

# SENATE BILL No. 2

January 12, 2005, Introduced by Senator JELINEK and referred to the Committee on Agriculture, Forestry and Tourism.

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) "Animal" means mollusks, crustaceans, and  
2           vertebrates other than human beings.

3           (2) "Animal food manufacturing plant" means an establishment  
4           at which animal or pet food is produced through the slaughtering,

1 boning, grinding, cooking, canning, or freezing of dead animals.

2 (3) "Composting ~~structure~~ **METHODS**" means ~~a structure~~  
3 ~~designed and built~~ **PROCEDURES, PROCESSES, AND PROTOCOLS DESIGNED**  
4 for the sole purpose of composting organic material and dead  
5 livestock and not poultry.

6 (4) "Dead animals" means restaurant grease and the bodies, any  
7 part of the bodies, or any material produced from the bodies of  
8 animals ~~which~~ **THAT** have been slaughtered or have died from any  
9 other cause and are not intended for human food. Dead animals do  
10 not include a finished product ~~which~~ **THAT** has been processed by  
11 an approved method.

12 (5) "Dead animal dealer" means a person that procures and  
13 transports dead animals to or from a facility licensed under this  
14 act.

15 (6) "Decharacterize" means a procedure that renders dead  
16 animals unfit for human consumption.

17 (7) "Denature" means a procedure that will impart a  
18 distinctive color, odor, or taste to dead animals so that the  
19 bodies are unfit for human consumption or cannot be used for animal  
20 or pet food unless properly rendered.

21 (8) "Department" means the department of agriculture.

22 (9) "Director" means the director of the department of  
23 agriculture or his or her authorized representative.

24 (10) "Facility" means any of the following:

25 (a) An animal food manufacturing plant.

26 (b) A rendering plant.

27 (c) A transfer station.

1 (11) "Livestock" means any species of animal used for human  
2 food or fiber or those species used for service to humans.  
3 Livestock includes, but is not limited to, cattle, sheep, new world  
4 camelids, bison, captive cervidae, ratites, swine, equine,  
5 aquaculture species, and rabbits.

6 Sec. 4. (1) "Person" means an individual, partnership,  
7 corporation, **LIMITED LIABILITY COMPANY**, cooperative, association,  
8 joint venture, or other legal entity, including, but not limited  
9 to, **2 OR MORE ENTITIES IN** contractual relationships.

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

13 (3) "Poultry composting ~~structure~~ **METHODS**" means ~~a~~  
14 ~~structure designed and built~~ **PROCEDURES, PROCESSES, AND PROTOCOLS**  
15 **DESIGNED** for the sole purpose of composting organic material and  
16 dead poultry.

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

20 (5) "Restaurant grease dealer" means a person who procures and  
21 transports cooking grease wastes from a restaurant.

22 (6) "Transfer station" means an establishment for the  
23 collection of dead animals that are to be transported to a facility  
24 licensed either under this act or the Michigan commercial feed law,  
25 ~~Act No. 120 of the Public Acts of 1975, as amended, being sections~~  
26 ~~287.521 to 287.535 of the Michigan Compiled Laws~~ **1975 PA 120, MCL**  
27 **287.521 TO 287.535.**

1           Sec. 15. (1) Until rules are promulgated under subsection (2),  
2 a composting structure shall follow the standards contained in  
3 Michigan state university extension staff paper ANS-MIMEO #369,  
4 File No. 19.42, dated March 1998, which is incorporated by  
5 reference.

6           (2) The department shall promulgate rules pursuant to the  
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
8 24.328, regarding the construction and operation of a facility  
9 licensed under this act, poultry composting ~~structures~~ **METHODS**,  
10 composting ~~structures~~ **METHODS**, and vehicles used for the  
11 transportation of dead animals. When the rules required under this  
12 subsection are promulgated, subsection (1) does not apply.

13           Sec. 19. (1) The director may inspect each facility and  
14 vehicle licensed under this act, and each **LOCATION WHERE** poultry  
15 composting ~~structure~~ **METHODS** and composting ~~structure provided~~  
16 ~~for under this act~~ **METHODS OCCUR** as often as ~~may be~~ necessary to  
17 maintain the standards adopted in this act or in the rules  
18 promulgated under this act.

19           (2) The director may suspend or revoke a license issued under  
20 this act if a licensee violates this act or the rules promulgated  
21 under this act. The director shall conduct suspension or revocation  
22 proceedings pursuant to the administrative procedures act of 1969,  
23 1969 PA 306, MCL 24.201 to 24.328.

24           (3) The director may authorize alternative methods of  
25 composting livestock or poultry for emergency, commercial,  
26 research, or other applications.

27           (4) Carcasses resulting from mortality intrinsic to a

1 livestock and poultry operation under common ownership or  
2 management may be composted ~~in a structure~~ together ~~provided~~  
3 ~~such structure meets~~ **IF THE METHODS COMPLY WITH** the requirements  
4 of this act relative to both ~~a~~ composting ~~structure~~ **METHODS** and  
5 poultry composting ~~structure~~ **METHODS** and all rules applicable to  
6 each **OF THOSE METHODS** as promulgated under this act.

7 (5) ~~A composting structure~~ **COMPOSTING METHODS** shall be used  
8 to compost only the normal and natural daily mortality associated  
9 with a livestock production unit under common ownership or  
10 management. Any increase in mortality, due to any cause known or  
11 unknown, shall be reported to the director immediately, ~~No~~ **AND**  
12 **ANY** carcasses resulting from ~~such an~~ **THAT** increase in mortality  
13 shall **NOT** be ~~added to the composting structure~~ **COMPOSTED** without  
14 permission of the director.

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

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

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

23 (b) Burning in a location that will not annoy or constitute a  
24 nuisance to the public in compliance with part 55 of the natural  
25 resources and environmental protection act, 1994 PA 451, MCL  
26 324.5501 to 324.5542. Residue from the burning process shall be  
27 disposed of by burial as provided in subdivision (a) or in a manner

1 approved by the director.

2 (c) ~~Processing at a poultry~~ **POULTRY** composting ~~structure~~

3 **METHODS.**

4 (d) ~~Processing at a composting structure~~ **COMPOSTING METHODS.**

5 (e) Procuring the services of a licensed dead animal dealer.

6 (f) Procuring the services of a licensed rendering plant.

7 (g) Procuring the services of a licensed animal food

8 manufacturing plant.

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

11 (a) Carcasses of small mammals, deer, and birds taken under  
12 the authority of a damage and nuisance animal control permit issued  
13 by the Michigan department of natural resources pursuant to part  
14 401 of the natural resources and environmental protection act, 1994  
15 PA 451, MCL 324.40101 to 324.40119.

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

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

21 (d) Restaurant grease.

22 (e) Dead animals used as specimens at educational  
23 institutions.