

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

AVK
10-28-92

RULE REVIEW CHECKLIST

File No. 1960
DATE RECEIVED 10-23-92
REVIEW DATE ~~11-1-92~~ 11-2-92
DUE DATE 11-6-92
(DIS)APPROVED _____
WITHDRAWN _____

Docket No. D580090098
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 10-28-92
REVISOR (DIS)APPROVED 10-29-92
FILED W/SEC. OF STATE 11-6-92
RETURNED TO AGENCY 11-9-92

✓ Rule as adopted (4 copies)

NA Notice to Solicit Outside Information/Opinion (if applicable)
_____ Date published in State Register
_____ Comments

NA Petition for Adoption of a Rule

_____ Board's Authorizing Resolution
September 13, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
35.03 Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
6-8-92 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
~~June 18, 1992~~ Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
June 18, 1992 just a Certificate of Mailing
_____ Copy of rule or summary attached

✓ Publication in State Register
June 22, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective ~~date of law requiring~~ rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)
Oct 12, 1992 - withdrawn

✓ Resolution Adopting
September 25, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
October 22, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Paul Shanley Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : KEITH A. J. FRIENDSHUH, DVM
Minnesota Board of Animal Health
Room 119
90 West Plato Boulevard
St. Paul

DATE : November 9, 1992

FROM : AMY V. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Animal Carcasses

The above-referenced rule has been approved as to its legality by the Attorney General on November 6, 1992.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. You will need to include reference to the withdrawn rules, citing the correct issues of the State Register where the withdrawals were noticed. For Rule 1719.4200 that cite will be the very issue in which you publish your Notice of Adoption and your notice of the withdrawl of Rule 1719.4200. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

Enclosures
cc: Paul Strandberg
William Brown, Chief Judge
MaryAnn Hruby

AVK:jj.rules.bdl

Board of Animal Health

Adopted Permanent Rules Relating to Animal Carcasses

Rules as Adopted

TRANSPORTATION AND DISPOSAL OF CARCASSES AND DISCARDED PARTS OF ANIMALS, POULTRY, OR FISH

1719.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Animal food processing.** "Animal food processing" means the procedure in which carcasses or discarded animal parts are denatured or decharacterized for use as pet or mink food and offered for sale.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Carcass.** [Withdrawn at 17 SR 784]

Subp. 5. **Collecting station.** [Withdrawn at 17 SR 784]

Subp. ~~6.~~ 4. **Composting.** "Composting" means the controlled microbial degradation of organic material by thermophilic organisms to yield a stable humus with little odor.

Subp. 7. **Discarded animal parts.** [Withdrawn at 17 SR 784]

Subp. 8. **Disposal by other methods.** [Withdrawn at 17 SR 784]

Subp. ~~9.~~ 5. **Establishment.** "Establishment" means a place where carcasses or discarded animal parts are rendered or processed for mink or pet food or for other commercial uses.

Subp. 10. **Fur farm.** [Withdrawn at 17 SR 784]

Subp. ~~11.~~ 6. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 12. **Rendering.** [Withdrawn at 17 SR 784]

Subp. 13. **Rendering plant.** [Withdrawn at 17 SR 784]

Subp. 14. **Toxic material.** [Withdrawn at 17 SR 784]

Subp. 15. **Truck.** [Withdrawn at 17 SR 784]

1719.0200 PERMITS. [Withdrawn at 17 SR 784]

Approved by Revisor CEL/MP

1719.0300 PERMITS REQUIRED. [Withdrawn at 17 SR 784]

1719.0310 TRUCKS CROSSING STATE LINES. [Withdrawn at 17 SR 784]

1719.0400 TRUCK OWNED BY PERSON OTHER THAN OWNER OR OPERATOR OF RENDERING PLANT. [Withdrawn at 17 SR 784]

1719.0500 INSPECTION OF PLANT FACILITIES AND TRUCKS. [Withdrawn at 17 SR 784]

1719.0600 BURYING OR BURNING. [Withdrawn at 17 SR 784]

1719.0700 CARCASS OF ANIMAL THAT DIED FROM ANTHRAX. [Withdrawn at 17 SR 784]

1719.0800 CARCASS OF ANIMAL THAT DIED FROM RABIES. [Withdrawn at 17 SR 784]

1719.0900 CARCASS OF ANIMAL THAT DIED FROM TOXIC MATERIALS. [Withdrawn at 17 SR 784]

1719.1000 ENDANGERING HEALTH OF DOMESTIC ANIMALS. [Withdrawn at 17 SR 784]

1719.1100 PERMITS TO FUR FARMS. [Withdrawn at 17 SR 784]

1719.1200 TRANSPORTATION OF CARCASSES AND DISCARDED ANIMAL PARTS. [Withdrawn at 17 SR 784]

1719.1300 TRANSPORTATION FOR DISPOSAL BY OTHER METHODS. [Withdrawn at 17 SR 784]

1719.1400 HAULING CARCASSES FOR MEDICAL OR SCIENTIFIC PURPOSES. [Withdrawn at 17 SR 784]

1719.1500 TRUCK BODY NUMBER. [Withdrawn at 17 SR 784]

1719.1600 FUR FARM TRUCK IDENTIFICATION. [Withdrawn at 17 SR 784]

1719.1700 CLEANING AND DISINFECTION. [Withdrawn at 17 SR 784]

1719.1800 INSECTICIDE. [Withdrawn at 17 SR 784]

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1719.1900 REMOVAL OF CARCASSES. [Withdrawn at 17 SR 784]

1719.2000 USE OF VEHICLE FOR OTHER PURPOSES. [Withdrawn at 17 SR 784]

1719.2100 CARCASSES UNLOADED AT COLLECTING STATION. [Withdrawn at 17 SR 784]

1719.2200 RENDERING AND ANIMAL FOOD PROCESSING PLANTS. [Withdrawn at 17 SR 784]

1719.2300 RENDERING CARCASSES. [Withdrawn at 17 SR 784]

1719.2400 FLOORS AND WALLS. [Withdrawn at 17 SR 784]

1719.2500 OFFICIAL VETERINARIAN. [Withdrawn at 17 SR 784]

1719.2600 INSPECTION BY VETERINARIAN. [Withdrawn at 17 SR 784]

1719.2700 CONDEMNED CARCASSES. [Withdrawn at 17 SR 784]

1719.2800 CARCASSES PASSED FOR USE IN PET ANIMAL OR MINK FOOD. [Withdrawn at 17 SR 784]

1719.2900 SANITATION. [Withdrawn at 17 SR 784]

1719.3000 RECORDS. [Withdrawn at 17 SR 784]

1719.3100 SANITATION GUIDELINES. [Withdrawn at 17 SR 784]

1719.3200 PITS OR DEPOSITORIES. [Withdrawn at 17 SR 784]

1719.4000 COMPOSTING.

Subpart 1. **Species allowed.** Composting is allowed for poultry only, if parts 1719.0100 to 1719.4600 are followed. The board may authorize on an experimental or permit basis other species to be composted or alternative methods to be used.

Subp. 2. **Site selection.** In choosing a site for the construction of a facility, consideration must be given to prevailing winds and public view. Pollution Control Agency rules also apply to site selection.

Subp. 3. **Compost facility.** A composting facility must:

A. be built on an impervious, weightbearing pad that

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is large enough to allow the equipment to maneuver;

B. be covered with a roof to prevent excessive moisture on the composting material;

C. be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment; and

D. be large enough to handle each day's normal mortality through the endpoint of the composting and that consists of a minimum of two heat cycles.

Pollution Control Agency and Department of Agriculture rules also govern the handling or storage of the manure and composted material.

Subp. 4. **Composting process.** The composting process must utilize at least the steps in items A to D.

A. Mortality must be processed daily.

B. A base of litter is required. The dead birds and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1).

C. The dead birds must be kept six inches from the edges and sealed with litter each day.

D. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven to ten days are needed in each heat cycle to process the carcasses and kill the pathogens. The temperature drop indicates the time to mix and move the compost. A minimum of two heat cycles is required.

Subp. 5. **Protocol.** The owner of the compost facility shall have a written protocol for the operation containing at least the minimum steps in subpart 4 and shall instruct and be responsible for all employees to follow the protocol.

Subp. 6. **Pest control.** Flies, rodents, and vermin must be controlled so as not to be a health hazard to human or animal populations.

Subp. 7. **Transportation of dead birds.** Dead birds may be transported over public roads only in vehicles or containers that are leakproof and covered. The vehicles must be inspected by and have permits from the board.

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Subp. 8. **Consulting and guidelines.** Best management practices, as recommended by the Cooperative Extension Service of the United States Department of Agriculture, are available to assist in the construction and operation of a compost facility and in the utilization of the end product.

Subp. 9. **Finished product.** The finished product must not contain visible pieces of soft tissue and must be handled, stored, and used according to Pollution Control Agency and Department of Agriculture rules.

Subp. 10. **Emergency and commercial composting.** The board shall authorize other composting processes for emergency, commercial, and other applications if a satisfactory protocol has been developed.

1719.4100 INSPECTION.

Representatives of the board may inspect an establishment, fur farm, or composting facility, and may review the operation protocol at any reasonable time.

1719.4200 PENALTIES. [Withdrawn at .. SR ...]

1719.4300 REVOCATION OF OR REFUSAL TO ISSUE A PERMIT.

The board shall refuse to issue or shall revoke a permit under this chapter if the plant or trucks are operated in such an unsanitary manner as to endanger the health of domestic animals and fowl of this state or any other state, or if there is a serious or dangerous violation of Minnesota Statutes, section 35.82, or a rule adopted by the board under that statute.

1719.4400 NOTICE OF REFUSAL TO ISSUE PERMIT.

A notice of refusal to issue a permit must be in writing stating the reasons for the refusal and must be served personally or mailed by certified letter to the applicant.

