

REPORT OF THE
ENVIRONMENTAL AGENCIES SUBCOMMITTEE OF THE
STANDING COMMITTEES ON ENVIRONMENTAL PRESERVATION

Submitted to the Members of the
Second Session of the Sixty-fourth General Assembly
Meeting in the Year 1972

R E P O R T

SUBCOMMITTEE ON ENVIRONMENTAL AGENCIES
OF THE
STANDING COMMITTEES ON ENVIRONMENTAL PRESERVATION

1971

The Legislative Council, at its August 11 meeting, approved the establishment of the Subcommittee on Environmental Agencies of the Standing Senate and House Committees on Environmental Preservation to review and give further study to the provisions of Senate File 85, as amended and passed by the Senate, relating to the creation of a department of environmental quality. The respective Chairmen of the Senate and House Standing Committees on Environmental Preservation appointed the following legislative membership:

Representative Luvern W. Kehe, Chairman
Senator Leigh Curran
Senator Cloyd E. Robinson
Senator George L. Shawver
Representative Michael T. Blouin
Representative Marion D. Siglin

The Subcommittee held three meetings to complete its study assignment and prepare its recommendations to the Legislative Council and the respective Standing Committees on Environmental Preservation.

At its first meeting on October 5, the Subcommittee organized and elected Representative Luvern W. Kehe as Chairman. The amendments which were filed to Senate File 85 were discussed, but no recommendations were made pending a review of the amendments which were considered in the Senate prior to passage of the bill. The Subcommittee also heard testimony from Mr. Winton Etchen representing the Iowa Fertilizer and Chemical Association. A copy of Mr. Etchen's statement is filed with the Subcommittee's records in the Legislative Service Bureau.

The Subcommittee invited representatives of the departments and commissions which will be affected by the enactment of Senate File 85, to attend its second meeting on October 26. The invitees who attended the meeting included Secretary of Agriculture L. B. Liddy, Mr. Robert Lounsberry, Deputy Secretary of Agriculture who represented the Chemical Technology Review Board, Dr. Arnold Reeve, Commissioner of Public Health, Mr. Othie R. McMurry, Director of the Iowa Natural Resources Council, Mr. Robert Buckmaster, Chairman of the Iowa Water Pollution Control Commission, Mr. Carl D. Smith, a member of the Iowa Air Pollution Control Commission, and Dr. W. J. Hausler, Jr., a member of the Iowa Air Pollution Control Commission. The Subcommittee asked these administrators and commissioners to assess the provisions of

Senate File 85 as amended and passed by the Senate and recommend changes to correct errors and deficiencies. Copies of written statements submitted by Mr. Lounsberry, Dr. Reeve, Mr. McMurry, and Mr. Smith are filed with the Subcommittee's records in the Legislative Service Bureau.

After review of the various amendments filed to Senate File 85 during the First Session of the Sixty-fourth General Assembly and the recommendations submitted by the interested parties, the Subcommittee made the following recommendations relating to Senate File 85:

1. State-owned laboratory facilities in Iowa should be given the first opportunity to provide the laboratory, scientific field measurement and environmental evaluation services required by the department of environmental quality. If the state-owned laboratories cannot provide the required services, the executive director should be authorized to contract with other private or public laboratories.

2. The effective date of the Act should be January 1, 1973. Other dates within the bill should be changed to correspond to the recommended effective date.

3. Provisions within the bill which limit each commissioner to two complete terms should be clarified to read two complete four-year terms.

4. Section 89 of the bill should be deleted. The section requires the operator of any service station selling motor fuel at retail to provide litter disposal receptacles for use of the traveling public.

5. The provisions of the bill which correspond to Chapter 206, Code 1971, should be deleted. Prior to passage by the Senate, the provisions of the bill which correspond to Chapter 200 of the Code were deleted; thus, the inspection of the quality of fertilizers and the labeling of fertilizer containers remains under the administration of the State Department of Agriculture, but the inspection of the quality of pesticides and the labeling of pesticide containers in Chapter 206 of the Code is transferred to the proposed Department of Environmental Quality. The Subcommittee recommends that to avoid administrative duplication, the administration of Chapters 200 and 206 should be retained by the State Department of Agriculture. However, the duties of the Chemical Technology Review Board (Chapter 206A) should be transferred to the proposed Department.

