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Senate Bill 2 (Substitute S-1)
Sponsor: Senator Ron Jelinek
Committee: Agriculture, Forestry and Tourism

Date Completed: 4-20-05

CONTENT

The bill would amend Public Act 239 of 1982 (which regulates the disposal of dead animals and other matters) to do the following:

- Provide for the disposal of dead animals by "active composting methods" rather than by processing at "composting structures".**
- Revise provisions pertaining to composting animals together.**
- Require the Michigan Department of Agriculture (MDA) to promulgate rules on particular subjects.**

Active Composting Methods

Under the Act, subject to certain exceptions, all dead animals must be disposed of within 24 hours after death by burial or burning (as prescribed by the Act), processing at a composting structure, or processing at a poultry composting structure. The bill would require disposal by burning, burial, or active composting methods.

The Act defines "composting structure" as a structure designed and built for the sole purpose of composting organic material and dead livestock and not poultry. "Poultry composting structure" means a structure designed and built for the sole purpose of composting organic material and dead poultry. The bill would delete these definitions.

The bill would define "active composting" as the accelerated decomposition of organic materials into carbon dioxide, water, heat, and compost.

Under the Act, the MDA Director may authorize alternative methods of composting livestock or poultry for emergency, commercial, research, or other applications. The bill would allow the Director, by rule, to authorize alternative methods of active composting for those applications.

("Dead animals" means restaurant grease and the bodies, any part of the bodies, or any material produced from the bodies of animals that have been slaughtered or have died from any other cause and are not intended for human food. The term does not include a finished product that has been processed by an approved method.)

Inspections

The Act allows the Director to inspect each composting structure and poultry composting structure. The bill, instead, would allow the Director to inspect each location where active

composting of dead animals occurred. As currently permitted, the Director could perform inspections as often as necessary to maintain the standards adopted in the Act or in rules promulgated under the Act.

Composting Animals Together; Daily Mortality

Currently, carcasses resulting from mortality intrinsic to a livestock and poultry operation under common ownership or management may be composted in a structure together if the structure meets the requirements of the Act relative to both types of structure and rules applicable to each. The bill, instead, provides that dead animals resulting from normal natural daily mortality intrinsic to an animal operation under common ownership or management could be composted together if the methods complied with the Act's requirements and all rules applicable to those methods.

Under the Act, a composting structure may be used to compost only the normal and natural daily mortality associated with a livestock production unit under common ownership or management. Carcasses resulting from an increase in mortality may not be added to the composting structure without permission of the Director. The bill specifies, instead, that active composting methods could be used to compost only the normal natural daily mortality associated with an animal production unit under common ownership or management. Any dead animals resulting from an increase in normal natural daily mortality could not be composted without the Director's permission.

The bill would define "normal natural daily mortality" as dead animals generated as a result of the ordinary death loss or tissue byproduct accumulations associated with or as a result of the day-to-day operations of raising, keeping, and harvesting animals.

Rules & Applicable Definitions

The Act requires the MDA to promulgate rules regarding composting structures and poultry composting structures. The bill, instead, would require the MDA to promulgate rules regarding the following:

- Methodology for active composting, including methodology regarding passively aerated static piles, mechanically or forced aerated static piles, windrow piles, and contained or in-vessel systems.
- Recommended conditions for active composting, including conditions regarding moisture content, carbon-to-nitrogen ratio, bulking agent particle size, animal tissue density, composting density, temperature ranges, and pH ranges.
- Parameters regarding grinding, including pile form and shape, pile slumping, and the presence of large intact bones after active composting.
- Methods for compost leachate containment and prevention of its movement into groundwater.
- The accommodation of normal natural daily mortality and system capacity for accommodation of both active composting and curing.
- Control of odor and pest or vermin infestation of piles.
- The generation of adequate records involving active composting.
- A system of annual nutrient-content analysis.

The bill would define "aeration" or "areate" as the introduction of air into compost by the use of porous bulking agents, agitating, turning, mixing, forcing air through open ended perforated pipes embedded in compost, or other method provided by rule.

"Bulking agent" would mean a material added to compost to provide nutrients, decrease bulk density, promote aeration, and remove heat, including all of the following: dried grass; hay; chopped straw, corn stover, or bean stover; unpainted wood chips, shredded

bark, and sawdust without additives or preservatives; leaves; grass clippings; grain hulls; litter; litter cake; animal manure solids; waste animal feeds; cured compost; and a mixture of any of these bulking agents.

“Compost leachate” would mean any liquid leaving compost by running off of the surface of the pile or flowing downward through the pores of a pile. “Pile” would mean the mass or mound of compost within the forms of an open-pile, contained-pile within bin, or open-windrow.

“Curing” would mean the period of time after active composting when further decomposition occurs at a slow rate. “Grinding” would mean the mechanical reduction of intact or whole animal tissues into smaller pieces.

“Static” would mean a compost pile that is left to stand motionless or idle or does not include a rotating drum in-vessel compost digester.

MCL 287.653 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.