

BODIES OF DEAD ANIMALS Act 239 of 1982

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.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

The People of the State of Michigan enact:

287.651 Meanings of words and phrases.

Sec. 1. For the purposes of this act, the words and phrases defined in sections 3 and 4 have the meanings ascribed to them in those sections.

History: 1982, Act 239, Eff. Oct. 1, 1982.

287.653 Definitions; A to F.

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) "Anaerobic digester" means a system designed to facilitate the production of methane from anaerobic microbial digestion of animal or food waste, including dead animals.

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

(5) "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.

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

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

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

(9) "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.

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

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

(12) "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.

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

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

(15) "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.

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

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

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

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

(a) An animal food manufacturing plant.

(b) A rendering plant.

(c) A transfer station.

(20) "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.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005;—Am. 2008, Act 311, Imd. Eff. Dec. 18, 2008.

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287.654 Definitions; G to T.

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.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.657 Establishment of business without license prohibited; exemptions; transportation of officially quarantined dead animals on public highway; permit; rules.

Sec. 7. (1) Except as provided in section 9, a person shall not establish any of the following as a business without obtaining a license under this act:

- (a) An animal food manufacturing plant.
- (b) A dead animal dealer.
- (c) A transfer station.
- (d) A rendering plant.

(2) Notwithstanding any other provision of this act, a person shall not transport a dead animal on a public highway if the animal has been officially quarantined by the director. The director may issue a permit for the transport of animals officially quarantined by the director under special security rules promulgated by the department.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.659 License; exemptions.

Sec. 9. All of the following are exempt from obtaining a license under this act:

(a) A restaurant grease dealer who is licensed under part 121 (liquid industrial wastes) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.12101 to 324.12118 of the Michigan Compiled Laws.

(b) A landfill that is licensed by the department of natural resources under part 115 (solid waste management) of Act No. 451 of the Public Acts of 1994, being sections 324.11501 to 324.11549 of the Michigan Compiled Laws.

(c) A person, and any vehicle used by a person, who is licensed under Act No. 173 of the Public Acts of 1953, being sections 287.401 to 287.409 of the Michigan Compiled Laws.

(d) A person who is licensed under the Michigan commercial feed law, Act No. 120 of the Public Acts of 1975, being sections 287.521 to 287.535 of the Michigan Compiled Laws, who manufactures or processes only decharacterized or denatured dead animals.

(e) A person and any vehicle that is used by a person to transport dead animals, as follows:

- (i) To a laboratory for diagnosis.
- (ii) To an incinerator approved by state and local authorities.
- (iii) To a licensed facility, by the original owner of the animal at the time of the animal's death.

(iv) Dead animals that have been released by authorized meat inspection personnel for educational or research purposes.

(v) Dead animals that are naturally unfit for human consumption, including but not limited to, hoofs, horns,

and hides in their natural state.

(vi) For use in preparing pharmaceutical, organotherapeutic, or technical products and not for use as human food.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1996, Act 65, Imd. Eff. Feb. 26, 1996.

287.661 Application for license; form; filing; fee; renewal; application of dead animal dealer license; specification of destination; annual license application fee; issuance or denial of license; inspection; standards; license fee not returnable.

Sec. 11. (1) An application for a license, in a form prescribed by the department, shall be filed with the department and accompanied by the annual license application fee as provided in subsection (3).

(2) A person shall apply to renew a license to the department on or before September 30 for the next fiscal year. Applications for renewal of a license required by this act for a facility or vehicle are delinquent 31 days after the due date, and a delinquent fee of \$25.00 shall be assessed in addition to the appropriate license application renewal fee. All money collected under this section shall be appropriated to the department and expended to administer this act.

(3) The application for a dead animal dealer license shall specify the destinations of the dead animals, which shall be a facility licensed in this or another state. If the destination is a facility licensed in another state, the applicant shall include a certified copy of the license for that facility with the application.

(4) The annual license application fee is as follows:

(a) For a rendering plant.....	\$	375.00
(b) For an animal food manufacturing plant.....	\$	200.00
(c) For a dead animal dealer.....	\$	100.00
(d) For a transfer station.....	\$	100.00
(e) For each vehicle used to transport dead animals..	\$	25.00

(5) Within a reasonable period of time after receipt of a license application, the director shall inspect the facility or vehicle. If the director determines that the facility or vehicle that is to be utilized under a license conforms to standards prescribed by this act and rules promulgated under this act, the director may issue a license. The application for a license may be denied if standards established in this act or by rules promulgated under this act are not met.

(6) The department shall not return a license fee or portion of a license fee to an applicant regardless of whether a license is issued or denied.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.663 License denial; notice; hearing; request for second inspection.

Sec. 13. (1) The department shall notify an applicant of the reasons for a license denial. The notice shall specify the deficiencies that must be corrected in order for a license to be issued. The applicant shall be afforded an opportunity for a hearing on the denial.

