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Agriculture

HOUSE FILE 2268
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to animal feeding operations by providing for
2 investigations and inspections by county boards of health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2268

1 Section 1. NEW SECTION. 137.7A ANIMAL FEEDING
2 OPERATIONS.

3 A county board of health may enter into an agreement under
4 chapter 28E with the department of natural resources pursuant
5 to section 455B.110A in order to conduct investigations or
6 inspections of animal feeding operations that are located in
7 the county, as required or authorized to be conducted by the
8 department pursuant to chapter 455B.

9 Sec. 2. NEW SECTION. 455B.110A ANIMAL FEEDING OPERATIONS
10 -- AGREEMENTS WITH COUNTY BOARDS OF HEALTH.

11 1. The department may enter into an agreement with a
12 qualified county board of health established pursuant to
13 chapter 137 in order to allow the county board of health to
14 conduct investigations or inspections of animal feeding
15 operations that are located in that county, as required or
16 authorized to be conducted by the department pursuant to this
17 chapter.

18 a. The agreement shall be executed as provided in chapter
19 28E.

20 b. The department shall only execute an agreement if the
21 department determines that investigations or inspections
22 conducted under the agreement are cost-effective and the
23 quality of the investigation or inspection ensures compliance
24 with state and federal law. The department shall review
25 investigations and inspections conducted under such agreements
26 to ensure that the investigations or inspections meet minimum
27 standards for cost effectiveness and quality. The department
28 may suspend or revoke an agreement, if the department
29 determines that a county board of health is acting in a manner
30 inconsistent with applicable provisions of this chapter, rules
31 adopted by the department, or the terms or conditions of the
32 agreement.

33 2. An investigation or inspection provided for in an
34 agreement executed under this section may include, but is not
35 limited to, an investigation or inspection as provided in

1 section 455B.110, 455B.200, 455B.200A, 455B.203, or 455B.205.
2 However, the investigations or inspections authorized by
3 agreement shall be limited to the types of investigations or
4 inspections that are within the expertise of the county board
5 of health. Unless otherwise limited by an agreement, all of
6 the following apply:

7 a. The county board of health shall be deemed to be an
8 agent of the department, and shall have the same authority to
9 carry out an investigation or inspection under this chapter as
10 the authority provided under this chapter to the department.

11 b. An investigation or inspection shall be conducted by or
12 under the supervision of a sanitation officer as provided
13 under chapter 135. The sanitation officer shall have the same
14 right of access to real estate of the premises of an animal
15 feeding operation as a departmental official conducting the
16 investigation or inspection under this chapter.

17 EXPLANATION

18 This bill amends provisions in Code chapter 455B regulating
19 animal feeding operations including confinement feeding
20 operations by the department of natural resources, originally
21 enacted in 1995 by House File 519 (1995 Iowa Acts, ch. 195)
22 and amended in 1998 by House File 2494 (1998 Iowa Acts, ch.
23 1209).

24 The bill creates new Code section 455B.110A authorizing the
25 department to enter into a Code chapter 28E agreement with
26 qualified county boards of health established in order to
27 conduct investigations or inspections of animal feeding
28 operations. The bill requires that the department execute an
29 agreement only if it determines that investigations or
30 inspections meet standards for cost-effectiveness and quality.
31 The department is required to review investigations and
32 inspections conducted under the agreements in order to ensure
33 that they meet these standards. The department may also
34 suspend or revoke an agreement, if it determines that a county
35 board of health is acting in a manner inconsistent with

1 applicable provisions of Code chapter 455B, rules adopted by
2 the department, or the terms or conditions of the agreement.

3 The bill provides that the investigations or inspections
4 authorized by agreement are limited to the types of
5 investigations or inspections that are within the expertise of
6 the county board of health. The bill provides that unless
7 otherwise limited by an agreement, a county board of health
8 acting under the agreement is deemed to be an agent of the
9 department, and has the same authority as the department in
10 conducting the investigations or inspections. The bill also
11 provides that an investigation or inspection must be conducted
12 by or under the supervision of a sanitation officer. It
13 provides that the sanitation officer has the same right of
14 access to real estate of the premises of an animal feeding
15 operation as a departmental official conducting the
16 investigation or inspection.

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