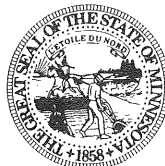


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OCT 23 1995



**STATE OF MINNESOTA**  
BOARD OF ANIMAL HEALTH  
119 AGRICULTURE BLDG.  
90 W. PLATO BLVD.  
ST. PAUL, MN 55107  
(612) 296-2942

October 20, 1995

Ms. Maryanne V. Hruby, Executive Director  
Legislative Commission to Review Administrative Rules  
55 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Amendments to the Rules of the State Board of Animal Health Relating to Animal Carcasses.

Dear Ms. Hruby:

The Minnesota Board of Animal Health intends to amend rules relating to Animal Carcasses. We plan to publish a Notice Of Intent To Adopt Rules in the October 23, 1995 State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Board has prepared a Statement of Need and Reasonableness which is now available to the public. Also as required, a copy of this Statement is enclosed with this letter.

For your information, we are also enclosing a copy of the Notice Of Intent To Adopt Rules and a copy of the proposed Rules in this matter.

If you have any questions about these rules, please contact me at 296-2942, ext. 18.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Keith Friendshuh, DVM".

Keith Friendshuh, DVM  
Acting Assistant Secretary

enclosures: Statement of Need and Reasonableness.  
Notice Of Intent To Adopt Rules.  
Rules.



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**STATE OF MINNESOTA  
BOARD OF ANIMAL HEALTH**

**IN THE MATTER OF THE PROPOSED  
AMENDMENTS TO THE RULES OF  
THE BOARD OF ANIMAL HEALTH,  
RELATING TO ANIMAL CARCASSES  
(MN RULES PARTS 1719.0100 THROUGH  
1719.4600).**

**STATEMENT OF NEED  
AND REASONABLENESS**

**I. INTRODUCTION.**

Minnesota Statutes, Section 35.03 (1994) 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 1991 Minnesota Laws, chap. 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 1991 legislation, the board could establish effective methods for carcass disposal and amend the sections 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 amendments are non-controversial. The proposed changes are supported by agriculture and the rendering industry.

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. § 14.22-.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.**

In 1992, the Board adopted new rules which allowed the composting of poultry. At the same time, the board renumbered the old parts of the rules so they would be physically located next to the new parts. Since two parts of the old rule (rendering and pet food processing) were almost identical, the renumbering caused some of the rules to have subparts with almost identical meanings. The board is now trying to make the rules more understandable and readable by referring to rendering plants and pet food processing plants by a defined common name "establishment". By doing this, the multiple subparts are combined to produce a more simplified rule.

The board is now putting into the rule the changes that were already approved by the industry in 1992. The reason for the long delay was the industry was conducting research to show that sheep, goat, and swine carcasses could be safely composted like poultry. This has just been accomplished and approved of by the board. During this time the industry also requested that off-site pickup points be allowed. The board has now set and approved parameters for them.

These rule changes should not cause an increase in expenses or revenue for this or any other agency. The changes in the rule are primarily allowing new methods for disposing of dead animals that are effective for the protection of public health and the control of livestock diseases. These new methods were requested by the industry and they are environmentally better and cost effective ways of carcass disposal. These new methods are voluntary, but if farmers want to use them, then they must comply with the procedures set forth in these proposed rules. Some other methods were also proposed, but were not approved by the board because safety trials have not been completed.

There are no Federal regulations concerning carcass disposal as it relates to these rule, except for the decharacterizing of products to be used as pet food. The proposed rule requires that the federal rules must be followed.

The Board of Animal Health went to great lengths to make sure the industries not only were informed but involved in the proposed rules. They did this by presenting seminars, industry newsletter articles, on site visits, informational meetings, and attending industry board meetings with aquaculture, sheep producers, fur farmers associations, poultry associations, and the swine industry. We solicited outside opinions and information directly from the renderers, MPCA, the University of Minnesota and other universities, and companies working with carcass disposal. I served on Task Forces on Best Management Practices for Animal Waste Disposal for both the poultry and swine industries. On July 13, 1994 a Notice of Solicitation of Outside Opinion was published in the State Register and sent to approximately 200 livestock industry members and associations, renderers, and county extension agents. At the same time we sent a questionnaire to the State Veterinarians in all the other states. Another Notice of Solicitation of Outside Opinion was sent to all persons on the board list as wanting information on rule changes and published in the State Register on July 24, 1995.

### **III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES.**

#### **1719.0100 DEFINITIONS.**

Subparts 1, 2, 3, 4, 6, 7, 12, and 13 are unchanged 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 5. Collecting Station. This definition has been changed from the existing language 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 6a. 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 6b. In order to comply with the 1992 legislative changes, carcass disposal by other methods must be addressed.

Subpart 7a. 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 Subparts 8 and 9.

