official ID must either be declined or be identified by the licensed dealer or market with official ID issued to the dealer or market immediately upon the dealer's or market's taking possession, and prior to commingling of the animals.

21—64.206(163) Veterinarian's responsibilities when identifying sheep or goats. Veterinarians may be called upon to officially identify animals and may be issued official identification for the animals in the form of the serial number ear tags for carrying out this duty. The veterinarian may apply the ID only if the flock-of-origin information is available. Sexually intact animals that require official identification and are of unknown origin shall not be used for breeding and must be restricted until slaughter. When animals are identified, the veterinarian applying the ID must record the serial tag number applied to each animal and the following information (this requirement may be accomplished by collecting a completed owner/seller statement form): the flock-of-origin ID number or name and address of the current owner, if different from the owner of the flock of origin, and the name and address of the buyer, if a change of ownership is occurring. The flock of birth should also be recorded, if known. These records must be kept for five years and made available for inspection upon request.

21—64.207(163) Flock plans. Infected and source flocks will be quarantined by the department upon the determination of their status. A written flock cleanup plan shall be signed by the owner of an infected or source flock, and the requirements set out in the plan shall be adhered to until its completion. The plan may consist of:

1. Whole flock depopulation;
2. The removal of genetically susceptible female animals, suspect animals, positive animals, and the female offspring of positive female animals; or
3. The removal of high-risk animals as defined in 9 CFR 79.4.

Indemnity may be paid for animals removed, if funds are available through USDA. All flock plans require cleaning and disinfecting procedures as part of the requirements. Upon completion of the flock plan, the quarantine may be released, with the approval of the DSE, and following an inspection of the premises by a state or federal animal health official. At that time, the owner is required to sign a post-exposure management and monitoring plan (PEMMP) and agree to the requirements set out in that plan. Exposed flocks may also be quarantined, or have other movement restrictions placed on them, and may require a PEMMP plan which is consistent with current USDA regulations.

21—64.208(163) Certificates of Veterinary Inspection. Certificates of Veterinary Inspection (CVIs) issued by licensed accredited veterinarians shall be obtained whenever animals change ownership, other than when animals are sold for slaughter, except as provided in this rule. For animals that require official identification, the CVI must include the individual official ID numbers(s) or the flock-of-origin ID number(s), the total number of animals, the purpose of the movement, the name and address of the consignor and consignee, and the points of origin and destination. CVIs for animals that will move interstate must additionally have the following signed owner statement: “I certify that the sexually intact animals represented on this form are not known to be scrapie-positive, suspect, high-risk, or exposed, and did not originate from a known infected, source, exposed, or noncompliant flock.” The veterinarian may sign the statement (which may be applied in stamp form) on behalf of the owner if a properly executed owner/seller statement form has been collected from the owner or if the animals are at a licensed auction market or a licensed dealer’s place of business where signs, which have been posted where animals are unloaded, state that “sexually intact sheep or goats that are known to be scrapie-positive, suspect, high-risk, or exposed, or that originated from a known infected, source, exposed, or noncompliant flock may not be unloaded or sold through this market.” The veterinarian should check with the state of destination for additional requirements. Animals sold other than to slaughter through state-licensed livestock markets but that will remain in Iowa may be released on either a Certificate of Veterinary Inspection or a veterinary signature-stamped bill of sale. A Certificate of Veterinary Inspection may be completed for sexually intact animals from an exposed flock in some circumstances, with the approval of the state veterinarian.

21—64.209(163) Requirements for shows and sales. Official identification is required for any sexually intact sheep or goat to be exhibited. Positive, suspect, sexually intact exposed, and high-risk animals may not be exhibited. Exposed animals that have been redesignated and had restrictions removed by the DSE according to USDA guidelines may attend shows and sales. Feeder/market class animals from an exposed flock that are not positive, suspect, exposed, or high-risk may be exhibited with the approval of the state veterinarian, provided that they are moved only to slaughter or returned to the premises of origin following the show.

64.209(1) Female animals over 12 months of age should be penned separately from female animals from other flocks when practical.

64.209(2) Female animals within 30 days of parturition, postpartum female animals, or female animals that have aborted or are pregnant and have a vaginal discharge must be kept separate from animals from other flocks so as to prohibit any direct contact. Any enclosures used to contain the female animals must be cleaned and disinfected.

21—64.210(163) Movement restrictions for animals and flocks. A sexually intact animal shall not be moved from an infected or source flock, except under permit. Permitted animals may be moved to slaughter, to a research or diagnostic facility, or to another facility as specified in the flock plan. High-risk, suspect, and sexually intact exposed animals from other than infected or source flocks will be placed under movement restrictions in accordance with 9 CFR 79.3. The movement restrictions on the flock and the criteria for release of these restrictions shall be specified as part of either the flock plan or the postexposure management and monitoring plan. Animals from noncompliant flocks shall be placed under movement restrictions and shall be moved only by permit.

21—64.211(163) Approved terminal feedlots. Approved terminal feedlots allow purchasers of young sexually intact feeder animals from out of state to bring those animals into Iowa without official identification provided that the animals are restricted to an inspected and approved premises and all are delivered to slaughter by 18 months of age.

64.211(1) Requirements for approved terminal feedlots. All sexually intact animals of out-of-state origin that have arrived without official identification must be moved directly to slaughter by 18 months of age. Other sheep or goats that require official identification may be maintained on the premises provided that the requirements described herein are met. The approved terminal feedlot premises must be designated as either:

a. Feeder-only premises. Feeder-only premises may contain only feeder animals destined to slaughter by 18 months of age.

b. Breeding flock/slaughter-only premises. The breeding flock/slaughter-only premises allows a breeding flock to be maintained on the site. All offspring must be sent to slaughter by 18 months of age (except as noted below), and do not require official ID provided that the slaughter animals move directly to slaughter. Adult animals must be identified, and any of their offspring retained as replacement breeding stock must have official ID applied prior to weaning. Production, inventory, purchase, and sales records will be inspected on all breeding animals.

c. Separate operation premises. The separate operation premises allows animals other than the nonidentified feeder animals to be kept on site, and sold other than to slaughter, but these animals must be separated from the feeder animals by a distance of 30 feet or by a solid wall that prevents contact or the passage of fluids. Offspring must be identified prior to weaning. Records must account for the arrival and dispersal of each individual animal in the separate flock, and there shall be no identification exemption on these animals.

All three types of approved terminal feedlot premises require that all nonidentified feeder animals be moved directly to slaughter, or another approved terminal feedlot, prior to 18 months of age. These animals may only be sold through a licensed market or licensed dealer if the owner identifies sexually intact animals with official blue metal “meat only” tags, and the animals are sold to slaughter.

64.211(2) Identification at approved terminal feedlots. Out-of-state origin sexually intact feeder animals moved to an approved terminal feedlot will be exempted from identification requirements provided that the feedlot maintains compliance with all rules and regulations governing approved terminal feedlots.

64.211(3) Registration of approved terminal feedlots. All approved terminal feedlots must obtain a permit issued by the department. Approved terminal feedlots will be subject to periodic records and premises inspections. The department shall assign an approved terminal feedlot number for each approved terminal feedlot facility.

64.211(4) Records for approved terminal feedlots. All approved terminal feedlots must maintain appropriate records for a period of five years. Records will include Certificates of Veterinary Inspection for all animals of out-of-state origin received by the facility and slaughter records sufficient to conduct inventory reconciliation. If a breeding flock or any other sheep or goats that require official identification are maintained on the same premises, then records shall also include an inventory of animals, lambing and kidding records, bills of sale, slaughter receipts, and any Certificates of Veterinary Inspection sufficient to account for the acquisition and dispersal of all animals. Failure to maintain appropriate records shall be grounds for revocation of the feedlot permit. All animals without official identification must be moved directly to slaughter, and movement to slaughter must be completed before any of the animals reach the age of 18 months. If blue metal “meat only” tags are applied, then records on tags applied must be maintained and shall consist of serial tag numbers, origin of the group(s) (state, market, or individual), date of tagging, and destination (date sold and buyer).

These rules are intended to implement Iowa Code chapter 163.

[Filed 5/7/04, Notice 3/17/04—published 5/26/04, effective 6/30/04]

- [Filed 12/21/76, Notice 11/3/76—published 1/12/77, effective 2/17/77]
- [Filed emergency 6/30/77—published 7/27/77, effective 6/30/77]
- [Filed emergency 7/22/77—published 8/10/77, effective 7/22/77]
- [Filed emergency 9/2/77—published 9/21/77, effective 9/2/77]
- [Filed 9/2/77, Notice 7/27/77—published 9/21/77, effective 10/26/77]
- [Filed emergency 9/29/77—published 10/19/77, effective 9/29/77]
- [Filed emergency 11/18/77—published 12/14/77, effective 11/18/77]
- [Filed emergency 11/22/77—published 12/14/77, effective 11/22/77]
- [Filed 5/3/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]
- [Filed emergency 8/25/78—published 9/20/78, effective 8/25/78]
- [Filed emergency 9/7/78—published 9/20/78, effective 9/20/78]
- [Filed 9/15/78, Notice 7/26/78—published 10/4/78, effective 11/9/78]
- [Filed emergency 11/1/78, after Notice 9/20/78—published 11/15/78, effective 11/1/78]
- [Filed 8/13/82, Notice 7/7/82—published 9/1/82, effective 10/6/82]
- [Filed 12/3/82, Notice 10/27/82—published 12/22/82, effective 1/26/83]
- [Filed 1/13/84, Notice 2/7/83—published 2/1/84, effective 3/7/84]
- [Filed emergency 3/9/84—published 3/28/84, effective 3/9/84]
- [Filed 5/4/84, Notice 3/28/84—published 5/23/84, effective 6/27/84]
- [Filed 4/17/87, Notice 3/11/87—published 5/6/87, effective 6/10/87]
- [Filed 5/24/88, Notice 4/20/88—published 6/15/88, effective 7/20/88]¹
- [Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]
- [Filed emergency 9/13/88—published 10/5/88, effective 9/13/88]
- [Filed emergency 9/29/88—published 10/19/88, effective 9/29/88]
- [Filed 1/20/89, Notice 10/19/88—published 2/8/89, effective 3/15/89]²
- [Filed emergency 6/23/89—published 7/12/89, effective 7/1/89]
- [Filed 8/18/89, Notice 7/12/89—published 9/6/89, effective 10/11/89]
- [Filed 4/13/90, Notice 2/21/90—published 5/2/90, effective 6/6/90]
- [Filed 10/18/90, Notice 7/25/90—published 11/14/90, effective 1/1/91]
- [Filed emergency 6/7/91 after Notice 5/1/91—published 6/26/91, effective 7/1/91]
- [Filed 3/27/92, Notice 2/19/92—published 4/15/92, effective 5/20/92]
- [Filed 7/29/92, Notice 6/24/92—published 8/19/92, effective 9/23/92]
- [Filed 9/10/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]
- [Filed 3/29/93, Notice 2/17/93—published 4/14/93, effective 5/19/93]
- [Filed 5/7/93, Notice 3/3/93—published 5/26/93, effective 6/30/93]
- [Filed 7/1/93, Notice 5/26/93—published 7/21/93, effective 8/25/93]
- [Filed 8/25/94, Notice 7/20/94—published 9/14/94, effective 10/19/94]
- [Filed 12/1/94, Notice 10/26/94—published 12/21/94, effective 1/25/95]³
- [Filed 5/29/96, Notice 4/24/96—published 6/19/96, effective 7/24/96]
- [Filed 11/27/96, Notice 10/23/96—published 12/18/96, effective 1/22/97]
- [Filed 7/25/97, Notice 6/18/97—published 8/13/97, effective 9/17/97]
- [Filed emergency 10/1/97 after Notice 8/27/97—published 10/22/97, effective 10/1/97]
- [Filed emergency 1/28/98—published 2/25/98, effective 1/28/98]
- [Filed 7/22/98, Notice 6/17/98—published 8/12/98, effective 9/16/98]
- [Filed 8/5/99, Notice 6/2/99—published 8/25/99, effective 10/1/99]
- [Filed 1/21/00, Notice 12/15/99—published 2/9/00, effective 3/15/00]
- [Filed emergency 7/6/00 after Notice 5/31/00—published 7/26/00, effective 7/6/00]
- [Filed 8/18/00, Notice 7/12/00—published 9/6/00, effective 10/11/00]
- [Filed 3/28/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]
- [Filed emergency 1/3/03—published 1/22/03, effective 1/3/03]
- [Filed 3/6/03, Notice 1/22/03—published 4/2/03, effective 5/7/03]
- [Filed emergency 4/18/03 after Notice 2/19/03—published 5/14/03, effective 4/18/03]
- [Filed 4/18/03, Notice 2/19/03—published 5/14/03, effective 6/18/03]

- [Filed emergency 9/5/03—published 10/1/03, effective 9/5/03]
- [Filed emergency 9/25/03 after Notice 8/20/03—published 10/15/03, effective 9/25/03]
- [Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 12/31/03]
- [Filed 3/17/04, Notice 2/4/04—published 4/14/04, effective 5/19/04]
- [Filed 5/7/04, Notice 2/18/04—published 5/26/04, effective 6/30/04]
- [Filed 5/7/04, Notice 3/17/04—published 5/26/04, effective 6/30/04]
- [Filed emergency 7/2/04—published 7/21/04, effective 7/2/04]
- [Filed emergency 9/3/04—published 9/29/04, effective 9/3/04]
- [Filed 12/3/04, Notice 9/29/04—published 12/22/04, effective 1/26/05]
- [Filed emergency 8/16/05—published 9/14/05, effective 8/16/05]
- [Filed emergency 3/23/06 after Notice 2/1/06—published 4/12/06, effective 3/23/06]
- [Filed emergency 11/29/07 after Notice 10/24/07—published 12/19/07, effective 11/29/07]
- [Filed emergency 4/11/08—published 5/7/08, effective 4/11/08]
- [Filed 10/2/08, Notice 8/27/08—published 10/22/08, effective 11/26/08]
- [Filed Emergency After Notice ARC 9102B (Notice ARC 8976B, IAB 7/28/10), IAB 9/22/10, effective 9/1/10]
- [Filed Emergency After Notice ARC 9942B (Notice ARC 9836B, IAB 11/2/11), IAB 12/28/11, effective 1/1/12]
- [Filed ARC 0230C (Notice ARC 0140C, IAB 5/30/12), IAB 7/25/12, effective 8/29/12]
- [Filed Emergency After Notice ARC 0391C (Notice ARC 0263C, IAB 8/8/12), IAB 10/17/12, effective 11/1/12]
- [Filed Emergency ARC 0656C (Notice ARC 0642C, IAB 3/6/13), IAB 3/20/13, effective 3/1/13]
- [Filed ARC 1024C (Notice ARC 0771C, IAB 5/29/13), IAB 9/18/13, effective 10/23/13]
- [Filed Emergency After Notice ARC 1802C (Notice ARC 1704C, IAB 10/29/14), IAB 12/24/14, effective 1/1/15]
- [Filed ARC 2591C (Notice ARC 2517C, IAB 4/27/16), IAB 6/22/16, effective 7/27/16]
- [Filed ARC 4885C (Notice ARC 4784C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

For additional history, see individual divisions in Chapter 64.

- ¹ Effective date of 7/20/88 delayed 70 days by the Administrative Rules Review Committee at its July 1988 meeting.
- ² Effective date of 3/15/89 delayed 70 days by the Administrative Rules Review Committee at its March 13, 1989, meeting.
- ³ Revised 21—subrule 64.158(2) effective April 1, 1995.

UTILITIES DIVISION[199]

Former Commerce Commission[250] renamed Utilities Division[199]
under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

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CHAPTER 7
PRACTICE AND PROCEDURE
[Previously ch 15, renumbered 10/20/75 Supp.]
[Prior to 10/8/86, Commerce Commission[250]]

199—7.1(17A,474,476) Scope and applicability.

7.1(1) This chapter applies to contested case proceedings, investigations, and other proceedings conducted by the board or a presiding officer, unless the proceedings have specific procedures established in board rules. If there are no other applicable procedural rules, this chapter applies to other types of agency action, unless the board or presiding officer orders otherwise. The rules in this chapter regarding the content and format of pleadings, testimony, workpapers, and other supporting documents apply to both paper filings and electronic filings made pursuant to 199—Chapter 14. The rules in this chapter regarding filing, service, and number of copies required apply to paper filings. Electronically filed documents shall be filed and served according to 199—Chapter 14. The board has established additional procedural requirements in other chapters as described in subrules 7.1(2) through 7.1(5).

7.1(2) Additional rules applicable only to rate cases, tariff filings, and rate regulation election by rural electric cooperatives are contained in 199—Chapter 26.

7.1(3) Notice of inquiry dockets and investigations. The board may issue a notice of inquiry or open an investigation and establish a docket through which the inquiry or investigation can be processed. The procedural rules in this chapter shall apply to these dockets, unless otherwise ordered by the board or presiding officer.

7.1(4) Reorganizations. Procedural rules applicable to reorganizations are included in 199—32.9(476). In the event the requirements in 199—32.9(476) conflict with the requirements in this chapter, the 199—32.9(476) requirements are controlling.

7.1(5) Discontinuance of service incident to utility property transfer. This subrule does not apply to telecommunications service providers registered with the board pursuant to Iowa Code section 476.95A.

a. Scope. This rule applies to discontinuance of utility service pursuant to Iowa Code section 476.20(1), which includes the termination or transfer of the right and duty to provide utility service to a community or part of a community incident to the transfer, by sale or otherwise, except a stock transfer incident to corporate reorganization. This rule does not limit rights or obligations created by other applicable statutes or rules.

b. Application. A public utility shall obtain board approval prior to discontinuance of utility service. The public utility shall file an application for permission to discontinue service that includes a summary of the relevant facts and the grounds upon which the application should be granted. When the discontinuance of service is incident to the transfer of utility property, the transferor utility and the transferee shall file a joint application.

c. Approval. Within 30 days after an application is filed, the board shall approve the application or docket the application for further investigation. Failure to act on the application within 30 days will be deemed approval of the application.

d. Contested cases. Contested cases under paragraph “c” shall be completed within four months after date of docketing.

e. Criteria. The application will be granted if the board finds the utility service is no longer necessary, or if the board finds the transferee is ready, willing, and able to provide comparable utility service.

7.1(6) The purpose of these rules is to facilitate the transaction of business before the board and to promote the just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise required by law, may be waived by the board or presiding officer pursuant to 199—1.3(17A,474,476).

7.1(7) Procedural orders.

a. Authority to issue procedural orders in all proceedings, including contested case proceedings, investigations, and all other dockets and matters before the board when a majority of the board is not available due to emergency, or for the efficient and reasonable conduct of proceedings, is granted to a

single board member. If no member of the board is available to issue a procedural order due to emergency, or for the efficient and reasonable conduct of proceedings, the procedural order may be issued by a presiding officer designated by the board. If a presiding officer is not available to issue a procedural order due to an emergency, or for the efficient and reasonable conduct of proceedings, a procedural order may be issued by the general counsel of the board.

b. Procedural orders under this subrule shall be issued only upon the showing of good cause and when the prejudice to a nonmoving party is not great. The procedural order under this subrule shall state that it is issued pursuant to the delegation authority established in subrule 7.1(7) and that the procedural order so issued is subject to review by the board upon its own motion or upon motion by any party or other interested person.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.2(17A,476) Definitions. Except where otherwise specifically defined by law:

“*Board*” means the Iowa utilities board or a majority thereof.

“*Complainants*” are persons who complain to the board of any act or thing done or omitted to be done in violation, or claimed to be in violation, of any provision of Iowa Code chapters 476 through 479B, or of any order or rule of the board.

“*Consumer advocate*” means the office of consumer advocate, a division of the Iowa department of justice, referred to in Iowa Code chapter 475A.

“*Contested case*” means a proceeding defined by Iowa Code section 17A.2(5) and includes any matter defined as a “no factual dispute” contested case under Iowa Code section 17A.10A.

“*Data request*” means a discovery procedure in which the requesting party asks another person for specified information or requests the production of documents.

“*Expedited proceeding*” means a proceeding before the board in which a statutory or other provision of law requires the board to render a decision in the proceeding in six months or less.

“*Filed*” means accepted for filing by the board as defined in rule 199—14.3(17A,476).

“*Intervenor*” means any person who, upon written petition, is permitted to intervene as a party in a specific proceeding before the board.

“*Issuance*” means the date on which an order is uploaded into the board’s electronic filing system.

“*Party*” means each person named or admitted as a party in a proceeding before the board.

“*Person*” means as defined in Iowa Code section 4.1(20) and includes individuals and all forms of legal entities.

“*Petitioner*” or “*applicant*” means any party who, by written petition, application, or other filing, applies for or seeks relief from the board.

“*Presiding officer*” means one board member or another person designated by the board with the authority to preside over a particular proceeding.

“*Proposed decision*” means the presiding officer’s recommended findings of fact, conclusions of law, decision, and order in a proceeding that has been assigned by the board to the presiding officer.

“*Service*” means service as prescribed in 199—Chapter 14.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.3(17A,476) Presiding officers. Presiding officers may be designated by the board to preside over contested cases or other proceedings and conduct hearings and shall have the following authority, unless otherwise ordered by the board:

1. To regulate the course of hearings;
2. To administer oaths and affirmations;
3. To rule upon the admissibility of evidence and offers of proof;
4. To take or cause depositions to be taken;
5. To dispose of procedural matters, discovery disputes, motions to dismiss, and other motions which may involve final determination of proceedings, subject to review by the board on its own motion or upon application by any party;
6. To certify any question to the board, in the discretion of the presiding officer or upon direction of the board;

7. To permit and schedule the filing of written briefs;
 8. To hold appropriate conferences before, during, or after hearings;
 9. To render a proposed decision and order in a contested case proceeding, or other proceeding, subject to review by the board on its own motion or upon appeal by any party; and
 10. To take any other action necessary or appropriate to the discharge of duties vested in the presiding officer, consistent with law and with the rules and orders of the board.
- [ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.4(17A,474,476) General information.

