

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
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Little Rock, Arkansas 72201-1094
(501) 682-5070
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

~~Arkansas Livestock & Poultry Commission~~ ~~FINAL RULE~~
~~Effective: May 1, 2004~~
~~Phil Wyrick, Executive Director~~

~~Act 87 of 1963-Code 2-33-101 and Act 150 of 1985-Code 19-6-448~~

**~~REGULATION FOR THE DISPOSAL OF LARGE ANIMAL CARCASSES,
EXCLUDING DOGS AND CATS~~**

~~Large animal carcasses (excluding dogs and cats) may be disposed of in the following manner unless specified directly by the state veterinarian.~~

~~1. Rendering~~

~~Large animal carcasses may be submitted to a rendering facility in a sealed vehicle that does not allow drainage while being moved.~~

~~2. Burial~~

~~Carcasses may be buried at a site at least 100 yards away from a well and in a place where a stream cannot be contaminated. Anthrax carcasses are to be covered with 1 inch of lime. Other carcasses may be covered with lime, particularly when needed to control odors. All carcasses are to be covered with at least 2 feet of dirt. Carcasses are not to be buried in a landfill, without prior approval of the State Veterinarian.~~

~~3. Extrusion~~

~~Extrusion is an acceptable method to recover the protein for animal food, when possible.~~

~~4. Cooking Carcasses for Swine Food~~

~~Carcasses may be cooked for swine food. The internal temperature of the batch must reach 212 degrees Fahrenheit for 30 minutes. Federal permit required through USDA APHIS, Veterinary Services.~~

5. Composting

Carcasses or portions of carcasses may be composted in compliance with the following guidelines:

a. General Requirements

1. The composting process must be managed at all times to be practically odorless, prevent fly larvae development, prevent animal depredation and stop leaching of waste material thereby becoming a source of water/soil contamination.
2. The carcass(es) must be reduced to brittle/easily broken bone.
3. A minimal peak temperature of 130 F and a minimal 110 F maintenance temperature must be achieved during the composting process to where the finished product is pathogen free.

b. Composting — Exposed to Weather

1. Approved for all large animals (swine, ruminants, horses etc.).
2. Compost material (carbon source) may be sawdust, hay, etc. **but may not contain manure.**
3. The carcass(es) must be placed on at least a 24 inch thick pad of compost material that is large enough so that when the carcass(es) is placed there will be at least 24 inches from the carcass(es) to the edge of the pad.
4. A layer of compost material that completely covers the carcass(es) and is at least 24 inches thick must be maintained throughout the composting process.

c. Composting — Protected from Weather

1. Approved for all large animals (swine, ruminants, horses etc.)
2. Compost material (carbon source) may be saw dust, hay etc. **and may contain manure.**
3. Composting must be done in a bin(s) that has a concrete floor to provide an all-weather base, roof to exclude excess moisture and rot resistant bin construction to support the compost material and withstand stresses applied by tractor loader.

~~4. Carcass(es) are to be placed in the compost bin on at least a 12 inch thick base pad of compost material and carcass(es) can not be placed within 8 inches of the sides, front or rear of the compost bin.~~

~~5. A layer of compost material that completely covers the carcass(es) must be maintained throughout the composting process.~~

~~6. Incineration (burning)~~

~~Incineration or open burning may be used as long as carcass is reduced to ash.~~

~~7. Carcasses to be buried on special order of state veterinarian~~

~~a. Anthrax—Animals that die due to this disease shall be buried on site.~~

~~Carcass is to be covered with 1 inch of lime after being placed in ground.~~

~~8. The Arkansas Livestock and Poultry Commission shall have the responsibility of following up complaints on improper large animal carcass disposal.~~

~~9. This regulation has no jurisdiction on any animals or parts thereof that are designed as a food item for humans.~~

~~10. If carcasses or parts are handled or moved on a road, (gravel or paved) the carcass or product must be in a sealed vehicle or contained where no leakage occurs. Carcasses are to be covered by tarp or other materials when transported on roads so that wind may not carry disease organisms into surrounding area.~~

~~11. Large animal carcasses found on County or Highway property where the identity is unknown, shall be disposed of in the best (most practical) manner to prevent a public health problem.~~