1719.4500 NOTICE OF REVOCATION OF PERMIT.

A notice of revocation of permit must be in writing stating reasons for the revocation and must be effective not less than 30 days after service or mailing unless, in the judgment of the

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board, the health of domestic animals or fowl is endangered, in which case the revocation may be effective upon receipt by the permittee. The notice must be served personally or mailed by certified letter to the permittee at the permittee's last known address.

1719.4600 APPEALS.

Any owner or operator may appeal a refusal of the board to issue a permit or a permit revocation. A notice of appeal must be filed with the board within 30 days of receipt of the notice of refusal to issue a permit or of a revocation. The board shall then promptly set a date for a hearing before a majority of the board or before a hearing officer appointed for that purpose. An appeal does not stay a revocation. The appealing party must be promptly notified in writing of the date set for the hearing. The hearing must be conducted in the manner provided by Minnesota Statutes, chapter 14.

RENUMBERER. In the next edition of Minnesota Rules, the revisor of statutes shall renumber the part number in column A with the part number in column B and make all appropriate cross-reference changes in Minnesota Statutes and Minnesota Rules.

Column A	Column B
1720.0010, subpart 3	1719.0100, subpart 4
1720.0010, subpart 4	1719.0100, subpart 5
1720.0010, subpart 5	1719.0100, subpart 9
1720.0010, subpart 6	1719.0100, subpart 10
1720.0010, subpart 7	1719.0100, subpart 11
1720.0010, subpart 8	1719.0100, subpart 12
1720.0010, subpart 9	1719.0100, subpart 13
1720.0020	1719.0200, subpart 1
1720.0030	1719.0400
1720.0040	1719.0500, subpart 1
1720.0050	1719.0700
1720.0060	1719.1000
1720.0070	1719.0300, subpart 1
1720.0080	1719.1200
1720.0090	1719.1300
1720.0100	1719.1400
1720.0110	1719.1500
1720.0120	1719.1700
1720.0130	1719.1800
1720.0140	1719.1900
1720.0150	1719.2000, subpart 1
1720.0160	1719.2200, subpart 1
1720.0170	1719.2000, subpart 2
1720.0180	1719.2400, subpart 1
1720.0190	1719.2100
1720.0200	1719.2200, subpart 2
1720.0210	1719.2300

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1720.0220	1719.2400, subpart 2
1720.0230	1719.3100
1720.0240	1719.3250, subpart 1
1720.0250	1719.3250, subpart 2
1720.0260	1719.3250, subpart 3
1720.0270	1719.3250, subpart 4
1720.0340	1719.0200, subpart 2
1720.0350	1719.0500, subpart 2
1720.0360	1719.0800
1720.0370	1719.0300, subpart 2
1720.0380	1719.2200, subpart 3
1720.0390	1719.2200, subpart 5
1720.0400	1719.2200, subpart 6
1720.0410	1719.2400, subpart 3
1720.0420	1719.2200, subpart 4
1720.0430	1719.2800, subpart 2
1720.0440	1719.0300, subpart 3
1720.0450	1719.2500, subpart 1
1720.0460	1719.2500, subpart 3
1720.0470	1719.2500, subpart 2
1720.0480	1719.2900, subpart 1
1720.0490	1719.2600
1720.0500	1719.2700
1720.0510	1719.2800, subpart 1
1720.0520	1719.2900, subpart 2
1720.0530	1719.3000

REPEALER. Minnesota Rules, parts ~~1720.0010, 1720.0020, 1720.0030, 1720.0040, 1720.0050, 1720.0060, 1720.0070, 1720.0080, 1720.0090, 1720.0100, 1720.0110, 1720.0120, 1720.0130, 1720.0140, 1720.0150, 1720.0160, 1720.0170, 1720.0180, 1720.0190, 1720.0200, 1720.0210, 1720.0220, 1720.0230, 1720.0240, 1720.0250, 1720.0260, 1720.0270, 1720.0280, 1720.0290, 1720.0300, 1720.0310, 1720.0340, 1720.0350, 1720.0360, 1720.0370, 1720.0380, 1720.0390, 1720.0400, 1720.0410, 1720.0420, 1720.0430, 1720.0440, 1720.0450, 1720.0460, 1720.0470, 1720.0480, 1720.0490, 1720.0500, 1720.0510, 1720.0520, 1720.0530, 1720.0540, 1720.0550, 1720.0560, and 1720.0570~~ 1720.0010, subparts 1 and 2; 1720.0280; 1720.0290; 1720.0300; 1720.0310; 1720.0540; 1720.0550; 1720.0560; and 1720.0570, are repealed.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

11-6 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Amy V. Kvåbeth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 6 1992
Joan Anderson Growe
Secretary of State

4:05 PM
PB

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. §§ 14.22-.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.

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.

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: June 8, 1992

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

Answers from Friedebach & Strandberg — 11-5-92

(1) Did the president of the Bd change twice 9-13 & 9-25??
• 9-13-91 & 9-25-92

(2) Why didn't they redo ~~noticed~~ & noting [withdrawn]
Revisor Craig: Standard to do this way to account for chngs. f. proposed

(3) date on "rules adopted" is 10-12-92 } o.k.
whereas f.f. is 10-22-92 }

(4) Rules w/drawn by resolution on 9/25 }
Reg. for w/drawal on 7-22-92 }

(5) Re 1719.~~4000~~ — composting —
do references to "PCA rules also apply . . ."
need to be more specific & cross-ref. rule
or incorp by reference?
see .4000 s. 2, s. 7, s. 9
∴ { Wants them non-specific so if PCA chngs. specifics of the rules,
Animal Bd doesn't need to change its.

(6) How do I get a permit to transport dead birds?
see: 1720.0020 & 1720.0040 & 1720.0080 & 1720.0340 & .0350

(7) Reference to Co-op Extension Service "best mngmnt practices"
1719.4000, s. 8 • call county xtns agent — farmers know ZIP #

(8) 1719.4000, s. 10 —
& What does a "satisfactory protocol consist"?
• Stnd. would be "protect animal & human health" - statute.

(9) 1719.4200 — refers to "low farm" "mink farm" "truck" — but those definitions were withdrawn —
• 1720.0010, s. 9 for truck
1719.4200 — "viol's of rules by other state or local agencies"
Reference needed? • wanted to indicate that b/c Animal Bd enforces its rules, does not relieve person from other agencies or local body's enforcement of their laws.
1719.4600 — you want contested case hearings for all appeals? • from previous rule.
1719.4200 — auth for Bd to ~~require~~ assess fines? Strandberg: 35.95, s. 5 by implication

• Friedebach's answers

Board of Animal Health

Adopted Permanent Rules Relating to Animal Carcasses

Rules as Adopted

TRANSPORTATION AND DISPOSAL OF CARCASSES AND DISCARDED PARTS OF ANIMALS, POULTRY, OR FISH

1719.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Animal food processing.** "Animal food processing" means the procedure in which carcasses or discarded animal parts are denatured or decharacterized for use as pet or mink food and offered for sale.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Carcass.** [Withdrawn at 17 SR 784]

Subp. 5. **Collecting station.** [Withdrawn at 17 SR 784]

Subp. ~~6.~~ 4. **Composting.** "Composting" means the controlled microbial degradation of organic material by thermophilic organisms to yield a stable humus with little odor.

Subp. 7. **Discarded animal parts.** [Withdrawn at 17 SR 784]

Subp. 8. **Disposal by other methods.** [Withdrawn at 17 SR 784]

Subp. ~~9.~~ 5. **Establishment.** "Establishment" means a place where carcasses or discarded animal parts are rendered or processed for mink or pet food or for other commercial uses.

Subp. 10. **Fur farm.** [Withdrawn at 17 SR 784]

Subp. ~~11.~~ 6. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 12. **Rendering.** [Withdrawn at 17 SR 784]

Subp. 13. **Rendering plant.** [Withdrawn at 17 SR 784]

Subp. 14. **Toxic material.** [Withdrawn at 17 SR 784]

Subp. 15. **Truck.** [Withdrawn at 17 SR 784]

1719.0200 PERMITS. [Withdrawn at 17 SR 784]

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1719.0300 PERMITS REQUIRED. [Withdrawn at 17 SR 784]

1719.0310 TRUCKS CROSSING STATE LINES. [Withdrawn at 17 SR 784]

1719.0400 TRUCK OWNED BY PERSON OTHER THAN OWNER OR OPERATOR OF RENDERING PLANT. [Withdrawn at 17 SR 784]

1719.0500 INSPECTION OF PLANT FACILITIES AND TRUCKS. [Withdrawn at 17 SR 784]

1719.0600 BURYING OR BURNING. [Withdrawn at 17 SR 784]

1719.0700 CARCASS OF ANIMAL THAT DIED FROM ANTHRAX. [Withdrawn at 17 SR 784]

1719.0800 CARCASS OF ANIMAL THAT DIED FROM RABIES. [Withdrawn at 17 SR 784]

1719.0900 CARCASS OF ANIMAL THAT DIED FROM TOXIC MATERIALS. [Withdrawn at 17 SR 784]

1719.1000 ENDANGERING HEALTH OF DOMESTIC ANIMALS. [Withdrawn at 17 SR 784]

1719.1100 PERMITS TO FUR FARMS. [Withdrawn at 17 SR 784]

1719.1200 TRANSPORTATION OF CARCASSES AND DISCARDED ANIMAL PARTS. [Withdrawn at 17 SR 784]

1719.1300 TRANSPORTATION FOR DISPOSAL BY OTHER METHODS. [Withdrawn at 17 SR 784]

1719.1400 HAULING CARCASSES FOR MEDICAL OR SCIENTIFIC PURPOSES. [Withdrawn at 17 SR 784]

1719.1500 TRUCK BODY NUMBER. [Withdrawn at 17 SR 784]

1719.1600 FUR FARM TRUCK IDENTIFICATION. [Withdrawn at 17 SR 784]

1719.1700 CLEANING AND DISINFECTION. [Withdrawn at 17 SR 784]

1719.1800 INSECTICIDE. [Withdrawn at 17 SR 784]

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1719.1900 REMOVAL OF CARCASSES. [Withdrawn at 17 SR 784]

