


State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, beginning on April 13, 2015, and continuing thereafter, there have been seventy-five confirmed cases of highly pathogenic avian influenza in the State of Iowa; and

WHEREAS, highly pathogenic avian influenza is a contagious and economically devastating disease that has threatened turkeys, chickens, and other poultry in our state; and

WHEREAS, the spread of this highly contagious disease continues to threaten the public peace, health, and safety of the citizens of the State of Iowa and has the potential to quickly destroy private property and exhaust local resources and capacities unless its spread is stopped. These facts provide legal justification for the issuance of this Proclamation of a State of Disaster Emergency. Iowa Code §§ 29C.1, 29C.2 (1), 29C.6 (1); and

WHEREAS, Iowa poultry producers typically dispose of animal manure generated by their facilities under the provisions of Iowa Code Chapter 200A; and

WHEREAS, Iowa Code § 200A.3 (6) requires that animal manure must be “unmanipulated” and composed of “primarily of animal excreta” in order to be considered “dry animal nutrient product” to come under the regulation of Iowa Code Chapter 200A. As defined, Iowa Code § 200A.3 (6) creates a particular hardship for turkey and chicken producers on sites infected by highly pathogenic avian influenza by making them ineligible to dispose of their animal manure under the authority of Iowa Code Chapter 200A; and

WHEREAS, producers with sites infected with highly pathogenic avian influenza in the following eighteen (18) Iowa counties are adversely effected by the definition of “dry animal nutrient product” in Iowa Code § 200A.3 (6): Adair, Buena Vista, Calhoun, Cherokee, Clay, Hamilton, Kossuth, Lyon, Madison, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster and Wright County.

WHEREAS, I proclaimed a State of Disaster Emergency in respect to this matter on June 15, 2015, and circumstances warrant the extension of that same proclamation.

NOW, THEREFORE, I, TERRY E. BRANSTAD, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6 (1), 163.3A (2) and all other applicable laws, and in conjunction with the Iowa Department of Agriculture and Land Stewardship, and the authority granted to it under Iowa Code § 163.3A, do hereby proclaim a **STATE OF DISASTER EMERGENCY** specifically for the following eighteen (18) Iowa counties: Adair, Buena Vista, Calhoun, Cherokee, Clay, Hamilton, Kossuth, Lyon, Madison, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster and Wright and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. I temporarily suspend the regulatory provisions of Iowa Code § 200A.3 (6) requiring that animal manure be “unmanipulated” and composed of “primarily of animal excreta” in order to be considered “dry animal nutrient product” as defined by this section. This suspension shall be effective only to manure and compost generated at a premise

infected with highly pathogenic avian influenza and quarantined by the Iowa Department of Agriculture, in the counties delineated above, provided said material has been released for application in writing by the United States Department of Agriculture and the Iowa Department of Agriculture and Land Stewardship. All other provisions of Iowa Code Chapter 200A shall apply to the above-described material.

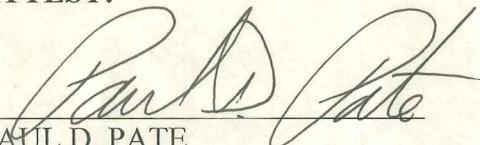
SECTION TWO. This state of disaster emergency shall be effective on July 16, 2015, shall continue for a period of one hundred sixty-nine (169) days and shall expire on December 31, 2015, unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed at Des Moines, Iowa this thirteenth day of July in the year of our Lord Two Thousand Fifteen.


TERRY E. BRANSTAD
GOVERNOR

ATTEST:


PAUL D. PATE
SECRETARY OF STATE