



## Legislative Request Form

*The Legislative Policy Request Form is to be filled out by affiliates or individual members of ISAC. The form is the official avenue through which proposals are brought to the full ISAC Legislative Policy Committee to be considered as priorities during the 2021 legislative session.*

Please fill out the form as completely as possible

Date of Submission: 8/4/2020

- Title:** Concentrated Animal Feeding Operations (CAFOs) - Strengthen the Master Matrix and allow counties to address local unique situations and needs.
- Describe the problem.** In less than two decades, the number of known (permitted) CAFOs in Iowa has grown from 722 to over 10,000. In addition, over 5,000 more CAFOs have been identified through satellite imagery. Studies in Iowa and North Carolina have shown significantly increased cases of childhood asthma in the vicinity of CAFOs. The FDA has determined that using antibiotics for growth promotion and disease prevention in livestock poses a threat to human health as it can lead to antibiotic resistance. Additionally, novel influenza A viruses have resulted in morbidity and mortality among both livestock and humans in China. It has been shown that occupational exposure to pigs greatly increases workers' risk of swine influenza in this country. Data shows that nearby CAFOs reduce property values, and since property ownership is a major source of savings for many – especially older rural Iowans – has a devastating effect on a family's financial well-being. According to University of Iowa researchers, "The high correlation between nitrate concentration and animal unit density suggests that CAFOs produce measurable impacts on water quality." Between 2000 and 2017 there were more than 800 manure releases in Iowa to surface water, groundwater and land due to improper waste handling, excessive waste application, mechanical failures and other problems associated with CAFOs. In addition, municipalities have had to treat their water supplies to reduce high levels of nitrate that can cause methemoglobinemia (blue baby syndrome). Manure runoff also promotes the growth of cyanobacterial algal blooms, forcing beach closures and compromising sources of drinking water and causing outbreaks of illnesses in animals and humans. **Clearly, Iowa's statutes regulating CAFOs and the Master Matrix System are not working to protect Iowans from negative health and economic problems relating to where CAFOs are sited and how they are operated.**
- History of the Problem.** In 2003, when the Iowa Legislature preempted the counties' ability to regulate CAFOs, it created the Master Matrix, which theoretically provided for local advice and limited consent. Since then the Department of Natural Resources, which is the regulatory agency for both CAFOs and water quality, has had its staff reduced significantly – despite an explosion in the animal livestock industry in Iowa. The Master Matrix has been widely criticized as weak and ineffective, as it only requires a passing score equivalent to 50% of the possible points and does not require all

categories of operations to be adequately addressed to achieve a passing score. Further it has been noted that virtually all applications achieve a passing score on their first attempt. Also, in 1995, HF 519 was enacted by the Iowa Legislature to limit rights of neighbors to sue a livestock operator for nuisances caused by CAFO operations. When the Iowa Supreme Court voided that law, a new law was passed in 2017.

4. **Why does the problem need legislative resolution?** Counties do not have the ability to change the master matrix. The Department of Natural Resources has refused to strengthen the Master Matrix, stating that it was created by order of the Legislature, so the Legislature should mandate any changes. Many Iowans, including former State Representative (and Floyd County Supervisor) Mark Kuhn, who at the time advocated for the creation of the Master Matrix, say it does not protect Iowans and should be strengthened.
5. **What is the suggested resolution?** In 2020 several bills regarding CAFOs were introduced, among them: HF 201, to establish an advisory committee to evaluate the use and value of the master matrix when approving a permit to construct a confinement feeding operation structure; HF 2127, to establish a moratorium relating to the construction, including expansion, of certain confinement feeding operation structures and requesting an interim study committee; and HF 200, which would have required an applicant for a CAFO to have a project manager attend and participate in public hearings on an application held by a county board of supervisors. These approaches are not inconsistent with each other, and all are deserving of support, as steps that will lead to greater accountability by producers and concrete suggestions for strengthening the master matrix and provide pressure for change through imposing a moratorium.
6. **Who will support the legislation? Who will oppose it?** Over one-quarter of Iowa's county Boards of Supervisors have adopted resolutions or written letters supporting the Iowa Legislature calling for the strengthening of the master matrix. The majority of them have also called for a moratorium in the permitting of new CAFOs until the master matrix is strengthened. Not surprisingly, these counties are the locations of many of the CAFO locations in Iowa. Supervisors who have held public hearings on new CAFO locations have noted that the vast majority of their residents who make their opinions known are strongly opposed to new CAFOs as they exist today. Any strengthening of the Master Matrix will undoubtedly be opposed by the industry, as it will create additional work by requiring owners of livestock to be more accountable for their operations.
7. **Has this legislation had previous introductions? Have you discussed this issue with any legislator? If so, which ones? Will those legislators champion the bill?** See #5, above. Seventeen (17) Legislators signed onto HF 2127, establishing a moratorium. Seven to ten signed onto the other bills. This was without an ISAC position. I have not discussed the legislation with any Legislators but intend to do so.

**8. Does this issue or problem have statewide effects and why?** There are CAFO locations in most of Iowa's counties, with the density being greatest in north central and northwest Iowa. However, since most Iowa rivers run from the northwest to the southeast, many Iowa communities that do not have a high density of CAFOs still suffer from the effects on their drinking water, as many communities draw water from our rivers.

**9. What data needs to be collected to support the issue?**

By County and Year:

Number of permits applied for each year (available on DNR website)

Number/percentage of applications receiving a passing score on first submission

Average number of points received by a passing application (out of possible 880)

Number/percentage of applications counties deny based on score

Number/percentage of applications counties deny based on public input

Number/percentage of applicants DNR denies based on score

Percentage of applications that do not address all sections of the master matrix

Input from counties on what they would like to see added to the master matrix

**10. Contact Person**

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**Please attach any helpful documentation and return either to your affiliate for consideration in their legislative process or to ISAC. If forwarding to ISAC please submit by August 7, 2020 to:**

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