1719.2000 USE OF VEHICLE FOR OTHER PURPOSES. [Withdrawn at 17 SR 784]

1719.2100 CARCASSES UNLOADED AT COLLECTING STATION. [Withdrawn at 17 SR 784]

1719.2200 RENDERING AND ANIMAL FOOD PROCESSING PLANTS. [Withdrawn at 17 SR 784]

1719.2300 RENDERING CARCASSES. [Withdrawn at 17 SR 784]

1719.2400 FLOORS AND WALLS. [Withdrawn at 17 SR 784]

1719.2500 OFFICIAL VETERINARIAN. [Withdrawn at 17 SR 784]

1719.2600 INSPECTION BY VETERINARIAN. [Withdrawn at 17 SR 784]

1719.2700 CONDEMNED CARCASSES. [Withdrawn at 17 SR 784]

1719.2800 CARCASSES PASSED FOR USE IN PET ANIMAL OR MINK FOOD. [Withdrawn at 17 SR 784]

1719.2900 SANITATION. [Withdrawn at 17 SR 784]

1719.3000 RECORDS. [Withdrawn at 17 SR 784]

1719.3100 SANITATION GUIDELINES. [Withdrawn at 17 SR 784]

1719.3200 PITS OR DEPOSITORIES. [Withdrawn at 17 SR 784]

1719.4000 COMPOSTING.

Subpart 1. **Species allowed.** Composting is allowed for poultry only, if parts 1719.0100 to 1719.4600 are followed. The board may authorize on an experimental or permit basis other species to be composted or alternative methods to be used.

Subp. 2. **Site selection.** In choosing a site for the construction of a facility, consideration must be given to prevailing winds and public view. Pollution Control Agency rules also apply to site selection.

Subp. 3. **Compost facility.** A composting facility must:

A. be built on an impervious, weightbearing pad that

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is large enough to allow the equipment to maneuver;

B. be covered with a roof to prevent excessive moisture on the composting material;

C. be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment; and

D. be large enough to handle each day's normal mortality through the endpoint of the composting and that consists of a minimum of two heat cycles.

Pollution Control Agency and Department of Agriculture rules also govern the handling or storage of the manure and composted material.

Subp. 4. **Composting process.** The composting process must utilize at least the steps in items A to D.

A. Mortality must be processed daily.

B. A base of litter is required. The dead birds and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1).

C. The dead birds must be kept six inches from the edges and sealed with litter each day.

D. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven to ten days are needed in each heat cycle to process the carcasses and kill the pathogens. The temperature drop indicates the time to mix and move the compost. A minimum of two heat cycles is required.

Subp. 5. **Protocol.** The owner of the compost facility shall have a written protocol for the operation containing at least the minimum steps in subpart 4 and shall instruct and be responsible for all employees to follow the protocol.

Subp. 6. **Pest control.** Flies, rodents, and vermin must be controlled so as not to be a health hazard to human or animal populations.

Subp. 7. **Transportation of dead birds.** Dead birds may be transported over public roads only in vehicles or containers that are leakproof and covered. The vehicles must be inspected by and have permits from the board.

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Subp. 8. **Consulting and guidelines.** Best management practices, as recommended by the Cooperative Extension Service of the United States Department of Agriculture, are available to assist in the construction and operation of a compost facility and in the utilization of the end product.

Subp. 9. **Finished product.** The finished product must not contain visible pieces of soft tissue and must be handled, stored, and used according to Pollution Control Agency and Department of Agriculture rules.

Subp. 10. **Emergency and commercial composting.** The board shall authorize other composting processes for emergency, commercial, and other applications if a satisfactory protocol has been developed.

1719.4100 INSPECTION.

Representatives of the board may inspect an establishment, fur farm, or composting facility, and may review the operation protocol at any reasonable time.

1719.4200 PENALTIES.

Construction or operation of an establishment, fur farm, truck, or compost facility in violation of this chapter will result in penalties pertaining to improper disposal of dead animals as well as possible charges for violations of the rules by other state or local agencies.

The penalties assessed to the party or parties responsible for a violation are civil penalties under Minnesota Statutes, section 35.95, and will be enforced through an action by the county attorney, the attorney general, or the board as the situation dictates. These penalties must be assessed according to the schedule in items A to D.

A. Violations of a minor nature involving willing cooperation to correct the situation and gain compliance must result in a written warning being issued and a personal contact to assure future compliance.

B. Violations of a minor nature but with little or no cooperation on the part of the responsible party or parties must

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result in a civil penalty of $250.

C. Violations with prior knowledge, of a serious nature, or involving direct defiance of board orders must result in a civil penalty of $500.

D. Repeat violations, extremely severe violations, or direct threats to human health must result in a civil penalty of $1,000 and the county attorney must be contacted in regard to a possible criminal complaint.

1719.4300 REVOCATION OF OR REFUSAL TO ISSUE A PERMIT.

The board shall refuse to issue or shall revoke a permit under this chapter if the plant or trucks are operated in such an unsanitary manner as to endanger the health of domestic animals and fowl of this state or any other state, or if there is a serious or dangerous violation of Minnesota Statutes, section 35.82, or a rule adopted by the board under that statute.

1719.4400 NOTICE OF REFUSAL TO ISSUE PERMIT.

A notice of refusal to issue a permit must be in writing stating the reasons for the refusal and must be served personally or mailed by certified letter to the applicant.

1719.4500 NOTICE OF REVOCATION OF PERMIT.

A notice of revocation of permit must be in writing stating reasons for the revocation and must be effective not less than 30 days after service or mailing unless, in the judgment of the board, the health of domestic animals or fowl is endangered, in which case the revocation may be effective upon receipt by the permittee. The notice must be served personally or mailed by certified letter to the permittee at the permittee's last known address.

1719.4600 APPEALS.

Any owner or operator may appeal a refusal of the board to issue a permit or a permit revocation. A notice of appeal must be filed with the board within 30 days of receipt of the notice of refusal to issue a permit or of a revocation. The board shall then promptly set a date for a hearing before a majority

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of the board or before a hearing officer appointed for that purpose. An appeal does not stay a revocation. The appealing party must be promptly notified in writing of the date set for the hearing. The hearing must be conducted in the manner provided by Minnesota Statutes, chapter 14.

RENUMBERER. In the next edition of Minnesota Rules, the revisor of statutes shall renumber the part number in column A with the part number in column B and make all appropriate cross-reference changes in Minnesota Statutes and Minnesota Rules.

Column A	Column B
1720.0010, subpart 3	1719.0100, subpart 4
1720.0010, subpart 4	1719.0100, subpart 5
1720.0010, subpart 5	1719.0100, subpart 9
1720.0010, subpart 6	1719.0100, subpart 10
1720.0010, subpart 7	1719.0100, subpart 11
1720.0010, subpart 8	1719.0100, subpart 12
1720.0010, subpart 9	1719.0100, subpart 13
1720.0020	1719.0200, subpart 1
1720.0030	1719.0400
1720.0040	1719.0500, subpart 1
1720.0050	1719.0700
1720.0060	1719.1000
1720.0070	1719.0300, subpart 1
1720.0080	1719.1200
1720.0090	1719.1300
1720.0100	1719.1400
1720.0110	1719.1500
1720.0120	1719.1700
1720.0130	1719.1800
1720.0140	1719.1900
1720.0150	1719.2000, subpart 1
1720.0160	1719.2200, subpart 1
1720.0170	1719.2000, subpart 2
1720.0180	1719.2400, subpart 1
1720.0190	1719.2100
1720.0200	1719.2200, subpart 2
1720.0210	1719.2300
1720.0220	1719.2400, subpart 2
1720.0230	1719.3100
1720.0240	1719.3250, subpart 1
1720.0250	1719.3250, subpart 2
1720.0260	1719.3250, subpart 3
1720.0270	1719.3250, subpart 4
1720.0340	1719.0200, subpart 2
1720.0350	1719.0500, subpart 2
1720.0360	1719.0800
1720.0370	1719.0300, subpart 2
1720.0380	1719.2200, subpart 3
1720.0390	1719.2200, subpart 5
1720.0400	1719.2200, subpart 6
1720.0410	1719.2400, subpart 3
1720.0420	1719.2200, subpart 4
1720.0430	1719.2800, subpart 2
1720.0440	1719.0300, subpart 3
1720.0450	1719.2500, subpart 1
1720.0460	1719.2500, subpart 3
1720.0470	1719.2500, subpart 2
1720.0480	1719.2900, subpart 1
1720.0490	1719.2600
1720.0500	1719.2700

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1720.0510 1719.2800, subpart 1
1720.0520 1719.2900, subpart 2
1720.0530 1719.3000

REPEALER. Minnesota Rules, parts ~~1720.0010; 1720.0020; 1720.0030; 1720.0040; 1720.0050; 1720.0060; 1720.0070; 1720.0080; 1720.0090; 1720.0100; 1720.0110; 1720.0120; 1720.0130; 1720.0140; 1720.0150; 1720.0160; 1720.0170; 1720.0180; 1720.0190; 1720.0200; 1720.0210; 1720.0220; 1720.0230; 1720.0240; 1720.0250; 1720.0260; 1720.0270; 1720.0280; 1720.0290; 1720.0300; 1720.0310; 1720.0340; 1720.0350; 1720.0360; 1720.0370; 1720.0380; 1720.0390; 1720.0400; 1720.0410; 1720.0420; 1720.0430; 1720.0440; 1720.0450; 1720.0460; 1720.0470; 1720.0480; 1720.0490; 1720.0500; 1720.0510; 1720.0520; 1720.0530; 1720.0540; 1720.0550; 1720.0560; and 1720.0570~~ 1720.0010, subparts 1 and 2; 1720.0280; 1720.0290; 1720.0300; 1720.0310; 1720.0540; 1720.0550; 1720.0560; and 1720.0570, are repealed.

