

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:

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

1 (cattle, swine, sheep, horses, turkeys, 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
5 units 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
16 of animals that are referred to under the common name of
17 shellfish under two subcategories in the same manner as
18 current law includes a number of species of fish under two
19 categories. In both cases, the categories are divided into
20 subcategories based on weight and assigned the same equivalency
21 factors. When calculating the animal units for shellfish, one
22 shellfish weighing 25 grams or more equals 0.001 animal units
23 (1,000 shellfish x 0.001 = 1 animal unit) and one shellfish
24 weighing less than 25 grams equals 0.00006 animal units (16,667
25 shellfish 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).
29 A person violating air quality regulations under Code chapter
30 459, subchapter II, is subject to an administrative assessment
31 of a civil penalty of up to \$10,000 (Code section 459.602
32 referring to Code section 455B.109). A person violating a
33 water quality regulation under Code chapter 459, subchapter
34 III, is subject to the administrative assessment of a civil
35 penalty of up to \$10,000 (Code section 459.603 referring to

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1 Code section 455B.109) or a judicially assessed civil penalty
2 of up to \$5,000 (Code section 459.603 referring to Code section
3 455B.191).