7.4(1) Orders. All orders shall be issued and uploaded into the board's electronic filing system. Orders shall be deemed effective upon acceptance into the electronic filing system, unless otherwise provided in the order. Orders and other filings in dockets may be viewed in the specific docket accessed through the board's electronic filing system.

7.4(2) Communications.

a. Electronic communications. Pleadings and other documents required to be electronically filed with the board shall be filed within the time limit, if any, for such filing, in accordance with the board's electronic filing rules at 199—Chapter 14. Unless otherwise specifically provided, all electronic communications and documents are officially filed when they are accepted for filing as defined in 199—14.3(17A,476). Persons electronically filing a document with the board must comply with the service requirements in 199—14.16(17A,476).

b. Paper filings. Paper filings may only be made with board approval, except for filings made pursuant to the exceptions in rule 199—14.4(17A,476).

7.4(3) Reference to docket number. All filings made in any proceeding after the proceeding has been docketed by the board shall include on the first page a reference to the applicable docket number(s).

7.4(4) Number of copies.

a. Rule 199—7.23(17A,476) contains requirements regarding the required number of copies for evidence introduced at hearing.

b. 199—Chapter 26 contains additional requirements regarding the number of paper copies of minimum filing requirements required to be filed in rate and tariff proceedings.

7.4(5) Defective filings. Only applications, pleadings, documents, testimony, and other submissions that conform to the requirements of an applicable rule, statute, or order of the board or presiding officer will be accepted for filing. Applications, pleadings, documents, testimony, and other submissions that fail to substantially conform with applicable requirements will be considered defective and may be rejected unless waiver of the relevant requirement has been granted by the board or presiding officer prior to filing. The board or presiding officer may reject a filing even though board employees have file-stamped or otherwise acknowledged receipt of the filing.

7.4(6) Service of documents.

a. Method of service.

(1) Paper service. Paper service of filings is only required on those parties, or persons, whom the board has approved to receive paper service. All filings required to be served in paper shall also be served on the consumer advocate. All filings served by paper shall be filed electronically pursuant to rule 199—14.16(17A,476) in the appropriate docket in the electronic filing system and shall include a certificate of service.

(2) Electronic service. The board's rule regarding electronic service is at 199—14.16(17A,476).

b. Date of service.

(1) Paper service. Unless otherwise ordered by the board or presiding officer, the date of service shall be the day when the document served is deposited in the United States mail or overnight delivery, is delivered in person, or otherwise as the parties may agree. Although service is effective, the document is not deemed filed with the board until it is received by the board.

(2) Electronic service. The board's rule regarding the date of electronic service is at 199—14.16(17A,476).

c. Parties entitled to service.

(1) Paper service. If a party has been approved by the board to receive service of paper documents, the person filing the document shall serve that party as required by this subrule.

(2) Electronic service. The board's rule regarding electronic service is at 199—14.16(17A,476).

(3) Service of documents containing confidential information. Parties shall serve documents containing confidential information pursuant to a confidentiality agreement executed by the parties, if any. If the parties are unable to agree on a confidentiality agreement, they may ask the board or presiding officer to issue an appropriate order.

d. Service upon attorneys. When a party has appeared by attorney, service upon the attorney shall be deemed proper service upon the party.

7.4(7) Appearance. Each party to a proceeding shall file in the docket in the board's electronic filing system a separate written appearance identifying one person upon whom the board may electronically serve all orders, correspondence, or other documents. If a party has previously designated a person to be served on the party's behalf in all matters, filing the appearance will not change this designation, unless the party directs that the designated person be changed in the appearance. If a party files an application, petition, or other initial pleading, or an answer or other responsive pleading, containing the information that would otherwise be required in an appearance, the filing of a separate appearance is not required. The appearance may be filed with the party's initial filing in the proceeding or may be filed after the proceeding has been docketed.

7.4(8) Representation by attorney.

a. Any party to a proceeding before the board or a presiding officer may appear and be heard through a licensed attorney. If the attorney is not licensed by the state of Iowa, the attorney shall apply for admission pro hac vice as required by Iowa Court Rule 31.14(2)(b).

b. A corporation or association may appear and present evidence by an officer or employee. However, only licensed attorneys shall represent a party before the board or a presiding officer in any matter involving the exercise of legal skill or knowledge, except with the consent of the board or presiding officer. All persons appearing in proceedings before the board or a presiding officer shall conform to the standard of ethical conduct required of attorneys before the courts of Iowa.

7.4(9) Cross reference to public documents, confidential filings, and electronic filings. The board's rule regarding public documents and confidential filings is at 199—1.9(22). The board's rule regarding electronic filing of documents containing confidential material is at 199—14.12(17A,476).

7.4(10) Expedited proceedings.

a. If a person claims that a statute or other provision of law requires the board to render a decision in a contested case in six months or less, the person shall include the phrase "Expedited Proceedings Required" in the caption of the first pleading filed by the person in the proceeding. If the phrase is not so included in the caption, the board or presiding officer may find and order that the proceeding did not commence for purposes of the required time for decision until the date on which the first pleading containing the required phrase is filed or such other date that the board or presiding officer finds is just and reasonable under the circumstances.

b. If a person claims that a statute or other provision of law requires the board to render a decision in a contested case in six months or less, the person shall state the basis for the claim in the first pleading in which the claim is made.

c. Shortened time limits applicable to expedited proceedings are contained in rules 199—7.9(17A,476) (pleadings and answers), 199—7.12(17A,476) (motions), 199—7.13(17A,476) (intervention), 199—7.15(17A,476) (discovery), and 199—7.26(17A,476) (appeals from proposed decisions). An additional service requirement applicable to expedited proceedings is contained in subrule 7.4(6) (service of documents).

d. A party may file a motion that proceedings be expedited even though such treatment is not required by statute or other provision of law. Such voluntary expedited treatment may be granted at the board's or presiding officer's discretion in appropriate circumstances considering the needs of the parties and the interests of justice. In these voluntary expedited proceedings, the board or presiding officer may shorten the filing dates or other procedures established in this chapter. The shortened time limits and additional service requirement applicable to expedited proceedings established in this chapter and listed

in paragraph 7.4(10)“c” do not apply to voluntary expedited proceedings under this paragraph unless ordered by the board or presiding officer. If a party requests an expedited proceeding pursuant to this paragraph, the pleading in which the expedited decision is requested shall state in the title “Expedited Proceedings Requested.”

[Editorial change: IAC Supplement 12/29/10; ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.5(17A,476) Time requirements.

7.5(1) Time shall be computed as provided in Iowa Code subsection 4.1(34).

7.5(2) In response to a request or on its own motion, for good cause, the board or presiding officer may extend or shorten the time to take any action, except as precluded by statute.

199—7.6(17A,476) Electronic proceedings. The board or presiding officer may hold proceedings by telephone conference call or other electronic means, such as a webinar service, in which all parties have an opportunity to participate. The board or presiding officer will determine the location of the parties and witnesses for electronic proceedings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when locations are determined.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.7(17A,476) Electronic information. Filing of electronic information shall comply with the board’s rules on electronic filing at 199—Chapter 14 and the board’s published standards for electronic information, available on the board’s website at iub.iowa.gov or from the board’s customer service center.

[Editorial change: IAC Supplement 12/29/10; ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.8(17A,476) Delivery of notice of hearing. When the board or presiding officer issues an order containing a notice of hearing, delivery of the order will be by electronic notice through the electronic filing system, and to those persons who have been approved to receive paper documents, unless otherwise ordered.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.9(17A,476) Pleadings and answers.

7.9(1) Pleadings. Pleadings may be filed pursuant to statute, rule, or order or filed to initiate a docket and shall be filed in the board’s electronic filing system.

7.9(2) Answers.

a. Unless otherwise ordered by the board or presiding officer, answers to complaints, petitions, applications, or other pleadings shall be filed with the board within 20 days after the day on which the pleading being answered was filed in the board’s electronic filing system and served upon the respondent or other party. However, when a statute or other provision of law requires the board to issue a decision in the case in six months or less, the answer shall be filed with the board within 10 days of service of the pleading being answered, unless otherwise ordered by the board or presiding officer.

b. Each answer must specifically admit, deny, or otherwise answer all material allegations of the pleadings and also briefly set forth the affirmative grounds relied upon to support each answer.

c. Any party who deems the complaint, petition, application, or other pleading insufficient to show a breach of legal duty or grounds for relief may move to dismiss instead of, or in addition to, answering.

d. A party may apply for a more definitive and detailed statement instead of, or in addition to, answering, if appropriate.

7.9(3) Amendments to pleadings. Amendments to pleadings may be allowed upon proper motion at any time during the pendency of the proceeding upon such terms as are just and reasonable.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.10(17A,476) Prefiled testimony and exhibits.

7.10(1) The board or presiding officer may order the parties to file prefiled testimony and exhibits prior to the hearing. The use of prefiled testimony is the standard method for providing testimony in board

contested case and other proceedings. Parties shall file the prefiled testimony and exhibits according to the schedule in the procedural order.

7.10(2) Prefiled testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. If possible, each line should be separately numbered. When a witness who has submitted prefiled testimony takes the stand, the witness does not ordinarily repeat the written testimony or give new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. However, the witness may be permitted to correct or update prefiled testimony on the stand and, in appropriate circumstances and with the approval of the board or presiding officer, may give a summary of the prefiled testimony. If the witness has more than three corrections to make to the prefiled testimony or exhibits, then the corrected testimony or exhibits should be filed in the appropriate docket in the board's electronic filing system at least three days prior to the hearing. The prefiled testimony and any exhibits shall be marked and identified in conformance with the board's approved naming convention provided on the board's electronic filing system website or as directed in a board order.

7.10(3) Parties who wish to present a witness or other evidence in a proceeding shall comply with the board's or presiding officer's order concerning prefiled testimony and exhibits, unless otherwise ordered, or unless otherwise provided by statute or other provision of law.

7.10(4) Prefiled testimony and exhibits must be accompanied by an affidavit in substantially the following form: "I, [person's name], being first duly sworn on oath, state that I am the same [person's name] identified in the testimony being filed with this affidavit, that I have caused the testimony [and exhibits] to be prepared and am familiar with its contents, and that the testimony [and exhibits] is true and correct to the best of my knowledge and belief as of the date of this affidavit."

7.10(5) Prefiled testimony and exhibits shall be filed in the board's electronic filing system in conformance with subrule 7.10(2), and any supporting documents shall be filed as follows:

a. All supporting workpapers.

(1) Electronic workpapers in native electronic formats shall comply with the board's standards for electronic information, which are available on the board's website or from the board's customer service center.

(2) Workpapers' underlying analyses and data presented in exhibits shall be explicitly referenced within the exhibit, including the name and other identifiers (e.g., cell coordinates) for electronic workpapers, and volume, tab, and page numbers for other workpapers.

(3) The source of any number used in a workpaper that was not generated by that workpaper shall be identified.

b. The derivation or source of all numbers used in either testimony or exhibits that were not generated by workpapers.

c. Copies of any specific studies or financial literature relied upon or complete citations for them if publicly available.

d. Electronic copies, in native electronic format, of all computer-generated exhibits that comply with the board's standards for electronic information, which are available on the board's website or from the board's customer service center.

7.10(6) Any prefiled testimony and exhibits shall comply with the board's standards for electronic information, which are available on the board's website or in the board's customer service center, and the electronic filing rules in 199—Chapter 14.

7.10(7) If a party has filed part or all of its prefiled testimony and exhibits as confidential and then later withdraws the claim of confidentiality for part or all of the testimony and exhibits, or if the board denies the request to hold the testimony and exhibits confidential, the party shall refile the testimony and exhibits with the information made public.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.11(17A,476) Documentary evidence in books and materials. When documentary evidence being offered is contained in a book, report, or other document, the offering party shall file only the material, relevant portions in an exhibit.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.12(17A,476) Motions. Motions, unless made during hearing, shall be in writing, state the grounds for relief, and state the relief or order sought. Motions based on matters that do not appear of record shall be supported by affidavit. Motions shall be filed in compliance with 199—Chapter 14. Any party may file a written response to a motion no later than 14 days from the date the motion is filed, unless the time period is extended or shortened by the board or presiding officer. When a statutory or other provision of law requires the board to issue a decision in the case in six months or less, written responses to a motion must be filed within seven days of the date the motion is filed, unless otherwise ordered by the board or presiding officer. Failure to file a timely response may be deemed a waiver of objection to the motion. Requirements regarding motions related to discovery are contained at subrules 7.15(4) and 7.15(5).

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.13(17A,476) Intervention.

7.13(1) Petition. Unless otherwise ordered by the board or presiding officer, a request to intervene in a proceeding shall be by petition to intervene filed no later than 20 days following the order setting a procedural schedule. However, when a statutory or other provision of law requires the board to issue a decision in the case in six months or less, the petition to intervene must be filed no later than ten days following the order setting a procedural schedule, unless otherwise ordered by the board or presiding officer.

7.13(2) Response. Any party may file a response within seven days of service of the petition to intervene unless the time period is extended or shortened by the board or presiding officer.

7.13(3) Grounds for intervention. Any person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the board or presiding officer. In determining whether to grant intervention, the board or presiding officer shall consider:

- a. The prospective intervenor's interest in the subject matter of the proceeding;
- b. The effect of a decision that may be rendered upon the prospective intervenor's interest;
- c. The extent to which the prospective intervenor's interest will be represented by other parties;
- d. The availability of other means by which the prospective intervenor's interest may be protected;
- e. The extent to which the prospective intervenor's participation may reasonably be expected to assist in the development of a sound record through presentation of relevant evidence and argument; and
- f. Any other relevant factors.

7.13(4) In determining the extent to which the prospective intervenor's interest will be represented by other parties, the consumer advocate's role of representing the public interest shall not be interpreted as representing every potential interest in a proceeding.

7.13(5) The board or presiding officer may limit a person's intervention to particular issues or to a particular stage of the proceeding, or may otherwise condition the intervenor's participation in the proceeding. Leave to intervene shall generally be granted by the board or presiding officer to any person with a cognizable interest in the proceeding.

7.13(6) When two or more intervenors have substantially the same interest, the board or presiding officer, in the board's or presiding officer's discretion, may order consolidation of petitions and briefs and limit the number of attorneys allowed to participate actively in the proceedings to avoid a duplication of effort.

7.13(7) A person granted leave to intervene is a party to the proceeding. However, unless the board or presiding officer rules otherwise for good cause shown, an intervenor shall be bound by any agreement, arrangement, or order previously made or issued in the case.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.14(17A,476) Consolidation and severance.

7.14(1) Consolidation. The board or presiding officer may consolidate in one docket any or all matters at issue in two or more dockets. When deciding whether to consolidate, the board or presiding officer shall consider:

- a. Whether the matters at issue involve common parties or common questions of fact or law;
- b. Whether consolidation is likely to expedite or simplify consideration of the issues involved;
- c. Whether consolidation would adversely affect the substantial rights of any of the parties to the proceedings; and
- d. Any other relevant factors.

7.14(2) Severance. The board or presiding officer may order any contested case or portions thereof severed for good cause.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.15(17A,476) Discovery.

7.15(1) Discovery procedures applicable in civil actions are available to parties in contested cases.

7.15(2) Unless otherwise ordered by the board or presiding officer or agreed to by the parties, data requests or interrogatories served by any party shall either be responded to or objected to, with concisely stated grounds for relief, within seven days of receipt. When a statutory or other provision of law requires the board to issue a decision in the case in six months or less, this time is reduced to five days. Data requests or interrogatories served on a day the board is closed or after 4:30 p.m. central time on a day the board is open shall be considered served on the next business day.

7.15(3) Unless otherwise ordered by the board or presiding officer, time periods for compliance with all forms of discovery other than those stated in subrule 7.15(2) shall be as provided in the Iowa Rules of Civil Procedure.

7.15(4) Prior to filing any motion related to discovery, parties shall make a good-faith effort to resolve discovery disputes without the involvement of the board or presiding officer.

7.15(5) Any motion related to discovery shall allege that the moving party has made a good-faith attempt to resolve the discovery issues involved with the opposing party. Opposing parties shall be given the opportunity to respond within 14 days of the filing of the motion unless the time is extended or shortened by order of the board or presiding officer. When a statutory or other provision of law requires the board to issue a decision in the case in six months or less, this time is reduced to seven days, unless otherwise ordered by the board or presiding officer. The board or presiding officer may rule on the basis of the written motion and any response, or may order argument or other proceedings on the motion.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.16(17A,476) Subpoenas.

7.16(1) Issuance.

a. An agency subpoena shall be issued to a party on request. The request shall be in writing and include the name, address, and telephone number of the requesting party. In the absence of good cause for permitting later action, a request for a subpoena must be received at least seven days before the scheduled hearing. The board will issue subpoenas only on paper, not through the electronic filing system.

b. Except to the extent otherwise provided by law, parties are responsible for service of their own subpoenas and payment of witness fees and mileage expenses. Subpoenas cannot be served electronically through the electronic filing system.

7.16(2) Motion to quash or modify. Upon motion, the board or presiding officer may quash or modify a subpoena for any lawful reason.

199—7.17(17A,476) Prehearing or scheduling conference. The board or presiding officer may schedule a prehearing conference, scheduling conference, or other informal conference at the board's or presiding officer's discretion or at the request of any party for any appropriate purpose. Any agreement reached at the conference shall be made a part of the record in the manner directed by the board or presiding officer.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.18(17A,476) Settlements. Parties to a contested case may propose to settle all or some of the issues in the case. The board or presiding officer will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest. Board adoption of a settlement constitutes the final decision of the board on issues addressed in the settlement.

7.18(1) Proposal of settlements. Two or more parties may by written motion propose settlements for adoption by the board or presiding officer. The motion shall contain a statement adequate to advise the board or presiding officer and parties not expressly joining the proposal of its scope and of the grounds on which adoption is urged. Parties may propose a settlement for adoption by the board or presiding officer at any time.

7.18(2) Conference. After proposal of a settlement that is not supported by all parties, and prior to approval, the settling parties shall convene at least one conference with notice and opportunity to participate provided to all parties for the purpose of discussing the settlement proposal. Written notice of the date, time, and place shall be furnished at least seven days in advance to all parties to the proceeding. Attendance at any settlement conference shall be limited to the parties to a proceeding and their representatives. A party that has been given notice and opportunity to participate in the conference and does not do so shall be deemed to have waived its right to contest a proposed settlement, unless good cause is shown for the failure to participate.

7.18(3) Comment period. When a party to a proceeding does not join in a settlement proposed for adoption by the board or presiding officer, the party may file comments contesting all or part of the settlement with the board. Unless otherwise ordered by the board or presiding officer, the party shall file its comments within 14 days of filing of the motion proposing settlement, and shall serve such comments on all parties to the proceeding at the time of filing. Unless otherwise ordered by the board or presiding officer, parties shall file reply comments within 7 days of filing of the comments.

7.18(4) Contents of comments. A party contesting a proposed settlement must specify in its comments the portions of the settlement that it opposes, the legal basis of its opposition, and the factual issues that it contests. Any failure by a party to file comments may, at the board's or presiding officer's discretion, constitute waiver by that party of all objections to the settlement.

7.18(5) Contested settlements. If the proposed settlement is contested, in whole or in part, on any material issue of fact by any party, the board or presiding officer may schedule a hearing on the contested issue(s). The board or presiding officer may decline to schedule a hearing where the contested issue of fact is not material or where the contested issue is one of law.

7.18(6) Unanimous proposed settlement. In proceedings where all parties join in the proposed settlement, parties may propose a settlement for adoption by the board or presiding officer any time after docketing. Subrules 7.18(2) through 7.18(5) shall not apply to a proposed settlement filed concurrently by all parties to the proceeding. Settlements in general rate case proceedings shall comply with rule 199—26.3(17A,476).

7.18(7) Inadmissibility. Any discussion, admission, concession, or offer to settle, whether oral or written, made during any negotiation on a settlement shall be privileged to the extent provided by law, including, but not limited to, Iowa R. Evid. 5.408.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.19(17A,476) Stipulations. Parties to any proceeding or investigation may, by stipulation filed with the board, agree upon the facts or law or any portion thereof involved in the controversy, subject to approval by the board or presiding officer.

199—7.20(17A,476) Investigations. The availability of discovery pursuant to Iowa Code section 17A.13 or the Iowa Rules of Civil Procedure shall not be construed to limit the investigatory powers of the board, its representatives, or the consumer advocate.

199—7.21(17A,476) Withdrawals. A party requesting a contested case proceeding may, with the permission of the board or presiding officer, withdraw that request at any time prior to the issuance of a proposed or final decision in the case.

199—7.22(17A,476) Ex parte communication. Ex parte communication is prohibited as provided in Iowa Code section 17A.17. Parties or their representatives shall not communicate directly or indirectly with the board or presiding officer in connection with any issue of fact or law in a contested case except upon notice and an opportunity for all parties to participate. The board or presiding officer shall not communicate directly or indirectly with parties or their representatives in connection with any issue of fact or law in a contested case except upon notice and an opportunity for all parties to participate.

199—7.23(17A,476) Hearings.

7.23(1) Board or presiding officer. The board or presiding officer presides at the hearing and may rule on motions and issue such orders and rulings as will ensure the orderly conduct of the proceedings. The board or presiding officer shall maintain the decorum of the hearing and may refuse to admit, may set limits on, or may expel from the hearing anyone whose conduct is disorderly.