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Board of Animal Health

Proposed Permanent Rules Relating to Animal Carcasses

Rules as Proposed (all new material)

TRANSPORTATION AND DISPOSAL OF CARCASSES AND DISCARDED PARTS OF ANIMALS, POULTRY, OR FISH

1719.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

Subp. 2. **Animal food processing.** "Animal food processing" means the procedure in which carcasses or discarded animal parts are denatured or decharacterized for use as pet or mink food and offered for sale.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Carcass.** "Carcass" means the body or a part of a domestic animal or fowl that has died or has been killed other than by being slaughtered for human or animal consumption. For the purposes of this subpart, "domestic animal" does not include a species of animal that is commonly maintained in the home of the owner, whether or not the particular animal was so housed at any time prior to its death.

Subp. 5. **Collecting station.** "Collecting station" means an establishment maintained and operated under permit, where carcasses may be unloaded for temporary keeping.

Subp. 6. **Composting.** "Composting" means the controlled microbial degradation of organic material by thermophilic organisms to yield a stable humus with little odor.

Subp. 7. **Discarded animal parts.** "Discarded animal parts" means all or a part of animals, fish, or poultry that have been killed for human or animal consumption and not used for that purpose.

Subp. 8. **Disposal by other methods.** "Disposal by other methods" means the disposal of carcasses or discarded animal parts by a method other than rendering or processing into animal

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food.

Subp. 9. **Establishment.** "Establishment" means a place where carcasses or discarded animal parts are rendered or processed for mink or pet food or for other commercial uses.

Subp. 10. **Fur farm.** "Fur farm" means a premises on which fox, ferrets, mink, and other animals are raised for the production of fur.

Subp. 11. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 12. **Rendering.** "Rendering" means the processing of all or a part of carcasses, fish, or poultry, including scraps, discarded animal parts, and grease, by cooking to produce inedible by-products. Rendering includes the skinning and dismembering of carcasses.

Subp. 13. **Rendering plant.** "Rendering plant" means an establishment where rendering is conducted and includes:

A. the rooms or buildings where skinning and dismembering of carcasses is conducted;

B. the tanks in which carcasses are cooked;

C. the rooms or buildings used for storage of hides, tankage, or other products from processing and the adjacent area used in the operation of collecting, hauling, skinning, dismembering, and cooking carcasses and packaging, storing, and loading the finished product of the rendering operation;

D. the area used for the disposal of waste material unsuitable for rendering; and

E. the liquid waste disposal facilities of the plant.

Subp. 14. **Toxic material.** "Toxic material" means a poisonous chemical that killed an animal.

Subp. 15. **Truck.** "Truck" means a vehicle or conveyance used for the transportation of carcasses or discarded animal parts including scraps, grease, or other renderable parts.

1719.0200 PERMITS.

The board may issue a permit to owners or operators of rendering or animal food processing plants or other

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establishments to transport carcasses or discarded animal parts over the public highways to their plant upon receipt of a properly executed application form furnished by the board. The application must include:

A. the name of the rendering plant and location by county and city or town;

B. a description of each truck owned, leased, or contracted to be used in the transportation of carcasses, including the license number and truck body number;

C. the location of each collecting station, if any, by county and city or town; and

D. the signature of the owner or operator of the rendering plant or an authorized agent.

1719.0300 PERMITS REQUIRED.

Permits are required for all trucks used to transport carcasses or discarded animal parts over public roads. The permit authorizes the permittee to transport the carcasses or discarded animal parts over public highways directly to the facility operated by the permittee, but does not authorize crossing state lines. Permits are valid for one year unless revoked in accordance with this chapter. The permittee shall comply with rules of other state and federal agencies.

1719.0310 TRUCKS CROSSING STATE LINES.

Trucks crossing state lines must meet applicable conditions in any reciprocal agreement between the states involved.

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

If a truck is owned by a person other than the owner or operator of the rendering plant, the owner or operator of the truck and the owner or operator of the rendering plant are responsible for compliance with all laws and rules pertaining to the transportation of carcasses by the owner or operator of the truck listed. The application must indicate the name and address of the owner of the truck.

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1719.0500 INSPECTION OF PLANT FACILITIES AND TRUCKS.

Before permits are issued, an inspection of the plant, collecting stations, and trucks must be made by an agent of the board to determine if the facilities of the plant and the trucks comply with this chapter. A report of the inspection must be filed with the board.

1719.0600 BURYING OR BURNING.

The Pollution Control Agency has adopted rules governing burying or burning carcasses or discarded animal parts.

1719.0700 CARCASS OF ANIMAL THAT DIED FROM ANTHRAX.

Permits do not allow the removal, composting, transportation, or rendering of the carcass of an animal that has died from anthrax.

1719.0800 CARCASS OF ANIMAL THAT DIED FROM RABIES.

If circumstances exist that do not reasonably allow the burning or burial of a carcass of an animal that has died from rabies or is suspected of having died from rabies, the carcass may be transported by a qualified rendering truck directly to a rendering plant for special handling under the advisement of a veterinarian.

1719.0900 CARCASS OF ANIMAL THAT DIED FROM TOXIC MATERIALS.

Permits do not allow the removal, transportation, or rendering of the carcass of an animal that has died from toxic materials unless the material is inactivated by the rendering process. The Pollution Control Agency has adopted rules about the concentration of toxic agents in composted material.

1719.1000 ENDANGERING HEALTH OF DOMESTIC ANIMALS.

If the board determines that the removal, transportation, or rendering of a carcass of an animal or fowl that has died or has been killed because of a specific disease will endanger the health of the domestic animals of the state, the board shall notify all rendering plants holding permits from the board, after which no plant may remove, transport, or render the

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carcass of an animal or fowl that has died from or been killed because it was affected by or exposed to the disease.

1719.1100 PERMITS TO FUR FARMS.

Permits are required for fur farmers to haul or feed carcasses or discarded animal parts to their animals. The carcasses or discarded animal parts may only be fed to their own animals.

1719.1200 TRANSPORTATION OF CARCASSES AND DISCARDED ANIMAL PARTS.

Trucks permitted for the transportation of carcasses or discarded animal parts to rendering or animal food processing plants must be equipped with a truck body or tank that is watertight and so constructed that no drippings or seepings from the carcasses can escape. The truck body or tank must have a permanent cover and be completely enclosed. Temporary cover arrangements may be used on trucks or trailers in special circumstances such as hauling carcasses from collecting stations directly to the main plant if the cover arrangement passes inspection as being completely enclosed and prior approval is received from the board or its agent before it is used. The tailgate must completely enclose the rear openings of the truck. Trucks used for hauling renderable products other than carcasses must be adequately constructed to prevent dripping and equipped with a cover to prevent the transported product against undue exposure to the outside.

1719.1300 TRANSPORTATION FOR DISPOSAL BY OTHER METHODS.

Persons hauling carcasses or discarded animal parts for disposal by other methods shall keep the carcasses or discarded animal parts completely covered and in a leakproof container or truck body while transporting carcasses over any public road.

1719.1400 HAULING CARCASSES FOR MEDICAL OR SCIENTIFIC PURPOSES.

Persons hauling carcasses for medical or scientific purposes shall do so in leakproof containers designed to prevent spillage or the dripping of liquid waste.

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1719.1500 TRUCK BODY NUMBER.

Each truck used for the transportation of carcasses and dead animal parts must be assigned a body number by the rendering plant or animal food processing plant. Both the company name or the number of the permit issued to the plant and the body number of the truck must be printed in a conspicuous place and manner on the left side of the truck bed or body in figures at least four inches high.

1719.1600 FUR FARM TRUCK IDENTIFICATION.

No numbers are required on trucks used to haul carcasses to be used for fur farm food, but the truck must have the name of the owner or farm name on the left side of the truck in letters at least two inches high.

1719.1700 CLEANING AND DISINFECTION.

If a truck, a person in charge of a truck, or an agent has been on the premises for the purpose of removing a carcass, before the truck can be taken on a public highway or on other premises the wheels of the truck and the shoes or boots of persons who have been on the premises shall be thoroughly cleaned and disinfected with a disinfectant of a prescribed strength approved by the board. The cleaning and disinfection must also be conducted prior to the truck or persons in charge of the truck leaving the establishment.

1719.1800 INSECTICIDE.

Before closing the cover and leaving the premises, a sufficient amount of an approved insecticide must be discharged into the truck body to destroy accumulated flies before the next stop during the time from May 1 to September 30.

1719.1900 REMOVAL OF CARCASSES.

No carcasses may be removed from the truck except for final disposal or at collecting stations. All carcasses must be unloaded within enclosures or a building provided for that purpose.

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1719.2000 USE OF VEHICLE FOR OTHER PURPOSES.

A vehicle used for the transportation of carcasses or discarded animal parts may not be used for any other purpose until it is thoroughly cleaned and disinfected. Trucks and containers must be thoroughly cleaned and disinfected after emptying.

1719.2100 CARCASSES UNLOADED AT COLLECTING STATION.

Carcasses unloaded at a collecting station must be unloaded within a building provided for that purpose. A carcass may not be allowed to remain in the collecting station for a period longer than 24 hours before reloading into another permitted truck for transportation directly to an establishment.

1719.2200 RENDERING AND ANIMAL FOOD PROCESSING PLANTS.

A permit may not be issued to the owner of a rendering plant or an animal food processing plant unless the plant or collecting station includes a building or buildings adapted to the purpose intended, with adequate ventilation and concrete floors with good drainage, and so constructed that it can be maintained in a sanitary condition. The floors, walls, ceilings, posts, doors, and other structural parts of the building or buildings must be of impervious materials or protected with impervious materials. All windows, doors, and other openings must be screened or constructed to prevent, as far as is practicable, entry of mice, rats, flies, and other animals or insects. Management shall establish and maintain a routine insect and vermin extermination program.

1719.2300 RENDERING CARCASSES.

Skinning and dismembering of carcasses must be done in buildings properly constructed and provided for that purpose. The cooking vats must be airtight except for proper escapes or vents. All carcasses and animal parts must be disposed of by subjecting them to a cooking and rendering procedure.

