

IN THE SUPREME COURT OF IOWA

Docket No. 19-1644

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IOWA CITIZENS FOR COMMUNITY IMPROVEMENT, a nonprofit corporation,  
and FOOD & WATER WATCH, a nonprofit corporation

Plaintiffs/Appellees,

v.

STATE OF IOWA; DEPARTMENT OF NATURAL RESOURCES; BRUCE TRAUTMAN, in his official capacity as Acting Director of the Department of Natural Resources; ENVIRONMENTAL PROTECTION COMMISSION; MARY BOOTE, NANCY COUSER, LISA GOCHENOUR, REBECCA GUINN, HOWARD HILL, HAROLD HOMMES, RALPH LENTS, BOB SINCLAIR, JOE RIDING, in their official capacities as Commissioners of the Environmental Protection Commission; NATURAL RESOURCE COMMISSION; MARCUS BRANSTAD, RICHARD FRANCISO, LAURA HOMMEL, TOM PRICKETT, PHYLLI SREIMER, DENNIS SCHEMMEL, and MARGO UNDERWOOD, in their official capacities and Commissioners of the Natural Resource Commission; DEPARTMENT OF AGRICULTURAL AND LAND STEWARDSHIP; AND MICHAEL NAIG, in his official capacity as Secretary of Agriculture.

Defendants/Appellants.

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**MOTION OF THE IOWA CATTLEMEN’S ASSOCIATION, IOWA CORN GROWERS ASSOCIATION, IOWA FARM BUREAU FEDERATION, IOWA PORK PRODUCERS ASSOCIATION, IOWA POULTRY ASSOCIATION, IOWA SOYBEAN ASSOCIATION, IOWA STATE DAIRY ASSOCIATION, AND IOWA TURKEY FEDERATION FOR LEAVE TO FILE AN *AMICI CURIAE* BRIEF WITH THE IOWA SUPREME COURT**

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The Iowa Cattlemen’s Association, Iowa Corn Growers Association, Iowa Farm Bureau Federation, Iowa Pork Producers Association, Iowa Poultry

Association, Iowa Soybean Association, Iowa State Dairy Association, and Iowa Turkey Federation (collectively “proposed Amici Curiae”), pursuant to Iowa Rule of Appellate Procedure 6.906, hereby moves the Court for leave to file a brief in order to assist the Court in resolving the issues in the above-captioned matter. In support thereof, the proposed Amici Curiae state:

1. The proposed Amici Curiae conditionally serves the attached brief.

**Proposed Amici Curiae Identities**

2. The Iowa Cattlemen’s Association (hereinafter “ICA”) is the largest grassroots membership organization dedicated to Iowa’s beef cattle industry through its producer members. ICA represents more than 8,500 independent cattlemen and women throughout the state. The Court’s ruling in this case will impact livestock producers, which include those who actively engage in various sectors of the beef cattle industry. The state of Iowa ranks fourth in the nation for cattle and calves on feed, many of which spend a portion of their lives in open feedlots and/or confinements. ICA producer members who raise beef cattle in animal feeding operations take great pride in stewarding the land and our natural resources. They understand the importance of water quality in the state of Iowa and work closely with state and federal regulatory agencies to ensure they comply with current code. ICA members explicitly support and encourage voluntary efforts to reduce nutrient escape in order to maintain and improve water quality in the state of Iowa, which

includes the Iowa Nutrient Reduction Strategy developed by the Iowa Department of Agriculture and Land Stewardship, Iowa Department of Natural Resources, and Iowa State University. ICA staff, leaders, and membership are well-positioned to provide credible information regarding beef cattle production in the state of Iowa that will assist the Court in assessing the impacts related to any decision rendered in this case.

3. The Iowa Corn Growers Association (“ICGA”) is a 7,500-member strong grassroots-driven organization, headquartered in Johnston, Iowa, serving members across the state, and lobbying on agricultural issues on behalf of its farmer members to create opportunities for long-term Iowa corn grower profitability. ICGA members have made significant investments in their corn farms to implement water quality practices in support of Iowa’s nutrient reduction strategy. In addition, livestock feed is the number one market for Iowa corn. The outcome of this case could significantly reduce this market and long-term corn grower profitability.

