

# CAFOs

*Concentrated Animal Feeding Operations*

## GENERAL INFORMATION

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## Indiana Commercial Animal Production State Regulations

**EXPERT REVIEWED**

*This is intended to provide an overview of the state of regulations (as of 2007) affecting Indiana animal agriculture and to summarize the roles of the various state regulatory agencies. This fact sheet summarizes the responsibilities of the state agencies that regulate commercial animal production and their immediate products in Indiana. Most of the agencies have a mission of protecting animal and human health as well as monitoring and controlling impacts to air and water resources surrounding these operations.*

### Indiana State Board of Animal Health (BOAH)

**Indiana State Statute:**  
(IC 15-2.1)

**Administrative Code Citations:**  
(345 IAC)

BOAH's functions fall into three primary mission areas:

#### **Animal Health:**

BOAH is charged by state statute with "the prevention, detection, control, and eradication of infectious, contagious, and communicable diseases affecting the health of animals... and processing and distribution of products derived from animals to control health hazards that may threaten public health." This mission is accomplished through ongoing surveillance programs, educating industry stakeholders about disease prevention strategies, and raising awareness about when to contact BOAH for foreign animal disease consultations.

BOAH works with the U.S. Department of Agriculture veterinarians and animal



health officials from other states, as well as with sister agencies, such as the Department of Natural Resources, to monitor the health status of all animals crossing Indiana's borders. BOAH also regulates the care and handling of livestock bought and sold in Indiana, by licensing and inspecting livestock market facilities, auctions, and renderers.

BOAH's Companion Animal/Equine Division monitors the overall health of horse and small animal populations. Because such animals have the closest and most frequent contact with humans, preventing the spread of diseases like rabies is an essential part of protecting human health.

#### **Food Safety:**

BOAH inspectors scrutinize the cleanliness and handling of meat and poultry products in state-certified processing plants. BOAH dairy inspectors monitor the safety of Indiana milk on the farm and its transport

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To view the entire series, visit <http://www.ansc.purdue.edu/CAFO/>.

to the processing factory. Inspectors test milk samples for drug residues and harmful pathogens when any dairy product arrives at the supermarket.

### **Emergency Preparedness:**

Since 1994, Indiana has been a leader in planning for animal-related issues in disaster situations. BOAH is the lead agency animal-related components of the state's Comprehensive Emergency Management Plan. This plan addresses Indiana's response in large-scale foreign animal disease situations, as well as natural or man-made disasters.

## **Indiana Department of Environmental Management (IDEM)**

**Administrative Code Citations:** IC-13-18-10

### **Permitting Animal Feeding Operations (AFO):**

The Indiana Department of Environment Management (IDEM), as it relates to AFO's, is responsible for protecting the ground water and surface waters of the state. IDEM does this by issuing a state approval called Confined Feeding Operation (CFO) approval or a federal National Pollutant Discharge Elimination System (NPDES) permit, depending on the size of the operation. Operations requiring NPDES permits are called Concentrated Animal Feeding Operations (CAFO). Many of Indiana's farms are below CFO animal thresholds.

IDEM's regulatory program includes permitting, compliance monitoring, and enforcement activities, including review of confined feeding operation approval applications. Application approval is required for all existing confined feeding operations, including any expansions of existing confined feeding operations and before any construction of new confined feeding operations can occur. While it is IDEM's responsibility is to protect the waters of the state, it is up to the local government to determine proper land use issues.

## **Indiana Department of Natural Resources (IDNR)**

The mission of the Indiana Department of Natural Resources (IDNR) is to protect, enhance, preserve, restore, and wisely use natural, cultural, and recreational resources for the benefit of present and future Hoosiers through professional leadership, management, and education.

### **Division of Water:**

#### **Well Protection:**

**Indiana Code 14-25-4:** Protects domestic well owners from the impacts of a significant ground-water withdrawal facility if it substantially lowers water levels, resulting in the failure of a domestic well. The owner of a significant ground-water withdrawal facility would be required to provide "timely and reasonable compensation" to a domestic well owner if the pumping is believed to have prevented the well from providing its normal supply of water.

