



STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED
AMENDMENTS TO THE RULES OF THE
BOARD OF ANIMAL HEALTH, GOVERNING
TRANSPORTATION AND DISPOSAL OF
CARCASSES AND DISCARDED PARTS OF
ANIMALS, POULTRY, OR FISH.
(MN RULES PARTS 1719.0100 THROUGH
1719.4600.

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. Further, Minn. Stat. § 35.82, subd. 2, as amended by 1992 Minn. Laws, 1992, ch. 37, sec. 2, provides that the carcasses of domestic animals shall be disposed of as provided in the statute or by "another method approved by the Board as being effective for the protection of public health and the control of livestock diseases." As a result of the 1992 legislation, the Board must establish effective methods for carcass disposal and amend the section of their existing rules relating to transportation and disposal of carcasses and discarded parts of animals, poultry and fish. The board has determined that the proposed rule is non-controversial and that it is not only necessary to comply with the changed law, but that the proposed changes are supported by members of the poultry, rendering and fur farm industries those affected by the rule.

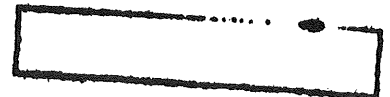
Further, the board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minn. Stat. §§ 14.21-.28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW.

The Board has existing rules governing transportation and rendering of carcasses of animals, poultry, fish and other renderable products in Minn. R. pts. 1720.0010-.0310 and 1720.0340-.0570. Parts 1720.0320 and 1720.0330 address a different subject matter, the cleaning and disinfecting of vehicles. Further, Minn. R. pt. 1720.0580 addresses yet another subject, the sale and distribution of biological products and antigens. Because the new legislation requires additional rules, and the current organization of the rules does not provide sufficient organizational space for those new rules, the board has elected to repeal the old rules and to repromulgate those rules, along with the new rules in a new section where there is room to expand them as new disposal technologies are developed and further amendments may be required.

The Legislative Commission
Review Administrative Rules

JUN 19 1992



III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES.

1719.0100 DEFINITIONS.

Subparts 1, 3, 4, 13 and 15 are unchanged from subparts 1, 2, 3, 8 and 9 of the previous part 1720.0010, except for changes in form made by the revisor. As with all portions of the old rule retained in the new rule, the existing definitions have proved satisfactory to protect public and livestock health.

Subpart 2. Animal Food Processing. This is a new definition and adds a requirement for denaturing of carcasses prior to use as animal food. This change is necessary to comply with federal law and is reasonable to prevent such products from being sold as human food.

Subpart 5. Collecting Station. This definition has been changed from the existing language in subpart 3 of 1720.0010 to reflect changes in the industry. The old definition was inappropriate since some rendering companies no longer operate their own trucks to haul carcasses, and in the northwest corner of Minnesota, there is no longer a rendering company that will go there to pick up carcasses. Therefore, the existing restriction as to "only rendering plants owning collecting stations and trucks" is no longer practical. By removing that requirement, carcasses can be disposed of in a timely manner and the public health and livestock disease control can be protected.

Subpart 6. The reason for change of this rule is to allow composting as a safe and effective means of poultry carcass disposal. The definition provides guidance as to understanding and control of the process.

Subpart 7. Discarded Animal Parts. This term is defined to comply with the law and to ensure that animal parts are treated the same as whole carcasses.

Subpart 8. In order to comply with the 1992 legislative changes, carcass disposal by other methods must be addressed.

Subpart 9. Establishment. This is a new definition used to differentiate commercial rendering or processing facilities from facilities established by animal producers for their own use. It is used for convenience to distinguish such operations.

Subpart 10. Fur Farm. The broader term of fur farm is now established to assure that the rules apply to all operations, other than simply mink farms addressed in the existing subpart 5 of part 1720.0010.

Subpart 11. Poultry. Since composting of poultry carcasses is a newly permitted means of disposal in the proposed rules, pursuant to legislative change, the definition of poultry conforms to that in the poultry disease rule.

