

Senate File 2337 - Introduced

SENATE FILE 2337
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3119)

(COMPANION TO LSB 6834HV BY
COMMITTEE ON AGRICULTURE)

A BILL FOR

1 An Act relating to animal feeding operations by regulating
2 shellfish, and making penalties applicable.

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

unofficial

1 Section 1. Section 459.102, subsection 4, Code 2026, is
2 amended to read as follows:

3 4. "Animal" means cattle, swine, horses, sheep, chickens,
4 turkeys, ~~or~~ fish, or shellfish.

5 Sec. 2. Section 459.102, subsection 7, Code 2026, is amended
6 by adding the following new paragraphs:

7 NEW PARAGRAPH. n. Shellfish weighing twenty-five
8 grams or more 0.001

9 NEW PARAGRAPH. o. Shellfish weighing less than
10 twenty-five grams 0.00006

11 Sec. 3. Section 459.320, Code 2026, is amended to read as
12 follows:

13 **459.320 Exception from regulation — election for confinement**
14 **feeding operations confining fish or shellfish.**

15 A person who exclusively confines fish or shellfish as part
16 of a confinement feeding operation may elect to comply with
17 the permitting requirements of section 455B.183 in lieu of the
18 permitting requirements of this subchapter.

19 EXPLANATION

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

22 BACKGROUND. An animal feeding operation (AFO) is regulated by
23 the department of natural resources (DNR) under several Code
24 chapters, including Code chapter 459 governing all AFOs, which
25 includes provisions regulating confinement feeding operations,
26 and Code chapter 459A, which includes selected provisions
27 regulating open feedlot operations. An AFO is an area in which
28 agricultural animals are confined for 45 days or more in any
29 12-month period, and all associated structures used for the
30 storage of manure or egg washwater. For example, a confinement
31 feeding operation must include a structure that is a roofed
32 building and a manure storage structure used to store liquid
33 manure originating from a confinement feeding operation (see
34 Code section 459.102). Generally, these regulations provide
35 both air quality and water quality standards, including requiring

1 separation distances between a structure and protected object or
2 location (e.g., a residence or a water source), the issuance
3 of permits for the construction or expansion of a structure,
4 and plans filed with DNR by the AFO's owner or operator for
5 the land application of manure or effluent originating from an
6 AFO. The regulations apply differently depending on the AFO's
7 size (the number of animals maintained at the AFO) and the
8 species maintained there (cattle, swine, sheep, horses, turkeys,
9 chickens, or fish).

10 BACKGROUND — ANIMAL UNITS. Specifically, DNR regulations
11 are calculated on the basis of animal units and specifically
12 animal unit capacity, which is the maximum number of animal units
13 that may be maintained as part of an AFO at any one time.
14 An animal species or two or more animal species (i.e., fish)
15 are included in a category and assigned an equivalency factor
16 based on the weight associated with animals assigned to that
17 category. Moreover, a category may be subdivided into two or
18 more subcategories each with separate equivalency factors again
19 based on weight (e.g., turkeys weighing 112 ounces or more and
20 turkeys weighing less than 112 ounces). The equivalency factor
21 for each category or subcategory is multiplied by the number of
22 head of animals associated with that category or subcategory.

23 BILL'S PROVISIONS. This bill includes a number of species of
24 animals that are referred to under the common name of shellfish
25 under two subcategories in the same manner as current law
26 includes a number of species of fish under two categories.
27 In both cases, the categories are divided into subcategories
28 based on weight and assigned the same equivalency factors.
29 When calculating the animal units for shellfish, one shellfish
30 weighing 25 grams or more equals 0.001 animal units (1,000
31 shellfish x 0.001 = 1 animal unit) and one shellfish weighing
32 less than 25 grams equals 0.00006 animal units (16,667 shellfish
33 x 0.00006 = 1 animal unit).

34 A person who exclusively confines shellfish as part of a
35 confinement feeding operation may elect to comply with the

1 state's general permitting requirements pertaining to water
2 quality in lieu of the permitting requirements applicable to
3 confinement feeding operations.

4 ENFORCEMENT AND APPLICABLE CIVIL PENALTIES. Compliance
5 with a statutory regulation under Code chapter 459 includes
6 compliance with a rule adopted by DNR (Code section 459.103). A
7 person violating air quality regulations under Code chapter 459,
8 subchapter II, is subject to an administrative assessment of a
9 civil penalty of up to \$10,000 (Code section 459.602 referring
10 to Code section 455B.109). A person violating a water quality
11 regulation under Code chapter 459, subchapter III, is subject to
12 the administrative assessment of a civil penalty of up to \$10,000
13 (Code section 459.603 referring to Code section 455B.109) or a
14 judicially assessed civil penalty of up to \$5,000 (Code section
15 459.603 referring to Code section 455B.191).