1719.2400 FLOORS AND WALLS.

Floors and walls of the plant or collecting station must be

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thoroughly flushed or scrubbed daily with live steam or 185 degree Fahrenheit potable water when the plant is in operation. Rules of the Department of Health, the Pollution Control Agency, and other governmental agencies govern the disposal of floor washings and other liquid waste or accumulation of water.

1719.2500 OFFICIAL VETERINARIAN.

The management of a pet or mink food plant shall employ or engage the services of an accredited licensed veterinarian to inspect carcasses and supervise plant sanitation. The veterinarian selected may designate, with plant manager approval, an alternate veterinarian to perform this service in the veterinarian's absence. Compensation for services rendered by the official or alternate veterinarian must be paid by the plant management. The veterinarian and alternate, if any, must be named on the permit application. The veterinarian and alternate veterinarian shall act as official veterinarian and shall report to the board any failure on the part of plant management to carry out sanitary procedures in this chapter.

1719.2600 INSPECTION BY VETERINARIAN.

Carcasses presented to the veterinarian for inspection must have the lungs, heart, liver, and kidneys attached. Prior to inspection, the carcasses must be held in a chill room at a temperature of 40 to 45 degrees Fahrenheit to prevent decomposition.

1719.2700 CONDEMNED CARCASSES.

Carcasses that show evidence of a dangerous communicable disease, decomposition, or any toxic material must be declared unfit for processing into pet animal or mink food. The carcasses must be identified as condemned. Condemned carcasses must be held in a room or area separate from the processing area and removed for rendering within a reasonable time. Condemned carcasses or parts of carcasses must be transported in permitted vehicles only.

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

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Carcasses passed for use in pet animal or mink food must be identified, cut up, decharacterized, packaged, weighed, labeled, stored, and transported according to Code of Federal Regulations, title 9, chapter III, section 325.11.

1719.2900 SANITATION.

Processing of animal carcasses into pet animal or mink food must be accomplished in a plant maintained in a sanitary condition. The entire processing area and equipment must be thoroughly cleaned at the end of each working day with water that is at least 185 degrees Fahrenheit or steam.

1719.3000 RECORDS.

Plants operating under a permit to process carcasses into pet animal or mink food must keep the following records and make them available at all reasonable times to an agent of the board upon request: the name and address of the owner and the date an animal carcass was picked up and received for inspection and processing, and the inventory of the weight and number of cartons of inedible meat and carcass parts processed, stored, or transported each day.

1719.3100 SANITATION GUIDELINES.

To decrease bacterial contamination of the plant and the finished product, the operators of an animal food processing plant shall, to the extent practicable:

A. divide the raw material room, processing room, and finished product room into completely separate areas by solid walls and ceilings;

B. control the work pattern of employees from one work area to another or supply equipment and space for scrubbing footwear, changing clothes, and washing hands between the work areas;

C. avoid the transfer of equipment, tools, mechanical loaders, or scrapers, particularly from the raw material or processing areas to the storage and blending areas;

D. maintain a constant and active rodent, bird, and

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insect control program especially in areas where the finished product is stored;

E. exclude visitors or provide good security measures such as disposable or washable footwear, and conduct tours from finished product to raw material area;

F. avoid excess production, accumulation, and distribution of dust in the grinding area, including covering conveyor belts and whirling machinery to keep air movement at a minimum, and vacuuming dust that settles on beams, shelves, window sills, and equipment;

G. reprocess all spillage through the cookers;

H. conduct a thorough daily cleanup of floors and equipment, avoiding the accumulation of pools of water and keeping floor and equipment as dry as possible;

I. make available to all employees adequate washing, showering, and dressing facilities; and

J. participate in available salmonella monitoring programs.

1719.3200 PITS OR DEPOSITORIES.

Pits or depositories must be leakproof and built on an impervious pad. Pollution Control Agency rules also apply to pits or depositories.

1719.4000 COMPOSTING.

Subpart 1. **Species allowed.** Composting is allowed for poultry only, if parts 1719.0100 to 1719.4600 are followed. The board may authorize on an experimental or permit basis other species to be composted or alternative methods to be used.

Subp. 2. **Site selection.** In choosing a site for the construction of a facility, consideration must be given to prevailing winds and public view. Pollution Control Agency rules also apply to site selection.

Subp. 3. **Compost facility.** A composting facility must:

A. be built on an impervious, weightbearing pad that is large enough to allow the equipment to maneuver;

B. be covered with a roof to prevent excessive

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moisture on the composting material;

C. be built of rot-resistant material that is strong enough to withstand the force exerted by the equipment; and

D. be large enough to handle each day's normal mortality through the endpoint of the composting and that consists of a minimum of two heat cycles.

Pollution Control Agency and Department of Agriculture rules also govern the handling or storage of the manure and composted material.

Subp. 4. **Composting process.** The composting process must utilize at least the steps in items A to D.

A. Mortality must be processed daily.

B. A base of litter is required. The dead birds and litter plus bulking agent are added in layers so that the carbon to nitrogen ratio is in the range of 15:1 to 35:1 (optimal 23:1).

C. The dead birds must be kept six inches from the edges and sealed with litter each day.

D. The temperature must be taken and recorded on site daily. The compost temperature must reach a minimum of 130 degrees Fahrenheit. Approximately seven to ten days are needed in each heat cycle to process the carcasses and kill the pathogens. The temperature drop indicates the time to mix and move the compost. A minimum of two heat cycles is required.

Subp. 5. **Protocol.** The owner of the compost facility shall have a written protocol for the operation containing at least the minimum steps in subpart 4 and shall instruct and be responsible for all employees to follow the protocol.

Subp. 6. **Pest control.** Flies, rodents, and vermin must be controlled so as not to be a health hazard to human or animal populations.

Subp. 7. **Transportation of dead birds.** Dead birds may be transported over public roads only in vehicles or containers that are leakproof and covered. The vehicles must be inspected by and have permits from the board.

Subp. 8. **Consulting and guidelines.** Best management practices, as recommended by the Cooperative Extension Service

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of the United States Department of Agriculture, are available to assist in the construction and operation of a compost facility and in the utilization of the end product.

Subp. 9. **Finished product.** The finished product must not contain visible pieces of soft tissue and must be handled, stored, and used according to Pollution Control Agency and Department of Agriculture rules.

Subp. 10. **Emergency and commercial composting.** The board shall authorize other composting processes for emergency, commercial, and other applications if a satisfactory protocol has been developed.

1719.4100 INSPECTION.

Representatives of the board may inspect an establishment, fur farm, or composting facility, and may review the operation protocol at any reasonable time.

1719.4200 PENALTIES.

Construction or operation of an establishment, fur farm, truck, or compost facility in violation of this chapter will result in penalties pertaining to improper disposal of dead animals as well as possible charges for violations of the rules by other state or local agencies.

The penalties assessed to the party or parties responsible for a violation are civil penalties under Minnesota Statutes, section 35.95, and will be enforced through an action by the county attorney, the attorney general, or the board as the situation dictates. These penalties must be assessed according to the schedule in items A to D.

A. Violations of a minor nature involving willing cooperation to correct the situation and gain compliance must result in a written warning being issued and a personal contact to assure future compliance.

B. Violations of a minor nature but with little or no cooperation on the part of the responsible party or parties must result in a civil penalty of $250.

C. Violations with prior knowledge, of a serious

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nature, or involving direct defiance of board orders must result in a civil penalty of $500.

D. Repeat violations, extremely severe violations, or direct threats to human health must result in a civil penalty of $1,000 and the county attorney must be contacted in regard to a possible criminal complaint.

1719.4300 REVOCATION OF OR REFUSAL TO ISSUE A PERMIT.

The board shall refuse to issue or shall revoke a permit under this chapter if the plant or trucks are operated in such an unsanitary manner as to endanger the health of domestic animals and fowl of this state or any other state, or if there is a serious or dangerous violation of Minnesota Statutes, section 35.82, or a rule adopted by the board under that statute.

1719.4400 NOTICE OF REFUSAL TO ISSUE PERMIT.

A notice of refusal to issue a permit must be in writing stating the reasons for the refusal and must be served personally or mailed by certified letter to the applicant.

1719.4500 NOTICE OF REVOCATION OF PERMIT.

A notice of revocation of permit must be in writing stating reasons for the revocation and must be effective not less than 30 days after service or mailing unless, in the judgment of the board, the health of domestic animals or fowl is endangered, in which case the revocation may be effective upon receipt by the permittee. The notice must be served personally or mailed by certified letter to the permittee at the permittee's last known address.

1719.4600 APPEALS.

Any owner or operator may appeal a refusal of the board to issue a permit or a permit revocation. A notice of appeal must be filed with the board within 30 days of receipt of the notice of refusal to issue a permit or of a revocation. The board shall then promptly set a date for a hearing before a majority of the board or before a hearing officer appointed for that purpose. An appeal does not stay a revocation. The appealing

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party must be promptly notified in writing of the date set for the hearing. The hearing must be conducted in the manner provided by Minnesota Statutes, chapter 14.

REPEALER. Minnesota Rules, parts 1720.0010; 1720.0020; 1720.0030; 1720.0040; 1720.0050; 1720.0060; 1720.0070; 1720.0080; 1720.0090; 1720.0100; 1720.0110; 1720.0120; 1720.0130; 1720.0140; 1720.0150; 1720.0160; 1720.0170; 1720.0180; 1720.0190; 1720.0200; 1720.0210; 1720.0220; 1720.0230; 1720.0240; 1720.0250; 1720.0260; 1720.0270; 1720.0280; 1720.0290; 1720.0300; 1720.0310; 1720.0340; 1720.0350; 1720.0360; 1720.0370; 1720.0380; 1720.0390; 1720.0400; 1720.0410; 1720.0420; 1720.0430; 1720.0440; 1720.0450; 1720.0460; 1720.0470; 1720.0480; 1720.0490; 1720.0500; 1720.0510; 1720.0520; 1720.0530; 1720.0540; 1720.0550; 1720.0560; and 1720.0570, are repealed.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Animal Carcasses

AGENCY: Board of Animal Health

MINNESOTA RULES: Chapter 1719

The attached rules are approved for
publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

In the Matter of the Proposed Amendments to the Rule of the State Board of Animal Health Governing Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Eugene Kirchoff, being sworn, says:

That on the eighteenth day of June, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Board of Animal Health rulemaking mailing list.

