**TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH**

**Proposed Rule**
LSA Document #10-561

DIGEST

Amends 345 IAC 7-7-1.5 concerning definitions. Amends 345 IAC 7-7-2 and 345 IAC 7-7-3 to change the license renewal cycle for disposal plant and collection service licenses, authorize disposal of carcasses by biodigestion and chemical digestion, and reauthorize disposal of carcasses by feeding to exotic animals. Amends 345 IAC 7-7-3.5 to clarify requirements for composting animal carcasses and authorize certain composting sites with a disposal plant license. Adds 345 IAC 7-7-3.6 to set requirements for disposal of carcasses by incineration. Adds 345 IAC 7-7-3.7 to prescribe requirements for disposing of animal carcasses by digestion. Amends 345 IAC 7-7-4 and 345 IAC 7-7-7 to clarify and prescribe transportation and record keeping requirements for persons collecting animal carcasses for disposal. Amends 345 IAC 7-7-5 to prescribe the conditions under which a person may dispose of animal carcasses by feeding to exotic animals. Amends 345 IAC 7-7-10 concerning denial, suspension, or revocation of licenses. Makes other changes in the law of animal carcass disposal. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

**345 IAC 7-7-1.5; 345 IAC 7-7-2; 345 IAC 7-7-3; 345 IAC 7-7-3.5; 345 IAC 7-7-3.6; 345 IAC 7-7-3.7; 345 IAC 7-7-4; 345 IAC 7-7-5; 345 IAC 7-7-7; 345 IAC 7-7-10**

SECTION 1. 345 IAC 7-7-1.5 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-1.5 Definitions**

**Authority: IC 15-17-3-21; IC 15-17-5-5**
**Affected: IC 15-17**

Sec. 1.5. The definitions in IC 15-17-2 and the following definitions apply throughout this rule:
(1) "Animal" means domestic animal.
**(2) "Animal carcass" means a dead animal and parts thereof.**
~~(2)~~ **(3)** "Condemned and inedible waste" means any part of a slaughtered animal that is:
**(A)** unfit for human food; or ~~that is~~
**(B)** not intended for human food.
The term does not include eggs and parts thereof.
~~(3) "Dead animal" means an animal that has died other than by slaughter.~~
(4) "Domestic animal" has the meaning set forth in ~~IC 15-2.1-2-15~~. **IC 15-17-2-26.**
(5) "Exotic animal" means a flesh-eating wild animal, ~~Some examples are~~ **such as the following:**
**(A)** Tigers.
**(B)** Lions.
**(C)** Bears. ~~and~~
**(D)** Cougars.
(6) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares food for human consumption.
(7) "Slaughter" means the killing and processing of an animal for human food.
(8) "Slaughtering establishment" means an establishment that is inspected or that has been granted an exemption from inspection under:
**(A)** IC 15-17-5;
**(B)** the Federal Meat Inspection Act (21 U.S.C. et seq.); or
**(C)** the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
(9) "State veterinarian" means the state veterinarian appointed under IC 15-17-4 and all authorized representatives.
(10) "Wild animal" means an animal that is not a domestic animal.

*(Indiana State Board of Animal Health; 345 IAC 7-7-1.5; filed Nov 4, 2002, 12:07 p.m.: 26 IR 693; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA)*

SECTION 2. 345 IAC 7-7-2 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-2 Exemption or license required**

**Authority: IC 15-17-3-21; IC 15-17-5-5**
**Affected: IC 15-17**

Sec. 2. (a) No person shall transport ~~dead animals,~~ **animal carcasses,** condemned and inedible waste, or restaurant grease in the state unless that person: ~~meets one (1) of the following requirements:~~
(1) ~~The person~~ holds a valid disposal plant license or collection service license and transport vehicle licenses issued under IC 15-17-11; **or**
(2) ~~The person~~ is exempt under IC 15-17-11-1 or this rule.

(b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the ~~dead~~ animal **carcass** within twenty-four (24) hours of knowing of the death in a manner that meets the requirements in this rule.

(c) A slaughtering establishment must dispose of condemned and inedible waste in compliance with **the following:**
**(1)** IC 15-17-5.
**(2)** 345 IAC 9.
**(3)** 345 IAC 10. ~~and~~
**(4)** This rule.

