Sierra Club’s Policy Agenda
for a Government
That Works for the People

The Iowa Chapter of the Sierra Club is advancing a comprehensive set of policies this legislative session. We encourage you to ask your legislators to support these initiatives. You can use this material to formulate questions for the legislators, to write letters to the editor, and to initiate discussion with your neighbors, friends, and relatives.

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- Comprehensively improving confined animal feeding laws
- Surety bonding on confined animal feeding operations
Sierra Club’s Policy Agenda for a Government That Works for the People of Iowa

Good Government

Pulling state funds from banks engaging in fraud - Ask your legislators to support transferring the taxpayer’s money from Wells Fargo Bank, due to its history of fraud and questionable behavior toward its customers.

As the state’s banker, the state treasurer has the responsibility to deposit the state’s funds in banks. The state treasurer is responsible for determining in which financial institutions to hold the state’s money, institutions to borrow from, and institutions that provide banking services. It is only reasonable and prudent that the taxpayer’s money be deposited in an institution of high repute. Banks that have engaged in such questionable behavior that they have been penalized should not be used to hold the state’s financial resources. Yet, the state treasurer currently deposits a significant amount of taxpayer money in Wells Fargo Bank, a bank with a checkered history in recent years that includes fraudulent activity. It only makes sense that any institution, such as Wells Fargo, that has engaged in fraud should not be eligible to provide banking services to the state of Iowa.

Creating a State Bank to Handle Taxpayer Money - Ask your legislators to support creating a state bank, which would hold the taxpayer money and create loans for main-street businesses, students, and home-buyers.

Iowa’s constitution provides the authority for the State of Iowa to establish a state bank. But the state of Iowa has never done so. Currently Iowa taxpayer money is deposited in private banks, including Wells Fargo which has been investigated by a number of federal agencies for wrong-doing, including fraud. The taxpayer funds should be deposited in a bank that has the best interest of the state and its taxpayers as part of its mission. Now is the time to begin the process to create a state bank. It first requires some legislation. That legislation would ask that the State Treasurer convene a state bank working group to plan for and establish the state bank. Another feature of the state legislation is to require all state-generated revenue to be deposited in the Iowa state bank. When fully operational, the state bank will make loans to small business owners, farmers, and main-street businesses operating in Iowa, businesses and people requesting microloans, students, builders of affordable housing, home-buyers, and home owners remodeling their homes. Creating a state bank would provide financial mechanisms for ensuring that Iowa’s money could be leveraged for Iowa goals. Finally, it would guarantee Iowa could fulfill its fiduciary duty to manage the public’s money for the public good.
A budget that prioritizes supporting the commons, such as water, natural resources, education, universities – Ask your legislators to pass a budget that establishes robust funding for the government, cares for the common assets of the state, reduces tax loopholes for corporations.

The values and priorities of the legislature and governor are reflected in the state budget. Iowa has utterly failed in fulfilling its fiduciary duty to care for the common assets of the state. Revenue must be raised to match the need instead of cutting taxes and revenue to the point where government cannot function. We have been impoverishing the state and enriching corporations under the misguided view that government’s sole responsibility is to grow the economy. That view has resulted in polluted water, crumbling infrastructure and increased tuition at the universities while corporations’ shareholders have grown rich on our dime. We can do better. The legislature should establish robust funding for essential government services, particularly the judicial branch of government and education, both of which have been neglected in recent years’ budgets. The corporate tax rate should be established at an appropriate level to fund the key state budget goals; a start would be to return them to pre-2018 levels. At the same time, the legislature should eliminate financial giveaways to corporations and use those funds for environmental programs, establishing environment and public health as key state budget goals and prioritizing clean water. The research tax credit should be eliminated and the funds transferred to the public universities.

Passing the public trust doctrine to protect the commons - Ask your legislators to pass a bill that would protect the commons, the things we share like clean water, wildlife, public universities, state parks, education, public health, the air we breathe, the archaeological and historical record of the state.

The things that we share – the commons – have been ignored, have been degraded, and have been given away to private companies and individuals. It is now time to restore those things that we all share. That is where the Act to Protect the Commons comes into play. The features of the Act are naming a legal guardian for future generations, assessing all regulations for the effects on the commons, working toward restoring and enhancing the commons, and creating a program to repair and restore public assets, modeled on the federal Works Progress Administration and Civilian Conservation Corps.

Environmental quality act - Ask your legislators to pass an environmental quality act that requires environmental review of actions taken by state and local governmental entities in its decision-making process.

