

Administrative Rule Analysis



BODIES OF DEAD ANIMALS - COMPOSTING

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Analysis available at
<http://www.legislature.mi.gov>

Department: Agriculture and Rural Development
Agency: Animal Industry Division
Enabling Statute: Bodies of Dead Animals Act, 1982 PA 239, MCL 287.655

Analysis Complete to: 08/29/2023

BACKGROUND AND SUMMARY OF PROPOSED RULES

The Bodies of Dead Animals Act governs the disposal of dead animals and provides for the licensing and regulation of animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles. The act also provides for poultry and livestock composting. The act gives to the Michigan Department of Agriculture and Rural Development (MDARD) authority over the licensing program. The act also directs MDARD to promulgate rules, including rules governing livestock composting.

The Request for Rulemaking would amend Rule 287.655 governing composting of dead animals. A number of changes are technical and not material. The significant change involves the conditions required for active composting of dead animals. Among other requirements, the current rule requires that "each batch of animal tissue compost must undergo a minimum of 3 heat cycles of active composting before final utilization." The new rule would modify that sentence by adding: "unless the director determines fewer heat cycles are necessary for the elimination of the virus of concern based on guidance from the United States Department of Agriculture."

The composting requirements for large numbers of animal carcasses come into play primarily when a disease or contamination affects livestock or poultry.

MDARD documents indicates that the change would align Michigan's animal disease management and mitigation requirements with those of the United States Department of Agriculture (USDA), i.e. national standards based on research showing protective methods for prevention of the spread of disease. USDA guidance varies, depending on the livestock species and the nature of the disease outbreak.

FISCAL IMPACT OF PROPOSED RULES

In providing for potentially fewer heat cycle turns of dead animal carcasses, the rule could result in a reduced costs to MDARD in the event of a major outbreak of livestock or poultry disease, such as Highly Pathogenic Avian Influenza (HPAI). MDARD indicates that for poultry producers in the National Poultry Improvement Plan, the USDA covers much of the response and recovery costs, including the costs of the composting – but only for the two turns required by USDA regulations. MDARD could be required to reimburse the costs of the 3rd heat turn required by the current Michigan rule. MDARD would like to remove the current 3-turn standard which it considers arbitrary, and a potential cost liability.

The proposed rule change would have no fiscal impact on local units of government.

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