(d) The following persons and activities are exempt from the requirements in this rule:
(1) The transportation or selling of any ~~animal flesh or~~ **meat and meat** products ~~solely~~ for the purpose of human consumption.
(2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning animal hides or skins provided no other byproducts operation is involved.
(3) Persons transporting and disposing of ~~bodies~~ **carcasses** of ~~dead~~ **the following:**
**(A)** Fish.
**(B)** Reptiles.
**(C)** Dogs.
**(D)** Cats. ~~and~~
**(E)** Small game.
(4) Any governmental agency collecting, transporting, or disposing of ~~dead animals~~ **animal carcasses** in any manner.
(5) Any animal owner transporting his or her ~~dead~~ animal **carcass** to a diagnostic facility or a site for disposal in compliance with this rule.
(6) Transportation and disposal of ~~dead~~ **the carcasses of** wild deer and other wild animals.
(7) Any person collecting, transporting, or disposing of ~~dead animals or poultry~~ **animal carcasses** in any manner for educational or research purposes.

(e) The following apply to disposal plant, collection service, and transport vehicle licenses issued under this section:
(1) The license fees are those listed in IC 15-17-11-7.
(2) Each license expires at the end of the day on ~~January 31~~ **May 31** or the date a replacement license is issued, whichever is earlier. Licenses issued in ~~November or December~~ **March and April** expire ~~January 31~~ **May 31** of the next year.
(3) A license may be renewed.

*(Indiana State Board of Animal Health; 345 IAC 7-7-2; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1758; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA)*

SECTION 3. 345 IAC 7-7-3 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-3 Disposal methods**

**Authority: IC 15-17-3-21; IC 15-17-5-5**
**Affected: IC 15-17**

Sec. 3. (a) ~~Dead animals~~ **Animal carcasses** and condemned and inedible waste shall be disposed of by one (1) or more of the following methods:

(1) Removal to a licensed disposal plant.

(2) Burying the carcass or condemned and inedible waste on the owner's premises to a depth of four (4) feet or more, with a covering of at least four (4) feet of earth in addition to any other materials that may be used for covering. **The following are prohibited:**

**(A)** Burying a carcass or condemned and inedible waste:

**(i)** in a location without the landowner's permission; ~~is prohibited.~~ **or**

**(ii) within the corporate limits of a city or town if the burial is prohibited by ordinance.**

**(B) Placing carcasses in a burial trench or pit without completely covering them with at least four (4) feet of earth.**

(3) Thorough and complete incineration of the carcass or condemned and inedible waste **in compliance with the standards in this rule.**

(4) Thorough and complete composting of the carcass or condemned and inedible waste in compliance with the standards in this rule.

(5) By sale to a plant producing pet food under permit issued by the state veterinarian under IC 15-17-11-25.

**(6) Disposal by biodigestion, such as anaerobic digestion, in compliance with the standards in this rule.**

**(7) Disposal by chemical digestion, such as alkaline hydrolysis reduction, in compliance with the standards in this rule.**

**(8) Disposal by feeding to exotic animals in compliance with the standards in this rule.**

~~(b) A person may dispose of a dead animal or condemned and inedible waste~~ **(9)** By delivering the animal **carcass** or waste to a facility approved by the state to operate as a landfill. ~~But~~ **However,** a person may not dispose of ~~a dead~~ animal **carcasses** or waste ~~as described~~ in ~~this subsection~~ **a landfill** if other state laws ~~or local ordinances~~ prohibit ~~such activity.~~ **the landfill from accepting the carcasses or waste.** The operator of a landfill is not required by this rule to accept ~~dead animals~~ **animal carcasses** or condemned and inedible waste.