7.23(2) Witnesses. Each witness shall be sworn or affirmed by the board, presiding officer, or the court reporter and be subject to examination and cross-examination. The board or presiding officer may limit questioning in a manner consistent with law. In appropriate circumstances, the board or presiding officer may order that witnesses testify as members of a witness panel.

7.23(3) Order of presenting evidence. The board or presiding officer shall determine the order of the presentation of evidence based on applicable law and the interests of efficiency and justice, taking into account the preferences of the parties. Normally, the petitioner shall open the presentation of evidence. In cases where testimony has been prefiled, each witness shall be available for cross-examination on all testimony prefiled by or on behalf of that witness when the witness takes the stand, either alone or as a member of a witness panel.

7.23(4) Evidence.

a. Subject to terms and conditions prescribed by the board or presiding officer, parties have the right to introduce evidence, cross-examine witnesses, and present evidence in rebuttal. Ordinarily, prefiled testimony is used in hearings pursuant to rule 199—7.10(17A,476). Nonsubstantive corrections to prefiled testimony may be made at the beginning of the testimony. However, if more than three corrections need to be made, the sponsoring party shall file corrected prefiled testimony prior to the hearing. The sponsoring party must provide one copy of prefiled testimony and included exhibits to the court reporter.

b. The board or presiding officer shall rule on admissibility of evidence and may, where appropriate, take official notice of facts in accordance with law.

c. Stipulation of facts is encouraged. The board or presiding officer may make a decision based on stipulated facts.

d. Unless the exhibit was previously included with prefiled testimony, the party seeking admission of an exhibit at a hearing must provide opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence shall be marked in accordance with the board's approved naming convention and made part of the evidentiary record. If an exhibit is admitted, unless it was previously included with prefiled testimony, the sponsoring party must provide at least one copy of the exhibit to each opposing party, one copy for each board member or presiding officer, one copy for the witness (if any), one copy for the court reporter, and two copies for board staff, unless otherwise ordered. The sponsoring party shall file the hearing exhibit in the docket in the board's electronic filing system within three days of the close of the hearing.

e. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony shall briefly summarize the testimony or, with the permission of the board or presiding officer, present the testimony. The board or presiding officer may require the offering party to file a written statement of the excluded oral testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part

of an offer of proof and inserted in the record. Unless previously included with prefiled testimony, the sponsoring party must provide at least one copy of the document or exhibit to each opposing party, one copy for each board member or presiding officer, one copy for the witness (if any), one copy for the court reporter, and two copies for board staff, unless otherwise ordered.

7.23(5) Objections. Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. All objections shall be timely made on the record and state the grounds relied on. The board or presiding officer may rule on the objection at the time it is made or may reserve a ruling until the written decision.

7.23(6) Further evidence. At any stage during or after the hearing, the board or presiding officer may order a party to present additional evidence and may conduct additional proceedings as appropriate.

7.23(7) Participation at hearings by nonparties. The board or presiding officer may permit any person to be heard at any hearing, but such person shall not be a party to the proceedings unless so designated. The testimony or statement of any person so appearing shall be given under oath and such person shall be subject to cross-examination by parties to the proceeding, unless the board or presiding officer orders otherwise. If a person who is not a party to a proceeding appears at a hearing and requests to examine or cross-examine witnesses, the board or presiding officer may grant the person intervention in the proceeding as a party for the limited purpose requested by the person and in compliance with subrule 7.4(8).

7.23(8) Briefs.

a. Unless waived by the parties with the consent of the board or presiding officer, the board or presiding officer shall set times for the filing and service of briefs. Unless otherwise ordered by the board or presiding officer, initial briefs shall be filed simultaneously by all parties and reply briefs shall be filed simultaneously.

b. Initial briefs shall contain a concise statement of the case. Arguments based on evidence introduced during the proceeding shall specify the portions of the record where the evidence is found. Initial briefs shall include all arguments the party intends to offer in support of its case and against the record case of the adverse party or parties. Unless otherwise ordered, a reply brief shall be confined to refuting arguments made in the brief of an adverse party. Unless specifically ordered to brief an issue, a party's failure to address an issue by brief shall not be deemed a waiver of that issue and shall not preclude the board or presiding officer from deciding the issue on the basis of evidence appearing in the record.

c. Every brief of more than 20 pages shall contain on its front leaves a table of contents with page references. Each party's initial brief shall not exceed 90 pages and each subsequent brief shall not exceed 40 pages, exclusive of the table of contents, unless otherwise ordered. Such orders may be issued ex parte. A brief that exceeds these page limits shall be deemed a defective filing and may be rejected as provided in subrule 7.4(5).

d. Briefs shall comply with the following requirements.

- (1) The size of pages shall be 8½ by 11 inches.
- (2) All printed matter must appear in at least 11-point type.
- (3) There shall be margins of at least one inch on the top, bottom, right, and left sides of the sheet.
- (4) The body of the brief shall be double-spaced.
- (5) Footnotes may be single-spaced but shall not exceed one-half page in length.
- (6) The printed matter may appear in any pitch, as long as the characters are spaced in a readable manner. Any readable font is acceptable.

(7) Briefs filed electronically shall comply with the requirements in this paragraph and the standards for electronic information available on the board's website or in the board's records and information center.

7.23(9) Oral arguments. The board or presiding officer may set a time for oral argument to address issues raised by the parties during the proceeding or at the conclusion of the hearing or may set a separate date and time for oral argument. The board or presiding officer may set a time limit for argument. Oral argument may be either in addition to or in lieu of briefs. Unless specifically ordered to argue an issue, a party's failure to address an issue in oral argument shall not be deemed a waiver of the issue.

7.23(10) Record. The record of the case is maintained in the board's electronic filing system. Unless the record is held confidential pursuant to 199—1.9(22), parties and members of the public may examine the record and obtain copies of documents, including the transcript, when available.

7.23(11) Default.

a. If a party fails to appear at a hearing after proper service of notice, or fails to answer or otherwise respond to an appropriate pleading directed to and properly served upon that party, the board or presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party.

b. Default decisions or decisions rendered on the merits after a party has failed to appear at a hearing constitute final agency action unless otherwise ordered by the board or presiding officer. However, within 15 days after the date of electronic notification or mailing of the decision, a motion to vacate may be filed with the board. The motion to vacate must state all facts relied on by the moving party that show good cause existed for that party's failure to appear at the hearing or answer or otherwise respond to an appropriate pleading directed to and properly served upon that party. The stated facts must be substantiated by affidavit attached to the motion. Unless otherwise ordered, adverse parties shall have ten days to respond to a motion to vacate. If the decision is rendered by a presiding officer, the board may review it on the board's own motion within 15 days after the date of notification or mailing of the decision.

c. The time for appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate.

d. Properly substantiated and timely filed motions to vacate shall be granted for good cause shown. The burden of proof as to good cause is on the moving party. "Good cause" for purposes of this rule shall have the same meaning as "good cause" for setting aside a default judgment under Iowa Rule of Civil Procedure 1.977.

e. A presiding officer's decision denying a motion to vacate is subject to further appeal within the time limit allowed for further appeal of a decision on the merits in the contested case. A presiding officer's decision granting a motion to vacate is subject to interlocutory appeal by the adverse party pursuant to rule 199—7.25(17A,476).

f. If a motion to vacate is granted and no timely interlocutory appeal has been taken, the board or presiding officer shall schedule another hearing and the contested case shall proceed accordingly.

g. A default decision may award any relief consistent with the record in the case. The default decision may provide either that the default decision is to be stayed pending a timely motion to vacate or that the default decision is to take effect immediately, subject to a timely motion to vacate, an appeal pursuant to rule 199—7.26(17A,476), or a request for stay pursuant to rule 199—7.28(17A,476).

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.24(17A,476) Reopening record. The board or presiding officer, on the board's or presiding officer's own motion or on the motion of a party, may reopen the record for the reception of further evidence. When the record was made before the board, a motion to reopen the record may be made any time prior to the issuance of a final decision. When the record was made before a presiding officer, a motion to reopen the record shall be made prior to issuance of the proposed decision. Affidavits of witnesses who will present new evidence shall be attached to the motion and shall include an explanation of the competence of the witness to sponsor the evidence and a description of the evidence to be included in the record.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.25(17A,476) Interlocutory appeals. Upon written request of a party or on its own motion, the board may review an interlocutory order of the presiding officer. In determining whether to do so, the board may consider the extent to which granting the interlocutory appeal would expedite final resolution of the case and the extent to which review of that interlocutory order by the board at the time it reviews the proposed decision would provide an adequate remedy. Any request for interlocutory review must be filed within ten days of issuance of the challenged order, but no later than the time for compliance with the order or ten days prior to the date of hearing, whichever is first.

199—7.26(17A,476) Appeals to board from a proposed decision of a presiding officer.

7.26(1) Notification of proposed decision. Notice of the presiding officer's proposed decision and order in a contested case shall be sent through the electronic filing system, or by first-class mail if the board has granted a party approval to receive service in paper, on the date the order is issued. The decision shall normally include "Proposed Decision and Order" in the title and shall normally inform the parties of their right to appeal an adverse decision and the time in which an appeal must be taken.

7.26(2) Appeal from proposed decision. A proposed decision and order of the presiding officer in a contested case shall become the final decision of the board unless, within 15 days after the decision is issued, the board moves to review the decision or a party files an appeal of the decision with the board. The presiding officer may shorten the time for appeal. In determining whether a request for a shortened appeal period should be granted, the presiding officer may consider the needs of the parties for a shortened appeal period, relevant objections of the parties, the relevance of any written objections filed in the case, and whether there are any issues that indicate a need for the 15-day appeal period.

7.26(3) Any adversely affected party may appeal a proposed decision by timely filing a notice of appeal. The notice of appeal shall be electronically filed unless the appellant has received permission from the board to submit paper filings.

7.26(4) On appeal of a proposed decision of a presiding officer that is based upon new evidence not introduced in the record before the presiding officer, the board shall determine whether the new evidence requires a new hearing. If the board determines that the new evidence is material to the proposed decision and a new hearing should be held, the board may remand the proposed decision to the presiding officer for the taking of the new evidence or may conduct a hearing and issue an order based upon the record before the presiding officer and the new evidence.

7.26(5) Contents of notice of appeal. The notice of appeal shall include the following in separately numbered paragraphs supported, where applicable, by controlling statutes and rules.

- a. A brief statement of the facts.
- b. A brief statement of the history of the proceeding, including the date and a description of any ruling claimed to be erroneous.
- c. A statement of each of the issues to be presented for review.
- d. A precise description of the error(s) upon which the appeal is based. If a claim of error is based on allegations that the presiding officer failed to correctly interpret the law governing the proceeding, exceeded the authority of a presiding officer, or otherwise failed to act in accordance with law, the appellant shall include a citation to briefs or other documents filed in the proceeding before the presiding officer where the legal points raised in the appeal were discussed. If a claim of error is based on allegations that the presiding officer failed to give adequate consideration to evidence introduced at hearing, the appellant shall include a citation to pages of the transcript or other documents where the evidence appears.
- e. A precise statement of the relief requested.
- f. A statement as to whether an opportunity to file a brief or make oral argument in support of the appeal is requested and, if an opportunity is sought, a statement explaining the manner in which briefs and arguments presented to the presiding officer are inadequate for purposes of appeal.
- g. If a party wishes to request a stay or other temporary remedy pending review of the proposed decision by the board, the request shall state the reasons justifying a stay or other temporary remedy and shall address the factors listed in Iowa Code section 17A.19(5) "c."
- h. Certification of service showing the names and addresses of all parties upon whom a copy of the notice of appeal was served.

7.26(6) Responsive filings and cross-appeals. If parties wish to respond to the notice of appeal, or file a cross-appeal, they must file the response or notice of cross-appeal within 14 days after the filing of the notice of appeal unless otherwise ordered by the board. If a request for a stay or other temporary remedy was included in the notice of appeal, any party wishing to respond to the request shall include the response to the request in the party's response to the notice of appeal or notice of cross-appeal. When a statutory or other provision of law requires the board to issue a decision in the case in less than six months, the response or cross-appeal must be filed within seven days of filing the notice of appeal.

a. Responses shall specifically respond to each of the substantive paragraphs of the notice of appeal and shall state whether an opportunity to file responsive briefs or to participate in oral argument is requested.

b. Parties who file a cross-appeal must comply with the requirements for filing a notice of appeal contained in this rule, other than the requirement to file notice of the cross-appeal within 15 days after the proposed decision is issued.

7.26(7) Ruling on appeal. After the filing of the last appeal, response, or cross-appeal, the board shall issue an order that may establish a procedural schedule for the appeal or may be the board's final decision on the merits of the appeal. If a request for a stay or other temporary remedy was included in the notice of appeal, the request shall be evaluated by the board using the factors stated in rule 199—7.28(17A,476). A stay or other temporary remedy may be vacated by the board upon application of any party or upon the board's own motion.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.27(17A,476) Rehearing and reconsideration.

7.27(1) *Application for rehearing or reconsideration.* Any party to a contested case may file an application for rehearing or reconsideration of the final decision. The application for rehearing or reconsideration shall be filed within 20 days after the final decision in the contested case is issued. This subrule shall not be construed as prohibiting reconsideration of board orders in other than contested cases. The board shall either grant or refuse an application for rehearing within 30 days after the filing of the application or may, after giving the interested parties notice and opportunity to be heard and after consideration of all the facts, including those arising since the making of the order, abrogate or modify its order. A failure by the board to act upon the application for rehearing within the above period shall be deemed a refusal of the application.

7.27(2) *Contents of application.* Applications for rehearing or reconsideration shall specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the alleged grounds of error. Any application for rehearing or reconsideration asserting that evidence has arisen since the final order was issued as a ground for rehearing or reconsideration shall present the evidence by affidavit that includes an explanation of the competence of the person to sponsor the evidence and a brief description of the evidence sought to be included.

7.27(3) *Requirements for objections to applications for rehearing or reconsideration.* Notwithstanding the provisions of subrule 7.9(2), an answer or objection to an application for a rehearing or reconsideration must be filed within 14 days of the date the application was filed with the board unless otherwise ordered by the board.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.28(17A,476) Stay of agency decision.

7.28(1) Any party to a contested case proceeding may petition the board for a stay or other temporary remedy pending judicial review of the proceeding. The petition shall state the reasons justifying a stay or other temporary remedy and be served on all other parties pursuant to subrule 7.4(6).

7.28(2) In determining whether to grant a stay, the board shall consider the factors listed in Iowa Code section 17A.19(5)(c).

7.28(3) A stay or other temporary remedy may be vacated by the board upon application of any party or upon the board's own motion.

[ARC 4893C, IAB 1/29/20, effective 3/4/20]

199—7.29(17A,476) Emergency adjudicative proceedings.

7.29(1) *Necessary emergency action.* To the extent necessary to prevent or avoid immediate danger to the public health, safety, or welfare, and consistent with the Constitution and other provisions of law, the board may issue an emergency adjudicative order in compliance with Iowa Code section 17A.18A to order the cessation of any continuing activity, order affirmative action, or take other action within the jurisdiction of the agency. Before issuing an emergency adjudicative order, the board may consider factors including, but not limited to, the following:

- a. Whether there has been a sufficient factual investigation to provide reasonably reliable information under the circumstances;
- b. Whether the specific circumstances that pose immediate danger to the public health, safety, or welfare are likely to be continuing;
- c. Whether the person required to comply with the emergency adjudicative order may continue to engage in other activities without posing immediate danger to the public health, safety, or welfare;
- d. Whether imposition of monitoring requirements or other interim safeguards would be sufficient to protect the public health, safety, or welfare; and
- e. Whether the specific action contemplated by the board is necessary to avoid the immediate danger.

7.29(2) Issuance of order.

- a. An emergency adjudicative order shall contain findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the board's discretion, to justify the determination of an immediate danger and the board's decision to take immediate action.
- b. The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by the most reasonably available method, which may include one or more of the following methods: notice through the electronic filing system; personal delivery; certified mail; first-class mail; fax; or email. To the degree practical, the board shall select the method or methods most likely to result in prompt, reliable delivery.
- c. Unless the written emergency adjudicative order is delivered by personal service on the day issued, the board shall make reasonable efforts to contact the persons who are required to comply with the order by telephone, in person, or otherwise.

7.29(3) Completion of proceedings. Issuance and delivery of a written emergency adjudicative order will normally include notification of a procedural schedule for completion of the proceedings.

These rules are intended to implement Iowa Code chapter 17A and sections 474.5 and 476.2.

[Filed February 18, 1966]

[Filed without Notice 10/8/75—published 10/20/75]

[Filed 2/11/76, Notice 7/14/76—published 2/23/76, effective 3/29/76]

[Filed emergency 8/10/77 after Notice 6/1/77—published 9/7/77, effective 8/10/77]

[Filed 8/7/78, Notice 2/8/78—published 9/6/78, effective 10/11/78]

[Filed emergency 9/18/78—published 10/4/78, effective 10/11/78]

[Filed emergency 6/30/81 after Notice 3/4/81—published 7/22/81, effective 7/1/81]

[Filed emergency 7/10/81—published 8/5/81, effective 7/10/81]¹

[Filed 8/28/81, Notice 7/8/81—published 9/16/81, effective 10/21/81]

[Filed 10/20/81, Notice 11/26/80—published 11/11/81, effective 12/16/81]²

[Filed 12/17/81, Notice 8/19/81—published 1/6/82, effective 2/10/82]

[Filed 12/31/81, Notice 8/5/81—published 1/20/82, effective 2/24/82]

[Filed 1/28/82, Notice 9/30/81—published 2/17/82, effective 3/24/82]

[Filed 2/12/82, Notice 10/28/81—published 3/3/82, effective 4/7/82]

[Filed emergency after Notice 2/22/82, Notice 1/6/82—published 3/17/82, effective 2/24/82]

[Filed emergency 6/28/82—published 7/21/82, effective 6/28/82]

[Filed 11/19/82, Notice 9/1/82—published 12/8/82, effective 1/12/83]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 9/9/83, Notice 6/8/83—published 9/28/83, effective 11/2/83]

[Filed without Notice 9/26/83—published 10/12/83, effective 12/1/83]

[Filed 10/21/83, Notice 8/3/83—published 11/9/83, effective 12/14/83]

[Filed without Notice 11/4/83—published 11/23/83, effective 1/1/84]

[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]

[Filed 1/27/84, Notice 11/23/83—published 2/15/84, effective 3/21/84]

[Filed 1/27/84, Notice 12/21/83—published 2/15/84, effective 3/21/84]

[Filed 2/24/84, Notice 11/23/83—published 3/14/84, effective 4/18/84]

[Filed 4/9/84, Notice 1/18/84—published 4/25/84, effective 5/30/84]

[Filed 11/6/84, Notice 8/29/84—published 11/21/84, effective 12/26/84]
 [Filed 11/16/84, Notice 9/12/84—published 12/5/84, effective 1/16/85]
 [Filed 5/31/85, Notice 4/24/85—published 6/19/85, effective 7/24/85]
 [Filed 8/23/85, Notice 6/19/85—published 9/11/85, effective 10/16/85]
 [Filed 2/7/86, Notice 12/4/85—published 2/26/86, effective 4/2/86]
 [Filed 3/7/86, Notice 12/4/85—published 3/26/86, effective 4/30/86]
 [Filed 5/2/86, Notice 3/26/86—published 5/21/86, effective 6/25/86]
 [Filed 7/11/86, Notice 5/21/86—published 7/30/86, effective 9/3/86]³
 [Filed 8/8/86, Notice 3/26/86—published 8/27/86, effective 10/1/86]³
 [Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]
 [Filed 10/31/86, Notice 9/10/86—published 11/19/86, effective 12/24/86]
 [Filed 1/9/87, Notice 8/13/86—published 1/28/87, effective 4/29/87]
 [Filed 3/23/87, Notice 1/14/87—published 4/8/87, effective 5/13/87]
 [Filed 11/13/87, Notice 7/1/87—published 12/2/87, effective 1/6/88]
 [Filed 8/17/88, Notice 7/13/88—published 9/7/88, effective 10/12/88]
 [Filed 1/6/89, Notice 7/27/88—published 1/25/89, effective 3/1/89]
 [Filed without Notice 6/26/89—published 7/12/89, effective 8/16/89]
 [Filed 7/20/89, Notices 10/5/88, 1/25/89—published 8/9/89, effective 9/13/89]
 [Filed 9/29/89, Notice 5/31/89—published 10/18/89, effective 11/22/89]
 [Filed 1/5/90, Notice 7/12/89—published 1/24/90, effective 2/28/90]
 [Filed 5/25/90, Notice 9/20/89—published 6/13/90, effective 7/18/90]
 [Filed 7/6/90, Notice 2/21/90—published 7/25/90, effective 8/29/90]
 [Filed 1/18/91, Notice 11/28/90—published 2/6/91, effective 3/13/91]
 [Filed 3/28/91, Notice 11/28/90—published 4/17/91, effective 5/22/91]
 [Filed emergency 4/12/91 after Notice 11/14/90—published 5/1/91, effective 4/12/91]
 [Filed 10/9/92, Notice 3/18/92—published 10/28/92, effective 12/27/92]
 [Filed 1/15/93, Notice 10/28/92—published 2/3/93, effective 3/10/93]
 [Filed 4/9/93, Notice 10/28/92—published 4/28/93, effective 6/2/93]
 [Filed 7/27/93, Notice 4/14/93—published 8/18/93, effective 9/22/93]
 [Filed 8/27/93, Notices 1/6/93, 5/26/93—published 9/15/93, effective 10/20/93]
 [Filed 4/24/95, Notice 10/26/94—published 5/10/95, effective 6/14/95]
 [Published 6/17/98 to update name and address of board]
 [Filed 10/13/99, Notice 5/19/99—published 11/3/99, effective 12/8/99]
 [Filed 4/9/04, Notice 10/15/03—published 4/28/04, effective 6/2/04]
 [Filed 10/21/05, Notice 2/16/05—published 11/9/05, effective 12/14/05]
 [Filed 8/23/06, Notice 6/21/06—published 9/13/06, effective 10/18/06]⁴
 [Filed 10/31/08, Notice 4/9/08—published 11/19/08, effective 12/24/08]
 [Editorial change: IAC Supplement 12/29/10]
 [Filed ARC 4893C (Notice ARC 4537C, IAB 7/17/19), IAB 1/29/20, effective 3/4/20]

¹ Objection to emergency filing—filed 9/15/81

² Effective date of 7.4(1)“f”(2) delayed 70 days by Administrative Rules Review Committee.