4. The Iowa Farm Bureau Federation (“IFBF”) is an independent, non-governmental, voluntary organization of farm families united with the freedom to analyze their problems and formulate action to achieve educational improvement, economic opportunity, and social advancement. With almost 157,000 members, the IFBF is dedicated to helping farm families prosper and improve their quality of life. IFBF members include farmers whose operations would be impacted by the

regulation of their crops planted, fertilizer strategy, and their land management practices, including within the Raccoon River Watershed. IFBF members also include livestock farmers whose farms would be impacted by a moratorium on their ability to change and grow.

5. The Iowa Pork Producers Association (IPPA) is a grassroots commodity organization representing over 4,500 of Iowa's pork producers. The members of IPPA include members who own pigs and producer members who own the barns and raise and care for pigs across the state of Iowa. The pork industry in Iowa contributes \$36.7 billion in economic output, generates over \$750 million in state and local tax revenue, and supports over 141,000 jobs in Iowa. The relief that plaintiffs seek in this lawsuit threatens the financial stability and very existence of pork producers in the Raccoon River watershed as well as in rural communities across Iowa. IPPA possesses a unique perspective and a wealth of information regarding Iowa environmental regulation as it impacts pork production in the Raccoon River watershed and the state of Iowa that will assist the court in assessing the ramifications of any decision rendered in this case.

6. Iowa Poultry Association (IPA) is a non-profit, grassroots, member focused association established to educate, advocate and lead poultry and egg production in Iowa. IPA is dedicated to poultry farmers and their families in Iowa. As a leader in the global food production system, the IPA helps drive growth and

sustainability of the entire egg and poultry community. Iowa egg and poultry farmers continually evaluate best practices for the animals and industry with the goal of being able to update existing operations and grow, so they remain competitive with farmers in other parts of the country. This case has the potential to hinder poultry farm families in Iowa and impact their livelihoods through stifling the innovation, progression, and growth of the industry.

7. Iowa Soybean Association has the mission of expanding opportunities and delivering results for Iowa soybean farmers. In that capacity, the Iowa Soybean Association advocates for farmers, works to increase soybean exports out of Iowa, and helps build consumer confidence in today's farm and food system. Representing over 12,000 members/producers, the issues before the Court are of vital concern to the ISA.

8. Iowa State Dairy Association (ISDA) is dedicated to building a strong communication link between producers, processors, consumers, legislators and environmental organizations, representing them at all dairy supply chain levels, from dairy farm to consumer tables. ISDA serves as a cohesive voice on legislative issues and reports the latest industry-relevant information to their members. ISDA represents over 1,100 dairy farmers in the state of Iowa.

9. The Iowa Turkey Federation represents, supports and promotes for approximately 150 Iowa turkey farmers, including multi-generation turkey farms

located within the Raccoon River Watershed. This case impacts the sustainability of their family farm and future generations in rural Iowa.

**Proposed Amici Curiae Brief Would Assist the Court**

10. The proposed Amici Curiae’s brief would assist the Court because they have a unique perspective on the issues before the Court as they are farm organizations representing thousands of farmers, many of whom are actively involved in the Iowa Nutrient Reduction Strategy and implement conservation practices to improve water quality in the state of Iowa and the Raccoon River watershed. Second, the proposed Amici Curiae and their members will be directly impacted by the Court’s ruling in this lawsuit, and they are uniquely suited to assist the Court in assessing this lawsuit’s potential ramifications on agriculture, the economy, and conservation efforts. Third, the Iowa Citizens for Community Improvement and Food & Water Watch (“ICCI”) are bringing this lawsuit against the Defendants, seeking to impose a regulatory approach to nutrient reduction in Iowa. If ICCI is successful, any regulation would be imposed on the proposed Amici Curiae’s members. As such, they can offer a unique perspective that is not currently being represented in this lawsuit. And finally, the proposed Amici Curiae and their members have extensively participated in the democratic process, and therefore have unique knowledge about the development of Iowa’s laws related to water quality,

including the Iowa Nutrient Reduction Strategy and Iowa's comprehensive livestock laws and regulations. *See* Iowa R. App. P. 6.906(5)(a).

11. The proposed Amici Curiae's brief does not reiterate arguments of the Defendants, attempt to expand the number of pages, raise issues outside the purview of the issues on appeal, or attempt to place an undue burden on ICCI. *See* Iowa R. App. P. 6.906(5)(b). The amicus brief merely offers a unique perspective on the issues before the Court and seeks to help the Court assess the ramifications of any decision.

WHEREFORE, the proposed Amici Curiae, respectfully move the Court for leave to file an amicus brief and to further accept the amicus brief conditionally filed herewith.

Respectfully submitted,

/s/ Tucker F. Levis

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