

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 2

A bill to amend 1982 PA 239, entitled

"An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts,"

by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3. (1) "ACTIVE COMPOSTING" MEANS THE ACCELERATED  
2 DECOMPOSITION OF ORGANIC MATERIALS LEADING PRIMARILY TO THE  
3 PRODUCTION OF CARBON DIOXIDE, WATER, HEAT, AND COMPOST.

4           (2) "AERATION" OR "AERATE" MEANS THE INTRODUCTION OF AIR INTO  
5 COMPOST BY USING POROUS BULKING AGENTS, AGITATING, TURNING, MIXING,  
6 FORCING AIR THROUGH OPEN ENDED PERFORATED PIPES EMBEDDED IN

1 COMPOST, OR OTHER METHOD PROVIDED FOR BY RULE.

2 (3) ~~-(1)-~~ "Animal" means mollusks, crustaceans, and  
3 vertebrates other than human beings.

4 (4) ~~-(2)-~~ "Animal food manufacturing plant" means an  
5 establishment at which animal or pet food is produced through the  
6 slaughtering, boning, grinding, cooking, canning, or freezing of  
7 dead animals.

8 (5) "BATCH" MEANS COMPOST ACCUMULATED IN A PLANNED PERIOD OF  
9 TIME.

10 (6) "BIOFILTER CAP" MEANS A LAYER OF FRESH BULKING AGENT  
11 PLACED OVER A PILE.

12 (7) "BULKING AGENT" MEANS A MATERIAL ADDED TO COMPOST TO  
13 PROVIDE NUTRIENTS, DECREASE BULK DENSITY, PROMOTE AERATION, AND  
14 REMOVE HEAT.

15 (8) "COMPOST LEACHATE" MEANS ANY LIQUID LEAVING COMPOST BY  
16 RUNNING OFF OF THE SURFACE OF THE PILE OR FLOWING DOWNWARD THROUGH  
17 THE PORES OF THE PILE.

18 (9) ~~-(3)-~~ "Composting structure" means a structure designed  
19 and built for the sole purpose of composting organic material and  
20 dead ~~livestock and not poultry~~ ANIMALS.

21 (10) "CURING" MEANS THE PERIOD OF TIME AFTER ACTIVE COMPOSTING  
22 WHEN FURTHER DECOMPOSITION OCCURS AT A SLOW RATE.

23 (11) ~~-(4)-~~ "Dead animals" means restaurant grease and the  
24 bodies, any part of the bodies, or any material produced from the  
25 bodies of animals ~~which~~ **THAT** have been slaughtered or have died  
26 from any other cause and are not intended for human food. Dead  
27 animals do not include a finished product ~~which~~ **THAT** has been

1 processed by an approved method.

2 (12) ~~-(5)-~~ "Dead animal dealer" means a person that procures  
3 and transports dead animals to or from a facility licensed under  
4 this act.

5 (13) ~~-(6)-~~ "Decharacterize" means a procedure that renders  
6 dead animals unfit for human consumption.

7 (14) ~~-(7)-~~ "Denature" means a procedure that ~~will impart~~  
8 **IMPARTS** a distinctive color, odor, or taste to dead animals so that  
9 the bodies are unfit for human consumption or cannot be used for  
10 animal or pet food unless properly rendered.

11 (15) ~~-(8)-~~ "Department" means the department of agriculture.

12 (16) ~~-(9)-~~ "Director" means the director of the department of  
13 agriculture or his or her authorized representative.

14 (17) **"EFFLUENT" MEANS ANY LIQUID LEAVING COMPOST BY RUNNING**  
15 **OFF THE SURFACE OF THE PILE AND FLOWING DOWNWARD THROUGH THE PORES**  
16 **OF THE PILE.**

17 (18) ~~-(10)-~~ "Facility" means any of the following:

18 (a) An animal food manufacturing plant.

19 (b) A rendering plant.

20 (c) A transfer station.

21 ~~——(11) "Livestock" means any species of animal used for human~~  
22 ~~food or fiber or those species used for service to humans.~~  
23 ~~Livestock includes, but is not limited to, cattle, sheep, new world~~  
24 ~~camelids, bison, captive cervidae, ratites, swine, equine,~~  
25 ~~aquaculture species, and rabbits.~~

26 (19) **"FRESH" MEANS BULKING AGENTS OF PLANT ORIGIN THAT HAVE**  
27 **NOT BEEN MIXED WITH ANY ANIMAL TISSUE, PRODUCT, OR EXCREMENT AND**

1 HAVE LIMITED ODOR-PRODUCING POTENTIAL.

2 Sec. 4. (1) "GRINDING" MEANS THE MECHANICAL REDUCTION OF  
3 INTACT OR WHOLE ANIMAL TISSUES INTO SMALLER PIECES.

4 (2) "GROUNDWATER" MEANS THAT TERM AS DEFINED IN SECTION 8303  
5 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
6 451, MCL 324.8303.

