

DEPARTMENT OF FOOD AND AGRICULTURE
MEAT AND POULTRY INSPECTION BRANCH

REVISED

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INITIAL STATEMENT OF REASONS

HEARING DATE

No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture no later than 15 days prior to the close of the written comment period.

SUBJECT MATTER OF PROPOSED REGULATIONS

Renderers, Collection Centers, Dead Animal Haulers, and Transporters of Inedible Kitchen Grease

SECTIONS AFFECTED

Various sections of Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL

Existing law, Food and Agricultural code section 407, authorizes the Department of Food and Agriculture (Department) to adopt such regulations that are reasonably necessary to carry out the provisions of the Food and Agricultural Code, which it is authorized to administer or enforce.

Existing law, Chapter 5 (commencing with section 19200), of Part 3, Division 9, of the Food and Agricultural Code, authorizes the Department to regulate the rendering industry, which includes renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease.

Rendering establishments, dead animal haulers, and collection centers are exempt from inspection by the United States Department of Agriculture (USDA) but require a license and inspection in California.

Transporters of inedible kitchen grease are required to be registered with the Department. For transporters of inedible kitchen grease, statutes allow for a reduced registration fee for persons transporting grease for their personal, noncommercial use.

Existing regulations for the rendering industry are found under Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

This proposal amends, reorganizes, and repeals various sections, and adopts new sections, of Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations relating to regulation of the rendering industry. This proposal

also incorporates by reference specified forms utilized by the Meat and Poultry Inspection Branch of the Department for use by the rendering industry. It also incorporates by reference specified sections of the 2007 California Building Code.

STATEMENT OF FACTUAL BASIS AND RATIONALE

The Animal Health and Food Safety Services Division of the Department is comprised of five Branches: Animal Health Branch, Meat and Poultry Inspection Branch, Milk and Dairy Food Safety Branch, Livestock Identification, and the Veterinary Diagnostic Laboratory System. This proposal pertains to the regulation of the rendering industry by the Meat and Poultry Inspection Branch.

The rendering industry is a critical health and safety infrastructure for California. Rendering is an effective tool to eliminate many human and animal disease pathogens, protects our groundwater and air resources, and greatly reduces greenhouse gas emissions compared to other alternative disposal options.

Rendering is the process of recycling waste animal tissue into stable, value-added materials. Every year rendering recycles approximately 59 billion pounds of perishable material generated by the livestock and poultry meat and poultry processing, food processing, supermarket, and restaurant industries. The rendering industry turns this material into valuable ingredients such as biofuels, various soaps, paints and varnishes, cosmetics, explosives, toothpaste, pharmaceuticals, leather, textiles, and lubricants used daily in most households.

The Meat and Poultry Inspection Branch has 13 veterinary medical officers, 7 meat food inspectors, and 4 investigators who ensure that only wholesome and properly labeled products are provided to consumers, and ensure that meat and poultry products not intended for human or pet consumption are prevented from entering food channels.

Following are the operations that the Branch licenses, registers, and inspects that are exempt from mandatory inspection by the USDA:

- Retail meat processors who prepare meat or poultry products by curing, smoking, or drying, rendering, or who cook pork products for retail sales only.
- Custom livestock slaughter plants that slaughter cattle, sheep, swine, and goats raised or purchased live by owners. The meat is to be used by the owner, the owner's family, nonpaying guests or employees. It cannot be sold. Custom livestock slaughterhouses also slaughter fallow deer, the products of which can be sold.
- Poultry plants that slaughter species not subject to USDA inspection, such as rabbit, quail, partridge, and other domesticated fowl.
- Retail poultry plants that sell live poultry and slaughter them for customers.
- Non-retail poultry plants that slaughter or process less than 20,000 turkeys, chickens, ducks, geese, ostrich, emu, squab, and guineas a year.
- Collection centers for temporary storage of animal carcasses or packinghouse waste before transport to a licensed rendering plant.

- Dead haulers who transport carcasses of dead livestock and horses.
- Renderers of animal tissue into inedible industrial fats, oils, and other products.
- Pet food processors that prepare fresh or frozen raw meat products for pet food.
- Pet food slaughterers that slaughter livestock, poultry, and equines for pet food.
- Importers of fresh or frozen raw meat, horsemeat, poultry, or by-products for pet food.
- Transporters of inedible kitchen grease that transport used cooking oil and/or grease from grease traps/interceptors to rendering plants or to publicly owned treatment works.

The Department's Meat and Poultry Inspection Branch is amending its regulations to update and clarify existing requirements for renderers, collection centers, dead animal haulers, and transporters of inedible kitchen grease. The proposed changes to Subchapter 2, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, are outlined below.

1) Add a heading designation to Subchapter 2.

The Department is adding a subchapter heading for clarity purposes to specify that Subchapter 2 pertains to regulating the rendering and pet food industries.

2) Amend the heading of Article 36.

The Department is clarifying the existing heading of Article 36 to specify the definitions for the subchapter.

3) Delete section 1180 of Article 36.

The Department is deleting the existing definitions for Subchapter 2 because they are out of date. New section 1180 as proposed includes updated terminology and includes the terms, descriptions, and abbreviations that should be defined for the subchapter.

4) Add new section 1180 to Article 36.