Subpart 9a. Off Site Pickup Point. This definition is necessary to set reasonable parameters for what the industry is doing to protect the biosecurity on their farms.

Subpart 11. 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 12a. 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 combination of 1719.0200 Subparts 1 and 2 pertaining to rendering plant and animal food processing plant permit requirements. 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 is the combination of Subparts 1, 2 and 3, 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. The exemption allows hauling of carcasses belonging to that person across the road for disposal. This is reasonable and is what is now happening. Part of Subpart 1 referring to Inspection of Carcasses for Mink for Food was deleted because no veterinarian would certify that a carcass was not affected with disease. It now becomes the responsibility of the mink rancher if they are using carcasses for mink food.

#### **1719.0310 TRUCKS CROSSING STATE LINES.**

This section was necessary because many people in the regulated industries did not understand Subpart 1 of Section 1719.0300 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 modified by: (1) adding the owner of the truck and the owner of the rendering

plant responsible for compliance with the rules instead of just the owner of the plant; 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 since now many truckers are independent from the plant. 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.**

Subpart 2 said about the same thing as Subpart 1 and therefore was reasonable to delete.

**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 1719.0700 and 1719.0800. This section, along with sections 1719.0750 and 1719.0800, 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.

**1719.0750 CARCASS OF ANIMAL THAT DIED FROM RABIES.**

This section is the part of 1719.0700 that was deleted. 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.

**1719.0800 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 toxin 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 modified to put the responsibility of retaining certain carcasses on the premises to the owner instead of the rendering plant. This is necessary because now there are options other than rendering to dispose of carcasses. The exemption is reasonable to allow disposal for certain exotic diseases under controlled conditions.

**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 used for other purposes. It is reasonable to allow this use because fur animals are raised for their pelts and do not go into the food chain. Thus, this use presents no human or animal health hazard except to the owner of the fur farm who is doing this voluntarily.

**1719.1200 TRANSPORTATION OF CARCASSES AND DISCARDED ANIMAL PARTS.**

The only changes to this section are by the revisor to make it more understandable.

**1719.1300 TRANSPORTATION FOR DISPOSAL BY OTHER METHODS.**

This proposed section is changed to include transportation for disposal by other methods as defined in 1719.0100, Subpart 6b. 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 unchanged.

**1719.1500 TRUCK BODY NUMBER.**

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) The Minnesota 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 new 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.**

In this section the only changes are by the revisor.

**1719.1800 INSECTICIDE.**

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 OFF- SITE PICKUP POINT.**

The deleted part of this section was added to 1719.2100 which duplicated much of the same language. The proposed new section deals with carcasses removed from the farm building site to a remote location. This is a biosecurity practice that prevents disease from coming on to a farm with a rendering truck that has dead animals from other farms on it. This is reasonable because, even with all the disease control measures on rendering trucks, they are still carrying carcasses that died from some disease. The enclosure and time limits are necessary to prevent disease from spreading from the off-site location to other farms.

**1719.2000 USE OF VEHICLE FOR OTHER PURPOSES.**

This section is the combination and simplification of Subparts 1 and 2. The change deals with the disposal of unrenderable articles being unloaded at the rendering plant. This part is unnecessary because the plants won't allow unrenderable material to be unloaded and disposed of at their establishments, and it would be 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 and provide a sanitary, inexpensive means of containing the products.

**1719.2100 CARCASS UNLOADING AND RELOADING.**

Section 1719.1900 was added to this section. A change is to allow permitted trucks not operated by a rendering plant to haul from a collecting station to the plant. This is justified in section 1719.0100, Subpart 5. Another change is to allow carcasses to be kept under refrigeration longer than 24 hours. This is necessary for northwestern Minnesota where there is no rendering service available and carcasses must be collected until there is a load. It is reasonable because refrigeration retards the growth of most pathogens.

**1719.2200 ESTABLISHMENTS.**

This section is a combination of Subparts 1-6. This combination is necessary and reasonable to make the rule more understandable.



**1719.2300 RENDERING CARCASSES.**

This section has some rewording by the revisor. The references to steam pressure have been removed as justified in 1719.0100, Subpart 11, because steam pressure is no longer used and is unnecessary to safeguard animal and human health.

**1719.2400 FLUSHING OR SCRUBBING; DISPOSAL OF LIQUID WASTE.**

This section is the combination of Subparts 1, 2, and 3 and 1719.2900, Subpart 2, with only changes from the revisor.

**1719.2500 OFFICIAL OR ALTERNATE VETERINARIAN.**

This section is the combination of Subparts 1, 2 and 3. The only changes are minor word modifications by the revisor.

**1719.2600 INSPECTION BY VETERINARIAN.**

This section is unchanged.