6. The members of the commissions and the executive committee within the proposed Department should be compensated at the rate of forty dollars per diem.

7. The Commissioner of Public Health should be a nonvoting member of the Executive Committee of the proposed Department. A copy of the amendment to Senate File 85 drafted by the Legislative Service Bureau to implement the recommendations of the Subcommittee is attached to and by this reference made a part of this report.

Regarding the five House amendments filed to Senate File 85, the Subcommittee agrees that:

1. A horticulturist should be appointed to the advisory committee of the Chemical Technology Commission.

2. The Attorney General should have the sole responsibility to institute legal action on behalf of the new Department; however, the executive director should be allowed to hire a qualified attorney to perform interdepartmental duties.

3. The Governor should appoint the Executive Director of the proposed Department and establish his salary at an amount not to exceed twenty-five thousand dollars per annum.

A copy of the House amendments filed to Senate File 85 are attached to and by this reference made a part of this report.

The Subcommittee held a total of three meetings. The Chief Clerk's Office provided secretarial assistance for recording and the preparation of the Subcommittee's minutes. The Legislative Service Bureau prepared the amendment to implement the recommendations and provided other staff assistance as requested by the Subcommittee.

Respectfully submitted,

LUVERN W. KEHE
Chairman

AMENDMENT TYPING SHEET
(Type between lines only)

SENATE FILE 85

1 Amend Senate File 85, as amended and passed by the
2 Senate, as follows:

3 1. Page 2A, by striking line 33 and inserting in
4 lieu thereof the following:

5 "with public agencies of this state to provide all
6 lab-".

7 2. Page 2B, line 36, by inserting after the period
8 the following new sentence:

9 "If the executive director finds that public agencies
10 of this state cannot provide the laboratory, scientific
11 field measurement and environmental evaluation services
12 required by the department, he may contract, with the
13 approval of the executive committee, with any other
14 public or private persons or agencies for such services."

15 3. Page 3A, by striking lines 27 through 34, in-
16 clusive, and inserting in lieu thereof the following:

17 "four members shall be the appointed members who
18 served on the Iowa air pollution control commission
19 abolished by this Act, whose terms expired on the thir-
20 tieth of June, 1973, and the terms of such four members
21 shall expire on the thirtieth of June, 1973. The
22 remaining three members shall be selected by the gov-
23 ernor from among the four appointed members of the Iowa
24 air pollution control commission abolished by this Act,
25 whose terms expire on the thirtieth of June, 1975, and

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1 the terms of the three members selected by the governor
2 shall expire on the thirtieth of June, 1975. No member
3 shall be appointed to serve more than two complete four-
4 year terms."

5 4. Page 3B, by striking lines 38 through 48, inclu-
6 sive, and inserting in lieu thereof the following:

7 "membership, six members shall be the appointed
8 members who served on the Iowa water pollution control
9 commission abolished by this Act. The terms of the
10 two appointed members scheduled to expire on the first
11 of July, 1973, shall expire on the thirtieth of June,
12 1973; the terms of the three appointed members scheduled
13 to expire on the first of July, 1975, shall expire on
14 the thirtieth of June, 1975; and the term of the
15 appointed member scheduled to expire on the first of
16 July, 1977, shall expire on the thirtieth of June, 1975.
17 The remaining commission member shall be appointed by
18 the governor with the consent of two-thirds of the
19 senate for a one-year term. No member shall be appointed
20 to serve more than two complete four-year terms."

21 5. Page 4, line 6, by inserting after the number
22 "1974" the following:

23 ", and the terms of the two members shall expire
24 on the thirtieth of June, 1974".

25 6. Page 4, line 11, by striking the word "three"

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1 and inserting in lieu thereof the word "two".

2 7. Page 4, line 12, by inserting after the word
3 "complete" the word "four-year".

4 8. Page 4, line 18, by inserting after the word
5 "complete" the word "four-year".

6 9. Page 5, line 4, by striking the word "thirty"
7 and inserting in lieu thereof the word "forty".

8 10. Page 5, line 27, by inserting before the word
9 "and" the words "commissioner of public health, ".

10 11. Page 20, line 9, by striking the word and number
11 "July, 1971" and inserting in lieu thereof the word
12 and number "January, 1973.

13 12. Page 31B, line 41, by striking the number "1971"
14 and inserting in lieu thereof the number "1972".

