



IOWA CHAPTER

Odor Act

Odor is the symptom of air emissions containing hydrogen sulfide, ammonia, methane, antibiotic-resistant organisms, particulates, and other toxic pollutants.

At high enough concentrations, people exposed to the odors and the chemicals causing the odor can face severe symptoms, including breathing issues, nausea, and ear, nose, and throat reactions.

It is also an economic concern, since odors can drive people away from the area. People do not want to visit, recreate near, live near, work near or shop near areas where there are strong lingering odors.

Across the state, Iowans face horrific odors, but have had limited recourse on how to reduce them. That is why the Iowa legislature should pass an Odor Act.

An odor is a nuisance if it unreasonably interferes with the proper enjoyment of life or the proper use of property of others. The odor must be detectable, must be distinct from other background odors, must be specific to a particular source. The duration of the odor must be of a sufficiently long duration to interfere with the activities at the person's property.

We rely on the Iowa Department of Public Health to protect the health of Iowans. The Department of Public Health should be responsible for protecting Iowans from odor nuisance. If an Iowan files a complaint, the Iowa Department of Public Health or County Health Department should arrive on the site of the complaint and sample the air. Furthermore, the Iowa Department of Public Health should be given the ability to assess a penalty of \$10,000 per day for each day an objectionable odor exists. The penalties can be waived if the person responsible for the odor is taking significant and effective measures to reduce the odors.

Thresholds for an objectionable odor nuisance are:

1. On or adjacent to residential, recreational, institutional, retail sales, hotel or educational premises when odor is detectable in the ambient air after it is diluted with eight volumes of odor-free air as measured by the Scentometer;
2. On or adjacent to industrial premises when odor is detectable in the ambient air after it is diluted with twenty-four volumes of odor-free air as measured by the Scentometer;
3. On or adjacent to premises other than those above when odor is detectable in the ambient air after it is diluted with sixteen volumes of odor-free air as measured by the Scentometer;
4. When concurrent determinations made by three trained inspectors as outlined above in any given one hour period and at intervals of not less than fifteen minutes result in two positive determinations in each series of three determinations; and
5. Provided that any quantitative odor level measurements taken to arrive at a determination that an objectionable odor nuisance exists shall be at or beyond the property line or at or near places where people live or work.