#### **Significant Water Withdrawal Facility Registration:**

**Indiana Code 14-25-7:** Requires the registration of all significant water withdrawal facilities (SWWF) and the annual reporting of water use. An SWWF is defined as "the water withdrawal facilities of a person that, in the aggregate from all sources and by all methods, has the capability of withdrawing more than 100,000 gallons of ground water, surface water, or ground and surface water combined in one day."

#### **Flood Control Act:**

**Indiana Code 14-28-1:** Requires that any person proposing to construct a structure, place fill or excavate material within the floodway of any river or stream with a drainage area greater than one (1) square mile must obtain the written approval of the DNR before starting work.

#### **Ditch Act:**

**Indiana Code 14-26-5:** No person may order or recommend the location, establishment, construction, reconstruction, repair, or re-cleaning of any ditch or drain having a bottom depth lower than the normal water level of a freshwater lake of 10 acres or more and within ½ mile of the lake, without written approval of the IDNR.

### **Division of Fish & Wildlife:**

#### **Fish and Wild Animal Kills:**

**Indiana Code 14-22-10-6:** Any person who releases waste materials, chemicals or other substance to waters of Indiana that results in the death of wild animals is liable. The Division of Fish and Wildlife may investigate to assess and recover damages. The attorney general may bring about a settlement that the attorney general and the director consider proper and reasonable. Proceeds of damage recovery shall be used to replace the wild animal population or habitat in the affected area.

## Indiana State Department of Agriculture (ISDA)

### Administrative Code Citations:

#### 375 Indiana Administrative Code

ARTICLE 1. INDIANA ORGANIC CERTIFICATION STANDARDS

ARTICLE 2. INDIANA DAIRY EXPORT CERTIFICATION PROGRAM

#### 824 Indiana Administrative Code

INDIANA GRAIN BUYERS AND WAREHOUSE LICENSING AGENCY

The mission of the Indiana Grain Buyers and Warehouse Licensing Agency (IGBWLA) is to reduce risk to grain producers. The agency has oversight of nearly 400 licensees. This includes over 500 facilities with a 450-million bushel storage capacity. Over the past year, the agency's field auditors inspected over 840 moisture meters and conducted 380 state and 100 compliance audits, as well as 100 soybean check-off audits.

The IGBWLA provides four license types: grain bank, warehouse, grain buyer, and buyer/warehouse.

*Grain bank license* — A company that stores only grain bank grain, purchases less than 50,000 bushels of grain per year and has storage capacity of not more than 50,000 bushels of grain.

*Warehouse license* — A company that only stores grain and purchases less than 50,000 bushels of grain per year.

*Grain buyer license* — A company that purchases at least 50,000 bushels of grain per year from producers, (which is not for the sole purpose of feeding the company's own livestock or poultry); offers deferred pricing, delayed payments, or contracts linked to the commodity futures or commodity options market in connection with grain purchases. Includes firms licensed under the U.S. Warehouse Act.

*Buyer/warehouse license* — A company that operates both as a warehouse and as a grain buyer.

A more complete description can be found at <http://www.in.gov/isda/>.

## Creamery License Division (CLD)

### Administrative Code Citations:

#### 365 Indiana Administrative State Code IN-15-6-1

ARTICLE 2: DAIRY PROCESSING PLANT AND RECEIVING STATIONS

The Creamery License Division (CLD) is funded by a \$.005 per cow from milk produced in Indiana during the month of May each year. The role of CLD is to ensure fairness and accuracy in the weighing, sampling, and testing of milk and cream purchased in Indiana through the implementation of inspection and educational programs. They investigate evidence of inaccuracy, including prosecuting when necessary. They communicate with industry and management regarding Creamery License functions, related problems, and solutions. They supervise the licensing program for the Creamery Examining Board including milk testing and sampling procedures that establish price of milk purchased in the State of Indiana.

