

Senate Study Bill 3119 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRISCOLL)

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 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 BACKGROUND. An animal feeding operation (AFO) is regulated by
15 the department of natural resources (DNR) under several Code
16 chapters, including Code chapter 459 governing all AFOs, which
17 includes provisions regulating confinement feeding operations,
18 and Code chapter 459A, which includes selected provisions
19 regulating open feedlot operations. An AFO is an area in which
20 agricultural animals are confined for 45 days or more in any
21 12-month period, and all associated structures used for the
22 storage of manure or egg washwater. For example, a confinement
23 feeding operation must include a structure that is a roofed
24 building and a manure storage structure used to store liquid
25 manure originating from a confinement feeding operation (see
26 Code section 459.102). Generally, these regulations provide
27 both air quality and water quality standards, including requiring
28 separation distances between a structure and protected object or
29 location (e.g., a residence or a water source), the issuance
30 of permits for the construction or expansion of a structure,
31 and plans filed with DNR by the AFO's owner or operator for
32 the land application of manure or effluent originating from an
33 AFO. The regulations apply differently depending on the AFO's
34 size (the number of animals maintained at the AFO) and the
35 species maintained there (cattle, swine, sheep, horses, turkeys,

1 chickens, or fish).

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

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

26 ENFORCEMENT AND APPLICABLE CIVIL PENALTIES. Compliance
27 with a statutory regulation under Code chapter 459 includes
28 compliance with a rule adopted by DNR (Code section 459.103). A
29 person violating air quality regulations under Code chapter 459,
30 subchapter II, is subject to an administrative assessment of a
31 civil penalty of up to \$10,000 (Code section 459.602 referring
32 to Code section 455B.109). A person violating a water quality
33 regulation under Code chapter 459, subchapter III, is subject to
34 the administrative assessment of a civil penalty of up to \$10,000
35 (Code section 459.603 referring to Code section 455B.109) or a

S.F. _____

1 judicially assessed civil penalty of up to \$5,000 (Code section
2 459.603 referring to Code section 455B.191).

unofficial