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

Proposed Rule
LSA Document #01-377

DIGEST

Amends 345 IAC 7-7 concerning disposal of dead animals. Adds 345 IAC 7-7-1.5 to define terms. Makes other changes in the law of dead animal disposal. Repeals 345 IAC 7-7-6 and 345 IAC 7-7-8. *NOTE: Under IC 4-22-2-40, LSA Document #01-377, printed at 25 IR 1991, was recalled by the Indiana State Board of Animal Health. This document was revised and readopted.* Effective 30 days after filing with the secretary of state.

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|-----------------|----------------|
| 345 IAC 7-7-1.5 | 345 IAC 7-7-6 |
| 345 IAC 7-7-2 | 345 IAC 7-7-7 |
| 345 IAC 7-7-3 | 345 IAC 7-7-8 |
| 345 IAC 7-7-3.5 | 345 IAC 7-7-9 |
| 345 IAC 7-7-4 | 345 IAC 7-7-10 |
| 345 IAC 7-7-5 | |

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

345 IAC 7-7-1.5 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-16; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Animal" means domestic animal.
 - (2) "Condemned and inedible waste" means any part of a slaughtered animal that is unfit for human food or that is 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.
 - (5) "Exotic animal" means a flesh-eating wild animal. Some examples are tigers, lions, bears, and 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 IC 15-2.1-24, the Federal Meat Inspection Act (21 U.S.C. et seq.), or the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).
 - (9) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 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)*

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

345 IAC 7-7-2 Exemption or license required

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-1; IC 15-2.1-16-7; IC 15-2.1-24

Sec. 2. (a) No person shall transport carcasses of dead animals, or poultry condemned and inedible waste, or restaurant grease in the state unless he holds either that person meets one (1) of the following requirements:

- (1) The person holds a valid disposal plant permit or exotic animal feeding permit: license or collection service license and transport vehicle licenses issued under IC 15-2.1-16.
- (2) The person is exempt under IC 15-2.1-16-1 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 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 IC 15-2.1-24, 345 IAC 9, 345 IAC 10, and this rule.

~~(b)~~ (d) The following persons matters or vocations and activities are exempt from section (a) requiring a permit: the requirements in this rule:

- (1) Persons slaughtering, butchering, manufacturing, ~~The transportation~~ or selling in any manner of any animal flesh or products solely for the purpose of human consumption.
- ~~(2) Persons engaged in transporting dead animal and poultry bodies for human consumption.~~
- ~~(3)~~ (2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning such animal hides or skins for himself or others; provided no other byproducts operation is involved.
- ~~(4)~~ (3) Persons transporting and disposing of bodies of dead fish, reptiles, dogs, cats, and small game. in numbers not to exceed five (5) at one time.
- ~~(5)~~ (4) Any governmental agencies agency collecting, transporting, or disposing of dead animals or poultry: in any manner.
- ~~(6)~~ (5) Any livestock animal owner transporting his or her dead livestock animal to a rendering plant or to a diagnostic facility or a site for disposal in compliance with this rule.
- ~~(7) Exotic animal owners who pick up only carcasses of~~ (6) Transportation and disposal of dead wild deer and other non-domestic wild animals.
- (7) Any person collecting, transporting, or disposing of dead animals or poultry 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 15-2.1-16-7.
- (2) Each license expires at the end of the day on January 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in November or December expire January 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)

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

345 IAC 7-7-3 Disposal methods

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-19; IC 15-2.1-16-26; IC 15-2.1-24-15

Sec. 3. Any person owning, caring for, or having possession of an animal that has died (a) Dead animals and condemned and inedible waste shall dispose be disposed of the carcass within twenty-four (24) hours of the death by one (1) or more of the following methods:

- ~~(a)~~ (1) Removal of the carcass to a licensed disposal plant.
- ~~(b)~~ (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 that purpose: covering. Burying a carcass or condemned and inedible waste in a location without the land owner's permission is prohibited.
- ~~(c)~~ (3) Thorough and complete incineration of the carcass or condemned and inedible waste.