~~(c)~~ **(b)** A person meets the disposal requirement in section 2(b) of this rule if they have arranged for a disposal plant or collection service to pick up the ~~dead~~ animal ~~or animals,~~ **carcasses,** including a prearranged contract for ongoing periodic collection, even if the actual pickup by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall ~~take steps~~ **secure the carcasses in a manner that can reasonably be expected** to prevent other animals from accessing the ~~dead animals~~ **carcasses** prior to pickup. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under IC 15-17-11-19 and section 7(4) of this rule in any manner that communicates their intent, ~~including~~ **such as:**

**(1)** placing an order to pick up a dead animal; or

**(2)** entering into a prearranged contract for ongoing periodic collection.

~~(d) No person may bury an animal or condemned and inedible waste within the corporate limits of any city or town if prohibited by a city or town ordinance.~~

~~(e)~~ **(c)** A person applying for meat or poultry inspection or an exemption from inspection under IC 15-17-5 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the ~~dead animals~~ **animal carcasses** and condemned and inedible waste from the establishment. If the establishment changes the method of disposal, the owner must notify the state veterinarian in writing within fifteen (15) days of the change.

~~(f)~~ **(d)** The state veterinarian may authorize or order that any particular animal or condemned and inedible waste, or any class of animal or waste, be disposed of in a particular manner, including a manner not listed in subsection (a), for the purpose of:

**(1)** addressing an emergency;

**(2)** facilitating research;

**(3)** preventing the spread of disease; or

**(4)** protecting the public health.

*(Indiana State Board of Animal Health; 345 IAC 7-7-3; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 694; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA)*

SECTION 4. 345 IAC 7-7-3.5 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-3.5 Composting**

**Authority: IC 15-17**
**Affected: IC 15-17-11**

Sec. 3.5. (a) A person composting ~~dead animals~~ **animal carcasses** or condemned and inedible waste must meet the following ~~standards:~~ **requirements:**

(1) The composting operation must be operated in a manner that meets all of the following conditions:

(A) **The compost pile is secured in a manner that can reasonably be expected to prevent** domestic **and wild** animals ~~are kept~~ from ~~accessing~~ **disrupting** the compost pile, **such as:**

~~(B) Rodents and other wild animals are controlled so they do not disrupt~~

**(i) securing** the compost pile **in a building or a within a fenced area;**

**(ii) covering the compost pile in a manner that prevents access to the pile;** or ~~create a health hazard to humans or animals.~~

**(iii) using an in-vessel composting system.**

**(B) Carcasses added to a compost pile must be completely covered with the carbon amendment at the time the carcasses are added.**

(C) Leachate runoff must be prevented or controlled **using a method that can reasonably be expected to accomplish the requirement, such as:**

**(i) locating the compost pile in a building;**

**(ii) covering the compost pile with a tarp or under a roof; or**

**(iii) using a sufficient amount of carbon material underneath the compost pile and covering the compost pile.**

(D) The ~~material~~ **process** must ~~be~~ **expose the material being processed to conditions that:**

**(i) are reasonably likely to kill pathogenic organisms; and**

**(ii) will** thoroughly and completely ~~composted.~~ **break down the material.**

Any part that is not completely composted must be removed from the compost prior to application and must be disposed of in accordance with section 3 of this rule.

(2) ~~Dead animals~~ **A person disposing of animal carcasses** and condemned and inedible waste from other operations ~~may not be accepted~~ **must obtain a disposal plant permit from the board under IC 15-17-11 prior to accepting carcasses or waste from other operations** for ~~composting. But,~~ **disposal. However,** the following may be transported to another site and accepted for composting **without a permit:**

~~(A) Sheep and goat condemned and inedible waste from slaughtering establishments.~~

~~(B)~~ **(A)** Animals excluded from this rule under section 2(d) of this rule.

~~(C) Dead animals~~ **(B) Animal carcasses** and condemned and inedible waste from facilities under common ownership or management.

(b) A slaughtering establishment must meet the following additional requirements to compost ~~dead animals~~ **animal carcasses** and condemned and inedible waste:

(1) The composting operation may not be located in a facility that:

(A) shares a common wall or roof with the slaughtering establishment; or

(B) utilizes the same air handling equipment as the slaughtering establishment.

(2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.

(3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.

(c) The state veterinarian may order that any particular animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health.