Eugene Kirchoff
Eugene Kirchoff

Subscribed and sworn to before me this 18th day of June, 1992.

Marian S. Comford

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 1

To Patty Nolte	From Keith Friendshuh
Co.	Co. Bd An. Health
Dept. Att. Gen. Off.	Phone # 296-2942-X-18
Fax # 7-2576	Fax # 296-7417

Statut Authority 35.03
... The Board shall make rules necessary to protect the health of domestic animals.

no affadavit of mailing
no statement about number of comments received - did receive comments

Rules - Penalties = little or no cooperation 1719.4100

10-27-92 - left a message for Keith to call me.
Going to get mailing list

The withdrawl looks like they crossed names off the request for hearing and put a different heading - note they are in the same order as the request for hearing.
Seems like a big coincident that they would sign in the same order

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Dr. Sharon Hurley, do hereby certify that I am a member and the President of the Board of Animal Health, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Animal Health duly and properly called and held on the 13th day of September, 1991, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> **"RESOLVED,** that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to amend the following rules without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto. The rules involved are governing:
>
> 1. TRANSPORTATION AND RENDERING OF CARCASSES OF ANIMALS, POULTRY, FISH, AND OTHER RENDERABLE PRODUCTS
>
>   Parts 1720.0010 - 1720.0310.
>
> 2. PET FOOD PROCESSING; CARCASSES
>
>   Parts 1720.0340 - 1720.0570
>
> These parts are to be repealed and a new rule, beginning with Part 1719.0100 will be written to combine both of these into one and to make room for new Parts as approved by the Legislature in Minnesota Statutes 35.82."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of September, 1991.

Sharon I. Hurley, President
Board of Animal Health

Attest by one other Board Member

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

CERTIFICATE OF THE

MINNESOTA BOARD OF ANIMAL HEALTH

RESOLUTION ADOPTING THE RULE

I, Henry Banal, do hereby certify that I am a member and the President of the Board of Animal Health, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board, duly and properly called and held on the 25th day of September, 1992, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to Animal Carcasses Parts, 1719.0100, Subparts 1, 2, 3,6, 9, 11; 1719.4000 All subparts; 1719.4100; 1719.4200; 1719.4300; 1719.4400; 1719.4500; 1719.4600, is approved and adopted pursuant to authority vested in the Board by Minnesota Statutes 35.03.

Parts 1719.0100 - Subparts 4, 5, 7, 8, 10, 12, 13, 14, 15. 1719.0200; 1719.0300; 1719.0310; 1719.0400; 1719.0500; 1719.0600; 1719.0700; 1719.0800; 1719.0900; 1719.1000; 1719.1100; 1719.1200; 1719.1300; 1719.1400; 1719.1500; 1719.1600; 1719.1700; 1719.1800; 1719.1900; 1719.2000; 1719.2100; 1719.2200; 1719.2300; 1719.2400; 1719.2500; 1719.2600; 1719.2700; 1719.2800; 1719.2900; 1719.3000; 1719.3100; 1719.3200, and the Repealer, except for the portions which repeal 1720.0010 subparts 1 and 2; 1720.0280; 1720.0290; 1720.0300; 1720.0310; 1720.0540; 1720.0550; 1720.0560; and 1720.0570 are withdrawn from the proposed rule.

Existing Rules 1720.0010 - 1720.0270 and 1720.0340 - 1720.0530 are to be renumbered in parts 1719.0100 to 1719.3300 as appropriate.

Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the Attorney General and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of September, 1992.

Henry Banal

Henry Banal, President
Minnesota Board of Animal Health

Patty Christensen

Attested by: Board Member

Board of Animal Health

In the Matter of the Proposed Rule of the State Board of Animal Health Governing Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) NOTICE IS HEREBY GIVEN that the Minnesota Board of Animal Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22-14.28. The statutory authority to adopt this rule is Minnesota Statutes, section 35.03.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. (7) If a public hearing is required, the board will proceed according to Minnesota Statutes, sections 14.131-14.20.

(5) Comments or written requests for a public hearing must be submitted to: Keith A. J. Friendshuh, DVM, Minnesota Board of Animal Health, Room 119, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-3428.

(8) The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

(11) A copy of the proposed rule is attached to this notice.

(12) A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Dr. Friendshuh.

(14) The board has determined that this rule will have no significant negative impact on small businesses.

(9) If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Dr. Friendshuh.

STATE OF MINNESOTA

Date

T. J. Hagerty, DVM
Executive Secretary

Office of the Revisor of Statutes
Administrative Rules

Craig E. Lindeke
Senior Assistant Revisor
296-0946 Fax: 296-0569

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

October 12, 1992

Dr. Keith Friendshuh
Board of Animal Health
90 West Plato Boulevard
St. Paul, MN 55107

RE: File No. 1994

Dear Dr. Friendshuh:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call me.

Very truly yours,

Craig

Craig E. Lindeke


OCT 1992
RECEIVED
MINN. BOARD OF
ANIMAL HEALTH

In the Matter of the Proposed Amendments to the Rule of the State Board of Animal Health Governing Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish.

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

KEITH FRIENDSHUH, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Board of Animal Health rulemaking mailing list is accurate, complete and current as of this eighteenth day of June, 1992.

Keith Friendshuh, DVM
Acting Assistant Secretary

Subscribed and sworn to before me this 18th day of June, 1992.

Marian S. Comford

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

NOTICE OF INTENT AND PROPOSED RULE SENT TO THE FOLLOWING:

BDHL LIST

MINNESOTA RENDERING PLANTS

BOARD MEMBERS - BOARD OF ANIMAL HEALTH

Davidson Fur Farm
Annandale, MN 55302

Randy Ellingboe
Minnesota Pollution Control Agency
520 Lafayette Rd.
St. Paul, MN 55155

John Gangelhoff
John's Mink Ranch
2842 Parkview Dr.
Hamel, MN 55340

Dr. Dave Halvorson
Rm. 301C Vet. Science Bldg.
1971 Commonwealth Ave.
St. Paul, MN 55108

John Hausladen
Minnesota Turkey Growers Assoc.
2380 Wycliff St.
St. Paul, MN 55114

Holden Milling Co.
John Holden
PO Box 166
2675 330th St. W.
Northfield, MN 55057

Dell Holm, Mgr.
Flat Ridge Fox Farm
HC 9 Box 466
Detroit Lakes, MN 56501

Jack Frost, Inc.
Ralph Mickelson
Mark Johnson
PO Box 1106
St. Cloud, MN 56302

Robert Koehler
Murray Co. Ext. Agent
Box 57
Slayton, MN 56172

George Kovan
Rt 1 Box 29
Le Center, MN 56057

Duncan McKee, Mgr.
Northland Choice
PO Box 7276
St. Cloud, MN 56302-7276

Gerald Melcher
Walters, MN 56092

Minnesota Pollution Control Agency
John Archambo
1601 Minnesota Dr.
Brainerd, MN 56401

Dr. Sally Noll, Ext. An. Sc.
203 Peters Hall/Animal Science
1404 Gortner Ave.
St. Paul, MN 55108

Norling Farms
Palmer Norling
Box 18
Svea, MN 56290

Steve O'Connor
RR 3 Box 28B
Spring Valley, MN 55975

Ray Orsten
8481 NW 15th St
Willmar, MN 56201

Rich Peter
Olmsted Co. Public Health
1650 4th St. SE
Rochester, MN 55904

Dr. Peter Poss
5410 Lawler Beach Rd.
Willmar, MN 56201

Simmons Poultry Farms
Mitch L. Roe, Prod. Anal.
PO Box 185
Altura, MN 55910

Sparboe Summit Farms, Inc.
Brent Swanson, Cont. Mgr.
Greg Murch
125 E. Commercial St.
Litchfield, MN 55355

Gene Spychalla
133 Windsor Dr.
Le Sueur, MN 56058

Tim Sullivan
Issue Strategies Group, Inc.
405 Sibley St.
Suite 120
St. Paul, MN 55101

M. G. Waldbaum Co.
Dale Siebenbruner
RR 2 Box 106B
Le Sueur, MN 56058

Jim Wilkus
J. L. Wilkus & Assoc.
PO Box M
Kenyon, MN 55946-0606

Willmar Poultry Co.
Tim Johnson
PO Box 753 369 Co. Rd. 5 SW
Willmar, MN 56201

GLP SYSTEM - LIST SUMMARY - TYPE CODE = BDHL

NAME ADDRESS	COUNTY	PHONE
Countryside Council, C D I C P O Box 78 Marshall, MN 56258	Unknown	
Dairy And Lvstk Div, Mn Dept Of Agriculture 90 W Plato Blvd St Paul, MN 55107	Ramsey	
Daubert, Dave 7-Hi Hobby Hill 10190 Hwy 7 Watertown, MN 55388	Carver	
Dawson - Editor, Jean The Mn Government Report B-12 State Capitol St. Paul, MN 55155	Unknown	
Dronen, Pres., Karyl Mn Dairy Goat Assoc 6222 Hiway 18 Finlayson, MN 55735	Unknown	
Executive Secretary, Mn Board Of Pharmacy 717 S E Delaware St #351 Minneapolis, MN 55440	Unknown	
Farmer Magazine, 1999 Shepard Rd St Paul, MN 55116	Unknown	
Flint, Jack 898 W Co Rd I Shoreview, MN 55126	Unknown	