Subpart 12. Rendering. The existing definition is too limiting since it provides only for cooking under steam pressure. The technology has changed so that the industry no longer utilizes steam pressure for cooking. It is reasonable and necessary to update the rule to allow effective, safe methods which do not use old technology.

Subpart 14. Toxic Material. This definition is added for cases where the dead animals were poisoned. It is used later in the rules to help assure safe animal feed supply.

1719.0200 PERMITS.

This is the current part 1720.0020 combined with the animal food processing plant permit requirement in current pt. 1720.0340. The functional equivalence of the facilities regulated makes it reasonable that the permits be combined to make them more reasonable and rationally related to their health protection purpose.

1719.0300 PERMITS REQUIRED.

This section was taken from 1720.0070, 1720.0370, and 1720.0440 and modified to cover all trucks hauling carcasses and discarded animal parts over public roads. This is necessary and reasonable because transporting carcasses in leaking contaminated trucks could be a major factor in disease spread.

1719.0310 TRUCKS CROSSING STATE LINES.

This section was necessary because many people in the regulated industries did not understand the part of section 1720.0070 that did not authorize trucks to cross state lines. It is reasonable that the rule be understandable to the industries it regulates.

1719.0400 TRUCK OWNED BY PERSON OTHER THAN OWNER OR OPERATOR OF RENDERING PLANT.

This section is taken from 1720.0030. It is modified by: (1) making both the owner of the truck and the owner of the rendering plant responsible for compliance with the rules; and by (2) removing the part that says a copy of the contract between the two must accompany the application. The first change is necessary and reasonable to help assure compliance with disease control methods. The second change eliminates a document that is unnecessary, and, therefore, it is reasonable to remove the need for that document.

1719.0500 INSPECTION OF PLANT FACILITIES AND TRUCKS.

This is the old section 1720.0040.

1719.0600 BURYING OR BURNING.

This is a new section that the MPCA asked to have included as a general reference so people would be aware that MPCA has rules that must be complied with in the disposal process. It is necessary and reasonable for state agencies to cooperate in helping people understand their rules.

1719.0700 CARCASS OF ANIMAL THAT DIED FROM ANTHRAX.

This section has a consolidation of language from existing parts 1720.0050 and 1720.0360. This section, along with sections 1719.0800 and 1719.0900, is necessary to assure differing treatment for animals dying from various causes. Treatment of their carcasses must be different, depending upon the cause of death, in order to adequately protect animal and public health.

1719.0800 CARCASS OF ANIMAL THAT DIED FROM RABIES.

The requirement for personal supervision by a veterinarian of carcass disposal was removed in order to allow simple notification by the veterinarian to the rendering plant. As long as the plant is aware of the cause of disease, through notification, any disease threat will be adequately addressed in processing.

1719.0900 CARCASS OF ANIMAL THAT DIED FROM TOXIC MATERIALS.

Differing treatment of animals dying from various toxic materials is allowed by the rule. It is stressed that when the toxic is not inactivated by rendering, rendering is not allowed. Further, Pollution Control Agency rules are referenced to allow coordination between concerned agencies.

1719.1000 ENDANGERING HEALTH OF DOMESTIC ANIMALS.

This section is the same as in the earlier 1720.0060, except for minor word changes made by the revisor.

1719.1100 PERMITS TO FUR FARMS.

This is a proposed new section which allows fur farmers to feed carcasses to their own animals only. This is necessary for disease control by preventing carcasses being sold, because there is no veterinary inspection of the carcasses as required to sell the product to others as feed. It is reasonable to allow this use within an establishment because fur animals are raised for their pelts and do not go into the food chain. Thus, their use presents no human or animal health hazard.

1719.1200 TRANSPORTATION OF CARCASSES AND DISCARDED ANIMAL PARTS.

This section is from 1720.0080 and the only changes are by the revisor to make it more understandable.

1719.1300 TRANSPORTATION FOR DISPOSAL BY OTHER METHODS.

This proposed new section was taken from 1720.0090. It is changed to include transportation for disposal by other methods as defined in 1719.0100, subpart 8. It is necessary to allow smaller operators to be able to use containers rather than have complete trucks for the purpose of hauling carcasses and discarded animal parts to allow prompt disposal of animal remains. It is reasonable for disease control that these containers be leakproof and covered.