In the search for economic development opportunities and the race to increase the tax base, environmental concerns are often tossed to the side or considered as an afterthought. Iowa has already lost significant numbers of acres of native prairie and forest; Iowa’s waters are threatened with pollution; and Iowa’s air quality needs to be protected. Federal projects require an environmental review under the National Environmental Policy Act (NEPA) and Section 4(f) of the Federal Highway Act. But Iowa does not have an environmental policy act that requires environmental review of actions taken by state and local governmental entities. State law currently requires an analysis of economic impacts for projects and legislation. It is only fitting that state law requires an analysis of environmental effects in its decision making process. Additionally, the proposal would be implemented so that the environmental impacts identified in the environmental impact statement will be avoided.
Ensuring Iowans have the right to protest without the threat of draconian penalties - Ask your legislators to pass legislation that ensures the right to peacefully protest without the threat of severe penalties for minor infractions.

One of the most important rights protected by the First Amendment of the United States Constitution is the right to peacefully protest. In 2018, the Iowa legislature created a new crime called “critical infrastructure sabotage”. The crime is a Class B felony, which carries a fine of not less than $85,000 nor more than $100,000, plus a period of incarceration of no more than 25 years. The legislature needs to correct several deficiencies in the current law. First, there is nothing in the law that explicitly states that critical infrastructure sabotage does not include nonviolent protest that does not result in physical injury or property damage. Second, the criminal penalties in the law are draconian. There are no levels of penalty based on the level of destruction caused by the criminal act. For example, something that causes little damage to the infrastructure is treated the same way as for an incident that causes hundreds of thousands of dollars of damage to the infrastructure.

Agriculture

Funding the Leopold Center for Sustainable Agriculture - Ask your legislators to fully fund the Leopold Center.

The Leopold Center for Sustainable Agriculture has been the premier organization in Iowa involved with researching sustainable agriculture. Research on agricultural methods that will protect and preserve Iowa’s soils will allow agriculture to remain a strong sector in Iowa’s economy. Research on regional food systems and increasing farm profits benefits all farmers. We are at a cross-roads in agriculture. Iowa’s weather patterns are changing. Young and beginning farmers face challenges in getting started farming. Soil loss and water quality issues face all farmers. The Leopold Center and its research mission can play a significant role in helping Iowans deal with these issues. However state budget cuts that began in 2017 have eliminated the funding to the Leopold Center and its research mission. The State of Iowa and its taxpayers began financially supporting the World Food Prize in 2009. That support is $1 million a year. The World Food Prize has garnered international reputation and, with that, the World Food Prize receives significant sponsorships and financial support from businesses and foundations, and has acquired a sizeable endowment. The World Food Prize has become secure in its funding and no longer needs the financial assistance of the State of Iowa and its taxpayers. By redirecting state funding of the World Food Prize to fund the Leopold Center for Sustainable Agriculture, the next breakthrough in sustainable agriculture can be supported financially.

Compensating Farmers for Crop Losses On Pipeline Easements - Ask your legislators to pass a law that would ensure that farmers are compensated for crop losses on pipeline easements by allowing them to seek redress in court.

Once a pipeline has been constructed, the farmland in both the permanent and temporary easements needs to returned to full-productive value. What’s more, the farmer should be reimbursed for the loss in yield on the land until it is returned to its full productive value. If the land has not been restored to full productive value and if the easement owner has not paid for the crop loss and reduced yields, then the farmer should be allowed to go to the courts to seek compensation for the damages caused by the construction and installation of the pipeline. The Iowa Code needs to be updated to ensure that a farmer can access the Iowa Courts. It is just and fair for the landowners to be allowed to seek damages in a court of law.
Restoring the rights of all citizens to file nuisance claims – Ask your legislators if they would help pass a law that would allow all citizens to file nuisance claims.

Citizens who live next to an animal feeding operation (CAFO) should be able to file a nuisance suit and to have that nuisance suit heard in the courts in Iowa. Neighbors living next to an animal feeding operation (AFO) have a right to the comfortable use and enjoyment of their property, without unreasonable intrusions of stench and pollution from their neighbor’s AFO. Allowing neighbors who have been harmed by the AFO to be compensated in damages is only fair and proper - it is just compensation. Two sections of the Iowa Code attempt to restrict nuisance lawsuits against AFOs - Sections 657.11 and 657.11A. Both sections are troublesome and need to be repealed.

Water Quality

Creating a water trustee to ensure Iowa’s waters are fishable and swimmable – Ask your legislators if they would pass legislation that would create a water trustee who would represent Iowans in protecting the waters for today and for future generations.

The state of Iowa has an interest in maintaining, protecting, and preserving the waters of the state for today and for future generations. The government must protect and maintain the waters of the state for the public’s use. That is why it makes sense for the State of Iowa to designate a trustee who has the legal duty to protect the waters of the state for present generations to enjoy and benefit from and must leave them to future generations unimpaired, who will devise plans to prevent pollution from entering the waters of the state, who will review regulations and the budget for their impact on the waters of the state, and who will initiate any legal action necessary to represent the interests of protecting the waters of the state for future generations. Iowans need to be assured that the rivers, streams, and lakes where they fish, boat, and swim, and wade in are free of harmful contaminants. The trustee would ensure Iowans that the water quality is preserved for today and tomorrow.

