

1981 Assembly Bill 133

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CHAPTER 66 , Laws of 1981

AN ACT to repeal 95.69 (title); to renumber 95.69; to amend 95.10 (3) and 97.43 (1); to repeal and recreate 95.72; and to create 20.115 (2) (hm) and 95.99 (title) and (2) of the statutes, relating to regulating the transportation, processing and disposal of dead animals, making an appropriation, granting rule-making authority and changing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.115 (2) (hm) of the statutes is created to read:

20.115 (2) (hm) *Dead animal regulation.* All moneys received under s. 95.72 for licensing and regulating the transportation, processing and disposal of dead animals as required under s. 95.72.

SECTION 2. 95.10 (3) of the statutes is amended to read:

95.10 (3) "Public or commercial garbage" as used in this section means putrescible animal or vegetable wastes containing animal parts, resulting from the handling, preparation, processing, cooking or consumption of food and which is collected from any source, and includes dead animals ~~or parts thereof~~ as defined in s. 95.72 (1) (c). The term ~~shall~~ does not apply to private household wastes not removed from the premises where produced.

SECTION 3. 95.69 (title) of the statutes is repealed.

SECTION 4. 95.69 of the statutes is renumbered 95.99 (1).

SECTION 5. 95.72 of the statutes is repealed and recreated to read:

95.72 Transportation, processing and disposal of dead animals. (1) DEFINITIONS. In this section:

(a) "Animal food processor" means a person, other than a renderer, engaged in the business of slaughtering animals or collecting or receiving dead animals in a raw or uncooked state for processing into animal food.

(b) "Collector" means a person engaged only in the business of collecting or receiving dead animals for sale or delivery to a renderer, animal food processor or operator of a fur farm and who does not otherwise process the dead animals.

(c) "Dead animal":

1. Means any dead animal or part of a dead animal other than an animal slaughtered as food for humans.

2. Means an animal slaughtered as food for humans but which becomes unsuitable as food for humans.

3. Includes animals slaughtered or processed as food for animals and all inedible parts and by-products of animals slaughtered or processed as food for humans.

4. Does not include commercial feed as defined under s. 94.72 (1) (a) or fully rendered products of dead animals.

(d) "Renderer" means a person engaged in the business of collecting or receiving dead animals for rendering or processing into grease or other products.

(e) "Rendering or processing plant" means a plant or facility for slaughtering animals or collecting dead animals and rendering or processing them to produce grease or other products.

(2) LICENSES; FEES. (a) *Requirement.* Except as provided in par. (b), no person may engage in the business of collecting or processing dead animals as a renderer, animal food processor or collector unless the person pays a license fee and is issued an annual license by the department for that specific type of business operation.

(b) *Exemptions.* 1. A license is not required for a person who operates a slaughtering establishment licensed under s. 97.42 or inspected under the federal meat and poultry inspection acts if the establishment renders or disposes of offal or dead animals resulting from its operations only, but a person who operates a slaughtering establishment is subject to the transportation requirements under sub. (7) (b).

2. A license is not required for a person who operates a fur farm which collects or receives dead animals as food for fur-bearing animals produced by the fur farm, but a person who operates a fur farm is subject to transportation requirements under sub. (7) (b) and (c).

3. A license is not required for a person who is engaged solely in the collection or disposal of public or commercial garbage without the separate collection or retrieval of dead animals or dead animal parts for further sale, use or processing.

4. A license is not required for a person who collects or receives individual animal parts exclusively for the manufacture of glue, gelatin, pharmaceuticals or other specialty products.

5. A license is not required for a person who collects, receives or processes hides.

6. An animal food processor or collector license is not required for a person who is licensed as a renderer.

7. A collector license is not required for a person who is licensed as an animal food processor.

(c) *Application; fees; expiration; renewal.* 1. An applicant for a license shall submit a completed application form prescribed by the department which states the type of operation for which a license is desired, the business or plant location where operations are to be conducted and other information required by the department.

2. An applicant for a license as a renderer or an animal food processor shall submit a fee of \$100 for each separate plant where processing operations are to be conducted, and an applicant for an initial license shall submit the inspection fee required under par. (e).