1719.1400 HAULING CARCASSES FOR MEDICAL OR SCIENTIFIC PURPOSES.

This section is from 1720.0100.

1719.1500 TRUCK BODY NUMBER.

This section is from 1720.0110. The exemption for trucks hauling discarded animal parts is removed in the proposed rule because if they are leaking material on the road, in violation of the rules, it is important that the public be able to identify the vehicle and report it to the Board or Minnesota Department of Transportation. Also, added to this section was permission to use the name of the company instead of the permit number on the truck. This was for two reasons: (1) MN Department of Transportation requires the company name, and (2) it is easier for the public to report a violation when they can identify a company rather than just a number. These changes are necessary and reasonable for disease control.

1719.1600 FUR FARM TRUCK IDENTIFICATION.

This section is justified by the same needs and reasonableness as 1719.1500. However, since the vehicle will usually be the farm family pickup truck, the numbers and larger lettering are not required nor reasonable.

1719.1700 CLEANING AND DISINFECTION.

This section is from 1720.0120 and the only changes are by the revisor.

1719.1800 INSECTICIDE.

This part is from 1720.0130. The only change is the removal of the part that required the insecticide to be discharged into the cab of the truck prior to leaving each premises. This was done on the advice of the Minnesota Department of Agriculture because it would be unsafe to require the driver to be breathing in this amount of insecticide each day. This change is necessary and reasonable for the health and safety of the driver.

1719.1900 REMOVAL OF CARCASSES.

This section is from 1720.0140.

1719.2000 USE OF VEHICLE FOR OTHER PURPOSES.

This section is from 1720.0150. The change deals with the disposal of unrenderable articles being unloaded at the rendering plant. The plants won't allow unrenderable material to be unloaded and disposed of at their establishments, and it would be unnecessary and unreasonable to require them to do so. The other change allows the use of containers other than metal which can be cleaned, disinfected and reused. This change is necessary and reasonable since the invention of plastic containers that are strong enough for this purpose has provided a sanitary, inexpensive means of containing the products.

1719.2100 CARCASSES UNLOADED AT COLLECTING STATION.

This section is from 1720.0190. The only change is to allow permitted trucks not operated by a rendering plant to haul from a collecting station to plant. This is justified in section 1719.0100, subpart 5.

1719.2200 RENDERING AND ANIMAL FOOD PROCESSING PLANTS.

This section is a combination of parts 1720.0160, 1720.0200, 1720.0380, 1720.0390, 1720.0400 and 1720.0420. This combination is necessary and reasonable to make the rule more understandable.

1719.2300 RENDERING CARCASSES.

This section is from 1720.0210 and has some rewording by the revisor. The references to steam pressure and cooking have been removed as justified in 1719.0100, subpart 12, because steam pressure is no longer used and is unnecessary to safeguard animal and human health.

1719.2400 FLOORS AND WALLS.

This section is from 1720.0180, 1720.0220 and 1720.0410 with only changes from the revisor.

1719.2500 OFFICIAL VETERINARIAN.

This section is the combination of 1720.0450, 1720.0460, and 1720.0470. The only changes are minor word modifications by the revisor.

1719.2600 INSPECTION BY VETERINARIAN.

This section is from 1720.0490.

1719.2700 CONDEMNED CARCASSES.

This section is from 1720.0500. The part about identifying condemned carcasses is being changed because all the carcasses, condemned or not, must be slashed in order to be inspected for abscesses that may be deep in the muscle tissue and all of the meat must be denatured so that it does not get into the human food chain. The method of identifying the condemned carcasses is left up to the veterinarian as agreed upon with the plant management. These changes are necessary and reasonable to be effective.

1719.2800 CARCASSES PASSED FOR USE IN PET ANIMAL OR MINK FOOD.

This section is from 1720.0510.