15 13. Page 45, by striking lines 15 through 18, inclu-
16 sive.

17 14. Page 45, line 19, by striking the number "90"
18 and inserting in lieu thereof the number "89".

19 15. Page 45, line 25, by striking after the word
20 "Sec." the number "91" and inserting in lieu thereof
21 the number "90".

22 16. Page 46, by striking lines 16 through 35, and
23 pages 47 through 61, inclusive, and inserting in lieu
24 thereof the following new sections:

25 "Sec. 91. The commission shall collect, analyze,

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1 and interpret information relating to agricultural
2 chemicals and their use. The commission shall coor-
3 dinate the regulation and information responsibilities
4 of state agencies on matters relating to the sale and
5 use of agricultural chemicals. It shall adopt rules
6 relating to the sale, use and disuse of agricultural
7 chemicals and may, by rule, restrict or prohibit the
8 sale, distribution, or use of any agricultural chemi-
9 cal. In determining whether to restrict or prohibit
10 the sale, distribution, or use of any agricultural
11 chemical, the board shall consider any official re-
12 ports, academic studies, expert opinions or testimony,
13 or other matter deemed to have probative value. Any
14 such evidence shall be received at a public hearing
15 held for such purpose.

16 The commission shall consider the toxicity, hazard,
17 effectiveness and public need for the agricultural
18 chemicals, and the availability of less toxic or less
19 hazardous agricultural chemicals and substances or other
20 means of control."

21 "Sec. 92. An advisory committee to the commission
22 is created. The advisory committee shall consist of
23 the following:

24 1. The dean, college of veterinary medicine, Iowa
25 state university of science and technology, or his

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1 designee;

2 2. The dean, college of medicine, state university
3 of Iowa, or his designee;

4 3. An entomologist, botanist, geneticist, horti-
5 culturist, and an agronomist appointed by the dean,
6 college of agriculture, Iowa state university of science
7 and technology;

8 4. Two ecologists, one appointed by the president,
9 Iowa state university of science and technology, and
10 one appointed by the president, university of Iowa.

11 Appointive members of the advisory committee shall
12 serve terms of four years. The advisory committee shall
13 assist the commission in obtaining scientific data and
14 coordinating agricultural chemical regulatory, enforce-
15 ment, research, and educational functions of the state.
16 The advisory committee shall recommend rules regarding
17 the sale, use, or disuse of agricultural chemicals to
18 the commission.

19 The advisory committee shall adopt rules relating
20 to its organizational structure, procedures, and meetings
21 under the general supervision of the commission.

22 The members of the advisory committee shall be reim-
23 bursed for all actual and necessary expenses incurred
24 by them in the discharge of their official duties."

25 "Sec. 93. The commission shall, by rule and regula-

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1 tion, after a public hearing following due notice:

2 1. Declare as a pest any form of plant or animal
3 life or virus which is unduly injurious to plants, man,
4 domestic animals, articles, or substances.

5 2. Specify the conditions under which containers
6 of pesticides may be transported, stored, or disposed.

7 3. Determine the proper use of pesticides, includ-
8 ing their formulations, and the times and methods of
9 application and other conditions of use.

10 4. Require that all veterinarians licensed and prac-
11 ticing veterinary medicine in the state promptly report
12 any case of domestic livestock poisoning or suspected
13 poisoning to the executive director and the veterinary
14 medical diagnostic laboratory at Iowa state university
15 of science and technology."

16 "Sec. 94. The rules and regulations promulgated
17 by the commission shall be subject to the provisions
18 of chapter seventeen A (17A) of the Code and section
19 eight (8), subsection three (3) of this Act."

20 "Sec. 95. The attorney general shall institute,
21 at the request of the executive director, legal action
22 to condemn any agricultural chemical sold, offered for
23 sale, used, transported, or stored in this state in
24 violation of sections ninety (90) through ninety-four
25 (94) of this Act or any rules and regulations adopted

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(Type between lines only)

1 by the commission under sections ninety (90) through
2 ninety-four (94) of this Act."

3 "Sec. 96. Any person violating the provisions of
4 sections ninety (90) through ninety-four (94) of this
5 Act or the rules or regulations adopted by the commis-
6 sion under sections ninety (90) through ninety-four
7 (94) of this Act is guilty of a misdemeanor."

