

House File 2527 - Introduced

HOUSE FILE 2527
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 693)

A BILL FOR

1 An Act providing a limitation on civil or criminal liability
2 for any alleged actual or potential effect on climate caused
3 wholly or partly by a greenhouse gas emission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **673B.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Agricultural commodity" means a farm animal or farm crop
5 as each is defined in section 673A.3.

6 2. a. "Agricultural source" means the location where an
7 agricultural commodity is produced, handled, housed, stored,
8 preserved, processed, distributed, or sold.

9 b. "Agricultural source" includes the location where an
10 agricultural retailer or agricultural service provider conducts
11 an activity.

12 3. "Greenhouse gas" means a gas derived from human activity
13 or a natural source that is any of the following:

14 a. Originating from any of the following:

15 (1) An agricultural source.

16 (2) A renewable fuel source.

17 b. Any of the following gases:

18 (1) Carbon dioxide.

19 (2) Hydrofluorocarbons.

20 (3) Methane.

21 (4) Nitrogen trifluoride.

22 (5) Nitrous oxide.

23 (6) Sulfur hexafluoride.

24 (7) Perfluorocarbons.

25 4. "Regulatory authority" means the department of natural
26 resources or a federal agency regulating greenhouse gas
27 emissions, including the United States environmental protection
28 agency.

29 5. "Renewable fuel source" means a location where renewable
30 fuel, as defined in section 214A.1, is manufactured, stored, or
31 dispensed.

32 Sec. 2. NEW SECTION. **673B.2 Action based on climate —**
33 **limitation on liability.**

34 1. Subject to section 673B.3, in any civil or criminal
35 action, a defendant is not liable, and is not subject to any

1 judicial remedy, under any principle of law or equity, for
2 damages or injury from any alleged actual or potential effect on
3 climate caused wholly or partly by a greenhouse gas emission.

4 2. Subsection 1 applies regardless of the civil or criminal
5 action brought or type of relief sought, whether legal or
6 equitable.

7 3. A person bringing a civil or criminal action that alleges
8 damages or injury as described in subsection 1 must do all of the
9 following:

10 a. Specify each greenhouse gas emitted by the defendant that
11 as asserted gives rise to the civil or criminal action.

12 b. Show by clear and convincing evidence that unavoidable and
13 identifiable damage or injury has resulted or will result as
14 a direct cause of the defendant's violation of an enforceable
15 statutory limitation or restriction or a valid, enforceable
16 operating, air, or other permit issued to the defendant by a
17 regulatory authority.

18 Sec. 3. NEW SECTION. **673B.3 Action based on climate —**
19 **applicability.**

20 Section 673B.2 applies unless the district court in the civil
21 or criminal case finds by clear and convincing evidence that the
22 defendant has violated any of the following:

23 1. An enforceable statutory limitation or restriction
24 governing the emission of a specific greenhouse gas originating
25 within this state.

26 2. An express term of a valid, enforceable operating, air,
27 or other permit issued to the defendant by a regulatory
28 authority that has jurisdiction over the defendant's greenhouse
29 gas emissions.

30 Sec. 4. NEW SECTION. **673B.4 Statutory construction.**

31 This chapter shall not be construed to create either a right
32 to bring any civil or criminal action, or a judicial remedy,
33 under any principle of law or equity, based on the potential
34 effect on climate caused wholly or partly by a greenhouse gas
35 emission.

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EXPLANATION

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

This bill limits civil or criminal liability arising from any alleged actual or potential effect on climate caused wholly or partly by a greenhouse gas emission attributable to a defendant. A greenhouse gas includes a gas originating from an agricultural or renewable fuel source, or a number of specific gases, including carbon dioxide, hydrofluorocarbons, methane, nitrogen trifluoride, nitrous oxide, sulfur hexafluoride, or a perfluorocarbon. In a civil or criminal action, a district court must find by clear and convincing evidence that the defendant violated: (1) an enforceable statutory limitation or restriction governing the emission of a specific greenhouse gas originating in the state, or (2) an express term of an operating, air, or other permit issued to the defendant by the department of natural resources or a federal agency (e.g., United States environmental protection agency). The bill provides that its provisions are not to be construed as creating a right to bring a civil or criminal action or a judicial remedy.