

LIVESTOCK COMPOSTING

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Senate Bill 2

Sponsor: Sen. Ron Jelinek

House Committee: Agriculture

Senate Committee: Agriculture, Forestry and Tourism

Complete to 5-27-05

A SUMMARY OF SENATE BILL 2 AS PASSED BY THE SENATE 5-5-05

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 (MCL 287.653 et al.) 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. The Department of Agriculture would be required to promulgate rules on active composting and would be authorized to inspect locations where active composting occurred.

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 of 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. (These changes would, ostensibly, permit composting to occur in the open, outside of a physical structure.)

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 active composting, (6) a system of annual nutrient-content analysis, and (7) the final disposition of finished compost.

FISCAL IMPACT:

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

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 the 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, in which it found composting to be an "effective, biologically-safe, [and] environmentally-friendly" disposal method. The study appears to have helped spur 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 walls and a roof to prevent seepage, runoff, and windblown movement of compost.

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