**1719.2700 CONDEMNED CARCASSES.**

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 AND DISCARDED ANIMAL PARTS PASSED FOR USE IN PET ANIMAL AND MINK FOOD.**

This section is from Subpart 1. Subpart 2 is repealed because the transportation of denatured material is covered by USDA regulations. Therefore, it is not necessary to be included in these rules.

**1719.2900 SANITATION.**

This section is Subpart 1 of the current rule. Subpart 2 has been moved to 1719.2400 at the advice of the Revisor.

**1719.3000 RECORDS.**

This part is unchanged except for wording changes by the revisor.

**1719.3100 SANITATION GUIDELINES.**

This section is unchanged except for wording changes by the revisor.

#### **1719.3200 PITS OR DEPOSITORIES.**

The current rule has four sections on pits which are proposed to be repealed because pits are no longer used by the industry 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. This section was added to the proposed rule because the MPCA asked for it as a reference. These reasons make changes contained in this section necessary and reasonable.

#### **1719.4000 COMPOSTING.**

The swine industry has asked to be able to compost swine carcasses because of the problems and costs of rendering. The renderers will not take sheep and goat carcasses so the sheep and goat industries have no method of disposal during the winter. Research and field trials have shown composting to be a safe, effective and cost beneficial method of disposing of swine, sheep and goat carcasses. Therefore, it is necessary and reasonable to allow these species to be composted.

Another change is allowing that if sawdust or other water repelling material is used, a roof is not necessary. Research has shown this to be a reliable, safe and cost-saving method of composting carcasses. Therefore, it is reasonable to add this to the rule.

The last change in the composting is removing the requirement that vehicles hauling carcasses to be composted must be inspected and have permits. The reason for this is they are farm vehicles that would just be going across the road to their compost site. It would be impossible to inspect and permit all these vehicles. It also is unnecessary because the carcasses must be in containers that are leakproof and covered. This also goes along with changes in 1719.0300 which does not require a vehicle permit if a person owned the animal when it died.

#### **1719.4100 INSPECTION.**

This section is unchanged.

#### **1719.4200 ENFORCEMENT AND 1719.4250 PENALTIES.**

Sections 1719.4300, 1719.4400, 1719.4500, and 1719.4600 have been repealed and replaced by 1719.4200. The reason for repealing them is they are unnecessary because they are already in MN Statutes 35.92 to 35.94. 1719.4200 is just a reference to the statutes.

Section 1719.4250 also just clarifies and refers to MN Statutes 35.95 and 35.96. These changes were made on the recommendation of the Revisor.

#### **IV. REPEALER.**

All of the Parts and Subparts that are being repealed are already justified in Part III, Need For and Reasonableness of the Proposed Rules, of this document.

