

## Requirement to Dispose of Dead Animals

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In the news recently was the story about an individual from Northeast Iowa who was charged with five counts of failing to dispose of dead animals after a Sheriff visited his property to follow up on a complaint about the animals and a horrible smell. An investigation showed there were several dead goats that had been there for some time. There were no allegations of animal neglect as the animals apparently died from natural causes. But, the event makes it a good time to review Iowa's dead animal disposal law.

Iowa law<sup>1</sup> requires that every person who cares for or owns an animal has a duty to dispose of the animal's carcass within 24 hours of its death. The disposal can be by composting, cooking, burying, or burning or by disposing of it to a person licensed for disposal of animals. Failure to comply can result in a criminal simple misdemeanor, or a civil penalty of between \$100 and \$1,000. The State cannot bring a criminal action if it pursues civil penalties.

Specific requirements must be satisfied for each method of disposal of an animal carcass. That is particularly the case if an animal dies from a communicable disease, such as by anthrax or hog-cholera. For cooking, the vats or tanks must be airtight except for the release of live steam, but the steam should not create an unnecessary annoyance or create a nuisance. If an animal will be skinned before disposal, this must be done indoors and it must not create a nuisance (e.g., interfere with another person's comfortable enjoyment of life and property).<sup>2</sup> The carcass can also be buried and covered with quicklime.<sup>3</sup>

The Department of Natural Resources rules give specific requirements for placement of animal burial sites and the total number of animals that can be placed on each acre per year. For example, the animals must have been part of the farm operation on which the burial will be placed. In addition, the dead animals cannot be buried within the boundaries of a flood plain, wetland, or shoreline area and must be placed in soils listed in tables contained in the county soil surveys and soil interpretation records (published by the U.S. Soil Conservation Service) that are classified as at least "moderately well drained."<sup>4</sup> Burial pits must be located: at least 100 feet from any body of water, such as a stream, lake, pond, or intermittent stream; at least 100 feet from any private and 200 feet from any public well which is being used or would be used; at least 50 feet from adjacent property line; and more than 500 feet from an existing neighboring residence. The animals must be buried six feet or less below the surface and immediately covered with at least six inches of soil, but the carcass(es) must eventually be covered with at least 30 inches of soil.<sup>5</sup>

There can be no more than 7 cattle, 44 swine, 73 sheep or lambs or 400 poultry carcasses on any given acre per year. All other species will be limited to 2 carcasses per acre. Animals that die within two months of birth may be buried without regard to number.<sup>6</sup> Also, any portion of a carcass not fully consumed by cooking or burning must be buried in a similar manner.<sup>7</sup>

The rules also allow animal carcasses to be composted. In that event, the carcasses must be incorporated into the composting process within 24 hours of death. A base layer ranging from 12 to 24 inches thick, depending on the size and number of dead animals with 6 to 12 inches of bulking agent between carcasses and an additional 12 inches of cover material must be maintained around carcasses at all times to control decomposition and odors and to prevent access by scavenging domestic and wild animals. Dead farm animals must remain in the composting materials until all soft tissue is fully decomposed. Compost must be applied to agricultural land in a manner that minimizes the runoff into a water of the state. The compost cannot be spread on other types of land without the Department of Natural Resources approval.<sup>8</sup> If a person does not take care of animal carcasses, township trustees or local board of health are given power to dispose of the animal.<sup>9</sup>

Dead animals pose safety and health risks to both humans and animals. It is important to ensure prompt disposal of any deceased animals. Remember that there are also licensed facilities that can take care of animal carcasses as well if a person does not want to handle the issue for any reason.

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<sup>1</sup> Iowa Code § 167.18.

<sup>2</sup> Iowa Code § 167.12.

<sup>3</sup> Id.

<sup>4</sup> However, if artificial drainage is installed to obtain a water-level depth more than two feet below the burial depth of the waste, than burial can be made in the area.

<sup>5</sup> Iowa Admin. Code r. 567—100.4.

<sup>6</sup> Iowa Admin. Code r. 567—100.4.

<sup>7</sup> Iowa Code § 167.12.

<sup>8</sup> Iowa Admin. Code r. 567—105.6(6)-(8).

<sup>9</sup> Iowa Admin. Code r. 21—61.33.