

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Agriculture and Rural Development

2. Bureau:

Animal Industry Division

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Bodies of Dead Animals

5. Rule numbers or rule set range of numbers:

R 287.651 – R 287.657

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The rules contain the details on multiple methods for disposal of livestock carcasses. The proposed changes will align disease management and mitigation requirements with those of the United States Department of Agriculture, and update adopted resource documents.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

By authority conferred on the department by sections 15 and 27 of 1982 PA 239, MCL 287.665 and 287.677.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

Bodies of Dead Animals, 1982 PA 239, MCL 287.651 – 287.683.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Yes, rules are mandated in both Sections 15 and 27, with Section 15 requiring rules relating to composting.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

Rule 5 requires three heat cycle rotations of active composting before final utilization. USDA guidance varies, depending on the livestock species and the nature of the disease outbreak. MDARD is looking to align with national standards based on research showing protective methods for prevention of the spread of disease.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The rules currently adopt several published documents. Citations to the current versions of those publications will be updated.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The requirement for three heat cycle turns of the pile is the protective default setting. Since the rules were last amended, multiple responses to Highly Pathogenic Avian Influenza have occurred, and the USDA's requirements for response to that disease require only two heat cycles. MDARD is looking to align with federal requirements.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed change was prompted by joint USDA-MDARD response to Highly Pathogenic Avian Influenza in spring 2022.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules had a substantial revision in 2011 and have been evaluated regularly since. The joint USDA-MDARD response to Highly Pathogenic Avian Influenza in Michigan in spring of 2022 prompted discussion with the Michigan livestock industry to align this specific requirement and to provide flexibility on composting requirements to account for the nature of a disease outbreak.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No, the rules continue to provide needed direction on carcass disposal for both disease outbreaks and natural mortality in manners that prevent spread of disease and protect Michigan's environment.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No