

House File 2281 - Introduced

HOUSE FILE 2281
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 2119)

A BILL FOR

1 An Act relating to confinement feeding operations maintaining
2 fishes, by providing for the calculation of animal unit
3 capacity, making penalties applicable, and including
4 effective date provisions.

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

1 Section 1. Section 459.102, subsection 6, paragraph 1, Code
2 2018, is amended to read as follows:

3 1. ~~Fish~~ Fishes weighing twenty-five
4 grams or more..... 0.001

5 Sec. 2. Section 459.102, subsection 6, Code 2018, is amended
6 by adding the following new paragraph:

7 NEW PARAGRAPH. m. Fishes weighing less
8 than twenty-five grams..... 0.00006

9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
10 importance, takes effect upon enactment.

11 EXPLANATION

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

14 GENERAL. This bill amends the "Animal Agriculture
15 Compliance Act" (Code chapter 459) which generally authorizes
16 the department of natural resources (DNR) to regulate
17 confinement feeding operations (operations) including
18 associated confinement feeding operation structures
19 (structures) and the use of manure originating from the
20 operation (e.g., by application on agricultural land). The
21 bill amends provisions that assign an equivalency factor to
22 fishes for purposes of calculating the operation's animal unit
23 capacity (AUC).

24 BILL'S PROVISIONS. The bill provides that when calculating
25 an operation's AUC, a fish weighing less than 25 grams is
26 assigned a new equivalency factor of 0.00006. A fish weighing
27 25 grams or more retains its current assigned equivalency
28 factor of 0.001.

29 BACKGROUND. An operation includes a totally roofed building
30 where certain confined agricultural animals are maintained
31 in a structure such as a confinement building for 45 days
32 or more during any 12-month period (Code section 459.102).
33 Relevant regulations include both air quality requirements
34 (e.g., separation distances between a structure or the location
35 where manure is applied and a benefited object or location

1 such as a residence) and water quality requirements (e.g.,
2 the issuance of a construction permit and the approval of a
3 manure management plan). Generally, these regulations apply
4 differently to structures depending on the operation's size,
5 determined by calculating its AUC (the maximum number of animal
6 units that may be maintained as part of an operation at any
7 one time). Each category of animal is assigned an equivalency
8 factor and a category may be subdivided into subcategories
9 based on the animal's weight. The equivalency factor for each
10 category or subcategory is multiplied by the number of head
11 maintained as part of the operation.

12 APPLICABLE CIVIL PENALTIES. A person who violates a
13 regulation provided in the Code chapter is subject to a civil
14 penalty depending upon the type of violation. For an air
15 quality violation, the enforcement action is conducted by
16 DNR as part of an administrative hearing and the person is
17 subject to a range of civil penalties not to exceed \$10,000
18 (Code section 459.602 referring to Code section 455B.109).
19 For a water quality violation, the enforcement action may be
20 conducted by DNR in the same manner as an air quality violation
21 or it may be conducted by the attorney general as part of a
22 court hearing and in that case the person is generally subject
23 to a civil penalty that cannot exceed \$5,000 (Code section
24 459.603 referring to Code sections 455B.109 and 455B.191).

25 EFFECTIVE DATE. The bill, if enacted, would take effect upon
26 enactment.