³ See Utilities Division, IAB 7/30/86

⁴ Effective date of subrule 7.1(8) delayed 70 days by the Administrative Rules Review Committee at its meeting held October 10, 2006.

CHAPTER 1
ORGANIZATION AND OPERATION

[Prior to 6/26/91, see Library Department[560] Ch 1]

[Prior to 3/30/94, see Cultural Affairs Department[221], Library Division[224] Ch 1]

286—1.1(256) Definitions. The definitions used in Iowa Code chapters 17A and 256 will apply for terms used throughout this chapter. In addition, the following definitions will apply:

“*ADA*” means the Americans with Disabilities Act of 1990.

“*Administrator*” means the state librarian, who shall serve as the administrator of the division of libraries of the department of education.

“*Department*” means the department of education.

“*Director*” means the director of the department of education.

“*LSTA*” means the Library Services and Technology Act Grant Program as defined by P.L. 104-208 (1997).

“*State librarian*” means the chief operating officer of the state library.

“*State library*” means the library agency within the division of libraries of the department of education.

286—1.2(256) Mission. Rescinded IAB 12/16/98, effective 1/20/99.

286—1.3(256) Organization and operation.

1.3(1) Location. The state library is located at 1112 East Grand Avenue, Des Moines, Iowa 50319; telephone (515)281-4105; fax (515)281-6191. Business hours are 8 a.m. to 4:30 p.m., Monday through Friday, excepting legal holidays.

1.3(2) Units. The state library consists of four units: library development (includes the LSTA Grant Program, public library accreditation, library staff certification, Enrich Iowa, continuing education and consulting); information services (includes state documents, the state documents depository program, special collections, the state law library, and technical services); the state data center; and administration.

1.3(3) Commission of libraries. The commission of libraries consists of nine members as defined in Iowa Code section 256.52. The commission shall meet at a time and place specified by the chair. Notice of a meeting and the agenda will be posted at the state library at least 24 hours prior to the meeting and shall be mailed to any interested individual or organization upon request. The operation of commission meetings shall be governed by the following procedures:

a. A quorum shall consist of five members.

b. Any action taken by the commission requires an affirmative vote by at least five members.

c. Persons wishing to appear before the commission shall submit a written request to the state librarian not less than 14 days prior to a meeting. Presentations shall be allowed at the discretion of the chair. Persons wishing to submit written material shall do so at least 14 days prior to a meeting so that commission members have adequate time to receive and evaluate the material.

d. Near the conclusion of each meeting, the chair shall set the date, time and location of the next meeting.

1.3(4) Minutes. Current and archived minutes of commission meetings can be viewed and copied free of charge at the state library. The current and archived minutes are also accessible on the state library’s website.

1.3(5) Library services advisory panel. The library services advisory panel consists of no fewer than 11 members as defined in Iowa Code section 256.62. The advisory panel shall meet at a time and place specified by the chair. Notice of a meeting and the agenda will be posted at the state library at least 24 hours prior to the meeting and shall be made available to any interested individual or organization upon request.

[ARC 2622C, IAB 7/20/16, effective 8/24/16]

286—1.4(256) Information delivery.

1.4(1) Photocopies of library materials for Iowa residents. The state library will provide library service to any resident of Iowa. To ensure the availability of high-demand library materials for in-house use, the state library may choose not to lend specific library items. In lieu of lending the original item, the library may choose to provide a photocopy of the requested material at a nominal charge of 20 cents per page.

1.4(2) Photocopies of library materials for nonresidents of Iowa. To encourage interstate resource sharing, the state library may enter into reciprocal free interlibrary loan photocopy agreements with out-of-state libraries. For other out-of-state businesses and residents, the state library will charge a \$15 handling fee plus 20 cents per page.

This rule shall not preclude the state library from participating in interstate library compacts to support reciprocal resource sharing.

[ARC 2622C, IAB 7/20/16, effective 8/24/16]

286—1.5(256) Access to library's collections.

1.5(1) Collections. The state library's materials collections are housed in the Ola Babcock Miller State Office Building, 1112 East Grand Avenue, Des Moines, and in the State Capitol Building.

1.5(2) Library access. Primary research and study areas of the library's two locations are accessible to the disabled; however, upper tiers are generally closed to all public access. Staff may authorize access on a case-by-case basis or will retrieve materials requested by library users.

1.5(3) Definitions.

"*Holds*" are patron requests to reserve items checked out to other patrons. Materials may be placed on hold through the library's online catalog using a library card. When an item on hold becomes available, the patron placing the hold will be contacted and given five days to pick up the item.

"*Individual library card*" means a card distributed by the state library that allows a patron to access the library's collections, reference assistance, and online resources.

"*Proof of identity and state residence*" means a government-issued form of identification with a photo and indication of Iowa residency, including but not limited to a driver's license, a passport, a nonoperator's identification card, or a military identification card; or, for minors, a school identification card.

"*Resident*" means a person who lives in Iowa or pays property taxes in Iowa.

"*State employee library card*" means a card distributed by the state library that allows a state employee to access the library's collections, reference assistance, online resources, and interlibrary loan services.

1.5(4) Library cards. A resident of Iowa may obtain an individual library card by providing proof of identity and state residence in person, by mail, or online. A state employee may obtain a state employee library card by providing proof of identity, state residence, and state employment in person, by mail, or online. Cards expire regularly but can be reactivated. Library privileges will be suspended or canceled when a patron's library card has expired.

1.5(5) Circulation of library materials. Circulating materials are checked out for three weeks, and each item may be renewed once if there are no holds on the item. Patrons may renew materials through the library's online catalog.

1.5(6) Fines and fees. Fines are not assessed for overdue materials. Lost, unreturned or damaged materials may incur replacement costs up to \$100. Replacement copies will not be accepted. Library privileges will be suspended or canceled when a patron has outstanding debt to the library.

1.5(7) Library records confidential. Library records are confidential pursuant to Iowa Code section 22.7. The state librarian is the custodian of the library's records.

[ARC 2622C, IAB 7/20/16, effective 8/24/16; ARC 4891C, IAB 1/29/20, effective 3/4/20]

286—1.6(256) Collection policy of the library. The purpose of this policy is to define the intended coverage and clientele; establish collection management and selection policies; provide staff with the means to ensure consistency, responsiveness, and wise use of funds in collection building; assist in development of performance measures; establish priorities to guide budget allocations and cataloging and preservation decisions; and document the library's commitment to intellectual freedom.

SEE: Collection Policy. State Library of Iowa, April 2016.
 [ARC 2622C, IAB 7/20/16, effective 8/24/16]

286—1.7(256) Disposal of library materials.

1.7(1) Purpose. Disposal of library materials shall be undertaken by the state librarian only as a means of strengthening and benefiting the mission of the state library. Disposal shall not be used solely to generate operating funds for the library.

1.7(2) Definitions.

“*Deaccession*” means permanent removal of materials from the state library’s collections.

“*Library materials*” includes, but is not limited to, books, journals, documents, audio visuals, and software in any format.

“*State librarian*” means the chief operating officer of the state library.

“*State library*” means the library agency within the division of libraries of the department of education.

1.7(3) Ethics.

a. Disposal of materials shall be undertaken in an open, public manner conforming to appropriate ethics guidelines.

b. Ownership of deaccessioned materials shall not, under any circumstances, be transferred to or personally benefit any employee, spouse or immediate family member of an employee of the library.

1.7(4) Criteria. Materials may be deaccessioned from the collections of the state library if they are no longer deemed relevant and appropriate to the mission of the state library or if they have deteriorated beyond repair and usefulness.

1.7(5) Procedure.

a. The appropriate unit supervisor shall recommend to the state librarian those materials to be deaccessioned.

b. The state librarian shall approve or disapprove those recommendations from the unit supervisor.

c. The method for disposition of the deaccessioned materials, including sales, donation or destruction, shall be decided by the state librarian.

1.7(6) Limitations.

a. Revenue from the disposition of any books or other library materials shall be credited to the state library fund established by the treasurer of state.

b. Proceeds shall be used solely for the purchase of books and other information resources for the state library.

c. Any balance in the fund on June 30 of the fiscal year shall remain in the state library fund and shall not become part of the state’s general fund.

This rule is intended to implement Iowa Code section 256.52(3)“c.”
 [ARC 2622C, IAB 7/20/16, effective 8/24/16]

These rules are intended to implement Iowa Code sections 256.50 to 256.56.

[Filed 6/3/91, Notice 3/20/91—published 6/26/91, effective 7/31/91]

[Filed emergency 3/3/94—published 3/30/94, effective 3/30/94]

[Filed 5/6/94, Notice 3/30/94—published 5/25/94, effective 6/29/94]

[Filed emergency 8/10/95—published 8/30/95, effective 8/11/95]

[Filed 11/25/98, Notice 9/23/98—published 12/16/98, effective 1/20/99]

[Filed ARC 2622C (Notice ARC 2510C, IAB 4/27/16), IAB 7/20/16, effective 8/24/16]

[Filed ARC 4891C (Notice ARC 4554C, IAB 7/17/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 3
STATEWIDE PROGRAMS AND AGREEMENTS

BACKGROUND

The state library is charged with developing long-range plans for the continued improvement of library services in the state. The most recent long-range plans were entitled “Unified Plan for Library Service in Iowa” and the “LSTA Five-Year Plan.” The major outcomes of these planning efforts include the maintenance of SILO, a voluntary certification program for public librarians, and the continued development of standards for public libraries which includes a voluntary accreditation program.

Based on existing programs and services, the current planning effort addresses the state library’s role in promoting and developing library services in the state, coordinating interlibrary cooperation, and providing Iowans with access to the publications of state government. The state library’s other roles, such as meeting the information needs of the three branches of state government and providing census, patent, legal and medical information, are not addressed in this document.

SEE: Unified Plan for Library Service in Iowa, 1994, and the LSTA Five-Year Plan. State Library of Iowa, 1998.

286—3.1(256) State of Iowa Libraries Online (SILO). Purpose is to provide electronic access to Iowa’s library resources and to electronic information resources. Includes an electronic “card catalog” and associated electronic interlibrary loan system to facilitate the identifying and requesting of library materials among Iowa libraries. Delivers statewide library access to numerous citation and full text databases.

286—3.2(256) Enrich Iowa program.

3.2(1) Purpose. Enrich Iowa, a direct state aid program, provides incentives to improve library services and to reduce inequities among communities in the delivery of library services based on recognized and adopted performance measures. The funding is intended to supplement, not replace, local funding.

3.2(2) Eligibility.

a. To participate in the enrich Iowa program, an Iowa public library must:

(1) Be established by city ordinance or as a county library at least two years previous in accordance with Iowa Code chapter 336.

(2) Use the enrich Iowa funds to improve library services.

(3) Use program funds to supplement, not supplant, any other funding received by the library.

(4) Provide information for auditing purposes, if requested by the state library.

b. To remain eligible to participate after July 1, 2001, the library must:

(1) Meet all of the eligibility and reporting requirements outlined above.

(2) Participate in Open Access and Access Plus programs.

(3) Meet the standards requirements of Tier 1, 2, or 3.

SEE: Enrich Iowa: Fund Libraries. State Library of Iowa, September 1996.

In Service to Iowa: Public Library Measures of Quality. 3d ed. State Library, 1997.

3.2(3) Reporting procedures. All program participants shall submit the following to the state library:

a. A copy of the ordinance establishing the library or documentation of the establishment of the county library by December 15 of the first year of participation.

b. A status report, in the format prescribed by the state library, on local library use of enrich Iowa funds by December 15, 1999.

c. By July 31 following the end of the fiscal year, a final report on the use of enrich Iowa funds in the format prescribed by the state library. The report shall include a listing of program payments received and expenditures made for the fiscal year.

d. An accreditation report, in the prescribed format, as required on the three-year reporting cycle.

SEE: In Service to Iowa: Public Library Measures of Quality. 3d ed. State Library, 1997.

e. A completed annual survey, in the prescribed format, by the required date.

3.2(4) Informal appeals. Informal appeals shall be made on procedural grounds only. Such grounds include alleged conflicts of interest or procedures not uniformly applied to all public libraries.

3.2(5) Informal appeal hearing. A written request shall be sent to the state librarian. The hearing shall be held within 15 calendar days of the date of the request during regular business hours of the state library. The hearing shall be held before the state librarian or such members of a review board as the state librarian designates. The state librarian shall:

a. Notify the appellant as to the day, hour, and location of the hearing;

b. Inform the appellant of the right to submit any written documents regarding the application;

c. Inform the appellant that a spokesperson must be appointed if the appeal involves more than one person. The state librarian or designee shall direct questions only to the spokesperson during the hearing. Any other discussion or comments shall be reserved for a closed executive session. No indication of decision shall be given at the time of the hearing;

d. Notify the appellant in writing of the decision of the state librarian or designee within five working days of the hearing.

3.2(6) Formal appeal. A formal appeal of the decision of the state librarian or designee shall be made to the commission of libraries.

a. The appellant's argument shall contain:

(1) The facts of the appeal;

(2) An argument in favor of the appeal; and

(3) The remedy sought.

b. Appeals will be allowed on the procedural grounds that staff of the state library acted outside statutory authority, were influenced to act as a result of a conflict of interest, or acted in a biased or unfair manner.

c. The commission shall consider and rule on the appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 calendar days. The decision of the commission is final except as provided for in Iowa Code sections 17A.19 and 17A.20.

This rule is intended to implement 1999 Iowa Acts, Senate File 464, section 7(5).

286—3.3(256) Open Access. Purpose is to provide Iowa citizens with direct access to more library materials and information resources. It is a reciprocal borrowing program that enables users from participating libraries to directly check out materials from other participating libraries.

SEE: Open Access Program Letter of Agreement. State Library of Iowa.

286—3.4(256) Access Plus. Purpose is to provide Iowa citizens with equal access to library resources by encouraging and supporting multitype resource sharing. Access Plus subsidizes participating libraries for each interlibrary loan, from the first loan, made to an eligible Iowa library.

SEE: Access Plus Program Letter of Agreement. State Library of Iowa.

286—3.5(256) Iowa Fax Network. Rescinded IAB 12/16/98, effective 1/20/99.

286—3.6(256) In Service to Iowa: Public Library Measures of Quality. Purpose is to provide performance measures to encourage the ongoing development of quality public library service in the state. By identifying policies, service levels, role selection and output measures, consistency and quality in all aspects of public library service can be achieved.

SEE: In Service to Iowa: Public Library Measures of Quality. 3d ed. State Library of Iowa, 1997.

286—3.7(256) Iowa Certification Program for Public Librarians. Purpose is to improve library service in Iowa by encouraging public librarians to acquire, maintain and develop skills through basic and continuing education, by recognizing librarians who update skills, by improving the public image of librarians, and by providing guidelines for public library boards to use in developing hiring policies.

SEE: Iowa Certification Program for Public Libraries. State Library of Iowa, 1993.

286—3.8(256) Summer library program.

3.8(1) Purpose is to assist public libraries in planning summer reading programs by producing promotional and programming materials, locally adaptable, to help improve library service to youth in Iowa and to improve skills of librarians.

3.8(2) Procedures.

- a. An advisory committee provides advice to the state library regarding this program.
- b. Working with a multistate cooperative, the manual and promotional materials are developed around a theme.
- c. Participating libraries may purchase theme materials (manuals, posters, bookmarks, and related materials).
- d. The program is publicized and promoted through the state library's newsletter and through regional workshops each year.

286—3.9(256) Iowa Depository for Iowa Publications Purpose. The depository library center is established within the state library to serve as the central agency for the collection and distribution of publications issued by state agencies to depository libraries.

3.9(1) Definitions.

"Core depository" shall receive only those publications found on the periodically compiled core list.

"Core list" of Iowa state documents is a selected list intended to meet the basic document needs of libraries.

"Depository library" means a library designated for the deposit of state publications.

"Depository library center" shall be the headquarters for the state documents depository program and shall also be referred to as the "state documents center."

"Full depository" shall be a library receiving everything collected by the depository library center.

"Permanent depository" shall be a library receiving and permanently maintaining two copies of each state publication.

"State agency" means a legislative, executive, or judicial office of the state and all of its respective offices, departments, divisions, bureaus, boards, commissions, committees, and state institutions of higher education governed by the state board of regents.

"State publications" are defined as any multiply produced informational products or materials regardless of format, method of reproduction, or source, originating in or produced with the imprint of, by the authority of, or at the total or partial expense of, any state agency. The definition incorporates those publications that may or may not be financed by state funds but are released by private bodies such as research and consultant firms under contract with or supervision of any state agency. State information products specifically include, but are not limited to, public documents appearing as reports, directories, statistical compendiums, bibliographies, lists, state plans, statutes, codes, laws and bills, rules, regulations, transcripts of public hearings, journals, newsletters, bulletins, periodicals, books, pamphlets, brochures, charts, maps, surveys, other printed matter, audiovisual materials, microfilm, microfiche, and all electronic information sources in all electronic formats. State information products do not include correspondence and memoranda intended solely for internal use within the agency or between agencies, materials designated by law as being confidential, materials excluded from this definition by the department through the adoption and enforcement of rules, and materials determined by the depository library center staff to be exempt.

3.9(2) Administration of the depository program.

a. The state documents depository program shall be administered by the depository librarian under the direction of the state librarian.

b. The state library/depository library center shall serve as the last copy depository for predepository state information products and for those products never deposited with the center since its 1979 inception.

3.9(3) State agency requirements.

a. Upon issuance of a state publication a state agency shall deposit with the depository library center, at no cost to the center, ten copies of the publication, or a lesser amount if specified by the center.

b. It shall be the responsibility of the issuing state agency to create duplicate copies of publications in limited supply to meet the minimal copy requirements of the depository library center as specified by the center.

3.9(4) Designation of depositories.

a. The state library and the University of Iowa shall be designated as the two permanent depositories for Iowa state publications.

b. The Library of Congress shall receive one copy of each state publication collected.

c. Depository status of additional libraries shall be determined by the state librarian upon written application by a library. A library may be designated as either a full depository or core depository based upon the judgment of the depository library center and the preference of the library.

d. Depository libraries may be selected on the basis of one or more of the following criteria:

(1) Geographic location consistent with a policy of distributing depositories so as to minimize the travel distance of a user.

(2) Demonstrated ability to handle the receipts desired based on size of collection, identified need of the library's clientele, and the availability of space, staff and equipment.

(3) Demonstrated need/value to state of placing depository collection in facility.

(4) Present federal depository status.

Upon approval of the application, a contract with the depository library shall be completed.

3.9(5) Depository library requirements.

a. The permanent depositories shall permanently maintain two copies of each publication. One copy shall be considered archival and will not circulate. The other copy shall be available for loan.

b. All publications received under this program by the full depository and core depository libraries shall be retained for a minimum period of six years unless a lesser retention period is designated for an item or items by the depository library center.

c. The depository agrees to make the documents available for free public use.

d. Materials missing from depository shipments shall be claimed from the depository library center within one month of receipt of the shipment. After that time, requests shall be made directly to the issuing agency or the state printer.

3.9(6) Withdrawal of a library from the program.

a. A full depository library may withdraw from the depository program by sending written notice to the depository library center 60 days prior to such withdrawal.

b. A core depository library may withdraw from this program by sending written notice to the depository library center.

c. A library's depository designation may be withdrawn for failure to conform to the terms of the contract.

d. Upon termination of the contract the depository documents become the property of the depository library center and must be returned to the center or to such other depositories as may be specified by the center.

[ARC 4892C, IAB 1/29/20, effective 3/4/20]

These rules are intended to implement Iowa Code sections 256.50 to 256.55.

[Filed emergency 3/3/94—published 3/30/94, effective 3/30/94]

[Filed 5/6/94, Notice 3/30/94—published 5/25/94, effective 6/29/94]

[Filed 11/25/98, Notice 9/23/98—published 12/16/98, effective 1/20/99]

[Filed emergency 6/9/99—published 6/30/99, effective 6/9/99]

[Filed 8/6/99, Notice 6/30/99—published 8/25/99, effective 9/29/99]

[Filed ARC 4892C (Notice ARC 4553C, IAB 7/17/19), IAB 1/29/20, effective 3/4/20]

EGG COUNCIL, IOWA[301]

Rules transferred from agency number [345] to [301] to conform with the reorganization numbering scheme in general, IAC Supp. 10/8/86.

