



# MINUTES

## JUNE 2024 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

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### MEMBERS PRESENT

Senator Mike Klimesh, Chair  
Senator Nate Boulton  
Senator Mike Boussetot

Representative Michael R. Bergan, Vice Chair  
Representative Amy Nielsen  
Representative Rick L. Olson

EX OFFICIO, NONVOTING MEMBER: Nate Ristow, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048

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### BULLETINS NEEDED FOR THIS MEETING: 5/15/24, 5/29/24

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#### Procedural Business

Senator Klimesh convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 11:00 a.m. on Tuesday, June 11, 2024, in Room 116, State Capitol, Des Moines, Iowa. The minutes of the May 6, 2024, meeting were approved. The next meeting was scheduled for Tuesday, July 16, 2024, at 11:00 a.m. The meeting was adjourned at 11:55 a.m.

#### Fiscal Overview

Mr. Jacob Ludwig, Fiscal Legislative Analyst, presented the LSA fiscal report.

#### SECRETARY OF STATE

Representing the agency: Eric Gookin

ARC 8027C (NOIA), Proposed Constitutional Amendments, Rule 21.200

No discussion on ARC 8027C.

#### PUBLIC HEALTH DEPARTMENT

Representing the agency: Joe Campos

ARC 8041C (AF), Immunization and Immunization Education: Persons Attending Elementary or Secondary Schools, Licensed Child Care Centers or Institutions of Higher Education, Ch. 7

Committee members asked who is considered an enrolled user for purposes of access to the registry and what protections are in place for a person's data listed on the registry. Mr. Campos was unaware, but stated he would provide the committee with this information.

No action taken on ARC 8041C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

ARC 8042C (AF), Private Well Testing, Reconstruction, and Plugging—Iowa Private Well Grants, Ch. 24

Committee members asked if grant moneys are provided to counties. Mr. Campos replied in the affirmative. Members asked what standards govern the use of the grants. He explained that the standards are set by statute.

No action taken on ARC 8042C.

ARC 8044C (AF), Health Data, Ch. 177

Committee members asked for more information about the rulemaking. Mr. Campos was unaware of the name of the entity the department contracts with to collect the relevant data, how the data is used, the amount of the fee that is charged, or from what agencies the department collects data. He stated he would provide this information. Members asked if the fee amount would be submitted through rulemaking. He stated that the rulemaking delineates the costs used to calculate the fee. Members noted the importance of data privacy as it relates to government agencies and expressed hope for more information on the rulemaking. Members speculated that the rulemaking reflects a longstanding practice involving federal agencies whereby hospitals collect health data from an entity selected through the request for proposal process.

No action taken on ARC 8044C.

## **AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT**

Representing the agency: Colin Tadlock, Dr. Jeff Kaisand

ARC 7934C (NOIA), Meat and Poultry Inspections—Adoption by Reference, Ch. 76

No discussion on ARC 7934C.

ARC 8025C (NOIA), Reporting Disease — Highly Pathogenic Avian Influenza, Rule 64.1, also Filed Emergency ARC 8026C

Committee members asked for information on highly pathogenic avian influenza (HPAI) cases in dairy herds in Iowa. Mr. Tadlock explained that there have been cases in two herds in Iowa and cases in 12-13 states nationwide, likely with cases being underreported. He further explained that the department requires testing in dairy farms near infected poultry sites and encourages testing in other areas.

Committee members asked if the department and the Department of Health and Human Services (HHS) maintained contact regarding HPAI. Mr. Tadlock explained that the departments are in frequent communication, while HHS staff conducts the testing. Dr. Kaisand explained that the department communicates multiple times a day with HHS and the United States Department of Agriculture (USDA) regarding HPAI.

Committee members asked what the effect of HPAI is on an infected cow. Dr. Kaisand explained that HPAI is generally not lethal to cows but may cause fever and decreased milk production and affect the quality of the milk. Members asked how long it takes for HPAI to run its course. He explained that because HPAI is a virus, there are no antibiotics, but steps can be taken to care for infected cows. He stated that more research is needed on the movement of HPAI within herds and between poultry and dairy animals. He noted that USDA has a HPAI strike team on the ground in Iowa at the department's request.

Committee members asked if HPAI can be transmitted to humans through milk. Dr. Kaisand explained that HHS communicates with the federal Centers for Disease Control and Prevention and affected facilities when a dairy infection is detected and determines which facility employees had contact with infected cows. He said employees who work with cows are encouraged to use personal protective equipment. He further explained that it is not known for certain how HPAI is transmitted to humans.

Committee members noted the rulemaking addresses reporting of infections and asked if there are sufficient statutes and rules in place to respond to HPAI and if more emergency rulemaking might be necessary. Mr. Tadlock stated that the department has the authority it presently needs and the state response to HPAI is going well. He explained that the department has asked USDA for more resources such as compensation and indemnification for producers. He stated that USDA has made additional funds available for producer compensation.

No action taken on ARC 8025C or ARC 8026C.

## **LABOR SERVICES DIVISION**

Representing the agency: Ashleigh Hackel

### **ARC 7940C (NOIA), Posting, Inspections, Citations, and Proposed Penalties, Ch. 3**

Committee members thanked the department for listening to stakeholder feedback on the rulemaking. Members expressed concern about a change in federal policy regarding notice to employees of an inspection. Ms. Hackel explained that the relevant language from the prior chapter of rules was not necessary to include in the rulemaking, as it is covered by statute and departmental practice, but could be added back in.

No action taken on ARC 7940C.

### **ARC 7941C (NOIA), Recording and Reporting Occupational Injuries and Illnesses, Ch. 4**

No discussion on ARC 7941C.

## **ENVIRONMENTAL PROTECTION COMMISSION**

Representing the agency: Jim McGraw, Kelli Book

### **ARC 7965C (AF), Animal Feeding Operations, Ch. 65**

Committee members noted the large number of public comments received on the rulemaking stated that caucus staff had requested the comments and had not yet received them. Ms. Book noted that the commission received 540 comments, many of which were duplicative, but she indicated she would provide them to the committee quickly. She noted the commission could also provide a summary. Members asked the extent to which the commission addressed the comments. She explained that many comments were outside the parameters of Executive Order 10 or the commission's statutory authority, but the commission made revisions in response to comments when it was able to do so.

Committee members asked for more information about the five counties that do not yet have floodplain maps approved by the Federal Emergency Management Agency. Ms. Book explained one or two of the counties had since been approved, and the rules would be updated in December. She further explained that the counties were unapproved because the approval process had taken longer for those counties, and the counties can use draft maps and technical information from the Department of Natural Resources in the meantime. She noted the counties have an opportunity to contest how the department's information is used.

No action taken on ARC 7965C.

### **ARC 7959C (AF), Fees, Ch. 30**

Committee members asked for more information about the fees provided for in the rulemaking. Mr. McGraw explained that the fees are primarily paid by major sources and the fee amounts will not change. He described the various expenses that are funded by the fees and discussed how fees charged by the state Environmental Protection Commission and the federal Environmental Protection Agency regarding this subject do not overlap. Members commended the commission for not raising these fees.

No action taken on ARC 7959C.