GLP SYSTEM - LIST SUMMARY - TYPE CODE = BDHL

NAME ADDRESS	COUNTY	PHONE
Franklin, City Ed, Bob Minneapolis Tribune 425 Portland Ave Minneapolis, MN 55488	Unknown	
Greenbush, City Of Box 98 Greenbush, MN 56726	Unknown	
Hallstrom, John Rt 3 Box 90 Fairmont, MN 56301	Unknown	
Hamilton, Exec Sec, Kurt Mn Lvstk Marketing Assoc 7509 N W Tiffany Sps Pkwy Kansas City, MO 64153-2315	Unknown	
Harman, Dave Anoka Co Health Dept 325 E Main St Anoka, MN 55303	Anoka	
Holstein Breeders, Minnesota Association 417 S 72Nd Ave St Cloud, MN 56301	Unknown	
Hruby, Maryanne Leg Comm-Rev Of Adm Rules Rm 55 State Capitol St Paul, MN 55155	Unknown	
Ingvalson, Vern Mn Farm Bureau P O Box 64370 St Paul, MN 55164	Unknown	

GLP SYSTEM - LIST SUMMARY - TYPE CODE = BDHL

NAME ADDRESS	COUNTY	PHONE
Krause, Harold Mn Milking Shorthorn Society Eagle Bend, MN 56446	Unknown	
Lacher - Exec Sec, Linda Mn Vet Medical Assoc 2469 Univ Ave W St Paul, MN 55114	Ramsey	
Lenort, John & Matthew Rt 3 Box 179 Fairmont, MN 56031	Unknown	
Lord, Jerry L & G Prine Hogs Box 198 Lake Park, MN 56554	Unknown	
Luhman, David Rt 3 Goodhue, MN 55027	Unknown	
Mattson, Calvin Rt 2 Granada, MN 56039	Unknown	
Mcdermott-Johnson, Debra Mn Guernsey Breeders 823 N Carlton St Barnum, MN 55707	Unknown	
Nelson, Glen Veterinary Diagnostic Lab University Of Minnesota St Paul, MN 55108	Ramsey	

GLP SYSTEM - LIST SUMMARY - TYPE CODE = BDHL

NAME ADDRESS	COUNTY	PHONE
Nibbe, Norman 314 Walnut Lake City, MN 55041	Unknown	
Noren, Jerry Rt 1 St James, MN 56081	Unknown	
Phillips Leg Service, 459 Rice St St Paul, MN 55103	Unknown	
Pooch, Steve Mn Lvstk Breeders Assoc 2622 N Fairview Ave St Paul, MN 55113	Unknown	
Sapp, Robert Rt 2 Box 91 Le Center, MN 56057	Unknown	
Schotzko, Judith G Frundt, Frundt & Johnson 117 W 5Th St Blue Earth, MN 56013	Unknown	
Sullivan, Tim Issue Strategies Group 405 Sibley St Suite 120 St Paul, MN 55101	Unknown	
Weber, Vin 208 E College Drive Marshall, MN 56258	Unknown	

GLP SYSTEM - LIST SUMMARY - TYPE CODE = BDHL

NAME ADDRESS	COUNTY	PHONE
Zwiebel, John W Owatonna Public Schools 333 E School St Ag Bldg Owatonna, MN 55060	Unknown	

PLEASE CIRCULATE ---

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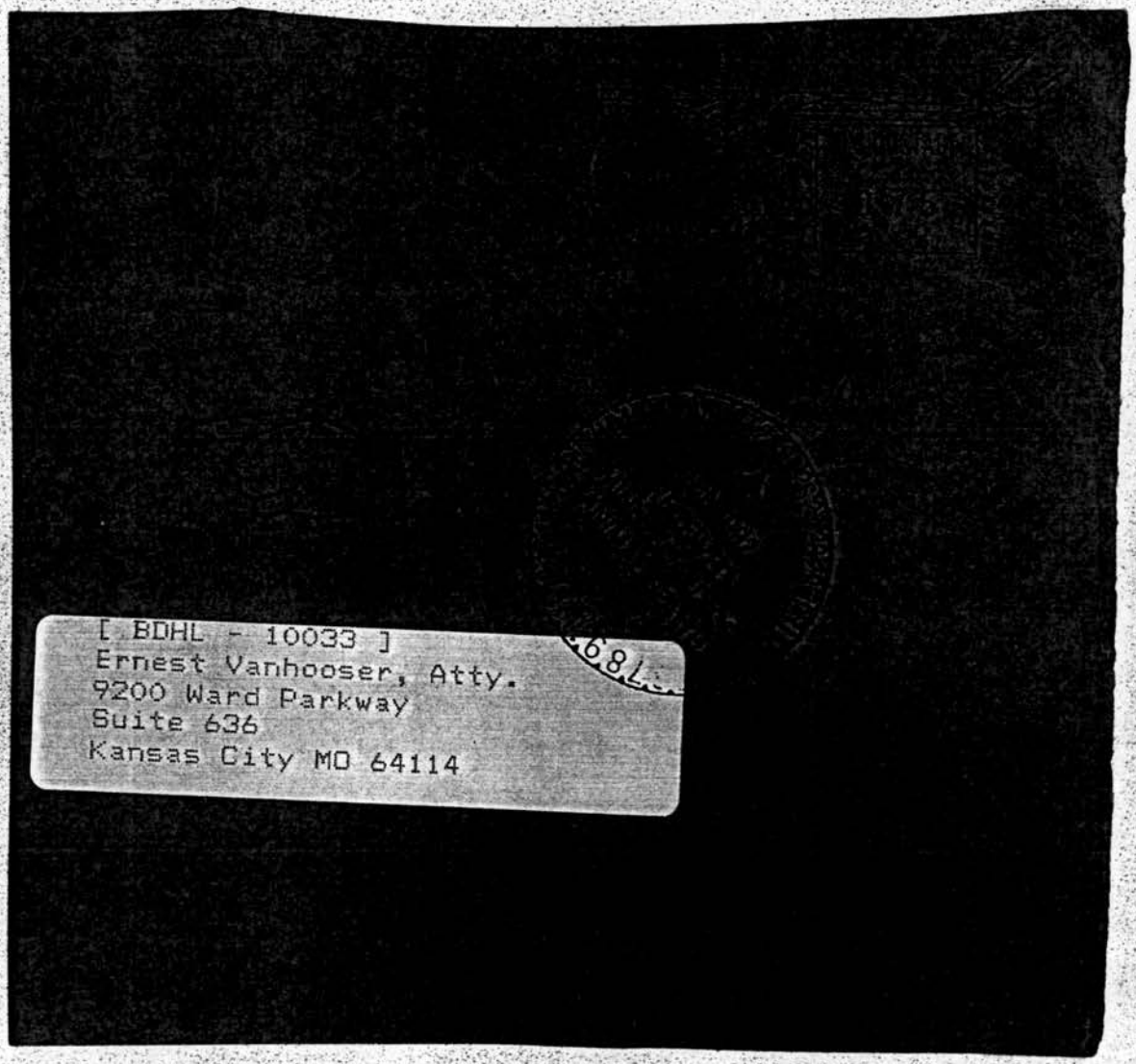
500.00

I would like a copy of the Statement of Need and Reasonableness and/or proposed rule.

I am considering picking up carcasses or discarded animal parts.

9/8/91 Fur Farmers Coop - (1938)

Name, Address, Zip	(Y, N, ?)
Gene Spychalla - 133 Windsor Dr. LeSueur, Mn 56058	(N) - Send Copy of Rendering Law -
Bernard H. Kroll Pte 1 Box 163 Pemberton Mn 56078	(NO)
Greg Kroschel	(NO)
Clarence Kroschel	(NO)
Kenneth Kroschel	(NO)
Gerry Litke	(NO)
Terry Kimmet	(NO)
George M Ruhland - BOX 240 - Eden Valley Mn 55329	
Leo J. Lueken, N. Mankato Mt. Palermo Mink Food 56003	


[BDHL - 10033]
Ernest Vanhooser, Atty.
9200 Ward Parkway
Suite 636
Kansas City MO 64114

In the Matter of the Proposed Amendments to the Rule of the State Board of Animal Health Governing Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Eugene Kirchoff, being sworn, says:

That on the eighteenth day of June, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Board of Animal Health rulemaking mailing list.

Eugene Kirchoff

Eugene Kirchoff

Subscribed and sworn to before me
this 18th day of June, 1992.

Marian S. Comford

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

to guardianship matters. An informal review does not preclude any appeal rights available under *Minnesota Statutes*, sections 525.71 to 525.731.

Subp. 2. **De novo review.** The commissioner, ward, or any interested person may petition the appointing court or the court to which venue has been transferred to review de novo any decision made by the county staff acting as guardian or the department acting as guardian, on behalf of a ward according to *Minnesota Statutes*, section 252A.19, subdivision 2.

Subp. 3. **Appeals.** Appeals from an order of public guardianship are governed by *Minnesota Statutes*, section 252A.21, subdivision 1.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Human Services

Adopted Permanent Rules Relating to Payment Rates for Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions

The rules proposed and published at *State Register*, Volume 16, Number 52, pages 2776-2779, June 22, 1992 (16 SR 2776), are adopted as proposed.

Withdrawn Rules

Board of Animal Health

Withdrawn Rules Relating to Animal Carcasses

The rules proposed and published at *State Register*, Vol. 16, Number 52, Pages 2770-2776 on June 22, 1992 (16 S.R. 2770) are modified as follows:

Parts 1719.0100 Subparts 4, 5, 7, 8, 10, 12, 13, 14, 15; 1719.0200 through 1719.3200; and the Repealer except for the portions which repeal 1720.0010 Subparts 1 and 2; 1720.0280 through 1720.0310; and 1720.0540 through 1720.0570 are withdrawn.

Department of Commerce

Notice of Withdrawal of Proposed Rule

In the Matter of the Proposed Adoption of the Rule Relating to Real Estate Appraisers

NOTICE IS HEREBY GIVEN that the above-referenced proposed rule, which was published in the *State Register* on August 3, 1992 (volume 17, Number 5, pages 178-218) is hereby withdrawn. Replacement rules are being published in this volume of the *State Register*.

