

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 2975

By: Hardin

AS INTRODUCED

An Act relating to agriculture; amending 2 O.S. 2021, Section 10-9.7, as last amended by Section 2, Chapter 372, O.S.L. 2024 (2 O.S. Supp. 2025, Section 10-9.7), which relates to nutrient management plans; expanding certain statements that must be made in an amendment to a nutrient management plan; amending 2 O.S. 2021, Section 10-9.17, as amended by Section 1, Chapter 165, O.S.L. 2024 (2 O.S. Supp. 2025, Section 10-9.17), which relates to poultry waste applicator certificates; providing penalty for certain violations; 2 O.S. 2021, Section 10-9.18, which relates to reports regarding all poultry waste land application; modifying requirements; requiring applicators selling or transferring more than a certain amount of poultry waste to ensure the person acquiring the poultry waste is aware of certain requirements; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 2021, Section 10-9.7, as last amended by Section 2, Chapter 372, O.S.L. 2024 (2 O.S. Supp. 2025, Section 10-9.7), is amended to read as follows:

Section 10-9.7. A. All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by

1 rules promulgated by the State Board of Agriculture pursuant to the
2 Oklahoma Registered Poultry Feeding Operations Act. Compliance with
3 a Nutrient Management Plan developed under subsections B and C of
4 this section shall be deemed compliant with Best Management
5 Practices.

6 B. Best Management Practices shall be promulgated by rules by
7 the Board and shall include, but not be limited to, the following
8 when developing Nutrient Management Plans:

9 1. Measures designed to prevent the discharge of poultry waste
10 to waters of the state;

11 2. Measures requiring stored poultry waste shall be isolated
12 from outside surface drainage by covers, ditches, dikes, berms,
13 terraces, or other such structures;

14 3. Measures designed to prevent waters of the state from coming
15 into direct contact with the poultry confined on the poultry feeding
16 operation; and

17 4. Measures designed to ensure that poultry waste handling,
18 treatment, management, and removal shall:

19 a. not create an environmental or a public health hazard,

20 b. not result in the contamination of waters of the
21 state, and

22 c. conform to such other handling, treatment, and
23 management and removal requirements deemed necessary
24 by the Oklahoma Department of Agriculture, Food, and

1 Forestry to implement the Oklahoma Registered Poultry
2 Feeding Operations Act and rules promulgated pursuant
3 thereto.

4 The rules promulgated by the Board pursuant to this section
5 shall provide for exceptions to the storage requirements for poultry
6 waste in emergency situations. Such exceptions shall include, but
7 not be limited to, allowing a contract poultry grower to take such
8 actions as are necessary to meet requirements imposed on a grower by
9 an integrator. In such situations, growers shall be required to
10 take all actions feasible to prevent pollution from stored poultry
11 waste.

12 C. Every poultry feeding operation shall have a Nutrient
13 Management Plan which shall include at a minimum:

14 1. A description of poultry waste handling procedures and
15 availability of equipment and type of equipment to be used;

16 2. The calculations and assumptions used for determining land-
17 application rates if land application is applicable;

18 3. All nutrient analysis data for soil and poultry waste
19 testing;

20 4. Legal description and latitude and longitude of lands to be
21 used by an operation for land application;

22 5. Land-application rates of poultry waste shall be based on
23 the available nitrogen and phosphorous content of the poultry waste
24

1 and shall provide controls for runoff and erosion as appropriate for
2 site conditions;

3 6. The procedures documented in the Nutrient Management Plan
4 shall ensure that the handling and utilization of poultry waste
5 complies with the following requirements:

6 a. adequate poultry waste storage shall be provided
7 consistent with rules promulgated by the Oklahoma
8 Department of Agriculture, Food, and Forestry pursuant
9 to subsection B of this section,

10 b. poultry waste shall not be applied to land when the
11 ground is saturated or during rainfall events.