8 17. Page 64, line 5, by inserting before the word
9 "and" the words "section two hundred six point three
10 (206.3), subsection two (2), paragraph "d", section
11 two hundred six point six (206.6), subsection one (1)".

12 18. Page 64, line 7, by striking the words "two
13 hundred six (206)".

14 19. Page 64, by striking lines 11, 12, and 13 and
15 inserting in lieu thereof the following:

16 "Sec. 103. The effective date of this Act shall
17 be the first of January, 1973, except that the governor
18 may, prior to the first of January, 1973, by executive
19 order, appoint the necessary commission".

20 20. Page 64, lines 20 and 21, by striking the word
21 and number "July, 1971" and inserting in lieu thereof
22 the word and number "January, 1973".

23 21. Page 64, line 23, by striking the word and num-
24 ber "July, 1971" and inserting in lieu thereof the word
25 and number "January, 1973".

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1 22. Page 64, line 31, by striking the word and num-
2 ber "July, 1971" and inserting in lieu thereof the word
3 and number "January, 1973".

4 23. By renumbering sections and subsections and
5 internal references to sections and subsections to
6 conform to this amendment.

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HOUSE AMENDMENTS TO SENATE FILE 85

SENATE FILE 85

- 1 Amend Senate File 85, as passed by the Senate and
- 2 reprinted, by striking from page 64, lines 7 and 8 the
- 3 following: "two hundred six (206), two hundred six A
- 4 (206A),".

Filed
June 14, 1971

By WAUGH of Monona, District 27
PIERSON of Mahaska, District 87

SENATE FILE 85

- 1 Amend Senate File 85, as passed by the Senate and
- 2 reprinted, as follows:
- 3 1. Page 50, line 11, by inserting after the word
- 4 "geneticist," the following: "horticulturist,".

Filed
June 14, 1971

By WAUGH of Monona, District 27
PIERSON of Mahaska, District 87

SENATE FILE 85

- 1 Amend Senate File 85, as amended and passed by
- 2 the Senate and reprinted as follows:
- 3 1. Page 3A, line 6, by striking the word "legal".
- 4 2. Page 10, line 17, by inserting after the
- 5 word "instituted", the words "by the attorney general
- 6 at the request of the commission".

Filed
June 16, 1971

By FISCHER of Grundy
District 35

SENATE FILE 85

- 1 Amend Senate File 85, as amended and passed by the
2 Senate, as follows:
3 1. Page 2A, line 16, by inserting after the period
4 the following new sentence:
5 "The salary of the executive director shall be
6 established by the governor, but it shall not exceed
7 twenty-five thousand dollars per annum."
8 2. Page 6A, by striking line 20.
9 3. Page 15, by striking from line 11 the word and
10 number "eighteen (18)" and inserting in lieu thereof
11 the word and number "seventeen (17)".
12 4. Page 20, line 35, by inserting before the word
13 "commission" the words "air quality".
14 5. Page 23A, line 18, by inserting after the comma
15 the word "and".
16 6. Page 23A, lines 19 and 20, by striking the words
17 "and the ingredients in the package".
18 7. Page 38, line 33, by inserting before the word
19 "commission" the words "water quality".
20 8. Page 45, line 20, by inserting before the word
21 "commission" the words "solid waste disposal".
22 9. Page 45, line 21, by striking the word and
23 number "eighty-seven (87)" and inserting in lieu there-
24 of the word and number "eighty-nine (89)".
25 10. Page 62, line 2, by inserting before the word
26 "commission" the words "chemical technology".
27 11. Page 62, line 8, by striking the words and
28 number "two hundred (200)".
29 12. Page 62, line 9, by striking the comma after
30 the number "(206)".
31 13. By renumbering the sections and subsections to
32 conform to this amendment.

Filed
June 16, 1971

By LAWSON of Cerro Gordo
District 17

SENATE FILE 85

- 1 Amend Senate File 85, as passed by the Senate and
2 reprinted, as follows:
3 1. Page 3A, by striking from lines 19 and 20 the
4 words "the chemical technology commission".
5 2. Page 4, by striking all of lines 1 through 12.
6 3. By striking all of Sections 91 through 104 as
7 found on pages 45 to 62 inclusive.

Filed
June 17, 1971

By WAUGH of Monona
District 27
PETERSON of Mahaska
District 87