7 (3) "NORMAL NATURAL DAILY MORTALITY" MEANS DEAD ANIMALS  
8 GENERATED AS A RESULT OF THE ORDINARY DEATH LOSS OR TISSUE BY-  
9 PRODUCT ACCUMULATIONS ASSOCIATED WITH OR AS A RESULT OF THE DAY-TO-  
10 DAY OPERATIONS OF RAISING, KEEPING, AND HARVESTING ANIMALS.

11 (4) ~~(1)~~ "Person" means an individual, partnership,  
12 corporation, **LIMITED LIABILITY COMPANY**, cooperative, association,  
13 joint venture, or other legal entity ~~including, but not limited~~  
14 ~~to,~~ **OR 2 OR MORE ENTITIES IN** contractual relationships.

15 ~~(2) "Poultry" means chickens, guinea fowl, turkeys, water~~  
16 ~~fowl, pigeons, doves, and game birds that are propagated and~~  
17 ~~maintained under the control of a person.~~

18 ~~(3) "Poultry composting structure " means a structure designed~~  
19 ~~and built for the sole purpose of composting organic material and~~  
20 ~~dead poultry.~~

21 (5) "PILE" MEANS THE MASS OR MOUND OF COMPOST WITHIN THE FORMS  
22 OF AN OPEN-PILE, CONTAINED-PILE WITHIN BIN, OR OPEN-WINDROW.

23 (6) ~~(4)~~ "Rendering plant" means an establishment for the  
24 reduction by cooking or processing of dead animals to tallow and  
25 meat scrap, cracklings, or other items unfit for human consumption.

26 (7) ~~(5)~~ "Restaurant grease dealer" means a person who  
27 procures and transports cooking grease wastes from a restaurant.

1           (8) "STATIC" MEANS A COMPOST PILE THAT IS LEFT TO STAND  
2 MOTIONLESS OR IDLE AND DOES NOT INCLUDE A ROTATING DRUM IN-VESSEL  
3 COMPOST DIGESTER.

4           (9) ~~(6)~~ "Transfer station" means an establishment for the  
5 collection of dead animals that are to be transported to a facility  
6 licensed either under this act or the Michigan commercial feed law,  
7 Act No. 120 of the Public Acts of 1975, as amended, being sections  
8 287.521 to 287.535 of the Michigan Compiled Laws 1975 PA 120, MCL  
9 287.521 TO 287.535.

10           Sec. 15. ~~(1) Until rules are promulgated under subsection~~  
11 ~~(2), a composting structure shall follow the standards contained in~~  
12 ~~Michigan state university extension staff paper ANS MIMEO #369,~~  
13 ~~File No. 19.42, dated March 1998, which is incorporated by~~  
14 ~~reference. (2) The department shall promulgate rules pursuant to~~  
15 ~~the administrative procedures act of 1969, 1969 PA 306, MCL 24.201~~  
16 ~~to 24.328, regarding the FOLLOWING:~~

17           (A) THE construction and operation of a facility licensed  
18 under this act. ~~, poultry composting structures, composting~~  
19 ~~structures, and vehicles~~

20           (B) VEHICLES used for the transportation of dead animals. ~~When~~  
21 ~~the rules required under this subsection are promulgated,~~  
22 ~~subsection (1) does not apply.~~

23           (C) METHODOLOGY FOR ACTIVE COMPOSTING TO INCLUDE, BUT NOT BE  
24 LIMITED TO, METHODOLOGY REGARDING PASSIVELY AERATED STATIC PILES,  
25 MECHANICALLY OR FORCED AERATED STATIC PILES, WINDROW PILES, AND  
26 CONTAINED OR IN-VESSEL SYSTEMS.

27           (D) CONDITIONS FOR ACTIVE COMPOSTING TO INCLUDE, BUT NOT BE

1 LIMITED TO, RECOMMENDED CONDITIONS REGARDING MOISTURE CONTENT,  
2 CARBON-TO-NITROGEN RATIO, BULKING AGENT PARTICLE SIZE, ANIMAL  
3 TISSUE DENSITY, COMPOSTING DENSITY, TEMPERATURE RANGES, AND PH  
4 RANGES.

5 (E) PARAMETERS REGARDING GRINDING, INCLUDING, BUT NOT LIMITED  
6 TO, PILE FORM AND SHAPE, PILE SLUMPING, AND THE PRESENCE OF LARGE  
7 INTACT BONES AFTER COMPOSTING.

8 (F) METHODS FOR EFFLUENT CONTAINMENT AND PREVENTION OF ITS  
9 MOVEMENT INTO GROUNDWATER AND SURFACE WATER.

10 (G) THE ACCOMMODATION OF NORMAL NATURAL DAILY MORTALITY AND  
11 SYSTEM CAPACITY FOR ACCOMMODATION OF BOTH ACTIVE COMPOSTING AND  
12 CURING.