*(Indiana State Board of Animal Health; 345 IAC 7-7-3.5; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA)*

SECTION 5. 345 IAC 7-7-3.6 IS ADDED TO READ AS FOLLOWS:

**345 IAC 7-7-3.6 Incineration**

**Authority: IC 15-17**
**Affected: IC 15-17**

**Sec. 3.6. (a) Subject to the limitations in subsections (b) through (d), a person may dispose of carcasses by incineration.**

**(b) Disposal by incineration must:**
**(1) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms; and**
**(2) result in the carcasses and waste being thoroughly and completely incinerated.**
**If the process results in a carcass part that is not completely incinerated, the part must be disposed of in accordance with section 3 of this rule.**

**(c) A person may not dispose of carcasses by open burning unless the open burning is allowed under 326 IAC 4-1.**

**(d) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be incinerated, or incinerated in a particular manner, in order to prevent the spread of disease and protect the public health.**

*(Indiana State Board of Animal Health; 345 IAC 7-7-3.6)*

SECTION 6. 345 IAC 7-7-3.7 IS ADDED TO READ AS FOLLOWS:

**345 IAC 7-7-3.7 Digestion**

**Authority: IC 15-17**
**Affected: IC 13; IC 15-17-11**

**Sec. 3.7. (a) A person disposing of animal carcasses or condemned and inedible waste through biodigestion or chemical digestion must meet the following requirements:**
**(1) He or she must obtain a disposal plant permit from the board under IC 15-17-11 prior to accepting material from other operations. Carcasses or condemned and inedible waste from facilities under common ownership or management may be disposed of via biodigestion without obtaining a permit.**
**(2) The digestion process must be operated in a manner that meets all of the following conditions:**
**(A) The carcasses and waste must be thoroughly and completely digested.**
**(B) The end product must be disposed of in compliance with IC 13, the state environmental laws.**
**(C) The process must:**
**(i) not create a health hazard to humans or animals; and**
**(ii) expose the material being processed to conditions that are reasonably likely to kill pathogenic organisms.**

**(b) A slaughtering establishment disposing of animal carcasses and condemned and inedible waste through digestion must meet the following additional requirements:**
**(1) The digestion operation may not be located or operated in a way that exposes products intended for human food to contamination.**
**(2) Equipment and supplies used in the digestion operation may not be used in the slaughtering operation.**

**(c) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be disposed of via digestion, or digested in a particular manner, in order to prevent the spread of disease and protect the public health.**

*(Indiana State Board of Animal Health; 345 IAC 7-7-3.7)*

SECTION 7. 345 IAC 7-7-4 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-4 Transporting, unloading, and record keeping**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17**

Sec. 4. (a) ~~No dead~~ **A person collecting and transporting animal carcasses and condemned and inedible waste must create and keep records that include the following information:**
**(1) The name and address of the person from whom the material is obtained and the date it is obtained.**
**(2) A description of the material obtained.**
**(3) The disposition of the material.**
**He or she must keep the records for not less than two (2) years and provide the board access to the records upon request during normal business hours.**

**(b) A person collecting and transporting** animal carcasses or condemned and inedible waste: ~~shall remain~~
**(1) may not keep the material** on a truck more than twenty-four (24) hours; ~~but shall be unloaded~~ **and**
**(2) must unload the carcasses and waste** at a licensed disposal plant, ~~or a~~ licensed substation, **or facility approved by the state to operate as a landfill.**

~~(b)~~ **(c)** All carcasses of ~~dead~~ animals and condemned and inedible waste that have been unloaded in a licensed substation ~~shall~~ **must** be transferred to a licensed disposal plant within twenty-four (24) hours of the time the carcasses and waste arrived at the substation.

**(d) If a disposal plant refuses to accept a delivery of carcasses and inedible waste from a collection service, the load of carcasses and waste must be delivered to another disposal plant or a facility approved by the state to operate as a landfill.**

*(Indiana State Board of Animal Health; 345 IAC 7-7-4; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA)*

SECTION 8. 345 IAC 7-7-5 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-5 Exotic animal feeding**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17**

Sec. 5. (a) ~~No~~ **A** person may transport and dispose of **domestic animal** carcasses ~~of domestic animals~~ by feeding the carcasses to exotic animals ~~But, a person who, prior to July 1, 2003, notifies~~ **if they:**
**(1) notify** the state veterinarian of their intent to transport and dispose of ~~the~~ **animal** carcasses ~~of domestic animals~~ by feeding them to exotic animals ~~may transport~~ **prior to beginning the activity;** and ~~dispose of carcasses~~
**(2) comply with the requirements** in ~~that manner.~~ **this section.**