(d) Removal (4) Thorough and complete composting of the carcass to an exotic animal feeding permit holder, 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 15-2.1-16-26.

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

(c) 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, including a prearranged contract for ongoing periodic collection, even if the actual pick up by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall take steps to prevent other animals from accessing the dead animals prior to pick-up. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under IC 15-2.1-16-19 and section 7(4) of this rule in any manner that communicates their intent, including placing an order to pick up a dead animal or 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) A person applying for meat or poultry inspection or an exemption from inspection under IC 15-2.1-24 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the dead animals 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) 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 addressing an emergency, facilitating research, preventing the spread of disease, or 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*)

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

345 IAC 7-7-3.5 Composting

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

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

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

(A) Domestic animals are kept from accessing the compost pile.

(B) Rodents and other wild animals are controlled so they do not disrupt the compost pile or create a health hazard to humans or animals.

(C) Leachate run-off must be prevented or controlled.

(D) The material must be thoroughly and completely composted. 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 and condemned and inedible waste from other operations may not be accepted for composting. But, the following may be transported to another site and accepted for composting:

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

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

(C) Dead animals 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 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)

SECTION 5. 345 IAC 7-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-4 Unloading of trucks

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 4. **(a) No dead animal carcasses of dead animals or condemned and inedible waste shall remain on a truck overnight, more than twenty-four (24) hours, but shall be unloaded within at a licensed disposal plant or a licensed substation. or at the premises of an exotic animal feeding permit-holder.**

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

SECTION 6. 345 IAC 7-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-5 Transportation for feeding

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 5. Exotic animal owners, who wish to **(a) No person may transport and dispose of carcasses of domestic animals for the purpose of by feeding the carcasses to exotic animals. shall obtain But, a permit from person who, prior to July 1, 2003, notifies the board before transporting such state veterinarian of their intent to transport and dispose of the carcasses of domestic animals by feeding them to exotic animals may transport and dispose of carcasses in that manner.**

(b) A person transporting carcasses for feeding to exotic animals shall keep records of the following information for each collection:

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

The records shall be kept for not less than two (2) years.

(c) A person storing on their premises dead animal carcasses for the purpose of feeding exotic animals shall totally dispose of the carcasses and waste within seventy-two (72) hours of arrival 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, carcasses that are placed in a refrigerator or freezer immediately upon arrival at the premises shall be disposed of within seventy-two (72) hours of being removed from the appliance. (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)

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

345 IAC 7-7-7 Vehicle requirements

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 7. ~~(a) Exotic animal feeder permit holders~~ **A person transporting dead animals and condemned and inedible waste under this rule shall use a comply with the following requirements:**

(1) A vehicle for transporting used to transport dead animals which does or waste must be configured to not allow dripping and seepage. The carcasses fluids from the dead animals or waste to leak onto public roads.

(2) Dead animals and waste shall be contained or covered while transported so that they are not be visible when the vehicle is on the public highways. roads.

~~(b) The vehicles~~ **(3) A vehicle used to transport dead animals or waste shall be thoroughly cleaned and disinfected after each use time that it is used for transporting carcasses. dead animals or waste.**

~~(c) (4) A vehicle of exotic animal feeder permit holders transporting carcasses~~ **dead animals or waste from a premise premises is prohibited from entry onto any other premise premises unless given permission by the owner, until the carcasses and waste are unloaded at the final destination and the vehicle is cleaned and disinfected.**

(5) In the event any dead animal, 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)

SECTION 8. 345 IAC 7-7-10 IS AMENDED TO READ AS FOLLOWS:

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

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-17-5

Sec. 10. The state veterinarian may **refuse to issue a license under this rule and may** suspend or revoke any license issued under this chapter for failure to comply with this chapter: **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 15-2.1-16, IC 15-2.1-17-5, or this rule.

(3) The transportation or disposal of dead animals 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)

SECTION 9. THE FOLLOWING ARE REPEALED: 345 IAC 7-7-6; 345 IAC 7-7-8; 345 IAC 7-7-9.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2002 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning the disposal of dead animals. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health