Water quality plans, using the Universal Water Quality Equation Model - Ask your legislators if they would support funding to create a tool that would develop a Water Quality Plan for reducing nutrients for each farm.

Iowa landowners have had great difficulty reducing the nutrients leaving their farms. A mechanism, similar to the Universal Soil Loss Equation (USLE) is proposed for helping farmers reduce nutrients. Using the soil loss equation, farmers input their farming and conservation practices, and the model would predict how much erosion would be expected with those practices, a Soil Conservation Plan is developed to reduce the erosion to a tolerance level. A similar model would be developed for on-farm nutrient reduction and would create Water Quality Plans. The mechanism for creating water quality plans provides a tool for landowners to measure their own progress in reducing nutrients leaving their farmland. The plans acknowledge that every farm is different and one size does not fit all. Farmers would be able to implement those techniques that apply specifically to their own farms. Water quality plans will help Iowa make real progress on reducing the nitrogen and phosphorus in Iowa’s rivers, streams, and lakes.
Climate and Energy

Agriculture Climate Adaptation Plan - Ask your legislators to pass legislation that would create an Agriculture Climate Adaptation Advisory Council and a Climate Adaptation Plan.

Iowa’s farming systems will need to change in order to effectively adapt to the climate changes that are already occurring and that are predicted to occur in the near future. A number of states already have created plans to adapt to climate change, including neighboring states of Minnesota and Wisconsin. The Iowa Department of Agriculture and Land Stewardship (IDALS) is at the forefront of establishing agriculture policies for the state and providing technical assistance to farmers. As part of the leadership, IDALS is in the best position to develop an Agriculture Climate Adaptation Plan. In order to assist in developing the plan, IDALS can convene an Agriculture Climate Adaptation Advisory Council, consisting of experts from across the state.

Allowing municipal utility customers to install solar panels without penalty - Ask your legislators to make it illegal for municipal utilities to discriminate against customers who own solar panels.

In May 2018, Iowa’s governor signed a law (SF2311) that allows municipal utilities to discriminate against customers who own solar panels. It should not matter who provides your electricity or who your utility company is or who owns the company. When it comes to installing solar panels on your home or business, you should be charged the same for the electricity you use as the family or business that does not have solar panels. You cannot choose who your power company is. Discrimination should be illegal. The legislature needs to protect the rights of all Iowans to own solar panels and not be discriminated against.

Restoring Iowa’s energy efficiency programs - Ask your legislators to restore Iowa’s energy efficiency programs that were gutted by SF2311.

Prior to 2018, Iowa had a long history of leading on energy efficiency. However, in 2018, SF2311 gutted the energy efficiency programs in the state. By capping the amount of money that a utility can invest in energy efficiency, the programs were cut by two-thirds. In the case of electricity, energy efficiency programs reduce the use of electricity which reduces the need to build new power plants. New power plants are expensive, which increases the costs of everyone’s bills. By allowing customers to opt-out, the incentives to reduce the use of electricity disappear, which will lead to more energy use, and the construction of more power plants, and increased costs for electricity. Even if a customer does not take advantage of energy efficiency programs, the customer wins with lower utility costs. Furthermore, customers cannot opt out of paying for new power plants, even if they participate in energy efficiency programs. At a time when the effects of climate change are staring us in the face, it makes sense to have strong energy efficiency programs, that encourage consumers to use less fossil fuels, which reduces the greenhouse gas emissions. Furthermore, energy efficiency has created good jobs across Iowa. These include furnace installers, insulation installers, window installers, home energy auditors, and manufacturing jobs that create energy efficient products. The net effect of Iowa’s gutted energy efficiency programs is that Iowa consumers and businesses will be paying more for electricity. That is why the Iowa legislature should restore Iowan’s energy efficiency law to what is was before the 2018 legislature enacted SF2311.
Dealing with Pollution

Creating an odor regulation – Ask your legislators if they would support legislation that would reduce industrial odors.

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.

Expanding the bottle deposit law - Ask your legislators to support continuing the bottle deposit law and expanding it to include water bottles, iced tea, sports drinks and juice bottles.

The Bottle Deposit Law is Popular. In fact, Iowans support expanding the bottle deposit law to include other beverage containers. The bottle deposit law diverts containers from the landfill and into recycled products. And the recycled bottles and cans provide a clean well-sorted valuable product. Further by encouraging recycling, less litter is strewn across the state. The bottle deposit law even provides spending money to those who collect discarded bottles and cans. The bottle deposit law provides jobs to Iowans who are involved in the recovery process. Iowa’s bottle deposit law has been a success.
Iowa’s Parks and Recreation

Resource Enhancement and Protection (REAP) - Ask your legislators to extend REAP beyond 2021, fully Fund REAP At $20 Million, and keep the funding formulas as they are.