~~Issued in Little Rock, Arkansas on March 4, 2004.~~

~~Phil Wyrick, Executive Director
AR Livestock & Poultry Commission~~

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Agriculture/Livestock & Poultry Commission
DIVISION Livestock & Poultry
DIVISION DIRECTOR Patrick Fisk
CONTACT PERSON Wade Hodge
ADDRESS #1 Natural Resources Drive, Little Rock AR 72205
PHONE NO. 501-219-6361 FAX NO. _____
E-MAIL wade.hodge@agriculture.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Patrick Fisk
PRESENTER E-MAIL Patrick.fisk@agriculture.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Whittaker
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Disposal of Large Animal & Poultry Carcasses
2. What is the subject of the proposed rule? To comply with Act 716 of 2021 and combine two separate rules for disposal of large animal and poultry carcasses.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes _____ No x _____
If yes, please provide the federal rule, regulation, and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes _____ No x _____
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes x No If yes, please provide a brief summary explaining the rule. Summary attached.

Does this repeal an existing rule? Yes x No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. See the attached summary for further explanation.

Is this an amendment to an existing rule? Yes No x If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does.**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 2-33-107(c); 2-40-103(a)(2); 2-40-403.
7. What is the purpose of this proposed rule? Why is it necessary? See attached summary
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.aad.arkansas.gov
9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following: Hearing will be held if requested
Date: Sept. 17, 2021
Time: 10:00am
Place: 1 Natural Resources Drive
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
TBD
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
November 1, 2021
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Agriculture/Livestock & Poultry Commission
DIVISION Livestock & Poultry
PERSON COMPLETING THIS STATEMENT Wade Hodge
TELEPHONE NO. 501-219-6361 **FAX NO.** _____
EMAIL: wade.hodge@agriculture.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Disposal of Large Animal and Poultry Carcasses

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x _____
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes xx _____ No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes x _____ No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
 - (b) The reason for adoption of the more costly rule;
 - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
 - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following: N/A
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____

Next Fiscal Year

General Revenue _____
Federal Funds _____

Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ N/A _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ N/A _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. N/A

Current Fiscal Year

\$ _____ N/A _____

Next Fiscal Year

\$ _____ N/A _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____ N/A _____

Next Fiscal Year

\$ _____ N/A _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No x

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

June 23, 2021

TO: Editor Arkansas Democrat-Gazette

FROM: Wade Hodge, Chief Counsel
Arkansas Department of Agriculture

SUBJECT: Legal Notice

Please publish the enclosed legal notice in the June 26 – 28, 2021 issues of the Arkansas Democrat-Gazette. Please bill us in the usual manner.

WH:ll

Enclosure

CC: Caleb Stanton, Governor's Office
Arkansas State Library
U of A Library, Fayetteville

Legal Notice

Arkansas Livestock and Poultry Commission

The Arkansas Livestock and Poultry Commission is proposing amendments to its rules as follows:

1. **Garbage Feeding Rule (Swine)**: A proposed rule amendment which will prohibit feeding meat or meat by-products to swine.
2. **Disposal of Large Animal and Poultry Carcasses**: A proposed rule to clarify proper methods of animal carcass disposal and combine two separate rules for disposal of large animal and poultry carcasses.
3. **Carcass Disposal – Poultry**: The Commission is proposing to repeal this rule if the combined new rule is approved.
4. **Regulation for the Disposal of Large Animal Carcasses, Excluding Dogs and Cats**: The Commission is proposing to repeal this rule if the combined new rule is approved.
5. **Disbursement of State Funds for Fairs and Livestock Status**: The Commission is proposing to repeal this rule to comply with Act 700 of 2021 which repealed existing law regarding funding of fairs and livestock shows and created a fair-funding program within the Department of Agriculture.

Comments may be mailed to Arkansas Livestock and Poultry Division, ATTN: Patrick Fisk, PO Box 8505, Little Rock, AR 72203, or emailed to patrick.fisk@agriculture.arkansas.gov

Comments will be accepted beginning June 26, 2021, until the close of business July 25, 2021.

The proposed rule change may be viewed on the web page at www.agriculture.arkansas.gov



Wade Hodge, Chief Counsel
Arkansas Department of Agriculture