13 (H) CONTROL OF ODOR AND PEST OR VERMIN INFESTATION OF PILES  
14 WITH BIOFILTER CAPS OR AS OTHERWISE PROVIDED BY RULE.

15 (I) THE GENERATION OF ADEQUATE RECORDS INVOLVING COMPOSTING.

16 (J) A SYSTEM OF ANNUAL NUTRIENT-CONTENT ANALYSIS.

17 (K) THE FINAL DISPOSITION OF FINISHED COMPOST.

18 Sec. 19. (1) The director may inspect each facility and  
19 vehicle licensed under this act, and each ~~poultry composting~~  
20 ~~structure and composting structure provided for under this act~~  
21 **LOCATION WHERE COMPOSTING OF DEAD ANIMALS OCCURS** as often as ~~may~~  
22 ~~be~~ necessary to maintain the standards adopted in this act or in  
23 the rules promulgated under this act.

24 (2) The director may suspend or revoke a license issued under  
25 this act if a licensee violates this act or the rules promulgated  
26 under this act. The director shall conduct suspension or revocation  
27 ~~proceedings~~ **ADMINISTRATIVE HEARINGS** pursuant to the administrative

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2 (3) The director may authorize **BY RULE** alternative methods of  
3 composting ~~livestock or poultry~~ **OF DEAD ANIMALS** for emergency,  
4 commercial, research, or other applications.

5 (4) ~~Carcasses~~ **DEAD ANIMALS** resulting from **NORMAL NATURAL**  
6 **DAILY** mortality intrinsic to a ~~livestock and poultry~~ **AN ANIMAL**  
7 operation under common ownership or management may be composted ~~in~~  
8 ~~a structure~~ together ~~provided such structure meets~~ **IF THE**  
9 **METHODS COMPLY WITH** the requirements of this act ~~relative to both a~~  
10 ~~composting structure and poultry composting structure~~ and all  
11 rules applicable to each **THOSE METHODS** as promulgated under ~~this~~  
12 ~~act~~ **SECTION 15**.

13 (5) ~~A composting structure~~ **COMPOSTING METHODS** shall be used  
14 to compost only the normal ~~and~~ natural daily mortality associated  
15 with a ~~livestock~~ **ANIMAL** production unit under common ownership or  
16 management. Any increase in **NORMAL NATURAL DAILY** mortality, due to  
17 any cause known or unknown, shall be reported to the director  
18 immediately, ~~No carcasses~~ **AND ANY DEAD ANIMALS** resulting from  
19 ~~such an~~ **THAT** increase in **NORMAL NATURAL DAILY** mortality shall **NOT**  
20 be ~~added to the composting structure~~ **COMPOSTED** without permission  
21 of the director.

22 Sec. 21. (1) Dead animals, except if contained in a drum,  
23 barrel, or similar container, shall be transferred from 1 vehicle  
24 to another only at a licensed facility.

25 (2) All dead animals, except as provided in subsection (3),  
26 shall be disposed of within 24 hours after death by any of the  
27 following: ~~methods:~~

1 (a) Burial not less than 2 feet below the natural surface of  
2 the ground according to rules promulgated under this act.

3 (b) Burning in ~~a location that will not annoy or constitute a~~  
4 ~~nuisance to the public in compliance~~ **AN APPROPRIATE LICENSED OR**  
5 **PERMITTED INCINERATOR IN COMPLIANCE** with part 55 of the natural  
6 resources and environmental protection act, 1994 PA 451, MCL  
7 324.5501 to 324.5542. Residue from the burning process shall be  
8 disposed of by burial as provided in subdivision (a) or in a manner  
9 approved by the director.

10 (c) ~~Processing at a poultry composting structure~~ **COMPOSTING**  
11 **METHODS.**

12 ~~Processing at a composting structure.~~

13 (D) ~~(e)~~ Procuring the services of a licensed dead animal  
14 dealer.

15 (E) ~~(f)~~ Procuring the services of a licensed rendering  
16 plant.

17 (F) ~~(g)~~ Procuring the services of a licensed animal food  
18 manufacturing plant.

19 (3) The following dead animals are not subject to the  
20 requirements of subsection (2):

21 (a) ~~Carcasses of small~~ **SMALL** mammals, deer, and birds taken  
22 under the authority of a damage and nuisance animal control permit  
23 issued by the Michigan department of natural resources pursuant to  
24 part 401 of the natural resources and environmental protection act,  
25 1994 PA 451, MCL 324.40101 to 324.40119.

26 (b) Small mammals, cervidae, and birds, that are road kill.

27 (c) Dead animals kept in secured temporary cold storage of 4.5

1 degrees Celsius, 40 degrees Fahrenheit, or below for a maximum of 7  
2 days or frozen and securely stored at minus 11 degrees Celsius, 0  
3 degrees Fahrenheit, or below for a maximum of 30 days.

4 (d) Restaurant grease.

5 (e) Dead animals used as specimens at educational  
6 institutions.