

LIVESTOCK COMPOSTING

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Senate Bill 2 (Substitute H-2)

Sponsor: Sen. Ron Jelinek

House Committee: Agriculture

Senate Committee: Agriculture, Forestry and Tourism

First Analysis (6-8-05)

BRIEF SUMMARY: The bill would amend the Bodies of Dead Animals Act (BODA) to allow the composting of dead animals to occur outside of a physical structure.

FISCAL IMPACT: The bill would have no apparent fiscal impact on the state or local units of government.

THE APPARENT PROBLEM:

The Bodies of Dead Animals Act (BODA), Public Act 239 of 1982, generally requires that dead animals be disposed by burial, incineration, processing at a livestock or composting structure, or by procuring the services of a licensed dead animal dealer, rendering plant, or animal food manufacturing plant. Each of these methods of disposal presents certain problems that can make disposal a difficult endeavor. For large farm animals, burial can be quite difficult, particularly during the winter months when the ground is frozen, as it often requires a rather large hole in the ground that must meet certain specifications to avoid groundwater contamination. Incineration can be cost prohibitive, given the cost of the incinerator itself and the necessary fuel to operate it. Selling the animal to a rendering plant (which processes the animal into a variety of useful products) or animal food manufacturing plant is an option that has all but disappeared amid rising costs and fear of disease. Animals may also be buried in a landfill, though many landfill operators are a bit skittish about accepting carcasses given their rather unsightly nature.

It has been demonstrated that composting, when done properly, can be an effective, biologically-safe, and environmentally sound method of disposal. However, BODA and the related regulations promulgated by the Department of Agriculture generally require composting to occur within a physical structure. Researchers from Michigan State University's Department of Animal Science have conducted studies on the feasibility of on-farm composting occurring within uncovered, static piles that demonstrate that, when done properly, this method of composting can occur with little odor or effluent runoff. It has been suggested that BODA be amended to allow composting outside of a physical structure.

THE CONTENT OF THE BILL:

The Bodies of Dead Animals Act (Public Act 239 of 1982), which regulates the disposal of dead animals, generally requires that dead animals be disposed of by burial,

incineration, processing at a livestock or poultry composting structure, or by procuring the services of a licensed dead animal dealer, rendering plant, or animal food manufacturing plant. Senate Bill 2 would amend the act to permit dead animals in certain cases to be disposed of by "active composting methods," which would appear to allow composting to occur outside of a physical structure.

Active Composting Methods. Under the act, the composting of dead animals must take place in a structure designed and built for the sole purpose of composting organic material and dead poultry or other dead livestock. Senate Bill 2 would amend the act to remove specific references to a poultry composting structure and a livestock composting structure and, instead, permit dead animals to be disposed by means of "active composting," in addition to other currently permissible methods. The bill would define "active composting" to mean the accelerated decomposition of organic materials into carbon dioxide, water, heat, and compost. Additionally, other provisions referring specifically to composting structures would, instead, refer to active composting or the location where active composting occurs.

Normal Natural Daily Mortality. These provisions apply to "dead animals resulting from normal natural daily mortality intrinsic to an animal operation under common ownership or management." The term "normal natural daily mortality" refers to dead animals generated as a result of the ordinary death loss or tissue byproduct accumulations associated with or resulting from the day-to-day operations of raising, keeping, and harvesting animals. Dead animals resulting from an increase in normal natural daily mortality could not be composted without permission of the director of the Department of Agriculture.

Administrative Rules. The act requires the Department of Agriculture to promulgate rules concerning, among other things, poultry and livestock composting structures. The bill would instead require the department to promulgate rules concerning the methodology and conditions for active composting. The department would also have to promulgate rules concerning the following: (1) grinding animal tissues, (2) effluent containment, (3) accommodating the normal natural daily mortality of animals, (4) controlling odor and pest infestation of composting piles, (5) the generation of adequate records on composting, (6) a system of annual nutrient-content analysis, and (7) the final disposition of finished compost.

HOUSE COMMITTEE ACTION:

The House Committee on Agriculture reported with recommendation a Substitute H-1, which incorporates one amendment that appears to make no material change to the Senate-passed version of the bill.

BACKGROUND INFORMATION:

Public Act 239 of 1982 substantially updated state law (Public Act 226 of 1929) regarding the disposal and transportation of dead animals not intended for human consumption. Provisions relating to the disposal of dead poultry at a poultry composting

structure were added with the enactment of Public Act 228 of 1993 (House Bill 4755). At the time, on-farm disposal of dead poultry could only be by burial or incineration.

The Department of Agriculture's regulations (R 287.655) concerning poultry composting structures were promulgated in 1995. Among other provisions, these regulations require that the structure include a roof and sidewalls sufficient to minimize infiltrating precipitation, prevent leachate runoff, and prevent windblown movement of compost. The floor of the structure must be impermeable to water, be able to withstand structural damage resulting from extreme temperatures and moisture, and must support equipment that handles compost.

Public Act 299 of 1998 added provisions regarding composting of livestock other than poultry as an alternative to the existing disposal methods of burial, incineration, and rendering. In March 1998, the Michigan State University Department of Animal Science completed a study on the feasibility of disposing swine carcasses and after-birth by composting, finding composting to be an "effective, biologically-safe, [and] environmentally-friendly" disposal method. The study appears to have help spur the enactment of Public Act 299.

The Department of Agriculture's regulations (R 287.656) concerning livestock composting structures were promulgated in 1998. Among other provisions, these regulations require that the composting structure be built with reinforced concrete floors that are impervious to moisture and capable of bearing the weight of composting equipment and supporting static and dynamic frost loads, and consist of at least two bins, each made of at least three side wall and a roof to prevent seepage, runoff, and windblown movement of compost.

ARGUMENTS:

For:

By allowing composting to occur outside of a physical facility, the bill provides livestock producers with an alternative means of properly disposing of dead animals on their farms. Current means of disposal, including composting within a physical structure, can be impractical, unavailable, or quite costly. Moreover, there is a growing body of research that indicates that open static composting piles can be an effective and environmentally sound method of disposing of dead animals.

POSITIONS:

The Department of Agriculture supports the bill. (6-7-05)

The Michigan Farm Bureau supports the bill. (6-7-05)

Legislative Analyst: Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.