



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

POULTRY COMPOSTING

House Bill 4755 with committee
amendments
First Analysis (6-10-93)

Sponsor: Rep. Robert Bender
Committee: Agriculture

THE APPARENT PROBLEM:

Commercial poultry and egg producers are facing increasingly difficult problems managing waste products (dead birds and manure) from their farms as the industry has undergone increasing size and concentration. Current disposal practices, such as incineration or burying dead poultry carcasses in pits, have become more costly and ineffective both because flock size and body weights have increased and because disposal of these larger numbers of (larger) dead birds poses serious environmental problems at a time when the public is increasingly concerned about water and air pollution.

Because of increasing burial and incineration costs and stricter water- and air-quality regulations, poultry producers have been interested in finding other, economical and environmentally safe disposal methods. Legislation has been introduced that would add another dead bird disposal option for egg and poultry producers.

THE CONTENT OF THE BILL:

The bill would amend Public Act 239 of 1982, the act regulating the disposal of dead animals not intended for human consumption, to allow for the composting of commercial poultry, to change the criminal penalties for violations of the act, and to make a number of other amendments.

Disposal methods for dead animals. Currently, with the exception of dead animals contained in drums and transferred from one vehicle to another at a licensed facility, dead animals must be disposed of within 24 hours of death in one of two ways: by burial not less than four feet below the surface of the ground, or by burning "in a location which will not annoy or constitute a nuisance to the public."

The bill would exempt certain dead animals from the act's disposal requirements and would change, and add to, the existing disposal requirements.

Dead animals would have to be buried at least two, not four, feet underground, and could be burned in a location in compliance with the Air Pollution Act (Public Act 348 of 1965). The bill also would add four new ways to dispose of dead animals: by processing at a poultry composting structure or by procuring the services of a licensed dead animal dealer, a licensed rendering plant, or a licensed animal food manufacturing plant.

Disposal exemptions. The following dead animals would be exempted from the act's disposal requirements:

- * carcasses of small mammals, deer, and birds taken under Department of Natural Resources damage and nuisance animal control permits;
- * small mammals, "cervidae" (deer-like animals, including deer and elk), and birds that were "road kill"; and
- * dead animals kept temporarily in cold storage (for up to seven days) or frozen (for up to 30 days) at or below certain temperatures.

Definitions. The bill would redefine "animal" (which currently means "any livestock, including but not limited to, cattle, horses, swine, sheep, goats, poultry, and rabbits") to instead mean "mollusks, crustaceans, and vertebrates other than human beings."

The bill also would add definitions of "poultry" ("chickens, guinea fowl, turkeys, water fowl, pigeons, doves, and human-raised game birds) and "poultry composting structure" (a structure designed and built for the sole purpose of composting organic material and dead poultry).

Licenses and fees. Currently, licenses are issued or renewed on or before October 1 of each calendar year, and licenses are required for rendering plants, animal food manufacturing plants, dead animal

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dealers, transfer stations, fur bearing animal farms, and vehicles used to transport dead animals.

The bill would set the renewal date for licenses on or before September 30 for the next fiscal year, and would add a \$25 delinquency fee for vehicle or facility renewals submitted 31 days after the due date. The bill also would exempt fur bearing animal farms from the act's licensing requirements and would delete the requirement that applicants be "of good moral character" (as well as deleting the denial of licenses for those found, upon investigation by the department, not to be of good moral character).

Specifications for licensed facilities. Currently, the act lists specifications to which licensed facilities must conform. The bill would delete these specifications and instead say that licensed facilities -- and, in addition, poultry composting structures, and vehicles used to transport dead animals -- be constructed and operated in accordance with rules promulgated under the act.

Inspections of licensed facilities and vehicles. Currently, the act requires the director of the Department of Agriculture to inspect each licensed facility and vehicle at least once a year or as often as necessary to maintain the standards required by the act or rules promulgated under the act. The bill would make inspections permissible rather than mandatory, and would delete the requirement that inspections be done at least once a year. It would keep the provision that inspections could be done as often as necessary to maintain the standards set by the act.

Rules promulgation. Currently, the Department of Agriculture is required to promulgate rules to implement the act; the bill would add the requirement that the department also promulgate rules to enforce the act.

Violations and penalties. Currently, violations of the act are felonies. A first violation is punishable by imprisonment for not more than one year and a fine of not more than \$2,000. Second violations are punishable by imprisonment for up to two years and fines of up to \$5,000. Third and subsequent offenses are punishable by imprisonment for up to three years and fines of up to \$10,000.

The bill would delete the existing penalties and instead say that someone who violated the act or

rules promulgated under the act would be guilty of a misdemeanor punishable by a fine of at least \$300 and imprisonment for at least 30 days. Someone convicted for violating the act three or more times would be guilty of a felony punishable by imprisonment for up to a year and a fine of up to \$2,000.

In addition, the bill would allow anyone authorized by the director of the Department of Agriculture to enforce state animal health laws to issue appearance tickets for violations. However, in addition, the department could bring actions to obtain declaratory judgments that a "method, act, or practice" was a violation and/or obtain an injunction against anyone who violated or was about to violate the act.

Effective date. The bill would take effect 90 days after it was enacted.

Repealer. The bill would repeal section 17 (which gives specifications for vehicles used to transport dead animals) and section 25 (which requires licensees to report the existence of abnormalities or irregularities in animal health) of the act.

BACKGROUND INFORMATION:

The composting method used with dead poultry involves two stages: the first occurs as successive layers of manure, straw, and carcasses are added day-to-day as the number of dead birds dictate. The second stage occurs after layered piles are turned (and simultaneously mixed) and reactivated. The two stages both require a minimum of seven days to complete.

FISCAL IMPLICATIONS:

Fiscal information is not currently available. (6-9-93)

ARGUMENTS:

For:

The traditional methods used to dispose of dead poultry are increasingly expensive and their adverse biological and environmental effects can be substantial. Open-bottom burial pits are currently the most common method of disposing of dead poultry. However, groundwater quality can be adversely affected when open-bottom pits are located in certain soil types where there is a high water table. Residue can remain in these pits after years of use, and is an important reason for

considering other methods of disposal for poultry carcasses. Incineration is one of the biologically safest methods of disposal, but it tends to be slow and expensive. It also can generate nuisance complaints (about the odor), even when highly efficient incinerators are used, and incinerators also generate particulate air pollution. Rendering (melting down so as to convert into industrial fats and oils or fertilizer) is one of the best means for the conversion of dead poultry into a valued, biologically safe, protein by-product meal. However, producers using this method run the risk of transmitting disease because disease organisms can be picked up on the trucks used to pick up the dead birds and be spread from farm to farm.

The problems with the existing methods of disposal of dead poultry from large poultry and egg production facilities have reawakened interest in an old organic farming practice known as composting - in this case the composting of dead poultry. Composting is a controlled natural process in which beneficial microorganisms reduce and transform organic wastes (in this case, dead birds mixed with caked or used poultry litter -- such as pine shavings, sawdust, peanut or rice hulls -- and manure) into a useful end product, compost, which can then be used as fertilizer. Composting, properly done, is biologically safe, environmentally sound, and usually cheaper than the other, existing methods of disposing of poultry carcasses. (For example, compared to incineration, composting has been shown to be a practical, economical alternative). Composting is a fairly odorless and biologically sound practice. The typical temperatures generated (around 150 degrees Fahrenheit) in composted matter destroy pathogenic bacteria and viruses and exceed the human waste treatment requirements of the federal Environmental Protection Agency (EPA). It produces a useful and inoffensive product which may be used as a specialty soil amendment and fertilizer. Composting is simple and inexpensive, with the needed materials -- manure, dead birds, and straw or an alternative carbon source, and water -- readily available to commercial egg and poultry producers. Composting works well in moderate winter conditions (for example, not only in the southern states but in Michigan as well, where researchers report winter operating temperatures of about 15 degrees cooler than summer but still high enough to process carcasses). If composters are working properly they don't stink or breed flies (fly larvae are killed at temperatures of about 115 degrees, while properly

operating composters generate temperatures well above 130 degrees). When turning "started" or primary batches of compost (in the recommended two-cycle process), there is a transient odor, but it doesn't smell like dead or decomposing flesh (it's reported to smell like silage), and within minutes of turning the compost, the smell dissipates. (If compost fails to heat up or smells, it is usually because the piles are too wet. Saturated piles quickly become anaerobic, excluding the oxygen needed by the beneficial compost microorganisms. Wet compost can easily be corrected, however, by turning it over and by adding more manure.)

POSITIONS:

Representatives of the following testified before the committee on 6-9-93 in support of the bill as introduced:

- * The Department of Agriculture
- * The Department of Public Health
- * The Michigan Farm Bureau
- * Tom Otto Turkey Farm
- * Active Feed Company
- * Michigan Poultry Industry
- * Burns Poultry Industry
- * Bil Mar Foods
- * Trestle Town Turkeys
- * Herbruck Poultry Ranch
- * Michigan Pork Producers Association