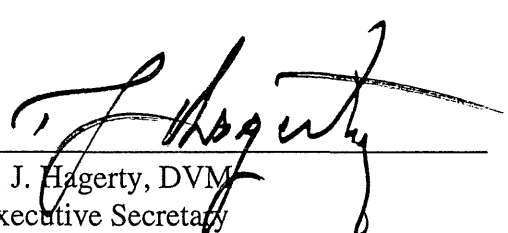
**V. SMALL BUSINESS IMPACT OF THE PROPOSED RULE.**

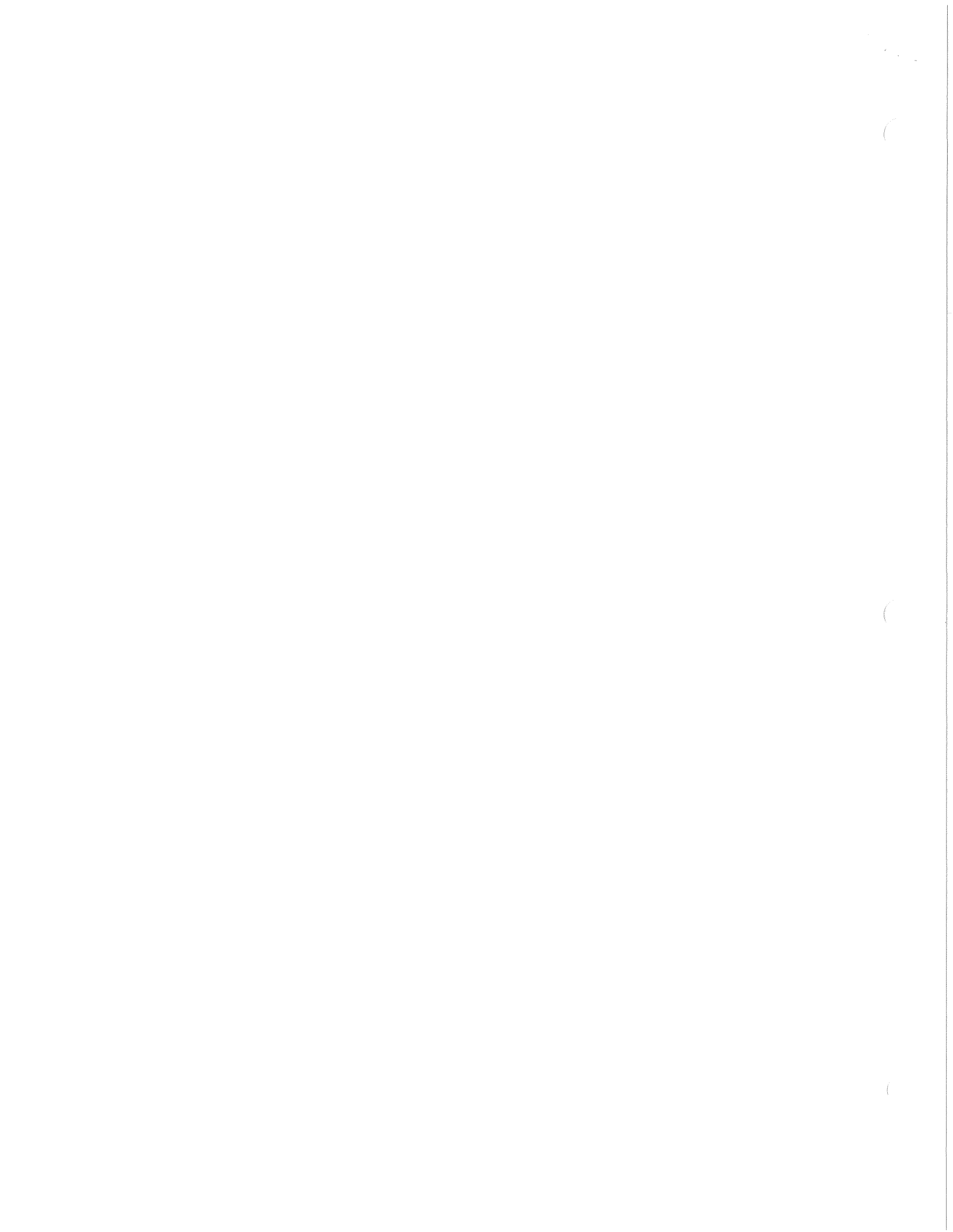
In assessing the economic impact of the proposed changes, the Board considered them favorable to small businesses because:

1. The changes are updating of the rules that were asked for by industry.
2. The changes are mostly just a combination of parts of 2 rules that were almost identical. These changes make the rule more readable and easier to understand.
3. Mink ranch was expanded to Fur Farm to allow any fur raiser to feed carcasses to their animals.
4. The proposed rule will now allow a small independent trucker to pick up and haul carcasses if their trucks are properly inspected and permitted.
5. Farmers no longer have to have an inspected and permitted vehicle to haul their carcasses across the road. Since this always was impossible to enforce, it now will not be a violation of the rules.
6. Some farmers have been using off-site pickup points for biosecurity reasons for the past few years.
7. Composting of sheep, goats, and swine is a cost beneficial and safe way of disposing of these carcasses.

Dated: \_\_\_\_\_

10-20-95

  
\_\_\_\_\_  
T. J. Hagerty, DVM  
Executive Secretary  
Board of Animal Health



STATE OF MINNESOTA  
BOARD OF ANIMAL HEALTH

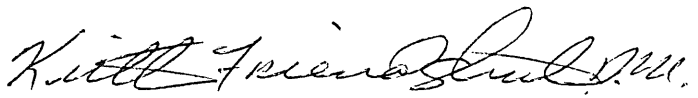
In The Matter Of The  
Proposed Amendments to  
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To Animal Carcasses

AFFIDAVIT OF MAILING THE  
STATEMENT OF NEED AND  
REASONABLENESS TO THE  
LEGISLATIVE COMMISSION  
TO REVIEW ADMINISTRATIVE  
RULES.


STATE OF MINNESOTA    )  
                                  ) ss  
COUNTY OF RAMSEY    )

Keith Friendshuh, DVM, being sworn says:

That on the 20 day of October, 1995, I mailed the Statement Of Need And Reasonableness for the above-captioned Rules to the Legislative Commission To Review Administrative Rules in compliance with Minnesota Statutes, sections 14.131 and 14.23. The mailing was done through the interoffice mail of the State of Minnesota.

  
\_\_\_\_\_  
Keith Friendshuh, DVM

Subscribed and sworn to  
before me this 20 day  
of October, 1995.

  
\_\_\_\_\_  
Notary Public  
MARIAN S. COMFORT  
NOTARY PUBLIC - MINNESOTA  
RAMSEY COUNTY  
My Comm. Expires Jan. 31, 2000