(2) Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department shall not make more than 2 inspections of the same facility or vehicle per application.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

287.665 Rules.

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.

(l) Methodology for the anaerobic digestion of organic materials.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005;—Am. 2008, Act 311, Imd. Eff. Dec. 18, 2008.

287.667 Repealed. 1993, Act 228, Eff. Feb. 4, 1994.

Compiler's note: The repealed section pertained to vehicles used for transportation of dead animals.

287.669 Inspection of facility, vehicle, and composting; suspension or revocation of license; hearings; alternative methods authorized by director; operation under common ownership or management; report of increase in mortality.

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.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.671 Dead animals; transfer from 1 vehicle to another; disposal; exceptions.

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.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1996, Act 65, Imd. Eff. Feb. 26, 1996;—Am. 1998, Act 299, Imd. Eff. July 28, 1998;—Am. 2005, Act 66, Imd. Eff. July 7, 2005.

287.673 Dead animals transported to licensed facility for production into animal or pet food; decharacterizing or denaturing; container label; preventing diversion of dead animals for use as human food; advertising.

Sec. 23. (1) Except when transported in a vehicle meeting the requirements of rules promulgated under section 15, dead animals transported from a licensed facility to another licensed facility for production into animal or pet food shall be decharacterized or denatured and the facility shall label the container as inedible. The label also shall state both of the following:

- (a) In letters not less than 3 inches high, that the material is not intended for human consumption.
 - (b) The name and address of the licensee.
- (2) A license holder shall take all reasonable precautions to prevent the dead animals from being diverted for use as human food.
- (3) Unless licensed under this act, a person shall not advertise involvement or participation in the business of transporting and disposing of dead animals.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

287.675 Repealed. 1993, Act 228, Eff. Feb. 4, 1994.

Compiler's note: The repealed section pertained to reports on abnormality or irregularity in animal health.

287.677 Rules.

Sec. 27. The department shall promulgate rules to implement and enforce this act. The rules shall be promulgated in accordance with the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994.

Administrative rules: R 287.651 et seq. of the Michigan Administrative Code.

287.678 Request for administrative hearing by aggrieved person; administrative fine or warning.

Sec. 28. (1) A person aggrieved by an order issued by the department under this act may request an administrative hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) After notice and an opportunity for a hearing and upon a finding that a person has violated a provision of this act, the director may impose an administrative fine of not more than \$1,000.00 for each violation. If the director finds that a violation occurred despite the exercise of due care or if the violation did not result in significant harm to human health or to the environment, the director may issue a warning rather than an administrative fine.

History: Add. 1998, Act 299, Imd. Eff. July 28, 1998.

287.679 Violation of act as misdemeanor or felony; penalties; civil actions.

Sec. 29. (1) A person who violates this act or a rule promulgated under this act is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

(2) A person who is convicted of violating this act or a rule promulgated under this act 3 or more times is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both.

(3) Any person authorized by the director to enforce the animal health laws of the state may issue an appearance ticket, as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g, for any violation of this act.

(4) Notwithstanding the provisions of this act, the department may bring an action in a court of competent jurisdiction to do 1 or both of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act or a rule promulgated under this act.

(b) Obtain an injunction against a person who is engaging in, or is about to engage in, a method, act, or practice that violates this act or a rule promulgated under this act. Venue in an action brought under this subdivision is the county in which the person is engaging in, or is about to engage in, the method, act, or

practice.

(5) In addition to the other actions provided for in this act, the director may bring a civil action in a court of competent jurisdiction through the department of the attorney general for the violation of this act or a rule promulgated under this act. If the court determines that a violation has occurred, the court may impose a civil fine of not more than \$5,000.00 for each violation.

(6) The director shall advise the department of the attorney general of the failure of a person to pay an administrative or civil fine imposed under this act. The department of the attorney general shall bring a civil action in a court of competent jurisdiction to recover this fine.

(7) In addition to any other defense available under law, a person may present as a defense to an administrative or civil action brought under this section and section 28 evidence that at the time of the alleged violation he or she was in compliance with this act and rules promulgated under this act.

(8) Applicable provisions of the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948, apply to civil actions brought under this act.

History: 1982, Act 239, Eff. Oct. 1, 1982;—Am. 1993, Act 228, Eff. Feb. 4, 1994;—Am. 1998, Act 299, Imd. Eff. July 28, 1998.

287.681 Repeal of MCL 287.231 to 287.241.

Sec. 31. Act No. 226 of the Public Acts of 1929, being sections 287.231 to 287.241 of the Compiled Laws of 1970, is repealed.

History: 1982, Act 239, Eff. Oct. 1, 1982.

287.683 Effective date.

Sec. 33. This act shall take effect October 1, 1982.

History: 1982, Act 239, Eff. Oct. 1, 1982.

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