CHAPTER 1 ORGANIZATION AND PURPOSE

- 1.1(184) Iowa egg council composition
- 1.2(184) Officers
- 1.3(184) Staff
- 1.4(184) Meetings
- 1.5(184) Quorum

CHAPTER 2 RULES OF PRACTICE

- 2.1(184) Definitions
- 2.2(184) Public information
- 2.3(184) Informal settlement of controversies
- 2.4(184) Declaratory rulings
- 2.5(184) Petition for adoption of rules

CHAPTER 3 ELECTION OF MEMBERS

- 3.1(184) Nominations
- 3.2(184) Election procedure

CHAPTER 4 ASSESSMENT ON EGGS

- 4.1(184) Rate of assessment
- 4.2(184) Collection of assessment
- 4.3(184) Refunds

CHAPTER 5 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)

- 5.1(17A,22) Definitions
- 5.3(17A,22) Requests for access to records
- 5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 5.9(17A,22) Public records; confidential records
- 5.10(17A,22) Personally identifiable information
- 5.11(17A,22) Data processing

CHAPTER 1
ORGANIZATION AND PURPOSE

301—1.1(184) Iowa egg council composition. The Iowa egg council consists of seven members. Each council member must be a natural person who is a producer or an officer, equity owner, or employee of a producer. Two persons shall represent large producers, two persons shall represent medium producers, and three persons shall represent small producers. These members are elected according to 301—Chapter 3. The council is responsible for promoting market development for eggs, advancing public relations for the egg industry, and administering the assessment on eggs produced in Iowa imposed in Iowa Code chapter 184.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.2(184) Officers. The officers of the Iowa egg council shall be as follows: chairperson, vice-chairperson, and secretary/treasurer. Each officer shall be elected by vote of the council for a term of one year and may be reelected by vote of the council to serve one subsequent term in the same office.

1.2(1) The chairperson shall set the date for meetings, preside at meetings, and sign vouchers and other documents approved by the council.

1.2(2) The vice-chairperson shall act in the chairperson's place when the chairperson is unable to act.

1.2(3) The secretary/treasurer shall supervise the preparation of minutes of meetings, financial records and financial reports of the Iowa egg fund.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.3(184) Staff. The Iowa egg council may employ an executive director, a consumer specialist, and such other staff persons as it deems necessary to aid in the completion of its duties.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.4(184) Meetings. The Iowa egg council shall meet at those times designated by the chairperson at least once every three months and at other times the council determines are necessary. All meetings shall be held at such locations as are determined by the council.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—1.5(184) Quorum. A majority of voting members of the council present during a meeting shall constitute a quorum. A majority of the members present during a meeting is necessary to carry out the duties and exercise the powers of the council as provided in this chapter, unless the council requires a greater number.

This rule is intended to implement Iowa Code section 17A.3 and chapter 184.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 2
RULES OF PRACTICE

301—2.1(184) Definitions. All words and terms defined in Iowa Code section 184.1 employed in these rules are given the definitions found in that chapter. The following words and terms used in these rules shall have the meaning hereafter ascribed to them:

“*Eligible voter*” means every producer who owns, or contracts for the care of, 30,000 or more layer-type chickens raised in this state.

This rule is intended to implement Iowa Code section 184.10.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.2(184) Public information. The public is invited to obtain information or make informal requests of the council by addressing these matters, either orally or in writing, to the executive director of the Iowa Egg Council, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.3(184) Informal settlement of controversies. Every possible attempt will be made to handle all complaints and controversies, whether raised by the council or by members of the public, in an informal manner.

2.3(1) In cases of a routine nature, the executive director or chairperson shall attempt to settle the matter. In cases indicating a need for interpretation of council policy or legal interpretation, the executive director may defer action until after consultation with the chairperson or with legal counsel, or the chairperson may defer action until after consultation with legal counsel, or either may defer action until after discussion of the subject at a council meeting.

2.3(2) In cases not of a routine nature, or in cases in which the efforts of the executive director or chairperson are unsuccessful, the council itself shall act to resolve the matter. In cases indicating a need for legal advice, the council may defer action until after consultation with legal counsel.

This rule is intended to implement Iowa Code section 17A.10.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.4(184) Declaratory rulings. On petition by an interested party who is aggrieved or adversely affected by the question contained in the petition, the council may issue a declaratory ruling with respect to the interpretation or applicability of any statutory provision, rule, or other written statement of the law or policy, decision, or order of the council.

2.4(1) Petitions shall be titled “PETITION FOR DECLARATORY RULING” and shall include the name and address of all petitioners. The body of the petition must state the precise factual situation involved, the exact question to which an answer is desired, and the exact words, passages, sentences, or paragraphs which are the subject of inquiry.

2.4(2) The petition shall be filed at the office of the council at 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322.

2.4(3) The council will refuse to issue a declaratory ruling if the petition does not state with enough specificity the factual situation or the question presented; if the issuance of the ruling would not be in the best interests of the public; or for any other reason it deems just and proper.

2.4(4) The council shall issue a ruling or dismiss the petition within 60 days of the filing of the petition except that when additional information is requested, the ruling shall be issued within 60 days following receipt of the requested information.

This rule is intended to implement Iowa Code section 17A.9.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—2.5(184) Petition for adoption of rules. An interested person may file with the council a written request that the council adopt, amend, or repeal a rule. The petition shall be addressed to the Iowa Egg Council, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322, and shall include:

1. The names of those requesting the change.

2. The proposed rule or present rule as it would read following the desired amendment.
3. The reason for the proposed rule or amendment.
4. The statutory authority for the proposed rule or amendment.

Within 60 days following receipt of the petition, the council shall either deny the petition in writing on the merits, stating its reason for denial, or initiate rule-making proceedings.

This rule is intended to implement Iowa Code section 17A.7.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 3
ELECTION OF MEMBERS

301—3.1(184) Nominations.

3.1(1) Not later than five months prior to election, council members will determine classifications for small, medium, and large production. Iowa egg council assessment records for four consecutive and recent quarters will be used to determine number of layer-type chickens for each producer. Producers and numbers of layer-type chickens will be listed from small to large numbers. The council will review the list and equitably determine classifications of small, medium, and large producers. Classifications will be approved by the council.

3.1(2) Not later than 60 days prior to the end of each council member's term of office, the council shall cause to be published a notice to the electorate about vacancies on the council and the nominations of the nominating committee of the Iowa egg council. Such notice shall be on a form and shall contain information required to be contained in Exhibit 1, set out at the end of these rules and made a part hereof by reference. In addition, the council shall mail to each eligible voter appearing on council records a copy of said written notice at the address of such voter as contained in the records of the council.

3.1(3) Each notice shall contain a form for petition for nomination of producer candidates which shall conform to Exhibit 2, set out at the end of these rules and made a part hereof by reference.

3.1(4) The period for nomination by petition shall commence 60 days prior to the election date and end 30 days prior to the election date, not counting the day of election itself.

3.1(5) Nominating petitions shall be filed with the council at its address as indicated on the notice of nominations no later than 4 p.m. on the thirtieth day preceding the election, not counting the day of election itself.

3.1(6) All eligible nominees nominated by valid petition signed by three producers shall be included on the ballot and shall be eligible for election to the council.

3.1(7) All nominating petitions shall be reviewed by the council for propriety, and the ballot shall be prepared to include all procedures properly nominated.

This rule is intended to implement Iowa Code section 184.8.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—3.2(184) Election procedure.

3.2(1) Not less than 12 nor more than 18 days prior to the election day, not counting the election day itself, the council shall cause to be mailed to each eligible voter appearing on the council records, a notice of election and one ballot on the forms marked Exhibits 3 and 4 respectively, set out at the end of these rules and made a part hereof by reference.

3.2(2) In addition to the mailed notice provided for above, the council shall cause to be published on the Iowa egg council website and in the producer newsletter a notice of election and form of ballot. This published notice shall appear not less than 10 nor more than 20 days prior to the date of election, not counting the election day itself.

3.2(3) The council shall furnish a ballot to any person who requests one, even though the eligibility of such person to vote has not been determined. The outside of each envelope provided to such persons shall be marked to show that eligibility to vote has not been determined, and such information as will enable the council to determine that person's eligibility to vote shall be included with the ballot.

3.2(4) The council shall have the authority to determine the eligibility of all persons voting in the election.

3.2(5) Each producer shall be permitted to vote only for one producer-nominee to fill each vacancy on the council.

3.2(6) All nominees for office shall be listed alphabetically, within each category, on the ballot.

3.2(7) Ballots may be returned to the place specified in the notice of election in envelopes provided by the council for that purpose or may be deposited in ballot boxes provided for that purpose in such locations as may be specified by the council.

3.2(8) All ballots shall, upon receipt, be placed in a ballot box provided for that purpose and shall remain unopened until the date prescribed for counting of said ballots. All ballot boxes shall be closed at 5 p.m. on the day of election. Only those ballots actually received by 5 p.m. on the day of election, either in person or in the mail, shall be counted.

3.2(9) All ballots shall be counted by the election committee within seven days after the election date and certified to the council.

3.2(10) The election committee shall consist of board members not up for reelection.

3.2(11) In case of a tie, the tie will be broken by the election committee by drawing lots.

This rule is intended to implement Iowa Code section 184.8.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 4
ASSESSMENT ON EGGS

301—4.1(184) Rate of assessment. The assessment on egg sales authorized by Iowa Code section 184.3 and established by referendum as specified in Iowa Code section 184.2 is set by the council at not more than five cents for each 30 dozen eggs (one case) sold by a producer.

This rule is intended to implement Iowa Code section 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—4.2(184) Collection of assessment.

4.2(1) The assessment is to be imposed on eggs produced in Iowa, including shell eggs or eggs broken for further processing, but does not include fertile eggs that are incubated, hatched, or used for vaccines.

4.2(2) The assessment is not to be imposed on the sale of hatching eggs which are actually used by the purchaser for hatching. However, the assessment shall be imposed on the sale of hatching eggs which are actually intended for human consumption.

4.2(3) Except as provided above, egg processors who have purchased eggs from producers during any calendar quarter must remit to the Iowa egg council all assessments collected during that quarter not later than 30 days after each calendar quarter. All other persons who collect the assessment but who are not referred to in Iowa Code section 184.3 must also forward to the council the amount assessed, not later than 30 days after each calendar quarter.

4.2(4) Each remittance must be accompanied by the information required by the assessment and remittance form provided by the council, which has been marked Exhibit 5, set out at the end of these rules and made a part hereof by reference.

4.2(5) If the producer is also the processor, the producer shall remit the assessment directly, using the same forms and procedures as in cases involving both producer and processor.

4.2(6) An assessment is considered “remitted” within the meaning of Iowa Code section 184.13:

a. If mailed, on the date it is postmarked by the United States mail in an envelope addressed to the Iowa egg council at the council office.

b. If not mailed, on the date it is received at the council’s office.

This rule is intended to implement Iowa Code section 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—4.3(184) Refunds. The assessment shall not be refundable.

This rule is intended to implement Iowa Code section 184.3.
[ARC 4886C, IAB 1/29/20, effective 3/4/20]

[Filed 3/1/78, Notice 11/2/77—published 3/22/78, effective 4/26/78]

[Filed 7/9/79, Notice 5/16/79—published 8/8/79, effective 10/1/79]

[Filed emergency 5/21/92—published 6/10/92, effective 7/1/92]

[Filed emergency 4/20/95—published 5/10/95, effective 4/21/95]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

NOTE: See following pages for Exhibits 1 to 5.

EXHIBIT 1. NOTICE OF ELECTION OF IOWA EGG COUNCIL

TO: All Iowa Egg Producers

This is to notify all Iowa egg producers eligible to vote for representatives to the Iowa Egg Council, pursuant to Iowa Code chapter 184, that the election for members of the Council will be held on the ____ day of _____, _____. The following vacancies will be filled in this election: one Egg Producer Representative for large producers, one Egg Producer Representative for medium producers, one Egg Producer Representative for small producers.

The following nominations have been made by the Iowa Egg Council Nominating Committee. Egg Producer Representative for large egg producers: Egg Producer Jones and Egg Producer Smith. Egg Producer Representative for medium egg producers: Egg Producer Smith and Egg Producer Jones. Egg Producer Representative for small egg producers: Egg Producer Jones and Egg Producer Smith.

The Iowa Egg Council will send ballots to each eligible voter appearing on the council records by the ____ day of _____, _____. Additional ballots can be furnished upon request from the Iowa Egg Council.

In order to be counted, ballots must be received by the Iowa Egg Council no later than 5 p.m. on the ____ day of _____, _____.

Executive Director
Iowa Egg Council

EXHIBIT 2. NOMINATING PETITION

Date Submitted

Name and Address of Nominee

Number of layer-type chickens raised in Iowa

The undersigned, being egg producers in the state of Iowa, hereby nominate the above named person to be an Iowa Egg Council Egg Producer Candidate representing medium egg production. We certify that the nominee is willing to serve if elected.

	Name	Address
1.	_____	_____
2.	_____	_____
3.	_____	_____

INSTRUCTIONS FOR PETITIONERS

All blank items must be legibly completed.

Show nominee's name as it is to be shown on the ballot.

The nominee must be:

Eligible to vote in the election.

A producer with layer-type chickens raised in Iowa within the classification (small, medium, or large) which represents the vacancy on the council.

Eligible to hold an office.

Willing to serve if elected.

The petition must be:

Signed by at least three eligible Iowa Egg Council voters.

Delivered to the Iowa Egg Council office not later than _____.

EXHIBIT 3. ELECTION NOTIFICATION LETTER

Iowa Egg Council
8515 Douglas Avenue, Suite 9
Urbandale, Iowa 50322

Date _____

Iowa Egg Producer:

The Iowa Egg Council election will be held on the ____ day of _____, ____.

Please use the ballot to vote for your choice of representative(s) to the Iowa Egg Council. The ballot lists the names of the candidates.

If you have any questions on eligibility to vote or to hold office, please contact the Iowa Egg Council office to obtain an answer.

Efforts will be made to ensure the secrecy of your vote. The number of votes received by any candidate is available to you on request after the vote counting is completed.

The candidate receiving the highest number of votes will be elected to the Council vacancy.

REMEMBER _____, _____ IS
THE FINAL DATE TO CAST YOUR VOTE.

Iowa Egg Council elections are open to all eligible voters without regard to race, color, religion, sex, or national origin.

Executive Director
Iowa Egg Council

EXHIBIT 4. IOWA EGG COUNCIL ELECTION OFFICIAL BALLOT

INSTRUCTIONS FOR VOTING:

1. If you are a producer who owns, or contracts for the care of, thirty thousand or more layer-type chickens raised in Iowa, you are eligible to vote for members of the Iowa Egg Council.
2. Vote for one candidate for each vacancy. If you vote for more than one for each vacancy, your vote will not be counted.
3. Mark an "X" by the name of the candidate you are voting for.
4. Follow the instructions provided.

**EXHIBIT 5.
ASSESSMENT RECORD AND REMITTANCE REPORT**

Page ____ of ____ Pages

MAIL OR SEND TO: Iowa Egg Council
8515 Douglas Avenue, Suite 9
Urbandale, Iowa 50322

_____ Date of this report _____
(Handler or processor name)

_____ Report for period _____
(Route or Street & No.) Beginning Ending

_____ Employer identification
(City) (State) (ZIP Code) or social security number _____

Date of Purchase	Owner (and flock number if applicable)					No. of 30 doz. cases of eggs packed, handled, processed or purchased	Total Deduction 2½¢ per 30 dozen cases	
	Name	Route	City	State	ZIP			
	Total from Previous Page							
	When using more than one page, carry totals to top line of succeeding page.					TOTALS	30 Dozen cases	\$

CHAPTER 5
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The Iowa egg council hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are published at www.legis.iowa.gov/docs/publications/ACOD/767403.pdf on the General Assembly's website.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—5.1(17A,22) Definitions. As used in this chapter:

“Agency” in these rules means the Iowa egg council.

301—5.3(17A,22) Requests for access to records.

5.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “executive director”. In lieu of the words “(insert agency name and address)”, insert “Iowa Egg Council, 8515 Douglas Avenue, Suite 9, Urbandale, Iowa 50322”.

5.3(2) Office hours. In lieu of the words “(insert customary hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m. daily, excluding Saturdays, Sundays, and legal holidays”.

5.3(7) Fees.

c. Supervisory fee. In lieu of “(specify time period)”, insert “one hour”.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of the words “(designate office)”, insert “Iowa egg council”.

301—5.9(17A,22) Public records; confidential records. All records in the possession of the council other than confidential records are public records. The council shall deem to be confidential those categories of records enumerated in Iowa Code section 22.7 which are in its possession.

301—5.10(17A,22) Personally identifiable information. Agency records include the following personally identifiable information: excise tax remittance in identifying individual producers and the amounts remitted, refund requests from producers, and personal information in confidential personnel records. This information is collected pursuant to the authority of Iowa Code chapter 184 and is stored in the office files of the council office. Personally identifiable information contained in these records shall be confidential.

[ARC 4886C, IAB 1/29/20, effective 3/4/20]

301—5.11(17A,22) Data processing. No data processing system collates or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

These rules are intended to implement Iowa Code section 22.11.

[Filed emergency 9/16/88—published 10/5/88, effective 9/16/88]

[Filed 4/14/89, Notice 10/5/88—published 5/3/89, effective 6/7/89]

[Filed ARC 4886C (Notice ARC 4783C, IAB 12/4/19), IAB 1/29/20, effective 3/4/20]

CHAPTER 10

911 TELEPHONE SYSTEMS

[Prior to 4/18/90, see Public Defense[601]Ch 10]

[Prior to 5/12/93, Disaster Services Division[607]Ch 10]

605—10.1(34A) Program description. The purpose of this program is to provide for the orderly development, installation, and operation of 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part. These systems shall be operated under governmental management and control for the public benefit. These rules shall apply to each joint 911 service board or alternative 28E entity as provided in Iowa Code chapter 34A and to each provider of 911 service.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.2(34A) Definitions. As used in this chapter, unless context otherwise requires:

“*Access line*” means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

“*Automatic location identification (ALI)*” means a system capability that enables an automatic display of information defining a geographical location of the telephone used to place the 911 call.

“*Automatic number identification (ANI)*” means a capability that enables the automatic display of the number of the telephone used to place the 911 call.

“*Call attendant*” means the person who initially answers a 911 call.

“*Call detail recording*” means a means of establishing chronological and operational accountability for each 911 call processed, consisting minimally of the caller’s telephone number, the date and time the 911 telephone equipment established initial connection (trunk seizure), the time the call was answered, the time the call was transferred (if applicable), the time the call was disconnected, the trunk line used, and the identity of the call attendant’s position, also known as an ANI printout.

“*Call relay method*” means the 911 call is answered at the PSAP, where the pertinent information is gathered, and the call attendant relays the caller’s information to the appropriate public or private safety agency for further action.

“*Call transfer method*” means the call attendant determines the appropriate responding agency and transfers the 911 caller to that agency.

“*Central office (CO)*” means a telephone company facility that houses the switching and trunking equipment serving telephones in a defined area.

“*Coin-free access (CFA)*” means coin-free dialing or no-coin dial tone which enables a caller to dial 911 or “0” for operator without depositing money or incurring a charge.

“*Communications service*” means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device, wireless communications device or any other device capable of interfacing with the 911 system.

“*Competitive local exchange service provider*” means the same as defined in Iowa Code section 476.96.

“*Conference transfer*” means the capability of transferring a 911 call to the action agency and allowing the call attendant to monitor or participate in the call after it has been transferred to the action agency.

“*Direct dispatch method*” means 911 call answering and radio-dispatching functions, for a particular agency, are both performed at the PSAP.

“*Director*,” unless otherwise noted, means the director of the homeland security and emergency management department.

“*Emergency call*” means a telephone request or text message request for service which requires immediate action to prevent loss of life, reduce bodily injury, prevent or reduce loss of property and respond to other emergency situations determined by local policy.

“*Emergency communications service surcharge*” means a charge established by the program manager in accordance with Iowa Code section 34A.7A.

“Emergency services internet protocol network” or *“ESInet”* means a system using broadband packet-switched technology that is capable of supporting the transmission of varying types of data to be shared by all public and private safety agencies that are involved in an emergency.

“Enhanced 911 (E911)” means the general term referring to emergency telephone systems with specific electronically controlled features, such as ALI, ANI, and selective routing.

“Enhanced 911 (E911) operating authority” means the public entity, which operates an E911 telephone system for the public benefit, within a defined enhanced 911 service area.

“Enhanced wireless 911 service, phase I” means an emergency wireless telephone system with specific electronically controlled features such as ANI, specific indication of wireless communications tower site location, selective routing by geographic location of the tower site.

“Enhanced wireless 911 service, phase II” means an emergency wireless telephone system with specific electronically controlled features such as ANI and ALI and selective routing by geographic location of the 911 caller.

“Exchange” means a defined geographic area served by one or more central offices in which the telephone company furnishes services.

“Geographic information system” or *“GIS”* means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographical data.

“Implementation” means the activity between formal approval of an E911 service plan and a given system design, and commencement of operations.

“Joint 911 service board” means those entities that are created under the provisions of Iowa Code section 34A.3, which include the legal entities created pursuant to Iowa Code chapter 28E referenced in Iowa Code subsection 34A.3(3), and that operate a 911 telephone system for the public benefit within a defined 911 service area.

“Local exchange carrier” means the same as defined in Iowa Code section 476.96.

“Next generation 911 network” means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and is responsible for the delivery of all 911 messages within the state. “Next generation 911 network” replaces enhanced 911 and includes but is not limited to 911 voice and nonvoice messages generated by originating service providers, ESInet, GIS, cybersecurity, and other system components.

“Next generation 911 network service provider” means a vendor or vendors selected by the department to provide next generation 911 network functionality.

“911 call” means any telephone call that is made by dialing the digits 911.

“911 call processing equipment” means equipment owned by the department that functions in a host remote environment, provides 911 call processing functionality to public safety answering points, and utilizes the next generation 911 network. “911 call processing equipment” includes but is not limited to computer aided dispatch, voice logging recorders, mapping, and emergency medical dispatch.

“911 call processing equipment provider” means a vendor or vendors selected by the department to provide 911 call processing equipment.

“911 call transport provider” means a vendor or vendors selected by the department to deliver aggregated wireline 911 call traffic to the next generation 911 network and from the next generation 911 network to public safety answering points.