3. An applicant for a license as a collector shall submit a fee of \$50 for each separate business location from which operations are to be conducted.

4. Each license expires on February 28.

5. A person may renew a license by submitting the required license fee and renewal form.

(d) *Issuance; standards.* The department may not issue a license unless the applicant's plant or business location is suitably located, constructed and equipped for the type of operation for which a license is required, all vehicles, facilities and equipment are maintained in a clean and sanitary condition and all processing and other operations are conducted in compliance with this section and rules promulgated under sub. (5).

(e) *Inspection; fee.* An applicant for an initial license as a renderer or animal food processor shall submit an inspection fee of \$25 for each separate plant to be operated by the applicant. The department may grant a temporary permit pending final action on the application, but the department may not issue the license unless it finds that the applicant's plant, premises, facilities and equipment are in compliance with the requirements of this section and rules promulgated under sub. (5). The department may not refund the

inspection fee if the application is denied. Inspection fees are not required for the annual renewal of a license.

(f) *Nontransferable*. No license issued under this section is transferable. In the case of any transfer of ownership of a plant or business for which a license is issued, the new owner shall apply for a new license.

(3) **RENDERING OR PROCESSING PLANT LOCATION**. No person may establish a rendering or processing plant within one-eighth mile of a dwelling, business building or public highway, but a rendering or processing plant is not required to cease operations because a highway is relocated or a dwelling or business building is constructed closer than one-eighth mile to an existing plant. This subsection does not prohibit the continued operation of the plant of a renderer or animal food processor in existence on the effective date of this subsection (1981) or the erection of new or improved rendering or processing plant facilities on the existing premises subject to provisions of any local ordinances.

(4) **RENDERING AND PROCESSING PLANTS; CONSTRUCTION AND OPERATION**. (a) *New plants*. No person may construct a rendering or processing plant unless it is constructed and equipped according to rules promulgated under sub. (5). After the effective date of this section (1981), no person may operate a rendering or processing plant unless the plant has sewage facilities and floor drains, all areas of the building and premises on which the plant is situated are kept in a clean and sanitary condition, and all operations are conducted to prevent the creation of a nuisance.

(b) *Closed vessels*. A person who operates a rendering or processing plant shall conduct all rendering in closed vessels.

(c) *Disposal of dead animals*. 1. A person who operates a rendering or processing plant shall deposit all dead animals received for rendering or processing within the plant or other enclosed structure immediately upon their arrival.

2. A person who operates a rendering or processing plant shall dispose of an animal within 24 hours after its arrival during the days of Sunday to Friday, or within 48 hours after its arrival on a Saturday or a Sunday followed by a holiday, unless any of the following occurs:

- a. The department issues a permit allowing a longer amount of time.
- b. The carcass is received in a frozen condition and is disposed of within a reasonable period of time.
- c. Disposal of the animal within the time period is impossible and the department is so notified by telephone.

(d) *Diseased or contaminated animals*. The department may detain or hold for further inspection dead animals or animal hides it suspects are affected with a highly contagious or infectious disease, or any dead animal products suspected of containing any poisonous or deleterious substance which may render the products unfit for use as food for animals. The department shall order the destruction of dead animals or any animal hides or products determined to be infected with a highly contagious or infectious disease or unfit for use as food for animals.

(5) **RULES**. The department shall promulgate rules governing the collection, transportation, processing, rendering and disposal of dead animals, entrails and paunch materials, the slaughtering of animals for animal food processing or rendering, the location, construction and maintenance of all buildings, facilities and equipment used in collecting, slaughtering and processing operations, the sale or use of dead animal products as food for animals, the issuance of licenses or permits and other rules for the conduct of operations subject to a license under this section.

(6) **INSPECTION**. (a) *Initial inspection*. Upon receipt of an application for an initial license as a renderer or animal food processor, the department shall inspect the plant, premises, facilities and equipment to be used in conducting the business.

(b) *Annual inspection.* The department shall inspect all plants, premises, facilities, equipment and transport vehicles used by each licensee at least once each year, and more often if necessary, to ensure that the licensee conducts the business operations in conformity with this section and rules promulgated under sub. (5).