## Office of the Indiana State Chemist (OISC)

### Indiana State Statute:

IC 15-3-3.5

IC-15-3-3.6

### Administrative Code Citations:

#### 355 Indiana Administrative Code (State Chemist)

#### 356 Indiana Administrative Code (Pesticide Review Board)

ARTICLE 2: COMMERCIAL FERTILIZERS

ARTICLE 3: AGRICULTURAL AMMONIA

ARTICLE 4: PESTICIDE USE AND APPLICATION

ARTICLE 5: STORAGE AND SECONDARY CONTAINMENT OF PESTICIDES

ARTICLE 6: ANIMAL FOODS

The OISC has the jurisdiction for regulating the storage, handling, and use of commercial fertilizers, agricultural ammonia, pesticide use and application, storage and secondary containment, and animal foods.

The following are more details of each regulatory responsibility:

### *Commercial Fertilizers*

The primary responsibility of OISC, regarding commercial fertilizers, is consumer protection, ensuring nutrient guarantees are met, consistent accurate labeling of fertilizer products is achieved and the storage of both liquid and dry fertilizers is compliant with the rules to ensure protection of the waters of the state. To this end, the construction of operational (load/unload) pads and secondary containment structures is inspected to ensure regulatory compliance.



## Agricultural Ammonia

OISC is responsible for approving the location, construction, and installation of anhydrous ammonia stationary storage and for the technical inspection of nurse tanks, running gear, and application equipment.

## Pesticide Product Registration

The Office of the Indiana State Chemist annually registers pesticide products labeled to be used on or around animals or animal quarters to control pests (insects, weeds, rodents, etc.)

## Pesticide Applicators

The OISC insures the competency of pesticide uses by certifying and licensing both private (farmer/producer) and commercial applicators of pesticides. Initial and continuing training of pesticide applicators is coordinated with the Purdue Cooperative Extension Service.

## Pesticide Use

The OISC regulates the safe and legal use of pesticides. In general, pesticides must be used in compliance with the directions and restrictions on the product label.

## Pesticide Storage and Disposal

The Office of the Indiana State Chemist regulates storage and disposal of any pesticide in accordance with any requirements on the product label. The OISC also regulates pesticide storage near community or public water supply systems and storage facilities where bulk containers (over 55 gallons) reside.

## Animal Foods

OISC regulates the manufacturing, distribution, and labeling of commercial feeds. All manufacturers are inspected for adherence to good manufacturing practices. Inspections are performed and evaluated to assure proper protocols are followed. OISC works closely with the U.S. Food and Drug Administration and performs inspections for medicated feeds and to assure that ruminant protein sources are not being fed back to ruminant animals, thus protecting the cattle supply from BSE or Mad Cow Disease.

OISC collects and analyzes samples for nutritional parameters as well as possible adulterants that might be present.

## State Egg Board (SEB)

### Code Citations:

#### 370 Indiana Administrative Code

IC 16-42-11 Food: Eggs Offered for Sale and State Egg Board.

The Indiana Egg Board staff, in cooperation with the U.S. Department of Agriculture, enforces the Egg Products Inspection Act in Indiana. Egg producers, packers, grading stations, and hatcheries are visited at least quarterly on unannounced visits to monitor and control the disposition of undesirable eggs, and to assure that eggs packed for consumer use are consumer grade.

The Board is charged with protecting the public supply of eggs by conducting retail inspections and surveillance activities, and monitoring the movement of poor quality eggs. The Act authorizes the establishment of a nine member board appointed by the governor and represents various segments of the industry.

Training for personnel involved in the grading of shell eggs is also a part of the Egg Board's mission. Egg graders and handlers are instructed on an individual basis regarding the interior and exterior quality factors, formation and composition of the egg, and hands-on grading techniques to more effectively grade eggs.

Sanitation at the processing plant, warehouse, and retail stores have become increasingly important components of the inspection process. Refrigeration at all levels of distribution and production are closely monitored.

The Egg Board is supported by the retailers and wholesalers of shell eggs through licenses and case assessments, and through its contractual agreement with the U.S. Department of Agriculture. No state funds are appropriated for the program.

### Contributing Resources:

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