“911 communications council” means the council as established under the provisions of Iowa Code section 34A.15.

“911 program manager” means that person appointed by the director of the homeland security and emergency management department, and working with the 911 communications council, to perform the duties specifically set forth in Iowa Code chapter 34A and this chapter.

“911 service area” means the geographic area encompassing at least one entire county, and which may encompass a geographical area outside the one entire county not restricted to county boundaries, serviced or to be serviced under a 911 service plan.

“911 service plan” means a plan, produced by a joint 911 service board, which includes the information required by Iowa Code subsection 34A.2(2) as amended by 2018 Iowa Acts, House File 2254, section 2.

“*911 system*” means a telephone system that automatically connects a caller, dialing the digits 911, to a PSAP.

“*Nonrecurring costs*” means one-time charges incurred by a joint E911 service board or operating authority including, but not limited to, expenditures for E911 service plan preparation, capital outlay, communications equipment to receive and dispatch emergency calls, installation, and initial license to use subscriber names, addresses and telephone information.

“*One-button transfer*” means another term for a (fixed) transfer which allows the call attendant to transfer an incoming call by pressing a single button. For example, one button would transfer voice and data to a fire agency, and another button would be used for police, also known as “selective transfer.”

“*Originating service provider*” means a communications provider that allows its users or subscribers to originate 911 voice or nonvoice messages from the public to public safety answering points, including but not limited to wireline, wireless, and voice over internet protocol services.

“*Political subdivision*” means a geographic or territorial division of the state that would have the following characteristics: defined geographic area, responsibilities for certain functions of local government, public elections and public officers, and taxing power. Excluded from this definition are departments and divisions of state government and agencies of the federal government.

“*Prepaid wireless telecommunications service*” means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

“*Provider*” means a person, company or other business that provides, or offers to provide, 911 equipment, installation, maintenance, or access services.

“*Public or private safety agency*” means a unit of state or local government, a special purpose district, or a private firm, which provides or has the authority to provide firefighting, police, ambulance, emergency medical services or hazardous materials response.

“*Public safety answering point (PSAP)*” means a 24-hour, state, local, or contracted communications facility, which has been designated by the local service board to receive 911 service calls and dispatch emergency response services in accordance with the E911 service plan.

“*Public switched telephone network*” means a complex of diversified channels and equipment that automatically routes communications between the calling person and called person or data equipment.

“*Recurring costs*” means repetitive charges incurred by a joint E911 service board or operating authority including, but not limited to, personnel time directly associated with database management and personnel time directly associated with addressing, lease of access lines, lease of equipment, network access fees, communications equipment to receive and dispatch emergency calls, and applicable maintenance costs.

“*Selective routing (SR)*” means a 911 system feature that enables all 911 calls originating from within a defined geographical region to be answered at a predesignated PSAP.

“*Subscriber*” means any person, firm, association, corporation, agencies of federal, state and local government, or other legal entity responsible by law for payment for communication service from the telephone utility.

“*Tariff*” means a document filed by a telephone company with the state telephone utility regulatory commission which lists the communication services offered by the company and gives a schedule for rates and charges.

“*Telecommunications device for the deaf (TDD)*” means any type of instrument, such as a typewriter keyboard connected to the caller’s telephone and involving special equipment at the PSAP which allows an emergency call to be made without speaking, also known as a TTY.

“*Telematics*” means a vehicle-based mobile data application which can automatically call for assistance if the vehicle is in an accident.

“*Trunk*” means a circuit used for connecting a subscriber to the public switched telephone network.

“*Voice over internet protocol service*” means a service to which all of the following apply:

1. The service provides real-time, two-way voice communications transmitted using internet protocol or a successor protocol.
2. The service is offered to the public, or such classes of users as to be effectively available to the public.
3. The service has the capability to originate traffic to, and terminate traffic from, the public switched telephone network or a successor network.

“*Wireless communications service*” means commercial mobile radio service. “Wireless communications service” includes any wireless two-way communications used in cellular telephone service, personal communications service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network access line. “Wireless communications service” does not include a service whose customers do not have access to 911 or 911-like service, a communications channel utilized only for data transmission, or a private telecommunications system.

“*Wireless communications service provider*” means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

“*Wireless E911 phase 1*” means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the address of the tower that received the call to the appropriate public safety answering point.

“*Wireless E911 phase 2*” means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

“*Wireless NG911 service area*” means the geographic area to be served, or currently served, by a PSAP under a wireless NG911 service plan.

“*Wireline 911 service surcharge*” means a charge assessed on each wireline access line which physically terminates within the 911 service area in accordance with Iowa Code section 34A.7.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 2741C, IAB 10/12/16, effective 9/14/16; ARC 2835C, IAB 12/7/16, effective 1/11/17; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

605—10.3(34A) Joint 911 service boards. Each county board of supervisors shall establish a joint 911 service board.

10.3(1) Membership.

a. Each political subdivision of the state having a public safety agency serving territory within the county 911 service area and each local emergency management agency as defined in Iowa Code section 29C.2 operating within the 911 service area is entitled to one voting membership. The sheriff of each county, or the sheriff’s designee, is entitled to voting membership on the county’s joint 911 service board. The chief of police of each city operating a public safety answering point, or the chief of police’s designee, is entitled to voting membership on the joint 911 service board of the county where the city is located. For the purposes of this paragraph, a township that operates a volunteer fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a volunteer fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county.

b. Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county 911 service area, is entitled to a nonvoting membership on the board.

c. Public and private safety agencies headquartered outside but operating within a county 911 service area are entitled to membership according to their status as a public or private safety agency.

d. A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint 911 service board. However, its contractor is entitled to one voting membership according to the contractor’s status as a public or private safety agency.

e. The joint 911 service board elects a chairperson and vice chairperson.

f. The joint 911 service board shall annually submit a listing of members, to include the political subdivision they represent and, if applicable, the associated 28E agreement, to the 911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating budget for the ensuing fiscal year and shall be on the prescribed form provided by the 911 program manager.

10.3(2) *Alternate 28E entity.* The joint 911 service board may organize as an Iowa Code chapter 28E agency as authorized in Iowa Code subsection 34A.3(3), provided that the 28E entity meets the voting and membership requirements of Iowa Code subsection 34A.3(1).

10.3(3) *Joint 911 service board bylaws.* Each joint 911 service board shall develop bylaws to specify, at a minimum, the following information:

- a.* The name of the joint 911 service board.
- b.* A list of voting and nonvoting members.
- c.* The date for the commencement of operations.
- d.* The mission.
- e.* The powers and duties.
- f.* The manner for financing activities and maintaining a budget.
- g.* The manner for acquiring, holding and disposing of property.
- h.* The manner for electing or appointing officers and terms of office.
- i.* The manner by which members may vote to include, if applicable, the manner by which votes may be weighted.
- j.* The manner for appointing, hiring, disciplining, and terminating employees.
- k.* The rules for conducting meetings.
- l.* The permissible method or methods to be employed in accomplishing the partial or complete termination of the board and the disposing of property upon such complete or partial termination.
- m.* Any other necessary and proper rules or procedures.

Each member shall sign the adopted bylaws.

The joint 911 service board shall record the signed bylaws with the county recorder and shall forward a copy of the signed bylaws to the 911 program manager at the homeland security and emergency management department.

10.3(4) *Executive board.* The joint 911 service board may, through its bylaws, establish an executive board to conduct the business of the joint 911 service board. Members of the executive board must be selected from the eligible voting members of the joint 911 service board. The executive board will have such other duties and responsibilities as assigned by the joint 911 service board.

10.3(5) *Meetings.*

a. The provisions of Iowa Code chapter 21, “Official Meetings Open to the Public,” are applicable to joint 911 service boards.

b. Joint 911 service boards shall conduct meetings in accordance with their established bylaws and applicable state law.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 4887C, IAB 1/29/20, effective 3/4/20]

605—10.4(34A) 911 service plan.

10.4(1) The joint 911 service board shall be responsible for developing a 911 service plan as required by Iowa Code section 34A.3 and as set forth in these rules. The plan will remain the property of the joint 911 service board. Each joint 911 service board shall coordinate planning with each contiguous joint 911 service board. A copy of the plan and any modifications and addenda shall be submitted to:

- a.* The homeland security and emergency management department.
- b.* All public and private safety agencies serving the 911 service area.
- c.* All providers affected by the 911 service plan.

10.4(2) The 911 service plan shall, at a minimum, encompass the entire county, unless a waiver is granted by the director. Each plan shall include:

- a.* The mailing address of the joint 911 service board.

- b.* A list of voting members on the joint 911 service board.
 - c.* A list of nonvoting members on the joint 911 service board.
 - d.* The name of the chairperson and of the vice chairperson of the joint 911 service board.
 - e.* A geographical description of the 911 service area.
 - f.* A list of all public and private safety agencies within the 911 service area.
 - g.* The number of public safety answering points within the 911 service area.
 - h.* A statement of recurring and nonrecurring costs to be incurred by the joint 911 service board.
- These costs shall be limited to costs directly attributable to the provision of 911 service.
- i.* The total number of telephone access lines by a telephone company or companies having points of presence within the 911 service area and the number of this total that is exempt from surcharge collection as provided in rule 605—10.9(34A) and Iowa Code subsection 34A.7(3).
 - j.* If applicable, a schedule for implementation of the plan throughout the 911 service area. A joint 911 service board may decide not to implement 911 service.
 - k.* The total property valuation in the 911 service area.
 - l.* Maps of the 911 service area showing:
 - (1) The jurisdictional boundaries of all law enforcement agencies serving the area.
 - (2) The jurisdictional boundaries of all firefighting districts and companies serving the area.
 - (3) The jurisdictional boundaries of all ambulance and emergency medical service providers operating in the area.
 - (4) The location of PSAP(s) within the service area.
 - m.* A block drawing for each telephone central office within the service area showing the method by which the 911 call will be delivered to the PSAP(s).
 - n.* A plan to migrate to an internet protocol-enabled next generation network.

10.4(3) All plan modifications and addenda shall be filed with, reviewed, and approved by the 911 program manager.

10.4(4) The 911 program manager shall base acceptance of the plan upon compliance with the provisions of Iowa Code chapter 34A and the rules herein.

10.4(5) The 911 program manager will notify in writing, within 20 days of review, the chairperson of the joint 911 service board of the approval or disapproval of the plan.

a. If the plan is disapproved, the joint 911 service board will have 90 days from receipt of notice to submit revisions/addenda.

b. Notice for disapproved plans will contain the reasons for disapproval.

c. The 911 program manager will notify the chairperson, in writing within 20 days of review, of the approval or disapproval of the revisions.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

605—10.5(34A) Wireline 911 service surcharge.

10.5(1) One source of funding for the 911 emergency communications system shall come from a surcharge of one dollar per month, per access line on each access line subscriber.

10.5(2) The 911 program manager shall notify local exchange carriers and competitive local exchange service providers scheduled to provide exchange access 911 service within a 911 service area that implementation of a 911 service plan has been approved by the joint 911 service board and by the 911 program manager and that collection of the surcharge is to begin within 60 days. The 911 program manager shall also provide notice to all affected public safety answering points. The 60-day notice to the carriers and providers shall also apply when an adjustment in the wireline surcharge rate is made.

10.5(3) The carriers and providers shall collect the surcharge as a part of their monthly billing to their subscribers. The surcharge shall appear as a single line item on a subscriber's monthly billing entitled "911 emergency communications service surcharge."

10.5(4) The carriers and providers may retain 1 percent of the surcharge collected as compensation for the billing and collection of the surcharge. If the compensation is insufficient to fully recover a carrier's or provider's costs for the billing and collection of the surcharge, the deficiency shall be included

in the carrier's or provider's costs for rate-making purposes to the extent it is reasonable and just under Iowa Code section 476.6.

10.5(5) The carrier or provider shall remit the collected surcharge to the joint 911 service board on a calendar quarter basis within 20 days of the end of the quarter.

10.5(6) The joint 911 service board may request, not more than once each quarter, the following information from the carrier or provider:

- a. The identity of the exchange from which the surcharge is collected.
- b. The number of lines to which the surcharge was applied for the quarter.
- c. The number of refusals to pay per exchange, if applicable.
- d. The number of write-offs per exchange, if applicable.
- e. The number of lines exempt per exchange.
- f. The amount retained by the carrier or provider from the 1 percent administrative fee.

Access line counts and surcharge remittances are confidential public records as provided in Iowa Code section 34A.8.

10.5(7) Collection for a surcharge shall terminate if 911 service ceases to operate within the respective 911 service area. The 911 program manager for good cause may grant an extension.

a. The director shall provide 100 days' prior written notice to the joint 911 service board or the operating authority and to the carrier(s) or provider(s) collecting the fee of the termination of surcharge collection.

b. Individual subscribers within the 911 service area may petition the joint 911 service board or the operating authority for a refund. Petitions shall be filed within one year of termination. Refunds may be prorated and shall be based on funds available and subscriber access lines billed.

c. At the end of one year from the date of termination, any funds not refunded and remaining in the 911 service fund and all interest accumulated shall be retained by the joint 911 service board. However, if the joint 911 service board ceases to operate any 911 service, the balance in the 911 service fund shall be payable to the homeland security and emergency management department. Moneys received by the department shall be used only to offset the costs for the administration of the 911 program.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.6(34A) Waivers, variance request, and right to appeal.

10.6(1) All requests for variances or waivers shall be submitted to the 911 program manager in writing and shall contain the following information:

- a. A description of the variance(s) or waiver(s) being requested.
- b. Supporting information setting forth the reasons the variance or waiver is necessary.
- c. A copy of the resolution or minutes of the joint 911 service board meeting which authorizes the application for a variance or waiver.
- d. The signature of the chairperson of the joint 911 service board.

10.6(2) The 911 program manager may grant a variance or waiver based upon the provisions of Iowa Code chapter 34A or other applicable state law.

10.6(3) Upon receipt of a request for a variance or waiver, the 911 program manager shall evaluate the request and schedule a review within 20 working days of receipt of the request. Review shall be informal, and the petitioner may present materials, documents and testimony in support of the petitioner's request. The 911 program manager shall determine if the request meets the criteria established and shall issue a decision within 20 working days. The 911 program manager shall notify the petitioner, in writing, of the acceptance or rejection of the petition. If the petition is rejected, such notice shall include the reasons for denial.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.7(34A) NG911 Network Implementation and Operations Plan. Each joint 911 service board, the department of public safety, the 911 communications council, and originating service providers shall cooperate with the 911 program manager in preparing the NG911 Network Implementation and Operations Plan for statewide implementation of NG911 service.

10.7(1) *Plan specifications.* The NG911 Network Implementation and Operations Plan shall include, at a minimum, the following information:

- a. Maps showing the geographic location within the county of each PSAP that receives 911 emergency calls.
- b. A list of all public safety answering points within the state of Iowa.
- c. A set of guidelines for determining eligible cost as set forth in Iowa Code section 34A.7A.
- d. A schedule for the implementation and maintenance of the next generation 911 network.
- e. A schedule for the implementation, maintenance and cost sharing of 911 call processing equipment.

10.7(2) *Adoption by reference.* The “NG911 Network Implementation and Operations Plan,” effective July 1, 2018, and available from the Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa, or at the Law Library in the Capitol Building, Des Moines, Iowa, is hereby adopted by reference effective August 8, 2018.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

605—10.8(34A) Emergency communications service surcharge.

10.8(1) The 911 program manager shall adopt a monthly surcharge of one dollar to be imposed on each originating service number provided in this state. The surcharge shall not be imposed on wireline-based communications or prepaid wireless telecommunications service.

10.8(2) The 911 program manager shall order the imposition of a surcharge uniformly on a statewide basis and simultaneously on all originating service numbers by giving at least 60 days’ prior notice to wireless carriers to impose a monthly surcharge as part of their periodic billings. The 60-day notice to wireless carriers shall also apply when the program manager is making an adjustment in the emergency communications service surcharge rate.

10.8(3) The emergency communications surcharge shall be one dollar per month, per customer service number, until changed by rule.

10.8(4) The originating service provider shall list the surcharge as a separate line item on the customer’s billing indicating that the surcharge is for 911 emergency telephone service. The originating service provider is entitled to retain 1 percent of any wireless surcharge collected as a fee for collecting the surcharge as part of the subscriber’s periodic billing. The emergency communications service surcharge is not subject to sales or use tax.

10.8(5) Surcharge funds shall be remitted on a calendar quarter basis by the close of business on the twentieth day following the end of the quarter with a remittance form as prescribed by the 911 program manager. Providers shall issue their checks or warrants to the Treasurer, State of Iowa, and remit to the 911 Program Manager, Homeland Security and Emergency Management Department, 7900 Hickman Road, Suite 500, Windsor Heights, Iowa 50324.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 2270C, IAB 11/25/15, effective 12/30/15; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.9(34A) 911 emergency communications fund.

10.9(1) Emergency communications service surcharge money, collected and remitted by originating service providers, shall be placed in a fund within the state treasury under the control of the director.

10.9(2) Iowa Code section 8.33 shall not apply to moneys in the fund. Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this subrule. However, moneys in the fund may be combined with other moneys in the state treasury for purposes of investment.

10.9(3) Moneys in the fund shall be expended and distributed in the following manner and order of priority:

- a. An amount as appropriated by the general assembly to the department shall be allocated to the director and program manager for implementation, support, and maintenance of the functions of the

director and program manager and to employ the auditor of state to perform an annual audit of the 911 emergency communications fund.

b. The program manager shall allocate to each joint 911 service board and to the department of public safety a minimum of \$1,000 per calendar quarter for each PSAP within the service area of the department of public safety or joint 911 service board.

(1) The amount allocated under paragraph 10.9(3) “*b*” shall be 60 percent of the total amount of surcharge generated per calendar quarter. The minimum amount allocated to the department of public safety and the joint 911 board shall be \$1,000 per PSAP operated by the respective authority.

(2) Additional funds shall be allocated as follows:

1. Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the 911 service area to the total square miles in this state.

2. Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless 911 calls taken at the PSAP in the 911 service area to the total number of wireless 911 calls originating in this state.

(3) The funds allocated in paragraph 10.9(3) “*b*” shall be used by the PSAPs for costs related to the receipt and disposition of 911 calls.

c. The program manager shall allocate 10 percent of the total amount of surcharge generated per calendar quarter to wireless carriers to recover their costs to deliver wireless E911 phase I services as defined in the Federal Communications Commission (FCC) Docket 94-102 and further defined in the FCC’s letter to King County, Washington, dated May 7, 2001. If this allocation is insufficient to reimburse all wireless carriers for the wireless service provider’s eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of the provider’s eligible expenses as compared to the total eligible expenses for all wireless carriers for the calendar quarter during which expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under paragraph 10.9(3) “*c*.” This allocation is for the period beginning July 1, 2013, and ending June 30, 2026.

d. 911 call delivery costs and GIS grants.

(1) The program manager shall reimburse next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location information database providers on a quarterly basis for the costs of maintaining and upgrading the next generation 911 network functionality, 911 call processing equipment, 911 call transport from the next generation 911 network to public safety answering points and from the wireless originating service provider network to the next generation 911 network, and the automatic location information database.

(2) The program manager may also provide grants to joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network. The program manager shall provide guidelines, application forms, and notice of the availability of such grants on the department’s website, www.homelandsecurity.iowa.gov.

e. The department may, in a reserve account established within the 911 emergency communications fund, credit each fiscal year an amount of up to 12½ percent of the annual emergency communications service surcharge collected pursuant to rule 605—10.8(34A) and the prepaid wireless 911 surcharge collected pursuant to rule 605—10.17(34A). However, the moneys contained in such reserve account shall not exceed 12½ percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

f. If moneys remain in the fund after all obligations are fully paid under paragraphs 10.9(3) “*a*,” “*b*,” “*c*,” “*d*,” and “*e*,” remaining funds shall be expended and distributed in the following priority order:

(1) The director, in consultation with the program manager and the 911 communications council, may provide grants for nonrecurring costs to the department of public safety or joint 911 service board operating a PSAP agreeing to consolidate. For purposes of this subparagraph, “consolidate” means the consolidation of all PSAP systems, functions, 911 service areas, and physical facilities of two or more PSAPs, resulting in responsibility by the consolidated PSAP for all call answering and dispatch functions

for the combined 911 service area. Such a grant to a PSAP shall not exceed one-half of the projected cost of consolidation, or \$200,000, whichever is less. The department of public safety or joint 911 service board wishing to apply for such funds shall complete the Intent to Consolidate Application form found on the department's website, www.homelandsecurity.iowa.gov. Such applications shall provide a detailed consolidation plan and timeline.

(2) The program manager, in consultation with the 911 communications council, shall allocate an amount, not to exceed \$100,000 per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public; for educational programs for personnel responsible for the maintenance, operation, and upgrading of local 911 systems; and for the expenses of members of the 911 communications council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(3) The program manager shall allocate an equal amount of moneys to each PSAP for the following costs:

1. Costs related to the receipt and disposition of 911 calls, including hardware and software for an internet protocol-enabled next generation 911 network as specified in the NG911 Network Implementation and Operations Plan.

2. Local costs related to access the statewide interoperable communications system pursuant to Iowa Code section 29C.23.

(4) Any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

10.9(4) Payments to next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be made quarterly, based on original, itemized claims or invoices presented within 20 days of the end of the calendar quarter. Claims or invoices not submitted within 20 days of the end of the calendar quarter are not eligible for reimbursement and may not be included in future claims and invoices. Payments to providers shall be made in accordance with these rules and the State Accounting Policy and Procedures Manual.

10.9(5) Next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers shall be reimbursed for only those items and services that are defined as eligible in the NG911 Network Implementation and Operations Plan and when initiation of service has been ordered and authorized by the 911 program manager.