12 Poultry waste shall not be applied to land when the
13 ground is frozen except in conformance with the
14 Nutrient Management Plan,

15 c. poultry waste shall only be applied to suitable land
16 at appropriate times and rates. Discharge or runoff
17 of waste from the application site is evidence that
18 the Nutrient Management Plan requires revisions.

19 Timing and rate of applications shall be based on
20 assimilation capacity of the soil profile, assuming
21 usual nutrient losses, expected precipitation, and
22 soil conditions, and

23 d. poultry waste application shall be prohibited on land
24 subject to excessive erosion;

1 7. Records shall be maintained of all poultry wastes applied on
2 land owned or controlled by the operator, and sold or given to other
3 persons:

4 a. if the poultry waste is sold or given to other persons
5 for land application or other use, the poultry feeding
6 operation shall maintain a log of date of removal from
7 the poultry feeding operation, name of recipient the
8 poultry waste is sold or given to, and amount in wet
9 tons, dry tons or cubic yards of poultry waste removed
10 from the poultry feeding operation, and

11 b. the poultry feeding operation shall make available to
12 the recipient any nutrient sample analysis of the
13 poultry waste from that year;

14 8. Any analysis required by the provisions of the Oklahoma
15 Registered Poultry Feeding Operations Act or rules promulgated
16 thereto shall be performed by a qualified environmental testing
17 laboratory certified by the Department of Environmental Quality and
18 approved by the Oklahoma Department of Agriculture, Food, and
19 Forestry; and

20 9. Such other information deemed necessary by the Oklahoma
21 Department of Agriculture, Food, and Forestry to administer the
22 provisions of the Oklahoma Registered Poultry Feeding Operations Act
23 and rules promulgated pursuant thereto.
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1 D. 1. The Nutrient Management Plan for new or expanding
2 poultry feeding operations submitted after July 1, 1998, shall be
3 prepared by the operator or designee of the operator.

4 2. After the plan is submitted to the Oklahoma Department of
5 Agriculture, Food, and Forestry for review and approval if the
6 Department determines that a submitted plan needs or requires any
7 corrections or modifications, the Department shall return the
8 Nutrient Management Plan to the operator for corrections.

9 3. For a renewal, if the Department determines the Nutrient
10 Management Plan needs or requires corrections or modifications, the
11 Department shall make appropriate corrections, approve the plan, and
12 notify the poultry feeding operation of the modifications.

13 E. 1. Except as otherwise provided in this subsection, a
14 Nutrient Management Plan for every poultry feeding operation shall
15 be renewed and an updated plan shall be submitted to the Oklahoma
16 Department of Agriculture, Food, and Forestry every six (6) years
17 from the date the initial or previous plan was submitted.

18 2. The operator shall have the option to submit the renewed or
19 updated plan through the Department's website or a printable online
20 form designed by the Department.

21 3. A current operator may submit a one-page amendment to the
22 most recently submitted plan in lieu of a renewal plan through the
23 Department's website, if applicable. Poultry feeding operations
24 submitting an amendment pursuant to this subsection shall still be

1 subject to the soil and poultry waste testing requirements under
2 subsections F and G of this section. The amendment shall contain
3 the following statements:

4 a. no changes in the Department's promulgated standards
5 for land application of poultry waste have occurred
6 since the most recently submitted Nutrient Management
7 Plan,

8 b. there has been no change to the number of poultry
9 housed since the most recently submitted Nutrient
10 Management Plan,

11 c. there has been no expansion in the poultry feeding
12 operation since the most recently submitted Nutrient
13 Management Plan, and

14 d. the entirety of the poultry waste is:

15 (1) removed off-site as provided in the poultry
16 feeding operation's annual report, as required by
17 subsection J of this section, and will continue
18 to be removed off-site for the next six (6)
19 years, ~~or~~

20 (2) land-applied and will continue to be land-applied
21 for the next six (6) years, or

22 (3) removed off-site and land-applied and will
23 continue with both for the next six (6) years.
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1 F. Every poultry feeding operation located in a non-nutrient-
2 limited watershed and non-nutrient-vulnerable groundwaters shall
3 perform soil testing on each land-application area and poultry waste
4 testing at least once every three (3) years to determine:

5 1. Soil pH and plant-available nutrients including, at a
6 minimum, nitrogen, phosphorous, and potassium;

7 2. Poultry waste nutrient concentrations and moisture; and

8 3. Application rate based upon the Department's standards for
9 land application for poultry waste as promulgated by rules.

