



IOWA CHAPTER

A Simple Step to Improve Iowa's Water Quality

A number of federal laws rely on the states to implement the law and also allow the states to offer more stringent rules than federal legislation requires. The federal laws require that state laws can be no more lenient than federal law, but allow state laws to be stricter than federal laws.

In Iowa, the laws related to the Clean Water Act and CAFOs are implemented by the Iowa DNR. With respect to CAFO manure management, Iowa Code has a stringency clause (Iowa Code Section 459.311(2)) that mandates that the state law can be no more stringent than the federal law. The stringency clause results in Iowa laws and rules precisely mirroring federal law.



Photo by Bob Nichols, USDA NRCS

The net effect is that if Iowans want to include additional regulations to protect water quality that are outside of the scope of the federal law, the stringency clause prevents it. It makes great sense for Iowa to get creative and innovative in reducing its own pollution. Doing so requires repeal of the stringency clause, Section 459.311(2) of the Iowa Code.

The Iowa DNR is currently under EPA's guidance with respect to the oversight of CAFOs and is feeling pressure to improve its program with respect to CAFO discharges into Iowa's rivers, streams, and lakes. It makes great sense for Iowans to collectively work together to improve water quality and discharges from CAFOs. Otherwise EPA might take over the program from the Iowa Department of Natural Resources. One tool to do this is for Iowans to have the ability to implement rules that are stricter than the federal law.

The CAFO industry regularly claims that most CAFO owners are doing the right thing and are not discharging manure into Iowa's waterbodies. Given that, CAFO owners should not be afraid of increased oversight and regulation on those who are not careful in their handling of manure.

Furthermore, at a time when the federal legislators cannot come to agreement on the most basic legislation, Iowa could become a model state in environmental regulation and water quality simply by removing this stringency law from the Iowa Code and allowing the regulations to become stricter than federal law requires.

Iowans do want to protect their environment. Iowa can be a leader in reducing water pollution generated by CAFOs. Why wouldn't Iowa want to be a leader on environmental laws? Why wouldn't Iowans want the cleanest water bodies in the country? Simply by repealing section 459.311(2) of the Iowa Code, Iowa could begin looking at water quality solutions as they uniquely affect the state.

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