(c) *Deficiencies.* If the department finds that any of the applicant's or licensee's plants, premises, facilities, equipment or transport vehicles do not comply with the requirements of this section or rules promulgated under sub. (5), it shall notify the applicant or licensee in writing of the deficiencies and shall order the applicant or licensee to make appropriate changes. The department shall allow a reasonable time not exceeding 90 days for the applicant or licensee to make the changes. The department shall conduct a reinspection to determine compliance with the department's order or the need to order further changes. The department may allow an additional 90 days if it is necessary for the applicant or licensee to correct deficiencies discovered during the reinspection. Failure to correct deficiencies within the time allowed is grounds for the denial, suspension or revocation of the license or temporary permit.

(7) TRANSPORTATION OF DEAD ANIMALS. (a) *License requirement.* No person may transport dead animals on public highways in this state without a license issued under this section. A licensee may not transport dead animals under conditions not authorized by the license. This paragraph does not apply to persons exempt from obtaining a license under this section, a farmer transporting dead animals raised on his or her farm, the transportation of hides or fully rendered or processed dead animal products, the transportation of dead animals by government agencies or private agencies engaged in scientific research, persons transporting dead animals for destruction or burial, or livestock truckers transporting animals which have died in transit if the dead animals are transported directly to a licensed renderer, animal food processor or collector.

(b) *Enclosure or covering of dead animals.* No person may transport a dead animal on a public highway unless it is transported in a closed vehicle or container or unless it is completely covered with a tarpaulin or other suitable material. Vehicles or containers used for the transportation of dead animals shall be leakproof to prevent spilling or dripping of liquid waste. This paragraph does not apply to the transportation of animal hides or to farmers transporting dead animals raised on his or her farm.

(c) *Permit.* No licensee or fur farmer may operate any vehicle for the transportation of dead animals unless the person is issued a vehicle permit by the department. There is no charge for this permit. An applicant for a vehicle permit shall submit a completed application form prescribed by the department which states the applicant's name and address, vehicle identification and other information required by the department. The permit holder shall keep the permit with the vehicle for which it was issued.

(d) *Interstate transport.* Except as provided in reciprocal agreements between this state and contiguous states, no dead animals or parts of dead animals which are raw or unrendered, except green or salted hides, may be transported into this state unless the requirements of this subsection and rules promulgated under sub. (5) relating to the transportation of dead animals are complied with.

(8) TRUCK TRANSFER STATIONS; PERMITS. No person may own or operate a truck transfer station for the unloading or reloading of dead animals unless the person is issued a permit by the department. The department shall issue permits only to persons licensed under this section. Truck transfer stations may be used only for unloading or reloading dead animals for delivery to licensees under this section. No person may operate a truck transfer station unless the building is constructed, maintained and operated according to rules promulgated under sub. (5) and water and sewerage facilities are provided on the premises.

(9) **MISREPRESENTATION.** No person may represent that he or she is engaged in or offer to provide services in connection with an activity for which a license is required under this section unless the person holds a license or permit for the activity issued under this section. All advertising by a person licensed under this section shall specify the activity for which the license was issued.

(10) **HUMANE HANDLING.** Live downer animals picked up for animal food processing or rendering shall be slaughtered before loading for transport to a processing or rendering plant. Slaughtering shall be done by humane methods as defined in s. 95.80 (1) (c).

(11) **PENALTIES.** Any person who violates this section or any rule promulgated under this section shall forfeit not more than \$500.

SECTION 6. 95.99 (title) and (2) of the statutes are created to read:

95.99 (title) Penalties.

(2) The department may seek an injunction restraining any person from violating this chapter or any rule promulgated under this chapter.

SECTION 7. 97.43 (1) of the statutes is amended to read:

97.43 (1) No meat from any diseased animal, or any ~~animal that has died other than by slaughter, shall~~ dead animal as defined under s. 95.72 (1) (c), may be sold or used for human consumption, or dismembered or stored at premises where other food is sold or prepared for sale.

SECTION 8. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
95.235	95.69	95.99 (1)
