



CFOs

Confined Feeding Operations

Regulation of Livestock Production in Indiana: Who Does What?

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Numerous entities are involved in providing standards or regulations for livestock production in Indiana. These involve state as well as more local agencies or bodies. While most of these standards apply to farms of any size, many of them are specific for confined feeding operations (go [here](#) for the definition of CFO). Here we have put together a compilation of the many different groups involved in overseeing livestock production in Indiana, highlighting their roles, especially as they apply to CFOs.

CFO-specific Regulations

Indiana Department of Environmental Management (IDEM). IDEM is the agency charged with approving CFOs at the state level. This is initially done through a permitting process, and all CFO operators are required to obtain an IDEM permit prior to any construction. With respect to CFOs, IDEM's role is to protect Indiana's waters from pollution — namely, manure. IDEM requires setbacks of varying distances between CFOs and water sources, public roads, public buildings, and other residences. The permitting process also requires applicants to provide a Nutrient Management Plan (NMP) detailing how much manure will be generated, where it will go, and how both manure and soil will be tested to prevent over-application. Applicants must also submit plot maps, approved designs of all manure storage systems, and emergency response plans. IDEM also requires detailed record-keeping from all CFO operators (IDEM 2014).

Two things are of note regarding IDEM regulations and standards for CFOs. Foremost is their scope. The regulations and standards required by IDEM are focused on protecting surface and ground water sources. IDEM does not regulate odor, transportation or use of roads, or other factors sometimes associated with CFOs and livestock production in general. Second, IDEM defines what is and what is not a CFO, based largely on animal numbers (go [here](#) for full definition). However, any farm, regardless of size, can be required to follow all CFO regulations if

it has an environmental violation, such as a spill. Importantly, all CFOs must comply with IDEM regulations regardless where they locate within the state. Whether a county has adopted specific zoning requirements or not, all CFOs must be permitted and approved by IDEM and in compliance with IDEM regulations. For a more detailed description of IDEM requirements of CFOs, see IDEM's [Guidance Manual](#) for Indiana's Confined Feeding Program.

Office of the Indiana State Chemist (OISC). Among its many duties, the OISC is the state agency charged with ensuring that fertilizers, including livestock manure, are "handled and applied in a manner that will help ensure protection of our environment" (OISC 2013). Thus, OISC regulations pertaining to livestock production focus mainly on how manure is stored and applied to land. OISC requires setbacks for both manure storage and application from various types of water sources. There are additional regulations on where and when manure can be applied (e.g., soil type and conditions, past tests, past applications, etc.) and how and for how long manure can be staged prior to application. The OISC also requires that all manure distributors and applicators undergo a licensing process if they are working with more than 10 cubic yards or 4,000 gallons of manure per year. Accurate record keeping is required for all distributors and applicators. OISC manure regulations do contain some specifics for manure generated from CFOs. You can read about those regulations in more detail [here](#).

County governments. In Indiana, county governments have the option of implementing planning and zoning. Counties generally adopt zoning ordinances to guide development throughout the county, promote community interests, and prevent conflict between two types of land use that may be perfectly legal, but not necessarily compatible with each other. Thus, a zoning ordinance may dictate where a certain type of business may locate within the county. In Indiana, 82 of 92 counties have adopted planning and zoning for this purpose. Of these 82 counties, almost all have language in the actual zoning ordinance regarding agricultural operations. Sixty-four county zoning ordinances contain standards and

regulations specifically for CFOs. These ordinances, however, can vary widely from county to county. In most cases, the zoning ordinance deals specifically with where a CFO can be located or sited within the county and may limit CFOs to certain zoning districts. Requirements for buffers (similar to a setback) between CFOs and other types of land uses and other zoning districts are also very common. In some zoning ordinances, however, there are provisions regarding production practices. In 2016, Purdue Extension completed a comprehensive study comparing all CFO-specific provisions in Indiana county zoning ordinances. The analysis, along with summaries of individual zoning ordinances for each county, can be found [here](#).

General Livestock Regulations

Indiana Board of Animal Health (BOAH). BOAH is a state agency with domain over several aspects of livestock production. Importantly, the standards and regulations set forth by BOAH are not CFO-specific and apply to farms of all sizes. Currently, BOAH divides its responsibilities into four broad categories:

- Monitoring the health of livestock within Indiana as well as animals entering the state.
- Inspecting numerous meat processors, with some exceptions for small-scale poultry producers. *(Note: all meat and poultry products are inspected either by BOAH or the USDA. In Indiana, meat processors may utilize BOAH inspection of their products if their products are sold only within Indiana or some neighboring states. USDA and BOAH inspection standards are the same).* BOAH also permits and inspects dairy farms and dairy processors.
- Disaster preparedness as it applies to livestock within the state.
- Developing care standards for all animals, including livestock (BOAH 2016).

Indiana Department of Natural Resources (IDNR). The IDNR does not regulate livestock production directly. However, there are IDNR regulations that could impact CFOs indirectly. IDNR has several regulations to prevent over-withdrawal of ground water in order to protect domestic wells. Entities

that have the capacity to withdraw over “100,000 gallons of ground water, surface water, or ground and surface water combined in one day” must be registered with IDNR and submit annual water use reports (Jones and Sutton 2007).

Commodity or Food Regulations

Along with the aforementioned role of BOAH in meat inspection, there are several other agencies throughout the state that focus more on actual food products. The Indiana State Department of Health (along with county or local health departments) monitors food production by providing inspection of wholesale food processors and distributors as well as retail food producers. The Indiana Egg Board provides egg inspection throughout the state as well as technical assistance in egg grading. Likewise, the Creamery License Division is charged with monitoring dairy testing and evaluation (weighing, etc.) to ensure their accuracy.

Key references, Indiana statutes, and Indiana administrative codes

Indiana Board of Animal Health [BOAH]. 2016. Animal Related Laws. Available at: <http://www.in.gov/boah/2574.htm>. Last accessed August 2016.

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