(b) A person transporting **animal** carcasses for feeding to exotic animals ~~shall~~ **must** keep records of the **source and disposition of each carcass collected. The records must include at least the** following information: ~~for each collection:~~

(1) The name and address of the person from whom the ~~dead animal~~ **carcass** is ~~obtained.~~ **collected.**
(2) The date the ~~dead animal~~ **carcass** is ~~obtained.~~ **collected.**
(3) A description of ~~what was obtained from the premises on~~ each ~~date.~~ **carcass collected.**

**(c) A person feeding animal carcasses to exotic animals must keep records that document the source and disposition of each carcass fed. The records must include at least the following information:**
**(1) The name and address of the person from whom the carcass is obtained and the date it is obtained.**
**(2) A description of each carcass obtained.**
**(3) The disposition of each carcass.**

**(d)** The records ~~shall~~ **described in subsections (b) and (c) must** be kept for not less than two (2) years.

~~(c)~~ **(e)** A person storing on their premises dead animal carcasses for the purpose of feeding exotic animals ~~shall~~ **must** totally dispose of the carcasses and waste within seventy-two (72) hours of ~~arrival~~ **the carcass or waste arriving** at the premises. Any remains of a carcass not eaten within seventy-two (72) hours shall be disposed of by a method allowed under section 3 of this rule. ~~But,~~ **However,** carcasses that are placed in a refrigerator or freezer immediately upon arrival at the premises ~~shall~~ **must** be disposed of within seventy-two (72) hours of being removed from the appliance.

**(f) The state veterinarian may order that any particular carcass or condemned and inedible waste, or any class of carcass or waste, not be disposed of via feeding to exotic animals, or fed in a particular manner, in order to prevent the spread of disease and protect the public health.**

*(Indiana State Board of Animal Health; 345 IAC 7-7-5; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 695; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813- IR-345080287RFA)*

SECTION 9. 345 IAC 7-7-7 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-7 Vehicle requirements**

**Authority: IC 15-17-3-21**
**Affected: IC 15-17**

Sec. 7. A person transporting ~~dead animals~~ **animal carcasses** and condemned and inedible waste under this rule shall comply with the following requirements:
(1) A vehicle used to transport ~~dead animals~~ **animal carcasses** or waste must be configured to not allow fluids from the ~~dead~~ animals or waste to leak onto public roads.
(2) ~~Dead animals~~ **Animal carcasses** and waste shall be contained or covered while transported so that they are not visible when on public roads.
(3) A vehicle used to transport ~~dead animals~~ **animal carcasses** or waste shall be thoroughly cleaned and disinfected after each time that it is used for transporting ~~dead animals~~ **carcasses** or waste.
(4) A vehicle transporting ~~dead animals~~ **animal carcasses** or waste from a premises is prohibited from entry onto any other premises unless given permission by the owner, until the:
**(A)** carcasses and waste are unloaded at the final destination; and ~~the~~
**(B)** vehicle is cleaned and disinfected.
(5) In the event any ~~dead~~ animal **carcass,** condemned and inedible waste, or seepage therefrom escapes from the transporting vehicle, the licensee shall clean it up as soon as is reasonably possible.

*(Indiana State Board of Animal Health; 345 IAC 7-7-7; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA)*

SECTION 10. 345 IAC 7-7-10 IS AMENDED TO READ AS FOLLOWS:

**345 IAC 7-7-10 Denial, suspension, or revocation of licenses**

**Authority: IC 15-17-3-21**

**Affected: IC 15-17-11; IC 15-17-16-5**

Sec. 10. The state veterinarian may refuse to issue a license under this rule and may suspend or revoke any license issued under this rule if the state veterinarian finds the following:

(1) The applicant or licensee violated a requirement of this rule.

(2) Any reason listed in IC 15-17-11, IC 15-17-16-5, or this rule.

(3) The transportation or disposal of ~~dead animals~~ **animal carcasses** or condemned and inedible waste by the applicant or licensee presents a health hazard to animals or the citizens of Indiana.

*(Indiana State Board of Animal Health; 345 IAC 7-7-10; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Nov 4, 2002, 12:07 p.m.: 26 IR 696; readopted filed Jul 18, 2008, 8:16 a.m.: 20080813-IR-345080287RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA)*

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