

Act No. 66
Public Acts of 2005
Approved by the Governor
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**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Senator Jelinek

ENROLLED SENATE BILL No. 2

AN ACT 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:

Sec. 3. (1) "Active composting" means the accelerated decomposition of organic materials leading primarily to the production of carbon dioxide, water, heat, and compost.

(2) "Aeration" or "aerate" means the introduction of air into compost by using porous bulking agents, agitating, turning, mixing, forcing air through open ended perforated pipes embedded in compost, or other method provided for by rule.

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

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

(5) "Batch" means compost accumulated in a planned period of time.

(6) "Biofilter cap" means a layer of fresh bulking agent placed over a pile.

(7) "Bulking agent" means a material added to compost to provide nutrients, decrease bulk density, promote aeration, and remove heat.

(8) "Compost leachate" means any liquid leaving compost by running off of the surface of the pile or flowing downward through the pores of the pile.

(9) "Composting structure" means a structure designed and built for the sole purpose of composting organic material and dead animals.

(10) "Curing" means the period of time after active composting when further decomposition occurs at a slow rate.

(11) "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. Dead animals do not include a finished product that has been processed by an approved method.

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

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

(14) "Denature" means a procedure that imparts a distinctive color, odor, or taste to dead animals so that the bodies are unfit for human consumption or cannot be used for animal or pet food unless properly rendered.

(15) "Department" means the department of agriculture.

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

(17) "Effluent" means any liquid leaving compost by running off the surface of the pile and flowing downward through the pores of the pile.

(18) "Facility" means any of the following:

(a) An animal food manufacturing plant.

(b) A rendering plant.

(c) A transfer station.

(19) "Fresh" means bulking agents of plant origin that have not been mixed with any animal tissue, product, or excrement and have limited odor-producing potential.

Sec. 4. (1) "Grinding" means the mechanical reduction of intact or whole animal tissues into smaller pieces.

(2) "Groundwater" means that term as defined in section 8303 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8303.

(3) "Normal natural daily mortality" means dead animals generated as a result of the ordinary death loss or tissue by-product accumulations associated with or as a result of the day-to-day operations of raising, keeping, and harvesting animals.

(4) "Person" means an individual, partnership, corporation, limited liability company, cooperative, association, joint venture, or other legal entity or 2 or more entities in contractual relationships.

(5) "Pile" means the mass or mound of compost within the forms of an open-pile, contained-pile within bin, or open-windrow.

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

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

(8) "Static" means a compost pile that is left to stand motionless or idle and does not include a rotating drum in-vessel compost digester.

(9) "Transfer station" means an establishment for the collection of dead animals that are to be transported to a facility licensed either under this act or the Michigan commercial feed law, 1975 PA 120, MCL 287.521 to 287.535.

Sec. 15. The department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, regarding the following:

(a) The construction and operation of a facility licensed under this act.

(b) Vehicles used for the transportation of dead animals.

(c) Methodology for active composting to include, but not be limited to, methodology regarding passively aerated static piles, mechanically or forced aerated static piles, windrow piles, and contained or in-vessel systems.

(d) Conditions for active composting to include, but not be limited to, recommended conditions regarding moisture content, carbon-to-nitrogen ratio, bulking agent particle size, animal tissue density, composting density, temperature ranges, and pH ranges.

(e) Parameters regarding grinding, including, but not limited to, pile form and shape, pile slumping, and the presence of large intact bones after composting.

(f) Methods for effluent containment and prevention of its movement into groundwater and surface water.

(g) The accommodation of normal natural daily mortality and system capacity for accommodation of both active composting and curing.

(h) Control of odor and pest or vermin infestation of piles with biofilter caps or as otherwise provided by rule.

(i) The generation of adequate records involving composting.

(j) A system of annual nutrient-content analysis.

(k) The final disposition of finished compost.

Sec. 19. (1) The director may inspect each facility and vehicle licensed under this act, and each location where composting of dead animals occurs as often as necessary to maintain the standards adopted in this act or in the rules promulgated under this act.

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

(3) The director may authorize by rule alternative methods of composting of dead animals for emergency, commercial, research, or other applications.

(4) Dead animals resulting from normal natural daily mortality intrinsic to an animal operation under common ownership or management may be composted together if the methods comply with the requirements of this act and all rules applicable to those methods as promulgated under section 15.

(5) Composting methods shall be used to compost only the normal natural daily mortality associated with a animal production unit under common ownership or management. Any increase in normal natural daily mortality, due to any cause known or unknown, shall be reported to the director immediately, and any dead animals resulting from that increase in normal natural daily mortality shall not be composted without permission of the director.

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

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

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

(b) Burning in an appropriate licensed or permitted incinerator in compliance with part 55 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5501 to 324.5542. Residue from the burning process shall be disposed of by burial as provided in subdivision (a) or in a manner approved by the director.

(c) Composting methods.

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

(e) Procuring the services of a licensed rendering plant.

(f) Procuring the services of a licensed animal food manufacturing plant.

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

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

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

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

(d) Restaurant grease.

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor