A BILL FOR

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

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 459.102, subsection 15, Code 2022, is amended to read as follows:

15. “Confinement feeding operation” means an animal feeding operation in which animals are confined to areas which are totally or partially roofed.

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

NEW SUBSECTION. 16A. “Confinement feeding operation integrator” or “integrator” means a person who does all of the following:

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

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

NEW SUBSECTION. 18A. “Contract producer” means a person who owns a confinement feeding operation, if animals maintained at the confinement feeding operation are owned by another person.

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

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

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

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

4. This section is repealed July 1, 2027.

Sec. 4. Section 459.301, Code 2022, is amended by adding the
following new subsections:

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

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

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

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

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

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

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

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

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

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

(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
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.
Sec. 7. Section 459.312, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The manure management plan shall state information regarding any person who owns animals maintained at the confinement feeding operation. If the confinement feeding operation is deemed to be jointly owned by a contract producer and confinement feeding operation integrator under section 459.301, the manure management plan must be submitted jointly by the contract producer and the integrator. The production contract for the confinement feeding operation shall be part of the manure management plan.

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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

GENERAL. This bill amends Code chapter 459 (the animal agriculture compliance Act) (Code section 459.101) which authorizes the department of natural resources (DNR) to regulate confinement feeding operations. Specifically, the bill amends Code chapter 459, subchapter III, providing for water quality.

PARTIALLY ROOFED BUILDINGS INCLUDED. The bill revises the definition of a confinement feeding operation to include a building that is partially roofed (amended Code section 459.102(15)).

MORATORIUM ON CONSTRUCTION. The bill prohibits the construction, including expansion, of a confinement feeding operation structure. Such a structure includes a confinement building, a manure storage structure, or an egg washwater structure (new Code section 459.104). An exception allows construction if the new structure is part of a small animal feeding operation (500 or fewer animal units). The bill does not prohibit a person from completing construction if the person had begun construction prior to the effective date of
the bill. The moratorium expires on July 1, 2027.

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

CONFESSION FEEDING OPERATION INTEGRATION. The bill
provides for an arrangement involving a confinement feeding
operation integrator (integrator) and contract producer. An
integrator is a meat or poultry processor that owns animals
maintained by another person at a confinement feeding
operation. The contract producer is a person who owns a
confinement feeding operation where animals owned by another
person are maintained (amended Code section 459.102). An
integrator is deemed to be a joint owner of a confinement
feeding operation under certain conditions: (1) the integrator
owns animals that are maintained at the confinement feeding
operation, (2) the integrator enters into a production contract
with a contract producer for the maintenance of the animals at
a confinement feeding operation, (3) the confinement feeding
operation has an animal unit capacity of 1,000 or more animal
units, and (4) the integrator exercises substantial operational
control over the confinement feeding operation (amended Code
section 459.301). A construction permit application (amended
Code section 459.303) and a manure management plan (amended
Code section 459.313) required to be filed with the DNR
must include information regarding the ownership of animals
maintained at the confinement feeding operation.

BACKGROUND — ANIMAL UNIT CAPACITY. An animal unit capacity
refers to the maximum number of animal units that may be
maintained in all confinement feeding operation structures
associated with a confinement feeding operation at any one time
(Code sections 459.102 and 459.301). In calculating animal
unit capacity, each of various types of animals is assigned a
special equivalency factor which is multiplied by the number of head of animals subject to confinement. For example, each butcher or breeding swine weighing more than 55 pounds has an equivalency factor of 0.4 animal units (Code section 459.102).

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

EFFECTIVE DATE. The bill takes effect upon enactment.