

House File 2305 - Introduced

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A BILL FOR

1 An Act providing for the regulation of confinement feeding
2 operations, and making penalties applicable and including
3 effective date provisions.

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

1 Section 1. Section 459.102, subsection 15, Code 2022, is
2 amended to read as follows:

3 15. "*Confinement feeding operation*" means an animal feeding
4 operation in which animals are confined to areas which are
5 totally or partially roofed.

6 Sec. 2. Section 459.102, Code 2022, is amended by adding the
7 following new subsections:

8 NEW SUBSECTION. 16A. "*Confinement feeding operation*
9 *integrator*" or "*integrator*" means a person who does all of the
10 following:

11 a. Acts alone, or in conjunction with others, to directly
12 or indirectly control the manufacturing, processing, or
13 preparation for sale of meat products under the federal Meat
14 Inspection Act or poultry products under the federal Poultry
15 Products Inspection Act as those terms are defined in section
16 189A.2.

17 b. Owns animals that are maintained at a confinement feeding
18 operation that is not owned by the person.

19 NEW SUBSECTION. 18A. "*Contract producer*" means a person who
20 owns a confinement feeding operation, if animals maintained at
21 the confinement feeding operation are owned by another person.

22 Sec. 3. NEW SECTION. **459.104 Prohibition on construction**
23 **and expansion of confinement feeding operation structures.**

24 1. Notwithstanding section 459.303, or any other provision
25 of law to the contrary, a person shall not construct or expand
26 a confinement feeding operation structure.

27 2. Subsection 1 does not apply to a small animal feeding
28 operation.

29 3. This section shall not prohibit a person from completing
30 construction, including expansion, of a confinement feeding
31 operation structure, if prior to the effective date of this
32 Act, the person began such construction as otherwise allowed
33 under this chapter.

34 4. This section is repealed July 1, 2027.

35 Sec. 4. Section 459.301, Code 2022, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 1A. A confinement feeding operation
3 integrator shall be deemed to be a joint owner of a confinement
4 feeding operation together with the titleholder of the land
5 where the confinement feeding operation is located, if all of
6 the following apply:

7 a. The integrator owns animals that are maintained at the
8 confinement feeding operation.

9 b. The integrator enters into a production contract with
10 a contact producer for the maintenance of the animals at a
11 confinement feeding operation owned by the contract producer.
12 A production contract is entered into when it is signed or
13 orally agreed to by each party or by a person who is authorized
14 by a party to act on the party's behalf.

15 c. The confinement feeding operation where the animals are
16 maintained has an animal unit capacity of one thousand or more
17 animal units.

18 d. (1) The integrator exercises substantial operational
19 control over the confinement feeding operation where the
20 animals are maintained.

21 (2) The department shall determine whether an integrator
22 exercises substantial operational control based on criteria
23 established by rules adopted by the department, including but
24 not limited to the extent that any of the following apply:

25 (a) The integrator holds a legal interest as a creditor in
26 a confinement feeding operation structure that is part of the
27 confinement feeding operation.

28 (b) The integrator provides on-site supervision of the
29 confinement feeding operation.

30 (c) The integrator provides the contract producer direction
31 regarding any of the following:

32 (i) How the animals are maintained, including providing for
33 the care and feeding of the animals or the administration of
34 vaccines or medicine to the animals.

35 (ii) When, how, or under what circumstances the animals are

1 to be moved from the confinement feeding operation.

2 (iii) The storage or application of manure originating from
3 the confinement feeding operation.

4 NEW SUBSECTION. 1B. a. A confinement feeding operation
5 integrator may act directly or indirectly to own animals
6 maintained at a confinement feeding operation, or exercise
7 substantial operational control over the confinement feeding
8 operation.

9 b. An integrator acts indirectly by acting or attempting
10 to accomplish an act through an interest in a business
11 association, through one or more affiliates or intermediaries,
12 or by any method other than a direct approach, including by any
13 circuitous or oblique method.

14 Sec. 5. Section 459.303, Code 2022, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 1A. The application shall include
17 information regarding any person who owns animals maintained
18 at the confinement feeding operation. If the confinement
19 feeding operation is deemed to be jointly owned by a contract
20 producer and confinement feeding operation integrator under
21 section 459.301, the application must be submitted jointly by
22 the contract producer and the integrator.

23 Sec. 6. Section 459.311, subsection 2, Code 2022, is amended
24 to read as follows:

25 2. ~~Notwithstanding subsection 1,~~ The owner of a confinement
26 feeding operation that is a concentrated animal feeding
27 operation as defined in [40 C.F.R. §122.23\(b\)](#) shall comply with
28 applicable national pollutant discharge elimination system
29 permit requirements as provided in the federal Water Pollution
30 Control Act, 33 U.S.C. ch. 26, as amended, and 40 C.F.R. pts.
31 122 and 412, pursuant to rules that shall be adopted by the
32 commission. Any rules adopted pursuant to this subsection
33 shall be ~~no~~ more stringent than requirements under the federal
34 Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and
35 40 C.F.R. pts. 122 and 412.

1 the bill. The moratorium expires on July 1, 2027.

2 NPDES PERMITS. The bill amends a provision that requires
3 a confinement feeding operation to comply with applicable
4 national pollutant discharge elimination system (NPDES) permit
5 requirements under the federal Water Pollution Control Act,
6 by providing that any rules adopted by DNR are to be more
7 stringent than requirements under the Act.

8 CONFINEMENT FEEDING OPERATION INTEGRATION. The bill
9 provides for an arrangement involving a confinement feeding
10 operation integrator (integrator) and contract producer. An
11 integrator is a meat or poultry processor that owns animals
12 maintained by another person at a confinement feeding
13 operation. The contract producer is a person who owns a
14 confinement feeding operation where animals owned by another
15 person are maintained (amended Code section 459.102). An
16 integrator is deemed to be a joint owner of a confinement
17 feeding operation under certain conditions: (1) the integrator
18 owns animals that are maintained at the confinement feeding
19 operation, (2) the integrator enters into a production contract
20 with a contract producer for the maintenance of the animals at
21 a confinement feeding operation, (3) the confinement feeding
22 operation has an animal unit capacity of 1,000 or more animal
23 units, and (4) the integrator exercises substantial operational
24 control over the confinement feeding operation (amended Code
25 section 459.301). A construction permit application (amended
26 Code section 459.303) and a manure management plan (amended
27 Code section 459.313) required to be filed with the DNR
28 must include information regarding the ownership of animals
29 maintained at the confinement feeding operation.

30 BACKGROUND — ANIMAL UNIT CAPACITY. An animal unit capacity
31 refers to the maximum number of animal units that may be
32 maintained in all confinement feeding operation structures
33 associated with a confinement feeding operation at any one time
34 (Code sections 459.102 and 459.301). In calculating animal
35 unit capacity, each of various types of animals is assigned a

1 special equivalency factor which is multiplied by the number
2 of head of animals subject to confinement. For example, each
3 butcher or breeding swine weighing more than 55 pounds has an
4 equivalency factor of 0.4 animal units (Code section 459.102).

5 BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL PENALTIES.
6 Compliance with a statutory regulation under the Code chapter
7 includes compliance with a rule adopted by DNR (Code section
8 459.103). A person violating a water quality regulation is
9 subject to the administrative assessment of a civil penalty
10 or a judicially assessed civil penalty of up to \$5,000 (Code
11 sections 455B.109, 455B.191, and 459.603).

12 EFFECTIVE DATE. The bill takes effect upon enactment.