

**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 INTO CARBON DIOXIDE, WATER,
3 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 ACTIVE 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 ACTIVE
16 COMPOSTING.

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

18 (K) THE FINAL DISPOSITION OF FINISHED COMPOST.

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

25 (2) The director may suspend or revoke a license issued under
26 this act if a licensee violates this act or the rules promulgated
27 under this act. The director shall conduct suspension or revocation

1 ~~proceedings~~ **ADMINISTRATIVE HEARINGS** pursuant to the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

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

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

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

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

1 following: ~~methods:~~

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

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

11 (c) ~~Processing at a poultry~~ **ACTIVE** composting ~~structure~~
12 **METHODS.**

13 ~~Processing at a composting structure.~~

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

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

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

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

22 (a) ~~Carcasses of small~~ **SMALL** mammals, deer, and birds taken
23 under the authority of a damage and nuisance animal control permit
24 issued by the Michigan department of natural resources pursuant to
25 part 401 of the natural resources and environmental protection act,
26 1994 PA 451, MCL 324.40101 to 324.40119.

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

1 (c) Dead animals kept in secured temporary cold storage of 4.5
2 degrees Celsius, 40 degrees Fahrenheit, or below for a maximum of 7
3 days or frozen and securely stored at minus 11 degrees Celsius, 0
4 degrees Fahrenheit, or below for a maximum of 30 days.

5 (d) Restaurant grease.

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