10.9(6) If it is found that an overpayment has been made to an entity, the 911 program manager shall attempt recovery of the debt from the entity by certified letter. Due diligence shall be documented and retained at the homeland security and emergency management department. If resolution of the debt does not occur and the debt is at least \$50, the homeland security and emergency management department will then utilize the income offset program through the department of revenue. Until resolution of the debt has occurred, the homeland security and emergency management department may withhold future payments to the entity.

[**ARC 0602C**, IAB 2/20/13, effective 3/27/13; **ARC 1538C**, IAB 7/9/14, effective 8/13/14; **ARC 2270C**, IAB 11/25/15, effective 12/30/15; **ARC 2741C**, IAB 10/12/16, effective 9/14/16; **ARC 2835C**, IAB 12/7/16, effective 1/11/17; **ARC 3233C**, IAB 8/2/17, effective 9/6/17; **ARC 3868C**, IAB 7/4/18, effective 8/8/18]

605—10.10(34A) 911 surcharge exemptions. The following agencies, individuals, and organizations are exempt from imposition of the 911 surcharge:

1. Federal agencies and tax-exempt instrumentalities of the federal government.
2. Indian tribes for access lines on the tribe's reservation upon filing a statement with the joint 911 service board, signed by appropriate authority, requesting surcharge exemption.
3. An enrolled member of an Indian tribe for access lines on the reservation, who does not receive 911 service, and who annually files a signed statement with the joint 911 service board that the person is an enrolled member of an Indian tribe living on a reservation and does not receive 911 service. However, once 911 service is provided, the member is no longer exempt.
4. Official station testing lines owned by the provider.

5. Individual wireline subscribers to the extent that they shall not be required to pay on a single periodic billing the surcharge on more than 100 access lines, or their equivalent, in a 911 service area.

All other subscribers not listed above, that have or will have the ability to access 911, are required to pay the surcharge, if imposed by the official order of the 911 program manager.

[ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.11(34A) 911 service fund.

10.11(1) The department of public safety and each joint 911 service board have the responsibility for the 911 service fund.

a. A 911 service fund shall be established in the office of the county treasurer for each joint 911 service board and with the state treasurer for the department of public safety.

b. Collected surcharge moneys and any interest thereon, as authorized in Iowa Code chapter 34A, shall be deposited into the 911 service fund. 911 surcharge moneys must be kept separate from all other sources of revenue utilized for 911 systems.

c. For joint 911 service boards, withdrawal of moneys from the 911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the chairperson or vice chairperson of the joint 911 service board or the appropriate operating authority so designated in writing.

d. For the department of public safety, withdrawal of moneys from the 911 service fund shall be made in accordance with state laws and administrative rules.

10.11(2) The 911 service funds shall be subject to examination by the department at any time during usual business hours. 911 service funds are subject to the audit provisions of Iowa Code chapter 11. A copy of all audits of the 911 service fund shall be furnished to the department within 30 days of receipt. If through the audit or monitoring process the department determines that a joint 911 service board is not adhering to an approved plan or does not have a valid board membership, or if the department determines that a joint 911 service board or the department of public safety is not using funds in the manner prescribed in these rules or Iowa Code chapter 34A, the director may, after notice and hearing, suspend surcharge imposition and order termination of expenditures from the 911 service fund. The joint 911 service board or department of public safety is not eligible to receive or expend surcharge moneys until such time as the 911 program manager determines that the board or department of public safety is in compliance with the approved plan, board membership, and fund usage limitations.

[ARC 8314B, IAB 11/18/09, effective 12/23/09; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.12(34A) Operating budgets. Rescinded ARC 3233C, IAB 8/2/17, effective 9/6/17.

605—10.13(34A) Limitations on use of funds. Surcharge moneys in the 911 service fund may be used to pay recurring and nonrecurring costs including, but not limited to, 911 call processing equipment, internet and telephone access, software, database, addressing, initial training, and other start-up, capital, and ongoing expenditures. 911 surcharge moneys shall be used only to pay costs directly attributable to the provision of 911 telephone systems and services and may include costs directly attributable to the receipt and disposition of the 911 call.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 3233C, IAB 8/2/17, effective 9/6/17; ARC 3868C, IAB 7/4/18, effective 8/8/18]

605—10.14(34A) Minimum operational and technical standards.

10.14(1) Each 911 system, supplemented with 911 surcharge moneys, shall, at a minimum, employ the following features:

a. ALI (automatic location identification).

b. ANI (automatic number identification).

c. Ability to selectively route.

d. Each PSAP shall provide two emergency seven-digit numbers arranged in rollover configuration for use by telephone company operators for transferring a calling party to the PSAP over

the wireline network. Wireless calls must be transferred to PSAPs that are capable of accepting ANI and ALI.

e. ANI and ALI information shall be maintained and updated in such a manner as to allow for 95 percent or greater degree of accuracy.

10.14(2) 911 public safety answering points shall adhere to the following minimum standards:

a. The PSAP shall operate 7 days per week, 24 hours per day, with operators on duty at all times.

b. The primary published emergency number in the 911 service area shall be 911.

c. All PSAPs will maintain interagency communications capabilities for emergency coordination purposes, to include radio as well as land line direct or dial line.

d. Each PSAP shall develop and maintain a PSAP standard operating procedure for receiving and dispatching emergency calls.

e. The date and time of each 911 emergency call shall be documented using an automated call detail recording device or other communications center log. Such logs shall be maintained for a period of not less than one year.

f. If a call transfer method of handling 911 calls is employed, a 99 percent degree of reliability of transferred calls from a PSAP to responding agencies shall be maintained. All transferred calls shall employ, to the closest extent possible, conference transfer capabilities which provide that the call be announced and monitored by the PSAP operator to ensure that the call has been properly transferred.

g. PSAPs not employing the transfer method of handling 911 emergency calls shall use the call relay method. Information shall be exchanged between the PSAP receiving the call and an appropriate emergency response agency or dispatch center having jurisdiction in the area of the emergency. In no case during an emergency 911 call shall the caller be referred to another telephone number and required to hang up and redial. The call relay method shall also prevail in circumstances where emergency calls enter the 911 system (whether by design or by happenstance) from outside the E911 service area.

h. Access control and security of PSAPs and associated dispatch centers shall be designed to prevent disruption of operations and provide a safe and secure environment of communication operations.

i. PSAP supervision shall ensure that all telephone company employees, whose normal activities may involve contact with facilities associated with the 911 service, are familiar with safeguarding of facilities' procedures.

j. Emergency electrical power shall be provided for the PSAP environment that will ensure continuous operations and communications during a power outage. Such power should start automatically in the event of power failure and shall have the ability to be sustained for a minimum of 48 hours.

k. The PSAP shall make every attempt to disallow the intrusion by automatic dialers, alarm systems, or automatic dialing and announcing devices on a 911 trunk. If intrusion by one of these devices should occur, those responsible for PSAP operations shall make every attempt to contact the responsible party to ensure there is no such further occurrence by notifying the party that knowing and intentional interference with emergency telephone calls constitutes a crime under Iowa Code section 727.5. Those responsible for PSAP operations shall report persons who repeatedly use automatic dialers, alarm systems, or automatic announcing devices on 911 trunk lines to the county attorney for investigation of possible violations of section 727.5.

l. Each PSAP shall be equipped with an appropriate telecommunications device for the deaf (TDD) in accordance with 28 CFR Part 35.162, July 26, 1991.

10.14(3) Originating service providers shall adhere to the following minimum requirements:

a. The PSAP and the 911 program manager shall be notified of all service interruptions in accordance with 47 CFR Part 4.

b. The originating service provider shall respond, within a reasonable length of time, to all appropriate requests for information from the director, the department of public safety, a joint 911 service board or operating authority and shall expressly comply with the provisions of Iowa Code section 34A.8.

c. Access to the wireless 911 selective router and next generation 911 network shall be approved by the 911 program manager. Originating service providers must provide the company name, address and point of contact with their request. If the originating service provider utilizes a third-party vendor, the vendor must provide this information listing the vendor's customer's requested information.

10.14(4) Voluntary standards. Current technical and operational standards applying to 911 systems and services can be found in the "American Society for Testing and Materials Standard Guide for Planning and Developing 911 Enhanced Telephone Systems" and in publications issued by the National Emergency Number Association. Master street address guides are encouraged to be developed and maintained by using National Emergency Number Association technical standards 02-010 and 02-011. Standards contained in these documents shall be considered as guidance, and adherence thereto shall be voluntary. Notwithstanding the minimum standards published in these rules, it is intended that 911 originating service providers and joint 911 service boards and operating authorities employ the best and most affordable technologies and methods available in providing 911 services to the public.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.15(34A) Administrative hearings and appeals.

10.15(1) 911 program manager decisions regarding the acceptance or refusal of a 911 service plan, in whole or in part, the implementation of 911 and the imposition of the 911 surcharge within a specific 911 service area may be contested by an affected party.

10.15(2) Request for hearing shall be made in writing to the homeland security and emergency management department director within 30 days of the 911 program manager's mailing or serving of a decision and shall state the reason(s) for the request and shall be signed by the appropriate authority.

10.15(3) The director shall schedule a hearing within 10 working days of receipt of the request for hearing. The director shall preside over the hearing, at which time the appellant may present any evidence, documentation, or other information regarding the matter in dispute.

10.15(4) The director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(5) Any party adversely affected by the director's ruling may file a written request for a rehearing within 20 days of issuance of the ruling. A rehearing will be conducted only when additional evidence is available, the evidence is material to the case, and good cause existed for the failure to present the evidence at the initial hearing. The director will schedule a hearing within 20 days after the receipt of the written request. The director shall issue a ruling regarding the matter within 20 working days of the hearing.

10.15(6) Any party adversely affected by the director's ruling may file a written appeal to the director of the homeland security and emergency management department. The appeal request shall contain information identifying the appealing party, the ruling being appealed, specific findings or conclusions to which exception is taken, the relief sought, and the grounds for relief. The director shall issue a ruling regarding the matter within 90 days of the hearing. The director's ruling constitutes final agency action for purposes of judicial review.

[ARC 7695B, IAB 4/8/09, effective 5/13/09; ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.16(34A) Confidentiality. All financial or operations information provided by an originating service provider to the 911 program manager shall be identified by the provider as confidential trade secrets under Iowa Code section 22.7(3) and shall be kept confidential as provided under Iowa Code section 22.7(3) and 605—Chapter 5. Such information shall include numbers of accounts, numbers of customers, revenues, expenses, and the amounts collected from said originating service provider for deposit in the fund. Notwithstanding such requirements, aggregate amounts and information may be included in reports issued by the director if the aggregated information does not reveal any information attributable to an individual originating service provider.

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 1538C, IAB 7/9/14, effective 8/13/14; ARC 3233C, IAB 8/2/17, effective 9/6/17]

605—10.17(34A) Prepaid wireless 911 surcharge. Administration of the prepaid wireless 911 surcharge is under the control of the Iowa department of revenue. To administer this function, the

department of revenue has adopted rules that can be found in 701—paragraph 224.6(2)“b” and rule 701—224.8(34A).

[ARC 0602C, IAB 2/20/13, effective 3/27/13; ARC 3233C, IAB 8/2/17, effective 9/6/17]

These rules are intended to implement Iowa Code chapter 34A.

[Filed emergency 2/17/89—published 3/8/89, effective 2/17/89]

[Filed 6/1/89, Notice 3/8/89—published 6/28/89, effective 8/2/89]¹

[Filed emergency 8/29/89—published 9/20/89, effective 8/29/89]

[Filed 3/20/90, Notice 2/7/90—published 4/18/90, effective 5/23/90]

[Filed 4/22/93, Notice 3/17/93—published 5/12/93, effective 6/16/93]

[Filed emergency 9/3/98—published 9/23/98, effective 9/4/98]

[Filed 11/12/98, Notice 9/23/98—published 12/2/98, effective 1/6/99]

[Filed without Notice 1/7/99—published 1/27/99, effective 3/3/99]

[Filed emergency 1/7/00—published 1/26/00, effective 2/1/00]

[Filed 3/2/00, Notice 1/26/00—published 3/22/00, effective 4/26/00]

[Filed 3/14/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]

[Filed emergency 3/12/04—published 3/31/04, effective 3/12/04]

[Filed 5/6/04, Notice 3/31/04—published 5/26/04, effective 6/30/04]

[Filed emergency 5/18/04—published 6/9/04, effective 5/18/04]

[Filed 7/15/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]

[Filed 8/27/04, Notice 7/21/04—published 9/15/04, effective 10/20/04]

[Filed 8/10/07, Notice 6/20/07—published 8/29/07, effective 10/3/07]

[Filed ARC 7695B (Notice ARC 7431B, IAB 12/17/08), IAB 4/8/09, effective 5/13/09]

[Filed ARC 8314B (Notice ARC 8184B, IAB 9/23/09), IAB 11/18/09, effective 12/23/09]

[Filed ARC 0602C (Notice ARC 0512C, IAB 12/12/12), IAB 2/20/13, effective 3/27/13]

[Filed ARC 1538C (Notice ARC 1463C, IAB 5/14/14), IAB 7/9/14, effective 8/13/14]

[Filed ARC 2270C (Notice ARC 2154C, IAB 9/30/15), IAB 11/25/15, effective 12/30/15]

[Filed Emergency ARC 2741C, IAB 10/12/16, effective 9/14/16]

[Filed ARC 2835C (Notice ARC 2740C, IAB 10/12/16), IAB 12/7/16, effective 1/11/17]

[Filed ARC 3233C (Notice ARC 3090C, IAB 6/7/17), IAB 8/2/17, effective 9/6/17]

[Filed ARC 3868C (Notice ARC 3778C, IAB 5/9/18), IAB 7/4/18, effective 8/8/18]

[Filed ARC 4887C (Notice ARC 4769C, IAB 11/20/19), IAB 1/29/20, effective 3/4/20]

¹ Effective date of 8/2/89 delayed 70 days by the Administrative Rules Review Committee at its July 11, 1989, meeting.

FUNERAL DIRECTORS

CHAPTER 100	PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS, AND CREMATION ESTABLISHMENTS
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CHAPTER 100
PRACTICE OF FUNERAL DIRECTORS, FUNERAL ESTABLISHMENTS,
AND CREMATION ESTABLISHMENTS

[Prior to 9/21/88, see Health Department[470] Ch 146]

645—100.1(156) Definitions.

“*Alternative container*” means an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed wood, composition materials (with or without an outside covering) or like materials which prevents the leakage of body fluid.

“*Authorized person*” means that person or persons upon whom a funeral director may reasonably rely when making funeral arrangements including, but not limited to, embalming, cremation, funeral services, and the disposition of human remains pursuant to Iowa Code section 144C.5.

“*Autopsy*” means the postmortem examination of a human remains.

“*Board*” means the board of mortuary science.

“*Body parts*” means appendages or other portions of the anatomy that are from a human body.

“*Burial.*” See “*Interment.*”

“*Burial transit permit*” means a legal document authorizing the removal and transportation of a human remains.

“*Casket*” means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic or like material and ornamented and lined with fabric.

“*Cemetery*” means an area designated for the final disposition of human remains.

“*Columbarium*” means a structure, room or space in a mausoleum or other building containing niches or recesses for disposition of cremated remains.

“*Cremated remains*” means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of any foreign matter including casket material, bridgework or eye glasses that were cremated with the human remains.

“*Cremation*” means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

“*Cremation authorization form*” means a form, completed and signed by a funeral director and authorized person, to accompany all human remains accepted for cremation.

“*Cremation chamber*” means the enclosed space within which a cremation takes place.

“*Cremation establishment*” means any person, partnership or corporation that is licensed by the board and provides any aspect of cremation services.

“*Cremation permit*” means a permit issued by a medical examiner allowing cremation for human remains.

“*Cremation room*” means the room in which the cremation chamber is located.

“*Crypt*” means a chamber in a mausoleum of sufficient size to contain casketed human remains.

“*Custody*” means immediate charge and control exercised by a person or an authority.

“*Dead body.*” See “*Human remains.*”

“Death certificate” means a legal document containing vital statistics pertaining to the life and death of the decedent.

“Decedent.” See *“Human remains.”*

“Disinterment” means to remove a human remains from its place of final disposition.

“Disinterment permit” means a permit from the department of public health which allows the removal of a human remains from its original place of burial, entombment or interment for the purpose of autopsy or reburial.

“Disinterment permit number” means the number assigned to a disinterment permit by the department of public health, giving the funeral director the authority to remove a human remains from its place of final disposition.

“Embalming” means the disinfection or temporary preservation of human remains, entire or in part, by the use of chemical substances, fluids or gases in the body, or by the introduction of same into the body by vascular or hypodermic injections, or by surface application into or on the organs or cavities for the purpose of temporary preservation or disinfection.

“Embalming record” means a record completed by the licensed funeral director or registered intern for each body embalmed in Iowa, or otherwise prepared for disposition by the licensee. “Embalming record” includes, at a minimum, a case analysis and a detailed listing of the procedures or treatments or both performed on the deceased.

“Entombment” means to place a casketed body or an urn containing cremated remains in a structure such as a mausoleum, crypt, tomb or columbarium.

“Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.

“Funeral ceremony” means a service commemorating the decedent.

“Funeral director” means a person licensed by the board to practice mortuary science.

“Funeral establishment” means a place of business as defined and licensed by the board devoted to providing any aspect of mortuary science.

“Funeral rule” means the Federal Trade Commission Funeral Rule.

“Funeral services” means any services which may be used to (1) care for and prepare human remains for burial, cremation or other final disposition; and (2) arrange, supervise or conduct the funeral ceremony or final disposition of human remains.

“Holding facility” means an area isolated from the general public that is designated for the temporary retention of human remains.

“Human remains” means a deceased human being for which a death certificate or fetal death certificate is required.

“Interment” means to place a casketed human remains or an urn containing cremated remains in the ground.

“Intern” means a person registered by the board to practice mortuary science under the direct supervision of a preceptor certified by the board.

“Mausoleum” means an aboveground structure designed for entombment of human remains.

“Medical examiner” means a public official whose primary function is to investigate and determine the cause of death when death may be thought to be from other than natural causes.

“Memorial ceremony” means a service commemorating the decedent.

“Niche” means a recess or space in a columbarium or mausoleum used for placement of cremated human remains.

“Preparation room” means a room in a funeral establishment where human remains are prepared, sanitized, embalmed or held for ceremonies and final disposition.

“Pulverization” means a process following cremation which reduces identifiable bone fragments into granulated particles.

“Removal” means the act of taking a human remains from the place of death or place where a human remains is being held to a funeral establishment or other designated place.

“Scattering area” means a designated area where cremated remains may be commingled with other cremated remains.

“*Temporary cremation container*” means a durable receptacle designed for short-term retention of cremated remains.

“*Their own dead*” refers to the legal authority the authorized person has regarding a human remains.

“*Topical disinfection*” means the direct application of chemical substances on the surface of a human remains for the purpose of temporary preservation or disinfection.

“*Transfer.*” See “*Removal.*”

“*Universal precautions*” means a concept of care based upon the assumption that all blood and body fluids, and materials that have come into contact with blood or body fluids, are potentially infectious as prescribed by the Centers for Disease Control and Prevention (CDC).

“*Urn*” means a receptacle designed for permanent retention of cremated remains.

[ARC 9239B, IAB 11/17/10, effective 12/22/10; ARC 1274C, IAB 1/8/14, effective 2/12/14; ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.2(156) Funeral director duties.

100.2(1) Practices requiring a funeral director’s license include but are not limited to:

- a. Removal as specified in rule 645—100.4(142,156).
- b. Embalming human remains as specified in rule 645—100.6(156) and completing embalming records as specified in paragraph 100.11(2) “d.”
- c. Conducting funeral arrangements as specified in subrule 100.7(2).
- d. Conducting funeral services when contracted to do so, including:
 - (1) Direct supervision of visitation and viewing.
 - (2) Funeral and memorial ceremonies.
 - (3) Committal and final disposition services.
- e. Conducting cremation services as specified in rule 645—100.10(156).
- f. Signing death certificates and performing associated duties under Iowa Code chapter 144.

100.2(2) Registered interns. Registered interns may provide funeral director services identified in subrule 100.2(1), paragraphs “a” through “f,” under the direct supervision of an Iowa-licensed preceptor. However, registered interns shall not sign death certificates.

100.2(3) CDC universal precautions and OSHA standards. The funeral director shall observe current guidelines of universal precautions as prescribed by the Centers for Disease Control (CDC) as well as Occupational Safety and Health Administration (OSHA) standards.

100.2(4) Funeral directors who provide mortuary science services from funeral establishments located in another state. A funeral director who holds an active Iowa funeral director’s license and whose practice is conducted from a funeral establishment located in another state may provide mortuary science services in Iowa if the establishment holds a current license in the state in which it is located, if such a license is required.

100.2(5) Withholding human remains. A funeral director shall not withhold human remains based solely on nonpayment of fees.

[ARC 9239B, IAB 11/17/10, effective 12/22/10; ARC 1274C, IAB 1/8/14, effective 2/12/14; ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.3(156) Permanent identification tag.

100.3(1) The funeral director who assumes possession of a human remains shall attach a permanent identification tag.

100.3(2) The identification tag shall initially contain, at a minimum, the name of the deceased.

100.3(3) Before final disposition, the identification tag shall contain the name of the deceased and the date of birth, date of death and social security number of the deceased and the name and license number of the funeral establishment in charge of disposition.

100.3(4) The identification tag shall be attached to the human remains throughout the entire time the human remains are in the possession of the funeral establishment and shall remain with the human remains.

[ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.4(142,156) Removal and transfer of human remains.