1719.2900 SANITATION.

This section is a combination of 1720.0480 and 1720.0520.

1719.3000 RECORDS.

This part is from 1720.0530 with wording changes by the revisor.

1719.3100 SANITATION GUIDELINES.

This section is from 1720.0230.

1719.3200 PITS OR DEPOSITORIES.

The current rule has four sections on pits which are proposed to be deleted, at the end of this part, because pits are no longer used by the industry. This section was added to the proposed rule because the MPCA asked for it as a reference and because the current rule says that all fluids from the pits must be absorbed by the underlying soil, which is a direct violation of MPCA rules for being leakproof and on an impervious pad. These reasons make changes contained in this section necessary and reasonable.

1719.4000 COMPOSTING.

This section of the proposed rules was developed in cooperation with the poultry industry, University of Minnesota, Minnesota Pollution Control Agency, the Office of Waste Management, and the Extension Service of the USDA. The processes were developed by research both in Minnesota and in several other states. Since this is the procedure that was described to and approved by the legislature as a basis for the new legislation and composting has been proven as a reliable, safe and effective method of disposal of poultry carcasses, it is necessary and reasonable to have this section in the rule.

1719.4100 INSPECTION.

This section is necessary and reasonable to be able to make inspections to assure compliance with the rules.

1719.4200 PENALTIES.

When violations of these rules occur, it is necessary to be able to assess penalties to assure cleanup and future compliance. Minn. Stat. § 35.95 allows penalties of up to \$10,000. Since the primary objective is the cleaning up of the situation and future compliance, different levels of penalties are necessary dependent on the severity of the situation. Therefore, it is reasonable to have penalties ranging from a written warning for minor violations that are cleaned up immediately to a \$1000 fine for repeat violations, extreme severity or direct threats to human health.

1719.4300 REVOCATION OF OR REFUSAL TO ISSUE A PERMIT.

This section is from 1720.0280 and 1720.0540.

1719.4400 NOTICE OF REFUSAL TO ISSUE A PERMIT.

This section is from 1720.0290 and 1720.0550.

1719.4500 NOTICE OF REVOCATION OF PERMIT.

This section is from 1720.0300 and 1720.0560.

1719.4600 APPEALS.

This section is from 1720.0310 and 1720.0570.

IV. REPEALER.

Most of the parts of the previously mentioned rules are incorporated into the new parts. The following parts are no longer necessary for the reasons listed.

1720.0010.

Subparts 5 and 6 concerning mink ranches and ranchers were deleted from the definition because these terms were not used in the proposed rule. They are replaced by "Fur Farm" and "Animal Food Processing."

1720.0170 WASHING AND DISINFECTION OF TRUCKS.

This was deleted as a separate section, but the requirements are included in both 1719.1700 and 1719.2000.

1720.0240, 1720.0250, 1720.0260, 1720.0270.

All four sections concern the use of pits for disposal of stomach contents and were deleted because pits are no longer used by the industry and because parts of these sections were in direct violation of MPCA rules. It is neither reasonable nor necessary to have these sections in our rule because MPCA has authority over these practices.

1720.0350 INSPECTION OF FACILITIES AND VEHICLES.

This was used as the basis for 1719.4100.

1720.0430 TRANSPORTATION.

This was deleted from the proposed rules because the transportation of denatured material is covered by USDA regulations and law. Therefore, it is neither necessary nor reasonable to be included in these rules.

V. SMALL BUSINESS IMPACT OF THE PROPOSED RULE.

In assessing the economic impact of the proposed changes, the Board considered them favorable to small businesses. The reasons are:

- (1) Fur farmers will be able to feed carcasses to their animals without veterinary inspection, thus saving on their feed costs;
- (2) Poultry farmers of any size will be able to compost their dead birds instead of using more expensive forms of disposal, such as burning or rendering;
- (3) The proposed rule will now allow a small independent trucker to pick up and haul carcasses if he has a properly inspected and permitted truck.

Dated: _____

T.J. HAGERTY, DVM
EXECUTIVE SECRETARY
BOARD OF ANIMAL HEALTH

