

House File 440 - Introduced

HOUSE FILE 440

BY KLEIN

A BILL FOR

1 An Act relating to animal feeding operations, including
2 rulemaking procedures, vehicles used in the application of
3 manure, and biosecurity requirements.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
PUBLIC RECORDS INDICATING NONCOMPLIANCE
WITH MANURE MANAGEMENT PLANS

Section 1. Section 459.302, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the department prepares a public record regarding a person's failure to comply with the requirements for filing a manure management plan under section 459.312, the department shall indicate whether it has determined that such noncompliance was due to an obvious mistake or oversight. The indication does not preclude the department from later changing its determination.

DIVISION II
CERTIFIED MANURE APPLICATORS

Sec. 2. NEW SECTION. 459.316 **Vehicles operated by certified commercial manure services or commercial manure service representatives — identification.**

The department may require that a vehicle or tank used by a certified commercial manure service or certified commercial manure service representative transporting manure on a public road display a certification number as assigned by the department to the certified commercial manure service. However, the department shall not require that the vehicle display other information identifying the certified commercial manure service or the certified commercial manure service representative.

DIVISION III
BIOSECURITY

Sec. 3. Section 459.207, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. (1) Any air quality standard established by the department for animal feeding operations shall be based on and enforced at distances measured from a confinement feeding operation structure to a separated location. In providing for the enforcement of the standards, the department shall take

1 all initial measurements at the separated location. If the
2 department determines that a violation of the standards exists,
3 the department may conduct an investigation to trace the source
4 of the airborne pollutant.

5 (2) This section does not prohibit the department from
6 entering the premises of an animal feeding operation in
7 compliance with section 455B.103.

8 (3) (a) ~~The department~~ In addition to complying with
9 section 455B.103, a person who is a departmental official,
10 an agent of the department, or a person accompanying the
11 departmental official shall also comply with standard
12 biosecurity requirements customarily required by the animal
13 feeding operation which are necessary in order to control the
14 spread of disease among an animal population. If the owner
15 or manager of the animal feeding operation alleges that the
16 person is failing to comply with the standard biosecurity
17 requirements, the person must leave the animal feeding
18 operation at the request of the owner or manager.

19 (b) Subparagraph division (a) does not apply if the
20 department obtains a search warrant issued by a district court
21 as provided in section 455B.103 that allows a departmental
22 official to enter onto or remain on the premises of the animal
23 feeding operation in compliance with standard biosecurity
24 requirements as particularly described in the warrant.

25 Sec. 4. Section 459.304, subsection 6, Code 2015, is amended
26 to read as follows:

27 6. a. The department may conduct an inspection of the site
28 on which the construction is proposed after providing at a
29 minimum twenty-four hours' notice or upon receiving consent
30 from the construction permit applicant. The county board
31 of supervisors that has adopted a construction evaluation
32 resolution may designate a county employee to accompany a
33 departmental official during the site inspection. The county
34 employee shall have the same right to access to the site's real
35 estate as the departmental official conducting the inspection

1 during the period that the county employee accompanies the
2 departmental official.

3 b. The departmental official and the county employee shall
4 comply with standard biosecurity requirements customarily
5 required by the confinement feeding operation that are
6 necessary in order to control the spread of disease among an
7 animal population. If the owner or manager of the animal
8 feeding operation alleges that the departmental official
9 or county employee is failing to comply with the standard
10 biosecurity requirements and that failure threatens an animal
11 population, the departmental official and county employee must
12 leave the site on which the construction is proposed at the
13 request of the owner or manager. The department shall proceed
14 with evaluating those parts of the construction application
15 that do not require an inspection until the matter is resolved.

16 Sec. 5. Section 459.601, subsection 3, Code 2015, is amended
17 to read as follows:

18 3. a. When entering the premises of an animal feeding
19 operation, a person who is a departmental official, an agent
20 of the department, or a person accompanying the departmental
21 official or agent shall comply with section 455B.103.

22 b. (1) The In addition to complying with section 455B.103,
23 a person described in paragraph "a" shall also comply with
24 standard biosecurity requirements customarily required by
25 the animal feeding operation which are necessary in order to
26 control the spread of disease among an animal population.
27 If the owner or manager of the animal feeding operation
28 alleges that the person is failing to comply with the standard
29 biosecurity requirements, the person must leave the animal
30 feeding operation at the request of the owner or manager.

31 (2) Subparagraph (1) does not apply if the department
32 obtains a search warrant issued by a district court as provided
33 in section 455B.103 that allows a departmental official to
34 enter onto or remain on the premises of the animal feeding
35 operation in compliance with standard biosecurity requirements

1 as particularly described in the warrant.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 GENERAL. This bill applies to animal feeding operations in
6 which animals are confined and fed and maintained for 45 days
7 or more in any 12-month period, and specifically confinement
8 feeding operations constructed under a roof that store liquid
9 manure (Code chapter 459). The chapter is administered and
10 enforced by the department of natural resources under the
11 direction of the environmental protection commission.

12 MANURE MANAGEMENT PLANS. The bill provides that if the
13 department prepares a public record stating that a person has
14 failed to comply with the requirements for filing a manure
15 management plan, it must indicate whether the noncompliance was
16 due to an obvious mistake or oversight.

17 CERTIFIED MANURE APPLICATORS. The bill allows the
18 department to require that a vehicle or tank used by a
19 certified commercial manure service or certified commercial
20 manure service representative transporting manure on a
21 public road display a certification number as assigned by the
22 department, but cannot require other information identifying
23 the certified commercial manure service or the certified
24 commercial manure service representative.

25 BIOSECURITY. The bill requires that when the owner or
26 manager of an animal feeding operation alleges that a person
27 who is a departmental official, an agent of the department, or
28 a county employee fails to comply with biosecurity requirements
29 during an inspection of an animal feeding operation or a
30 construction site where an animal feeding operation exists,
31 that person must leave the premises or site at the request
32 of the owner or manager. However, this requirement does not
33 apply to a department official who inspects an existing animal
34 feeding operation pursuant to a search warrant issued by a
35 district court which specifies the biosecurity requirements to

1 be followed.