10 G. Every poultry feeding operation located in a nutrient-
11 limited watershed and nutrient-vulnerable groundwater shall perform
12 an annual soil test on each land-application area prior to the first
13 application of the calendar year. Poultry waste testing shall be
14 performed annually prior to the first application of the calendar
15 year. Soil and poultry waste testing shall be performed to
16 determine:

17 1. Soil pH and plant-available nutrients including at least
18 nitrogen, phosphorous, and potassium;

19 2. Poultry waste nutrient concentrations and moisture; and

20 3. Application rate based upon the Department's standards for
21 land application of poultry waste as promulgated by rules.

22 H. 1. Soil and poultry waste analysis data shall be retained
23 by the poultry feeding operation for a minimum of six (6) years.
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2. All soil and poultry waste analysis data shall be dated prior to land application.

I. 1. Poultry feeding operations shall develop a plan for the disposal of carcasses associated with normal mortality.

2. In the event there is an outbreak of a major disease or other emergency resulting in deaths significantly higher than normal mortality rates, the Oklahoma Department of Agriculture, Food, and Forestry may approve, in writing, an alternate method of disposal of carcasses or the storage of poultry waste during the emergency period.

J. Every poultry feeding operation shall file by September 1 of each year an annual report with the Department regarding all poultry waste removed from or land-applied by the facility for the period from July 1 of the previous year through June 30 of that year. The report shall contain the following information:

1. The date and amount of poultry waste removed from or land-applied at the facility;

2. The type of poultry waste removed or land-applied, whether a cake out, full clean out, in-house windrow or compost, poultry waste stack shed, or other type;

3. The county and, if applicable, the name of the nutrient-limited watershed where the poultry waste was produced; and

4. The location where the poultry waste is removed to:

a. if land-applied on-site, provide the following:

- (1) the date of the land application,
- (2) the total amount of poultry waste land-applied in wet tons, dry tons, or cubic yards,
- (3) the name, mailing address, and telephone number of the poultry waste applicator, and
- (4) the number of acres under the control of the poultry feeding operation for land application of poultry waste, or

b. if removed off-site, provide the following:

- (1) the date of the removal off-site,
- (2) the amount of poultry waste removed in wet tons, dry tons, or cubic yards,
- (3) the name, mailing address, and telephone number of the person the poultry waste is sold or transferred to,
- (4) the name, mailing address, telephone number, and poultry waste applicator license number of the poultry waste applicator, if known, and
- (5) the name, mailing address, and telephone number of the hauler of the poultry waste.

SECTION 2. AMENDATORY 2 O.S. 2021, Section 10-9.17, as amended by Section 1, Chapter 165, O.S.L. 2024 (2 O.S. Supp. 2025, Section 10-9.17), is amended to read as follows:

1 A. It shall be unlawful and a misdemeanor punishable by a fine
2 of not more than Five Thousand Dollars (\$5,000.00) for any person to
3 act, operate, or do business or advertise as a commercial poultry
4 waste applicator or to land-apply poultry waste as a private poultry
5 waste applicator unless such person has obtained a valid
6 applicator's certificate issued by the Oklahoma Department of
7 Agriculture, Food, and Forestry.

8 B. It shall be unlawful and a misdemeanor punishable by a fine
9 of not more than Five Thousand Dollars (\$5,000.00) for any person to
10 sell, transfer, do business in sales of poultry waste, or to
11 advertise for sale more than ten (10) tons of poultry waste per
12 calendar year unless the person has obtained a valid poultry waste
13 applicator's certificate or has a poultry feeding operation
14 registration issued by the Department.