Dated: 25 September 1992

Bert J. McKasy
Commissioner of Commerce
State of Minnesota

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Animal Health

Proposed Permanent Rules Relating to Animal Carcasses

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Animal Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, section 35.03.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the board will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: Keith A. J. Friendshuh, DVM, Minnesota Board of Animal Health, Room 119, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-3428.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Dr. Friendshuh.

The board has determined that this rule will have no significant negative impact on small businesses.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Dr. Friendshuh.

Dated: 8 June 1992

STATE OF MINNESOTA

T. J. Hagerty, DVM
Executive Secretary

Rules as Proposed (all new material)

TRANSPORTATION AND DISPOSAL OF CARCASSES AND DISCARDED PARTS OF ANIMALS, POULTRY, OR FISH

1719.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

We, the undersigned, hereby petition the Board of Animal Health to hold a hearing on the "Proposed Permanent Rules Relating To Animal Carcasses" to be coded as Chapter 1719. These proposed rules, according to board staff, would also regulate aquaculture operations although aquaculture operations were not considered when the rules were drafted. The aquaculture interests need to be heard on this issue.

withdrew signature #		Name	Address
#1	1.	John Reynolds	1208 S. Darling Dr. Alexandria
#2	2.	Phil Boden	Rt 2 Box 54 Detroit Lakes, MN 56501
#3	3.	Cindy L. Staples	L2, Box 94A, Miltona, MN 56354
#4	4.	Judy A. Fitzsimmons	2104 Ridgewood Alexandria, MN
#5	5.	Alan C Buist	807 Broadway Alexandria Mn.
#6	6.	Maynard Olson	RR1 Box 136 Garfield mn 56332
#7	7.	Leland A Larson	RR 8 Birch Ave Alexandria 56308
(#14)	8.	[illegible]	Rt #2 Box 101 Parkers Prairie MN 56361
#9	9.	Palmer A Bettermann	R.R. 3 Box 302 Miltona MN, 56354
#10	10.	[illegible]	Rt 3 Alex Mn 56308
#11	11.	John C Mueller Jr	Box 10 GARFIELD, MN 56332
#12	12.	[illegible]	RT 1 Bx 40 FARWELL MN 56327
#13	13.	Stanley Pyatt	Box 145 Rt 5 Alex Minn. 56308
#15	14.	[illegible]	Rt #1 Box 582 Alex 56308
	15.	[illegible]	1872 N. CLYBOURN, #607 CHICAGO, IL 60614
	16.	[illegible]	2300 Lincoln Park West. Chicago, IL
#17	17.	Carl Cammuso	RR7 Alexandria Mn. 56308
	18.		
	19.		
	20.		
	21.		
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We, the undersigned, hereby petition the Board of Animal Health to hold a hearing on the "Proposed Permanent Rules Relating To Animal Carcasses" to be coded as Chapter 1719. These proposed rules, according to board staff, would also regulate aquaculture operations although aquaculture operations were not considered when the rules were drafted. The aquaculture interests need to be heard on this issue.

	Name	Address
1.	Mike Mulf	Box 548, Brandon, Mn.
2.	Greg Ransom	2203 Springdale, Alexandria, MN
3.	Thomas E. Hart	Box 548 Brandon, MN
4.	John S Mulford	Rt 3 Bx 204 Miltona Mn.
5.	Steve Michelsen	Rt 1 Box 141 A Garfield Mn
6.	Jerry Jensen	Rt 1 Box 223 B, Brandon Mn.
7.	Dean Neiman	Box 200 Parkers Prairie, MN
8.	Kelly M. Traurer	Rt 2 Box 330 Alef MN
9.	Robert Strand	Rt 4, Alexandria, Mn.
10.	Chris Hackman	Rt Parkers Prairie, Mn
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Pure Water Aquaculture Corporation

West Highway 82, Box 176
Garfield, Minnesota 56332

Phone: (612) 834-2211
Fax: (612) 834-2095

FACSIMILE TRANSMISSION:

TO: Keith F.

BOARD OF ANIMAL HEALTH

FAX NUMBER: 1/296-7417

FROM: Cal Courneya

NUMBER OF PAGES: 2
(Including this page)

DATE: 10/22/92

MEMO: Withdraw Petition

The information transmitted by this fax message may be privileged and confidential and is intended for the use of the addressee named above. If you have erroneously received this transmission, please call 612/834-2211 immediately and return the original message to the above addressee via the U.S. Post Office. If you experience difficulty with transmission or did not receive all copies, please call. Thanks.

Date:

We, the undersigned, withdraw our names from the petition to the Board of Animal Health to hold a hearing on the "Proposed Permanent Rules Relating to Animal Carcasses" to be coded as Chapter 1719. Our concerns are not with the new composting rules but only with the other sections of the rule. We also understand that the Board is willing to work with us to develop new rules concerning our industry.

	NAME	ADDRESS
1.	John Reynolds	1208 S. Darling Dr. Alexandria 56308
2.	Phil Goeden	Rt 2 Box 54, Detroit Lakes, MN 56501
3.	Cindy R. Staples	RR2 Box 94A, Miltona, MN 56354
4.	Nancy A. Silbertson	2104 Ridgewood, Alexandria MN 56308
5.	Alan C. Bush	807 Broadway #2 Alexandria 56308
6.	[illegible]	RR1 Box 136 Garfield MN 56332
7.	[illegible]	Rt 8 Birch Ave Alexandria 56308
* 8.	[illegible]	Rt 3 Box 71 Osakis MN 56332
9.	Palmer A. Betterman	RR3 Box 302 Miltona, MN 56354
10.	[illegible]	Rte 3 Alex MN 56308
11.	John C. [illegible] Jr	Box 10 GARFIELD MN 56332
12.	[illegible]	R#1 Bx 40 FARWELL MN 56327
13.	Stanley Pascale	Box 145 Rt 5 Alex Minn. 56308
14.	[illegible]	Rt 2 Box 101 Parkers Prairie MN 56361
15.	[illegible]	Route 1 Box 52 Alexandria MN 56308
16.		
17.	Cal Cauvenya	RR7 Alexandria Mn. 56308
18.		
19.		
20.		
21.	Signature Not on	Original Petition.
22.		
23.		
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STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Adoption of the Rule of the State of Minnesota Governing the Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING.

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on June 22, 1992 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1a and section 14.22 on June 18, 1992. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list, published in the State Register and made available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received 27 requests for a public hearing, of which 15 were subsequently withdrawn. Therefore, the agency did not receive request for a public hearing from 25 or more persons which were not withdrawn.

No requests for Notice of Submission to the Attorney General were received by the agency.

The following modifications were made to the rule as proposed: Parts 1719.0100, subparts 4, 5, 7, 8, 10, 12, 13, 14, 15; 1719.0200 through 1719.3200; and the Repealer except for the portions which repeal 1720.0010 subparts 1 and 2; 1720.0280 through 1720.0310; and 1720.0540 through 1720.0570 were withdrawn. These modifications

were published in the State Register on October 12, 1992.

The reason for the withdrawal was that at the last legislative session, a law was passed that declared fish raised by the aquaculture industry were now livestock. Therefore, fish became subject to Board of Animal Health rules. The implications of the non-poultry rule changes upon aquaculture had not been considered in the rule making process. The aquaculture industry representatives therefore challenged the proposed rules, except for those relating to composting, and filed requests for a public hearing. When the Board agreed to withdraw the sections of the rule changes that could affect aquaculture, until the Board can learn about the industry and then to develop appropriate rules, the requests for hearing were withdrawn. After discussion with the Attorney General's office, it was decided that the proposed withdrawal of the provisions affecting aquaculture was not a substantial change because the parts that were withdrawn were mostly the combination of two old rules. These old rules will now still be in place.

(8)

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish, as modified, is adopted this 22nd day of October, 1992, pursuant to the authority vested in the Board by Minnesota Statutes, Section 35.03.(9)

T. J. Hagerty, DVM
Executive Secretary

Peter E. Poss, D.V.M.
Poultry Consultant
5410 Lawler Beach Road
Willmar, MN 56201

June 22, 1992

Keith A. Friendshuh, D.V.M.
Minnesota Board of Animal Health
90 West Plato Avenue
St. Paul, MN 55107

Reference: Proposed Permanent Rules Relating to Animal Carcasses.

The rule is very important for the continued environmentally safe operation of the livestock industry and in particular the poultry industry in Minnesota. I would like to comment on one statement in the rules which I feel may deter from the use and regulation of the composting process.

I refer to subparagraph 4.D. The temperature must be taken and recorded on site daily.

I do not believe the taking and recording of temperatures on a daily basis for this operation is necessary nor do I believe it is practical nor do I believe it will be done. I believe such as practice is important initially during the learning and initial set up period and will continue to be valuable for an integrated operation with many employees during training. However the practice will not be followed forever. Leaving this as part of the official rules will only result in noncompliance with the regulation.

I suggest the following rewording of subparagraph 4.D.:

The temperature of the compost pile, after the bin is full and sealed over, will be taken periodically to assure a minimum temperature of 130 degrees Fahrenheit is reached before the compost pile is moved. Approximately 7 to 10 days is normally required in each heat cycle to process the carcasses and to kill pathogens. Cooling of the pile indicates the time to mix and move the compost and a minimum of two heat cycles is required.

I would like to request your consideration in making this change.

Sincerely,

P.E. Poss, D.V.M.

Copy: John Hausladen, Executive Director, Minnesota Turkey Growers Assoc.

In the Matter of the Adoption of the Rule of the State Board of Animal Health Governing Transportation and Disposal of Carcasses and Discarded Parts of Animals, Poultry, or Fish.

DECLARATION

OF COUNSEL

I, Paul Strandberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is ~~0014~~ 0098.

Paul Strandberg
Special Assistant Attorney General

Dated: 10/22/92