567—15.1(455B,554D) Purpose. This rule implements 40 CFR Part 3, the federal cross-media electronic reporting rule (CROMERR), as amended through November 17, 2009.

15.1(1) *Applicability.* The provisions of 40 CFR Sections 3.1 and 3.2 are adopted by reference.

15.1(2) *Definitions.*

a. For the purpose of this chapter, the following definitions in 40 CFR Section 3.3 are adopted by reference: "Authorized program," "Copy of record," "Electronic document," "Electronic document receiving system," "Electronic signature," "Electronic signature agreement," "Electronic signature device," "Federal program," "Handwritten signature," and "Valid electronic signature."

b. The following definition applies to this chapter:

"Authorized signatory" means an individual authorized to sign documents under one or more authorized programs, in accordance with the specific requirements of each authorized program, and who signs a document submitted to one of the department's electronic document receiving systems pursuant to an electronic signature agreement.

15.1(3) *Use of electronic document receiving systems.*

a. Website announcement. When the director has announced on the department's website that electronic documents are being accepted in lieu of paper to satisfy requirements under one or more authorized programs, individuals who submit such electronic documents must use the CROMERR-compliant electronic document receiving system or systems as specified by the department.

b. Submittals requiring signature. Any electronic document submitted to the department must bear a valid electronic signature of an authorized signatory, if that signatory would be required under an authorized program to sign the paper document for which the electronic document substitutes.

c. Submittals not requiring signature. If no signature is required under an authorized program, individuals may submit electronic documents in lieu of paper to satisfy requirements of such programs through one or more of the department's CROMERR-compliant electronic document receiving systems without an electronic signature or an electronic signature agreement.

15.1(4) *Electronic signature agreement (ESA).*

a. Agreement to be executed. In order to sign and submit electronic documents in one of the departments' CROMERR-compliant electronic document receiving systems, a signatory must execute an ESA specific to that electronic document receiving system.

b. Form and content of agreement. All ESAs shall include the information and follow the format defined by the department in the specific CROMERR-compliant electronic document receiving system.

c. Verification. The identity and signature authority of each individual submitting an ESA shall be verified by the state of Iowa or by a third-party signature verification service. After verification, the department shall notify an individual electronically that electronic documents may be signed and submitted in a specific CROMERR-compliant electronic document receiving system.

d. Certification. Each document submission authorized by an electronic signature shall contain the following statement: "I certify under penalty of law that I have had the opportunity to review, in human-readable format, the content of the electronic document to which I here certify and attest, and I further certify under penalty of law that, based on the information and belief formed after reasonable inquiry, the statements and information contained in this submission are true, accurate, and complete. I understand that making any false statement, representation, or certification of this submission may result in criminal penalties."

15.1(5) *Valid electronic signature.*

a. Signatory. An authorized signatory may not allow another individual to use the electronic signature device unique to the authorized signatory's electronic signature.

b. Unique signature device. When the electronic signature device is used to create an individual's electronic signature, the code or mechanism must be unique to that individual at the time the signature is created and the individual must be uniquely entitled to use it. The signatory shall:

(1) Protect the electronic signature device from compromise; and

(2) Report to the department, within one business day of discovery, any evidence that the security of the device or the signatory's electronic signature has been compromised.

15.1(6) *Effect of electronic signature and enforcement.* The provisions of 40 CFR Section 3.4 are adopted by reference.

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