15 C. Applicator's certificates shall be issued by the Department
16 to applicants who qualify under the provisions of the Oklahoma
17 Poultry Waste Applicators Certification Act.

18 ~~E.~~ D. Certificates shall be issued only upon application
19 therefor to the Department on a form of application prescribed by
20 the Department. The application shall contain information regarding
21 the applicant's qualifications and proposed operations and such
22 other information as may be specified by the Department.
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1 ~~D.~~ E. A certificate shall be issued only after satisfactory
2 completion of such certification standards as determined by the
3 Department.

4 ~~E.~~ F. 1. The Department shall issue a commercial applicator
5 certificate for a five-year period if a properly completed
6 application is filed with the Department not later than the first
7 day of January of the subsequent five-year period. A registration
8 fee of Seventy-Five Dollars (\$75.00) shall accompany every initial
9 and renewal application for certification.

10 2. The Department shall issue a private applicator certificate
11 for a five-year period if a properly completed application is filed
12 with the Department not later than the first day of January of the
13 subsequent five-year period. A registration fee of Fifteen Dollars
14 (\$15.00) shall accompany every initial and renewal application for
15 certification. The Fifteen Dollar (\$15.00) registration and renewal
16 fee shall be waived if the private applicator is also registered
17 pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

18 3. The Department shall issue all certificates for five-year
19 periods beginning January 1, 2025, and expiring on December 31,
20 2029, followed by successive five-year periods.

21 4. All such fees shall be deposited in the Agriculture
22 Regulation Revolving Fund to be used for the purpose of implementing
23 the provisions of the Oklahoma Registered Poultry Feeding Operations
24 Act and the Oklahoma Poultry Waste Applicators Certification Act.

1 ~~F.~~ G. Any person issued an applicator's certificate shall
2 comply with the education provisions of subsection F of Section 10-
3 9.5 of this title.

4 SECTION 3. AMENDATORY 2 O.S. 2021, Section 10-9.18, is
5 amended to read as follows:

6 Section 10-9.18. A. Every certified poultry waste applicator
7 shall file by September 1 of each year an annual report with the
8 Oklahoma Department of Agriculture, Food, and Forestry regarding all
9 poultry waste land-applied by such applicator for the period from
10 July 1 of the previous year through June 30 of that year. The
11 report shall contain the following information, as applicable:

12 1. The legal description ~~and~~ or GPS coordinates, county, and
13 the poultry feeding operation registration number, if available, or
14 the GPS coordinates where the poultry waste was produced or
15 acquired;

16 2. The legal description, field identifier, and county where
17 the poultry waste was land-applied;

18 3. Date of each field application or date of each sale or
19 transfer;

20 4. Total and per-acre amount of poultry waste of each field
21 application, or the total amount of poultry waste for each sale or
22 transfer;

23 5. Name, mailing address, and telephone number of the person
24 for whom poultry waste was applied, sold, or transferred;

1 6. The most recent soil ~~test~~ analysis results obtained for each
2 field receiving poultry waste; and

3 7. The most recent poultry waste analysis results dated prior
4 to the land application; and

5 8. Such other information as may be required by the State Board
6 of Agriculture.

7 B. The Department shall make available forms to be used in
8 making such report.

9 C. Applicators who seek to obtain a renewal certificate shall
10 submit the report with their application for renewal. No renewal
11 certificate may be issued without submission of this report.

12 D. Any certified poultry waste applicator selling or
13 transferring more than ten (10) tons of poultry waste per calendar
14 year and not performing land application services shall ensure the
15 person acquiring the poultry waste is aware of the requirements of
16 the Oklahoma Poultry Waste Applicators Certification Act and is
17 provided the most recent poultry waste analysis results dated prior
18 to the transfer.

19 SECTION 4. This act shall become effective November 1, 2026.

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