100.4(1) Removal and transfer of human remains. The funeral director shall perform the following duties upon notification of a death.

a. Comply with jurisdictional authority, with respect to medicolegal responsibilities, regarding the removal of the human remains.

b. Provide signature and license number when removing a human remains from a hospital, nursing establishment or any other institution involved with the care of the public.

100.4(2) After the funeral director has assumed custody of the human remains, the funeral director may delegate the task of transferring the human remains to an unlicensed employee or agent. Prior to transfer, the funeral director shall topically disinfect the body, secure all body orifices to retain all secretions, place the human remains in a leakproof container for transfer that will control odor and prevent the leakage of body fluids, and issue a burial transit permit.

100.4(3) A funeral director may delegate the transportation of unembalmed human remains to an unlicensed employee or agent of the funeral establishment without first assuming custody and without topically disinfecting or securing body orifices if all of the following are true:

a. The transportation is to or from the medical examiner's office, or otherwise at the direction of the medical examiner;

b. The remains are placed in a leakproof container by medical examiner personnel; and

c. The employee or agent is issued a burial transit permit or other evidence of authorization.

100.4(4) An unlicensed employee or agent referred to in subrules 100.4(2) and 100.4(3) shall have completed the annual OSHA training related to blood-borne pathogens.

[ARC 9239B, IAB 11/17/10, effective 12/22/10; ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.5(135,144) Burial transit permits. A licensed funeral director may issue a burial transit permit for the removal and transfer of human remains, and such burial transit permit shall be issued in accordance with state law and the administrative rules promulgated by the department of public health regarding burial transit permits.

[ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.6(156) Preparation and embalming activities.

100.6(1) The funeral director shall perform the following duties prior to and during embalming according to commonly accepted industry standards.

a. Obtain authorization for embalming from an authorized person. If permission to embalm cannot be obtained from the authorized person, the funeral director may proceed with the embalming if necessary to comply with subrule 100.6(3).

b. Embalm entirely in private. No one except the funeral director, intern, immediate family, or student shall be allowed in the preparation room without the written permission of the authorized person. A student must be under the direct physical supervision of the funeral director and currently enrolled and attending a program of mortuary science which is recognized by the board to be allowed in the preparation room without written permission during the embalming.

c. Keep the human remains properly covered at all times.

d. Conduct a preembalming case analysis of the human remains. Recognize the potential chemical effects on the body and select the proper embalming chemicals based upon the analysis.

e. Position the human remains on the preparation table and pose the facial features.

f. Select points of drainage and injection, and raise the necessary vessels.

g. Embalm by arterial and cavity injection of embalming chemicals. If the condition of the human remains does not allow arterial and cavity injection of embalming chemicals, topical embalming, using appropriate chemicals and procedures, shall be performed.

h. Evaluate the distribution of the embalming chemicals and perform treatment for discoloration, vascular difficulties, decomposition, dehydration, purge and close any incisions once the arterial and cavity injection of the embalming chemicals is complete.

100.6(2) Postembalming activities. The funeral director shall perform the following duties at the conclusion of the embalming activities if necessary.

- a. Pack or otherwise secure all body orifices with material which will absorb and retain all secretions.
- b. Apply chemicals topically and perform hypodermic treatments.
- c. Bathe, disinfect and reposition the human remains.
- d. Clean and disinfect the embalming instruments, equipment and preparation room.
- e. Perform any restorative treatments.
- f. Select and apply the appropriate cosmetic treatments.
- g. Prepare the human remains for viewing.

100.6(3) Care of the unembalmed human remains.

- a. Embalming may be omitted provided that interment or cremation is performed within 72 hours after death or within 24 hours of taking custody if a human remains was previously in the custody of others, whichever is longer.
- b. If refrigeration is utilized, embalming or final disposition may be extended up to 72 hours longer than the maximum period provided in paragraph 100.6(3) "a." The body must be kept between 38 and 42 degrees Fahrenheit.
- c. If viewing of the unembalmed human remains is requested, the human remains shall be topically disinfected and all body orifices shall be packed or otherwise secured with material which will absorb and retain all secretions.

[ARC 9239B, IAB 11/17/10, effective 12/22/10; ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.7(156) Arranging and directing funeral and memorial ceremonies.

100.7(1) *The Federal Trade Commission.* The funeral director shall observe current guidelines of the Federal Trade Commission (FTC) funeral rule.

100.7(2) *Arrangement conference activities.* If responsible the funeral director shall perform the following duties associated with arranging ceremonies and the final disposition of a human remains.

- a. Gather necessary statistical and biographical information relating to the decedent and explain the varied use of the information gathered.
- b. Present, discuss and explain the mandated FTC price lists and assist or provide the consumer with:
 - (1) The types of ceremony or final disposition.
 - (2) The specific goods and services.
 - (3) The prices of any goods and services.
 - (4) The written, itemized statement of the funeral goods and services.
 - (5) A general price list.

At the conclusion of arrangements the itemized statement shall be signed by the purchaser and the funeral director.

100.7(3) *Directing of funeral and memorial ceremonies.* If responsible, the funeral director shall perform the following duties:

- 1. Direct and supervise ceremonies.
- 2. Direct and supervise final disposition.

[ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.8(142,156) Unclaimed human remains for scientific use.

100.8(1) A human remains is unclaimed when:

- a. The decedent did not express a desire to be interred, entombed or cremated.
- b. Relatives or friends of the decedent did not request that the decedent's human remains be interred, entombed or cremated.

100.8(2) Friend distinguished from casual acquaintance. A friend shall be distinguished from a casual acquaintance by the friend's having been closely associated with the decedent during the decedent's lifetime.

100.8(3) Delivery of human remains for scientific purposes. The funeral director, the medical examiner or managing officer of a public health institution, hospital, county home, penitentiary or

reformatory shall notify the Iowa department of public health as soon as any unclaimed human remains which may be suitable for scientific purposes shall come into the person's custody.

100.8(4) Department instructions. When the department of public health receives notice, the funeral director shall be instructed as to the proper disposition of a human remains.

100.8(5) Expenses incurred by funeral director. The expenses incurred by the funeral director for the transportation of a human remains to a medical college shall be paid by the medical college receiving the human remains.

[ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.9(144) Disinterments. A funeral director in charge of a disinterment shall ensure that the disinterment is performed in accordance with rules promulgated by the Iowa department of public health and shall first secure a disinterment permit issued by the Iowa department of public health.

100.9(1) No person shall disinter a human remains or cremated remains unless the funeral director in charge of the disinterment has a numbered disinterment permit which has been issued by the department of public health or by an order of the district court of the county in which the human remains or cremated remains are interred or entombed.

100.9(2) All disinterment permits shall be requested and provided by the department of public health.

100.9(3) All disinterment permits shall be signed by the authorizing person.

100.9(4) Disinterment permits shall be furnished upon request from the department of public health and will remain valid for 30 days after issuance.

100.9(5) Disinterment permits will only be issued to the funeral director, and the disinterment must be done under the direct supervision of the funeral director.

100.9(6) Disinterment permits shall be required for any relocation of a human remains from the original site of interment or entombment if the purpose is for autopsy or reburial.

100.9(7) No disinterment permit is necessary to remove a human remains or cremated remains from a holding facility for interment or entombment in the same cemetery where being temporarily held.

100.9(8) A funeral director may await a court order before proceeding with disinterment if the funeral director is aware of a dispute among:

a. Persons who are members of the same class of persons described in 641—subrule 97.14(4) as having authority to control the human remains; or

b. Persons who are authorized pursuant to 641—subrule 97.14(4) and the executor named in the decedent's will or personal representative appointed by the court.

[ARC 3083C, IAB 5/24/17, effective 6/28/17; ARC 4849C, IAB 1/1/20, effective 2/5/20; see Delay note at end of chapter]

645—100.10(156) Cremation of human remains.

100.10(1) *Record keeping.*

a. Delivery receipt.

(1) When a human remains is delivered to a cremation establishment, the cremation establishment shall furnish to the delivery person a delivery receipt containing:

1. The name, address, age, gender, and cause of death of the decedent whose human remains are delivered to the cremation establishment.

2. The date and time of delivery and the type of container that contains the human remains.

3. If applicable, the name of the funeral director who sent the human remains and the name and license number of the funeral director's associated funeral establishment.

4. The signature of the person who delivered the human remains.

5. The signature of the person receiving the human remains on behalf of the cremation establishment.

6. The name and business address of the cremation establishment.

(2) The cremation establishment shall retain a copy of the delivery receipt in its permanent records.

b. Receiving receipt.

(1) The cremation establishment shall furnish to any person who receives the cremated remains from the cremation establishment a receiving receipt containing:

1. The name of the decedent whose cremated remains are released from the cremation establishment.
 2. The date and time when the cremated remains were released from the cremation establishment.
 3. The name of the person to whom the cremated remains are released and the name and license number of the funeral establishment, cemetery, family or other person or entity with which that person is affiliated.
 4. The signature of the person who receives the cremated remains.
 5. The signature of the person who released the cremated remains on behalf of the cremation establishment.
 6. The name of the cremation establishment operator and the date and time of the cremation.
- (2) The cremation establishment shall retain a copy of the receiving receipt in its permanent records.
- c. *Permanent record.* A cremation establishment shall maintain at its place of business a permanent record that includes the following:
- (1) Name of the deceased person.
 - (2) Date and time of the cremation.
 - (3) Copies of the delivery receipt and the receiving receipt.
 - (4) Disposition of the cremated remains.
 - (5) Cremation authorization.
 - (6) Cremation permit if required in the jurisdiction of death.

100.10(2) *Employment of a funeral director by a cremation establishment.* No aspect of these rules shall be construed to require a funeral director to supervise or perform any functions at a cremation establishment not otherwise required by law to be performed by a funeral director. The cremation establishment shall contract only with a licensed funeral establishment and shall not contract directly with the general public.

100.10(3) *Authorizing person and preneed cremation arrangements.* The authorized person has legal authority and may make decisions regarding the final disposition of the decedent.

100.10(4) *Authorization to cremate.*

a. The cremation establishment shall have the authority to cremate human remains upon the receipt of the following:

- (1) Cremation authorization form signed by the authorized person. The cremation authorization form shall contain the following:
 1. The name, address, age and gender of the decedent whose human remains are to be cremated.
 2. The date, time of death and cause of death of the decedent.
 3. The name and license number of the funeral establishment and of the funeral director who obtained the cremation authorization form signed by the authorized person.
 4. The signature of the funeral director.
 5. The name and address of the cremation establishment authorized to cremate a human remains.
 6. The name and signature of the authorized person granting permission to cremate the human remains and the authorized person's relationship to the decedent.
 7. A representation that the authorized person has the right to authorize the cremation of the decedent in accordance with this rule.
 8. A representation that in the event there is another person who has superior priority right to that of the authorized person, the authorized person has made all reasonable efforts to contact that person and has no reason to believe that the person would object to the cremation of the decedent.
 9. A representation that a human remains does not contain any material or implants that may be potentially hazardous to equipment or persons performing the cremation.
 10. A representation that the authorized person has made a positive identification of the decedent or, if the authorized person is unavailable or declines, there are alternative means of positive identification.
 11. The name of the person, funeral establishment or funeral establishment's designee to which the cremated remains are to be released.
 12. The manner of the final disposition of the cremated remains.
 13. A listing of all items of value and instructions for their disposition.

(2) The cremation permit if required in the jurisdiction of death.

(3) Any other documentation required by this state.

b. If the authorized person is not available to execute the cremation authorization form in person, the funeral director may accept written authorization by facsimile, e-mail, or such alternative written or electronic means the funeral director reasonably believes to be reliable and credible.

c. The authorized person may revoke the authorization and instruct the funeral director or funeral establishment to cancel the cremation. The cremation establishment shall honor any instructions from a funeral director or funeral establishment under this rule if the cremation establishment receives instructions prior to beginning the cremation.

100.10(5) Cremation procedures.

a. A cremation establishment shall cremate human remains within 24 hours of issuance of the delivery receipt as defined in subrule 100.10(1).

b. No cremation establishment shall cremate human remains when it has actual knowledge that the human remains contain a pacemaker or have any other implants or materials which will present a health hazard to those performing the cremation and processing and pulverizing the cremated remains.

c. No cremation establishment shall refuse to accept human remains for cremation because such human remains are not embalmed.

d. Whenever a cremation establishment is unable or unauthorized to cremate human remains immediately upon taking custody of the remains, the cremation establishment shall place the human remains in a holding facility in accordance with the cremation establishment rules and regulations and within the parameters of rules 645—100.5(135,144) and 645—100.6(156).

e. No cremation establishment shall accept human remains unless they are delivered to the cremation establishment in a container which prevents the leakage of body fluids.

f. Under no circumstances shall an alternative container or casket be opened at the cremation establishment except to facilitate proper cremation.

g. The container in which a human remains is delivered to the cremation establishment shall be cremated with the human remains or safely destroyed.

h. The simultaneous cremation of the human remains of more than one person within the same cremation chamber, without the prior written consent of the authorized person, is prohibited. Nothing in this rule, however, shall prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the cremation establishment from multiple sources, or the use of cremation equipment that contains more than one cremation chamber.

i. No unauthorized person shall be permitted in the holding facility or cremation room while any human remains are being held there awaiting cremation, being cremated, or being removed from the cremation chamber.

j. A cremation establishment shall not allow removal of any dental gold, body parts, organs, or any item of value prior to or subsequent to a cremation without previously having received specific written authorization from the authorized person and written instructions for the delivery of these items to the authorized person.

k. Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the cremation chamber.

l. If all of the recovered cremated remains will not fit within the receptacle that has been selected, the remainder of the cremated remains shall be returned to the authorized person or this person's designee in a separate container. The cremation establishment shall not return to an authorized person or this person's designee more or less cremated remains than were removed from the cremation chamber.

m. A cremation establishment shall not knowingly represent to an authorized person or this person's designee that a temporary cremation container or urn contains the cremated remains of a specific decedent when it does not.

n. Cremated remains shall be shipped only by a method that has an internal tracing system available and that provides a receipt signed by the person accepting delivery.

o. A cremation establishment shall maintain an identification system that shall ensure the identity of human remains in the cremation establishment's possession throughout all phases of the cremation

process. A noncombustible tag or disc that includes the name and license number of the cremation establishment and the city and state where the cremation establishment is located shall be attached to the plastic bag with the cremated remains or placed in amongst the cremated remains.

100.10(6) Disposition of cremated remains. If responsible, the funeral director shall supervise the final disposition of the cremated remains as follows:

a. Cremated remains may be disposed of by placing them in a grave, crypt, or niche or by scattering them in a scattering area as defined in these rules, or they may remain in the personal care and custody of the authorized person. After supervising the transfer of cremated remains to the authorized person or place of final disposition, the funeral director shall be discharged.

b. Upon the completion of the cremation process, the cremation establishment shall release the cremated remains to the funeral establishment or the authorized person or the authorized person's designee. Upon the receipt of the cremated remains, the individual receiving them may transport them in any manner in this state without a burial transit permit and may dispose of them in accordance with this rule. After releasing the cremated remains, the cremation establishment shall be discharged from any legal obligation or liability concerning the cremated remains.

c. If, after a period of 60 days from the date of the cremation, the authorizing person or designee has not instructed the funeral director to arrange for the final disposition of the cremated remains, the funeral director may dispose of the cremated remains in any manner permitted by this rule. The funeral establishment, however, shall keep a permanent record identifying the site of final disposition. The authorizing person shall be responsible for reimbursing the funeral establishment for all reasonable expenses incurred in disposing of the cremated remains. Any entity that was in possession of cremated remains prior to the effective date of these rules may dispose of them in accordance with this rule.

d. Except with the express written permission of the authorizing person, no funeral director or cremation establishment shall:

(1) Dispose of cremated remains in a manner or in a location so that the cremated remains are commingled with those of another person. This prohibition shall not apply to the scattering of cremated remains in an area located in a cemetery and used exclusively for those purposes.

(2) Place cremated remains of more than one person in the same temporary cremation container or urn.

100.10(7) Scope of rules. These rules shall be construed and interpreted as a comprehensive cremation statute, and the provisions of these rules shall take precedence over any existing laws containing provisions applicable to cremation, but that do not specifically or comprehensively address cremation.

[ARC 9239B, IAB 11/17/10, effective 12/22/10; ARC 1275C, IAB 1/8/14, effective 2/12/14; ARC 3083C, IAB 5/24/17, effective 6/28/17]

645—100.11(156) Records to be retained by a funeral establishment. To ensure a permanent record of the licensed activity relating to the custody of each decedent, each funeral director shall create and the funeral establishment shall maintain the records identified in this rule. Funeral directors and funeral establishments shall comply with the rules adopted by the department of public health under Iowa Code section 144.49.

100.11(1) At a minimum, the following information, if applicable, relating to each human remains which enters the custody of the establishment/licensee shall be maintained as the permanent record of licensed activity:

- a.* Name of the deceased;
- b.* Date, time, and place of death (institution or other place, city, state, zip);
- c.* Name and address of the person or funeral establishment to whom a human remains is released;
- d.* Date and from whom the funeral director assumed custody, including the name of the institution or other place of death releasing a human remains;
- e.* Date, time, and name of the licensed funeral director or registered intern completing embalming or other preparation for final disposition;
- f.* Date, place and method of final disposition of a human remains.

100.11(2) Each funeral establishment shall create and maintain the following records for a period of ten years:

- a. General price list required by the funeral rule, beginning on the most recent effective date;
- b. Each completed statement of goods and services required by the funeral rule, beginning on the date the statement is signed;
- c. Cremation records (see 645—100.10(156));
- d. Embalming records;
- e. Each preneed contract (pursuant to Iowa Code chapter 523A), beginning on the date of death.

100.11(3) The funeral records maintained by the funeral establishment as required in 100.11(1) and 100.11(2) shall be made available by the manager, funeral director or owner of the funeral establishment to:

- a. Any person or entity assuming a new ownership interest or any person newly assuming the position of manager, at least ten days prior to a change in ownership or manager, unless otherwise mutually agreed upon by the parties;
- b. Any licensed funeral director who practiced funeral directing while under the employment of, or while acting as an agent of, the funeral establishment; and
- c. The state registrar of vital statistics and the board.

100.11(4) In the event a funeral establishment ceases to do business, the owner or manager of the funeral establishment shall identify the person or entity which will be responsible for records to be maintained by a funeral establishment as required in 100.11(1) and 100.11(2). The funeral establishment shall notify the board if funeral records are moved from the funeral establishment to another location and identify the person responsible for their safekeeping.

[ARC 1274C, IAB 1/8/14, effective 2/12/14; ARC 3083C, IAB 5/24/17, effective 6/28/17]

These rules are intended to implement Iowa Code chapters 147, 156, and 272C.

[Filed prior to 7/1/52; amended 2/24/58, 6/10/60, 3/15/72]

[Filed 4/24/80, Notice 1/9/80—published 5/14/80, effective 7/1/80]

[Filed 8/23/82, Notice 5/26/82—published 9/15/82, effective 10/21/82]

[Filed emergency after Notice 1/19/84, Notice 10/26/83—published 2/15/84, effective 1/19/84]

[Filed 7/13/84, Notice 5/23/84—published 8/1/84, effective 9/5/84]

[Filed 1/24/86, Notice 12/18/85—published 2/12/86, effective 3/20/86]

[Filed 8/30/88, Notice 6/29/88—published 9/21/88, effective 10/26/88]

[Filed 1/17/92, Notice 9/4/91—published 2/5/92, effective 3/11/92]

[Filed 4/24/92, Notice 3/4/92—published 5/13/92, effective 6/17/92]

[Filed 1/27/95, Notice 10/26/94—published 2/15/95, effective 3/22/95¹]

[Filed 5/2/97, Notice 2/26/97—published 5/21/97, effective 6/25/97]

[Filed 8/20/97, Notice 7/2/97—published 9/10/97, effective 10/15/97]

[Filed 8/18/98, Notice 5/6/98—published 9/9/98, effective 10/14/98]

[Filed 6/19/02, Notice 1/9/02—published 7/10/02, effective 8/14/02]

[Filed 3/13/03, Notice 1/8/03—published 4/2/03, effective 5/7/03]

[Filed 3/23/05, Notice 2/16/05—published 4/13/05, effective 5/18/05]

[Filed 12/9/05, Notice 9/28/05—published 1/4/06, effective 2/8/06]

[Filed 3/9/06, Notice 1/4/06—published 3/29/06, effective 5/3/06]

[Filed 3/21/08, Notice 1/16/08—published 4/9/08, effective 5/14/08]

[Filed 9/12/08, Notice 7/30/08—published 10/8/08, effective 11/12/08]

[Filed ARC 9239B (Notice ARC 8927B, IAB 7/14/10), IAB 11/17/10, effective 12/22/10]

[Filed ARC 1274C (Notice ARC 1163C, IAB 10/30/13), IAB 1/8/14, effective 2/12/14]

[Filed ARC 1275C (Notice ARC 1164C, IAB 10/30/13), IAB 1/8/14, effective 2/12/14]

[Filed ARC 3083C (Notice ARC 3000C, IAB 3/29/17), IAB 5/24/17, effective 6/28/17]

[Filed ARC 4849C (Amended Notice ARC 4656C, IAB 9/11/19; Notice ARC 4306C, IAB 2/13/19),
IAB 1/1/20, effective 2/5/20]²

- ¹ Effective date of 645—100.1(4)“a,” 100.1(5)“c,” 100.1(8)“a,” 100.6(135,144) and 100.7(135,144) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 13, 1995; delay lifted by this Committee May 9, 1995.
- ² February 5, 2020, effective date of **ARC 4849C** [100.9(6)] delayed until the adjournment of the 2020 session of the General Assembly by the Administrative Rules Review Committee at its meeting held January 10, 2020.