



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 2 (as enrolled)
Sponsor: Senator Ron Jelinek
Senate Committee: Agriculture, Forestry and Tourism
House Committee: Agriculture

PUBLIC ACT 66 of 2005

Date Completed: 8-26-05

CONTENT

The amended Public Act 239 of 1982 (which regulates the disposal of dead animals and other matters) to do the following:

- Provide for the disposal of dead animals by "composting methods" rather than by processing at "composting structures".
- Revise provisions pertaining to composting animals together.
- Require the Michigan Department of Agriculture (MDA) to promulgate rules on particular subjects.

The bill took effect on July 7, 2005.

Active Composting Methods

Previously, under the Act, subject to certain exceptions, all dead animals had to be disposed of within 24 hours after death by burial or burning (as prescribed by the Act), processing at a composting structure, or processing at a poultry composting structure. The bill requires disposal by burning, burial, or composting methods.

Previously, the Act defined "composting structure" as a structure designed and built for the sole purpose of composting organic material and dead livestock and not poultry. "Poultry composting structure" meant a structure designed and built for the sole purpose of composting organic material and dead poultry. The bill defines "composting structure" as a structure designed and built for the sole purpose of composting organic material and dead animals. It deleted the

Act's references to a "poultry composting structure".

The bill defines "active composting" as the accelerated decomposition of organic materials leading primarily to the production of carbon dioxide, water, heat, and compost.

Previously, the MDA Director could authorize alternative methods of composting livestock or poultry for emergency, commercial, research, or other applications. The bill allows the Director, by rule, to authorize alternative methods of composting dead animals for those applications.

("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. The term does not include a finished product that has been processed by an approved method.)

Inspections

Previously, the Act allowed the Director to inspect each composting structure and poultry composting structure. The bill, instead, allows the Director to inspect each location where composting of dead animals occurs. The Director may perform inspections as often as necessary to maintain the standards adopted in the Act or in rules promulgated under the Act.

Composting Animals Together; Daily Mortality

Previously, carcasses resulting from mortality intrinsic to a livestock and poultry operation under common ownership or management could be composted in a structure together if the structure met the requirements of the Act relative to both types of structure and rules applicable to each. The bill, instead, provides that 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 Act's requirements and all rules applicable to those methods.

Previously, a composting structure could be used to compost only the normal and natural daily mortality associated with a livestock production unit under common ownership or management. Carcasses resulting from an increase in mortality could not be added to the composting structure without permission of the Director. The bill specifies, instead, that composting methods must be used to compost only the normal natural daily mortality associated with an animal production unit under common ownership or management. Any dead animals resulting from an increase in normal natural daily mortality may not be composted without the Director's permission.

The bill defines "normal natural daily mortality" as dead animals generated as a result of the ordinary death loss or tissue byproduct accumulations associated with or as a result of the day-to-day operations of raising, keeping, and harvesting animals.

Rules & Applicable Definitions

Previously, the Act required the MDA to promulgate rules regarding composting structures and poultry composting structures. The bill, instead, requires the MDA to promulgate rules regarding the following:

- Methodology for active composting, including methodology regarding passively aerated static piles, mechanically or forced aerated static piles, windrow piles, and contained or in-vessel systems.

- Conditions for active composting, including recommended conditions regarding moisture content, carbon-to-nitrogen ratio, bulking agent particle size, animal tissue density, composting density, temperature ranges, and pH ranges.
- Parameters regarding grinding, including pile form and shape, pile slumping, and the presence of large intact bones after composting.
- Methods for effluent containment and prevention of its movement into groundwater and surface water.
- The accommodation of normal natural daily mortality and system capacity for accommodation of both active composting and curing.
- Control of odor and pest or vermin infestation of piles with biofilter caps or as otherwise provided by rule.
- The generation of adequate records involving composting.
- A system of annual nutrient-content analysis.
- The final disposition of finished compost.

The bill defines "biofilter cap" as a layer of fresh bulking agent placed over a pile. "Effluent" means any liquid leaving compost by running off the surface of the pile and flowing downward through the pores of the pile.

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

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

"Compost leachate" means any liquid leaving compost by running off of the surface of the pile or flowing downward through the pores of a pile. "Pile" means the mass or mound of compost within the forms of an open-pile, contained-pile within bin, or open-windrow.

"Curing" means the period of time after active composting when further decomposition occurs at a slow rate. "Grinding" means the mechanical reduction of intact or whole animal tissues into smaller pieces.

“Static” means a compost pile that is left to stand motionless or idle or does not include a rotating drum in-vessel compost digester.

MCL 287.653 et al.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Craig Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.