Resource Enhancement and Protection (REAP) is a state law that provides funding to protect Iowa’s natural areas, soil conservation, water quality and historical resources. Cities, counties and soil conservation districts also benefit from REAP through a competitive grant process which can be used to fund projects such as city and county parks and historical buildings and sites. In fact, every county in Iowa has benefited from funds spent on REAP projects. REAP is a good investment. REAP provides jobs, encourages tourism, protects historical and cultural resources, provides recreation opportunities and protects Iowa’s soil and water. Although statutorily mandated at $20 million annually, the Iowa legislature determines the actual appropriation each year. The governor must then either agree or veto the appropriation. When it is fully funded, REAP provides $20 million annually for projects across the state. REAP is set to expire on June 30, 2021. The Iowa Chapter supports extending the REAP programs and removing the expiration date. The REAP law has a formula that sets how much money the various beneficiaries of the REAP funds are to receive each year.

3/8 Cent Sales Tax for the Natural Resources & Outdoor Recreation Trust Fund - Ask your legislators to pass a 3/8 Cent Sales Tax for the Natural Resources & Outdoor Recreation Trust Fund.

In 2010, 63 percent of Iowa voters gave overwhelming support to a constitutional amendment that would allow increased investment in Iowa’s parks, recreation and clean water through a 3/8 cent sales tax. All that is needed is for the sales tax to be approved. Expanding funding for Iowa’s parks and natural areas is good for all Iowans. The Trust would provide significant funding for wildlife habitat, parks, nature preserves, trails, REAP, lake restoration and other free recreation opportunities to ensure the next generation of Iowans could enjoy open spaces and outdoor recreation. Low-income families have fewer options for recreation than higher income families. State parks currently are free and charge nothing to park a vehicle. The Iowa Legislature has exempted a number of items from sales tax, including food and medical equipment, resulting in a less regressive sales tax. Because the necessities of life are exempt from sales tax, this tax is fair.
Moratorium on confined animal feeding operations - Ask your legislators to support a moratorium on building and expanding CAFOs.

Across the state, Iowans feel they are under siege from an industry that is polluting the air, polluting the water, and destroying peaceful existence in rural areas. That industry is confined animal feeding operations (CAFOs). Unfortunately two new slaughterhouses will make the problem even worse. Currently Iowa has 3 million people and over 23 million hogs. The number of hogs is expected to grow to 30 million. That is why it is time for a moratorium on building and expanding CAFOs.

Comprehensively improving confined animal feeding laws – Ask your legislators if they would support changing the CAFO laws to better protect the neighbors, allow local control of siting, to prohibit building CAFOs on karst geology, and to prohibit building CAFOs on outstanding Iowa waters.

Today confined animal feeding operations (CAFOs) can be legally built on karst technology; the owners don’t even have to hire a geologists to look for sinkholes. CAFOs can be sited in the watershed of Outstanding Iowa Waters, such as the trout streams in north-east Iowa. What is worse is that the Board of Supervisors has limited say in the siting, because state law forbids local control and local zoning laws for CAFOs. Furthermore, although the permits the Iowa Department of Natural Resources (DNR) issues for CAFOs describe the number of animals in a CAFO, the DNR currently has no way to verify the numbers. It is time for commonsense comprehensive CAFO legislation that protects the public.

Bonding on confined animal feeding operations – Ask your legislators if they would support requiring CAFO owners to purchase a bond that would pay for costs associated with containment or cleanup after a spill; fund the restoration of wild animal populations or habitat; and support the payment of a judgment award recovered by a plaintiff in a civil action.

When concentrated animal feeding operations (CAFOs) discharge manure into a water body or onto land, an expensive clean-up process is sometimes involved. Once a discharge occurs, dealing with the discharge might involve building a dam on the landowner’s property, on a neighbor’s property, or on public land (ditches, park land, stream banks). Damages to the water body might occur, including fish kills, contamination of private drinking water wells, or contamination of public drinking water sources. Public employees get involved in advising the landowner concerning damage control and the clean-up process. In the case of public lands or water bodies being contaminated, the government agency is directly involved in the repair process, restoration of wildlife, and restoration of native habitat. Paying for the damage can become very expensive. Sometimes the CAFO owner and operator is struggling financially, is not solvent, or has inadequate farm liability insurance. A bond could be used to ensure that there is money to cover damages. The money would be used to reimburse the state or a political subdivision, or an agent of the state or political subdivision, for costs associated with containment or cleanup; fund the restoration of wild animal populations or habitat; and support the payment of a judgment award recovered by a plaintiff in a civil action.