

Board of Animal Health

**IN THE MATTER OF THE PROPOSED
AMENDMENTS TO THE RULES OF THE
BOARD OF ANIMAL HEALTH, GOVERNING
FEEDING OF GARBAGE TO LIVESTOCK
AND POULTRY (MN RULES PARTS
1720.0860 THROUGH 1720.1020)**

**STATEMENT OF NEED
AND REASONABLENESS**

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1993) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. In order to protect Minnesota livestock from diseases that may be transmitted by feeding raw garbage, Minnesota Statutes 35.73-35.80 and Board of Animal Health Rules (1720.0860-1720.1020) require that all garbage be treated (cooked) before it is fed to livestock or poultry. In response to increasing production of food waste, and to decreasing availability of land fill space, Minnesota Statutes, Sections 35.73 subdivision 4, and 35.751, were amended by the 1992 Legislature to allow the Board to adopt rules which may exempt certain types of garbage from the requirements to treat (cook) garbage before feeding to livestock or poultry. The purpose of this legislation was to allow certain types of food waste to be fed to livestock with fewer restrictions and costs.

The Board has determined that the proposed rule is non-controversial and that amending the rule is in the best interest of the livestock industry of the state and is not detrimental to the public health, safety, or general welfare. The proposed changes are supported by members of the garbage feeding industry and others affected by the rule.

Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Sections 14.22-14.28.

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

Minnesota Board of Animal Health Rules (1720.0860-1720.1020) require that all garbage be treated (cooked) before it is fed to livestock or poultry. These rules are being changed to reflect new legislation, and to make them more closely reflect federal regulations specified in the Code of Federal Regulations 9, Part 166 (Swine Health Protection).

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1720.0860 DEFINITIONS

Subparts 1, 2, 6 These parts are unchanged, except for changes in form made by the revisor.

Subpart 2a This is a new definition. It was added in order to reflect new legislation (MN Statute 35.751). The definition allows the Board to specify certain types of food waste as exempt from the current requirement to cook all garbage before feeding it to livestock and poultry. The definition of "exempt material" is similar to definitions used in other states and is modeled after the definition of "Garbage" as used in the Code of Federal Regulations 9, Part 166 (Swine Health Protection). Materials not of animal origin and materials such as bakery waste, candy waste, eggs, and domestic dairy products (including milk), could be designated by the Board as "exempt materials". The feeding of such materials to livestock and poultry without cooking does not pose a significant risk to the health of animal or human populations. Feeding of exempt materials to livestock or poultry without having to cook the material prior to feeding could mean substantial cost savings for livestock producers.

Subpart 3 In addition to changes in form by the revisor, the definition of "Feeding Premises" was broadened to include premises on which "exempt materials" are fed. This was necessary to satisfy Minnesota Statute 35.751. It ensures that garbage or exempt materials will be fed to livestock only on premises that have a permit from the Board to do so.

Subpart 4 In addition to changes in form by the revisor, the definition of "Garbage" was modified to exempt "refuse matter determined by the board to be an exempt material". This was necessary to satisfy Minnesota Statute 35.751. It allows the Board to exempt certain types of food waste from the current definition of garbage. The definition was also modified to exempt feed and feed ingredients which are regulated under Minnesota Statutes Chapter 25 even if the feed or feed ingredient is in whole or in part derived from materials otherwise regulated under these rules. This was necessary because these products are already regulated under Chapter 25, and the manufacturing process for these products in effect transforms the new product from garbage or exempt materials into feed ingredients, and eliminates any potential harm to animals or humans.

Subpart 5 In addition to changes in form by the revisor, the definition of "Garbage Truck" was broadened to include trucks used to haul "exempt materials". This was necessary to satisfy Minnesota Statute 35.751. It ensures that garbage is hauled to feeding premises only by persons possessing a permit from the Board to do so.

1720.0870 EXCLUSION

1720.0880 LICENSES

1720.0890 PROVISIONS FOR ANNUAL LICENSE

1720.0900 REFUSAL TO GRANT OR REVOCATION OF LICENSE

1720.0910 MAINTENANCE OF FEEDING PREMISES

1720.0920 COLLECTED GARBAGE

1720.0940 WAGON BED OR TANK ON GARBAGE TRUCK

1720.0960 PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY

1720.0970 PERMIT FOR IMMEDIATE SLAUGHTER

1720.1000 SPECIAL PERMITS

1720.1010 QUARANTINE ON PREMISES OF FEEDER OR BREEDER

These parts are unchanged, except for changes in form made by the revisor.

1720.0930 GARBAGE TREATMENT

This entire part is reworded, but the meaning and intent of the part are not modified. This part of the rule is now an exact copy of Minnesota Statute 35.76. This part was reworded for clarity and continuity of statute and rule.

1720.0950 QUARANTINES

In addition to changes in form by the revisor, the words, "on which garbage is fed to livestock or poultry", were added to distinguish a premises on which "exempt material" is being fed from one on which "garbage" is being fed. There is no reason to quarantine livestock or poultry which is fed "exempt material" since the exempt materials pose no threat to animal health. This is consistent with federal regulations regarding feeding of garbage to livestock (Code of Federal Regulations 9 Part 166).

1720.0980 CONSIGNMENT TO COMMISSION COMPANY

1720.0990 CONSIGNMENT TO SLAUGHTERING ESTABLISHMENT

1720.1020 VEHICLES USED FOR TRANSPORTATION OF GARBAGE-FED LIVESTOCK

These parts are repealed because they have become obsolete. They were originally placed in the rule to address the problem of what to do with swine or other livestock that are fed "raw garbage". Feeding of raw garbage to livestock or poultry is illegal in Minnesota. Furthermore, livestock that are fed "cooked garbage" are not a risk to the health of animal or human populations. For this reason, it is no longer necessary to notify consignment companies of the arrival of garbage-fed livestock, nor is it required that vehicles used to transport such animals meet more stringent

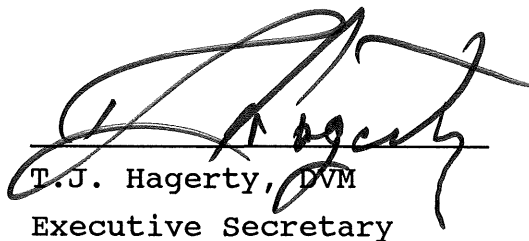
requirements than those used to transport any other animal.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULES

The effect of these proposed changes is to allow livestock and poultry producers to feed certain types of waste materials without having to cook it prior to feeding. The net effect of these changes is to decrease restrictions on feeding of garbage to livestock and poultry. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

Dated:

4/5/73


T.J. Hagerty, DVM

Executive Secretary

Minnesota Board of Animal Health