

CHAPTER 49
BULK DRY ANIMAL NUTRIENTS

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

21—49.1(200A) Definitions. When used in this chapter:

“Bulk dry animal nutrient product” or *“bulk product”* means an animal nutrient product delivered to a purchaser in bulk form to which a label cannot be attached.

“Business” means a commercial enterprise.

“Church” means a religious institution.

“Commercial enterprise” means a building which is used as a part of a business that manufactures goods, delivers services, or sells goods or services, which is customarily and regularly used by the general public during the entire calendar year and which is connected to electric, water, and sewer systems. A commercial enterprise does not include a farm operation.

“County soil survey” means a publication containing a survey of soils and topography of an Iowa county by the Iowa cooperative soil survey.

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

“Distribute” means to offer for sale, sell, hold out for sale, exchange, barter, supply or furnish a bulk dry animal nutrient product on a commercial basis.

“Distributor” means a person who distributes a bulk dry animal nutrient product.

“Dry animal nutrient product” means any unmanipulated animal manure composed primarily of animal excreta if all of the following apply:

1. The manure contains one or more recognized plant nutrients which are used for their plant nutrient content.
2. The manure promotes plant growth.
3. The manure does not flow perceptibly under pressure.
4. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.
5. The constituent molecules of the manure do not flow freely among themselves but do show the tendency to separate under stress.

“Educational institution” means a building in which an organized course of study or training is offered to students enrolled in kindergarten through grade 12 and served by local school districts, accredited or approved nonpublic schools, area education agencies, community colleges, institutions of higher education under the control of the state board of regents, and accredited independent colleges and universities.

“Grassed waterway” means a shaped or graded channel that is established with suitable vegetation for the stable conveyance of runoff.

“Guaranteed analysis” means the minimum percentage of plant nutrients claimed and reported to the department pursuant to Iowa Code section 200A.6.

“Label” means any written or printed material which accompanies bulk shipments.

“Major water source” means a water source that is a lake, reservoir, river or stream located within the territorial limits of the state, or any marginal river area adjacent to the state, if the water source is capable of supporting a floating vessel capable of carrying one or more persons during a total of a six-month period in one out of ten years, excluding periods of flooding.

“Official sample” means any sample of a bulk dry animal nutrient taken by the department, according to procedures established by the department consistent with this chapter.

“Percent” or *“percentage”* means percentage by weight.

“Person” means individual, partnership, association, firm or corporation.

“Public use area” means that portion of land owned by the United States, the state, or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, campgrounds, cemeteries, lodges and cabins, shelter houses, playground equipment, swimming beaches at lakes, and fishing docks, fishing houses, fishing jetties or fishing piers at lakes. It does not include a highway, road right-of-way, parking

areas, recreational trails or other areas where the public passes through, but does not congregate or remain in the area for significant periods of time.

“*Purchaser*” means a person to whom a dry bulk animal nutrient is distributed.

“*Religious institution*” means a building in which an active congregation is devoted to worship.

“*School*” means an educational institution.

“*Ton*” means a net weight of 2,000 pounds avoirdupois.

“*Water of the state*” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

“*Water source*” means a lake, river, reservoir, creek, stream, ditch, or other body of water or channel having definite banks and a bed with water flow, except lakes or ponds without outlet to which only one landowner is riparian.

[ARC 4788C, IAB 12/4/19, effective 1/8/20]

21—49.2(200A) License. A person who distributes a bulk dry animal nutrient product in this state must first obtain a license from the department. A license application must be submitted to the department, on a form furnished by the department, according to procedures required by the department. A license shall expire on July 1 of each even-numbered year following the date the license is issued. A license may be renewed for a two-year period as provided by the department. A person required to obtain a license shall pay the department a fee equal to \$20 for each place from which the person distributes a bulk product in this state.

[ARC 5118C, IAB 7/29/20, effective 9/2/20]

21—49.3(200A) Registration. Each bulk dry animal nutrient shall be registered before being distributed in this state. The application for registration shall be submitted to the department on forms furnished by the department and shall be accompanied by a label which contains information as provided in Iowa Code section 200A.6, subsection 2, paragraphs “a” and “b.”

21—49.4(200A) Additional plant elements. Additional plant food nutrients, besides nitrogen, phosphorus and potassium, when mentioned in any form or manner, shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. The minimum percentages which will be accepted for registration are as follows:

<u>Element</u>	<u>Percent</u>
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

Guarantees or claims for the above-listed additional plant nutrients are the only ones which will be accepted. Proposed labels and directions for use shall be furnished with the application for registration. Any of the above-listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for nitrogen, phosphorus and potassium. A warning statement is required on the label for any product which contains 0.03 or more boron in a water-soluble form or 0.001 percent or more of molybdenum. The statement shall carry the word “WARNING” in letters large enough to be conspicuous; it

shall state the crops for which the bulk dry animal nutrient may be used and it shall state that use of the bulk dry animal nutrient on any other than those recommended may result in serious injury to the crops.

21—49.5(200A) Distribution statement. Any bulk dry animal nutrient distributed in this state must be accompanied by a form, furnished by the department, which contains all information required by Iowa Code section 200A.7. The distribution statement must be provided to the purchaser before possession of bulk dry animal nutrient is transferred to the purchaser and receipt of the distribution statement must be acknowledged by signature or initials of the purchaser. The distributor shall maintain a copy of the distribution statement for one year.

21—49.6(200A) Distribution reports. Any person required to be licensed to distribute bulk dry animal nutrients in this state shall file distribution reports on forms furnished by the department as required by Iowa Code section 200A.8.

21—49.7(200A) Storage of bulk dry animal nutrients. A distributor storing bulk dry animal nutrients shall meet the following storage requirements:

1. Bulk dry animal nutrients shall not be stored in a manner which pollutes the waters of the state.
2. Bulk dry animal nutrients shall not be stored in a grassed waterway.
3. Bulk dry animal nutrients shall not be stored on ground with a slope of greater than class “B” as defined in the county soil survey.
4. Bulk dry animal nutrients shall not be stored within 200 feet of a shallow private water supply well.
5. Bulk dry animal nutrients shall not be stored within 100 feet of a deep water supply well.
6. Bulk dry animal nutrients shall not be stored within 500 feet of a surface intake, wellhead or cistern of agricultural drainage wells, known sinkholes or major water sources.
7. Bulk dry animal nutrients shall not be stored within 400 feet of water sources other than major water sources (excluding farm ponds, privately owned lakes or when a secondary containment barrier is provided).
8. Bulk dry animal nutrients shall not be stored within 500 feet of a residence, business, church, school, or public use area, unless the titleholder of the residence, business, church, school, or public use area executes a written waiver with the titleholder of the land where the bulk dry animal nutrients are stored.

[ARC 4788C, IAB 12/4/19, effective 1/8/20]

21—49.8(200A) Manure management plans. Distributors of bulk dry animal nutrients who are confinement feeding operations must comply with rules 567—65.16(459,459B) and 567—65.17(459,459B) and 567—paragraph 65.3(3) “g.” For the volume of bulk dry animal nutrients to be sold or removed from control of the distributor, the requirements of rules 567—65.16(459,459B) and 567—65.17(459,459B) and 567—paragraph 65.3(3) “g” shall be deemed to have been met when a distributor notifies in writing the department of natural resources.

These rules are intended to implement Iowa Code chapter 200A.

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