The Department is adding new section 1180 to define the terms as used in this subchapter, which are needed for clarity purposes. The terms and abbreviations defined in this section comply with rendering industry standards, are specific to the rendering industry and to the Department, and are consistent with existing Departmental statutes and regulations. The Department is also adding authority and reference citations pursuant to Government Code section 11349.1.

5) Amend the heading of Article 37.

The Department is amending the heading to read Licenses "and Registrations" to adequately describe the sections under Article 37.

6) Amend sections 1180.1, 1180.2, and 1180.3 of Article 37.

Section 1180.1(a) contains updated terminology, grammatical changes, and updated references to the applicable sections of the Food and Agricultural Code for clarity purposes.

Section 1180.1(b) contains updates to terminology and applicable references to the Food and Agricultural Code.

Section 1180.1(b)(1), (2), and (3) contain updated information for clarity purposes and deletes former subsection (b)(3) as the wording and information is outdated. Copies of licenses and/or permits from other agencies may be necessary to demonstrate compliance with environmental, zoning, building, and other codes.

Section 1180.1(b)(4) is deleted because it contains outdated information that is no longer needed.

Section 1180.1(c) contains updated penalty fees in accordance with sections 19227 and 19315(d) of the Food and Agricultural Code.

Section 1180.1(d)(1) through (10) specifies the forms required by the Department, which are incorporated by reference in this proposal.

Section 1180.1(e) specifies that if there are any changes to the license or registration application, that it shall be reported in writing, within 10 business days, to the Meat and Poultry Inspection Branch. This requirement is necessary to ensure that the licensee or registrant continues to meet all statutory and regulatory requirements and to ensure the timely receipt of changes to the existing license or registration.

Section 1180.1(f) clarifies that any person providing false or misleading information may result in the denial of the application for up to one year, subject to hearing requirements.

Section 1180.1(g) clarifies that any person failing to list specific destinations or listings for the transportation of inedible kitchen grease may result in license or registration denial. Since inedible kitchen grease is a valuable commodity that is subject to theft, this requirement is needed for enforcement purposes.

Section 1180.1(h) requires that the license or a copy of the license be posted in each facility to ensure each facility is currently licensed by the Department and the license is visible to inspectors. This is necessary for inspectors to quickly determine if the license is current.

Section 1180.1(i) clarifies that it is unlawful to engage in the business of rendering or engage in the transportation of carcasses or materials as specified without being properly licensed and registered.

Section 1180.1(j) clarifies that a person who stores or uses inedible kitchen grease for their own personal use is not considered to be in the business of rendering or in the business of operating a collection center and is not subject to the licensing requirements.

Section 1180.1(k) clarifies the penalty provisions for persons engaging in the business of rendering without being licensed or registered.

Section 1180.1(l) clarifies that persons who register as transporters of inedible kitchen grease for personal use but who also sell, trade or barter inedible kitchen grease are in violation of the provisions of the subchapter and subject to applicable penalties. Personal, noncommercial use is as defined in proposed subsection 1180(b)(21).

Section 1180.2 updates terminology and clarifies any change of ownership of a licensed facility, including the transfer of stock, is to be reported to the Department in accordance with section 19340 of the Food and Agricultural Code.

Section 1180.3 updates terminology and clarifies that a licensee shall report in writing to the Department within 10 business days any change to the executive officers, or the equivalent. This is for licensing and inspection purposes to ensure the persons licensed are the same persons operating a facility. "In writing" is as defined in proposed subsection 1180(b)(15).

The Department is also adding authority and reference citations to sections 1180.1, 1180.2 and 1180.3 pursuant to Government Code section 11349.1.

7) Amend sections 1180.3.1 and 1180.3.2 of Article 37.1.

Section 1180.3.1 deletes the effective date of the enforcement fees and deletes the statement that the fees shall be reviewed annually because the fees are at the statutory limits. Also, Assembly Bill 1846 (Stats. 2008, Ch. 321) created two separate registration fees for transporters. This section reflects those statutory fees for a transporter of inedible kitchen grease, for commercial or personal noncommercial use, as specified in Food and Agricultural Code section 19315.

Section 1180.3.2 contains grammatical corrections. It also contains a Code reference update in the *Note* portion of the text.

8) Articles 38, 39, and 40 of this subchapter are omitted from this proposal at this time.

The Department may initiate a separate rulemaking file for these sections of the California Code of Regulations at a later date with notice as required by law.

9) Amend sections 1180.13, 1180.15, 1180.16, 1180.17, and 1180.18; delete and readopt section 1180.14, of Article 41.

Section 1180.13, the first paragraph is deleted as it contains outdated information, pertinent information is in section 19348 of the Food and Agricultural Code, and correct information is included under the second paragraph.

Section 1180.13, second paragraph is now amended to read subsection (a) and contains technical amendments to comply with current statutes on the requirements for the disposal of dead animals.

Section 1180.13, third paragraph is now amended to read subsection (b) and contains technical, updated amendments for transporters of dead animals. They must notify the Department within five business days if the transporter must change vehicles while transporting dead animals. This is necessary for tracking purposes, as animals must be disposed of at approved locations, and transport vehicles must be registered with the Department.

Section 1180.13(c)(1), (2), and (3) contains updated information for the proper transport and disposal of dead animal carcasses at a landfill in accordance with Food and Agricultural Code section 19348(b)(2). These sections also specify the required forms for use by the renderer, collection center, or dead animal haulers.

Section 1180.14 is amended to delete outdated information and provide certain restrictions on dead animal haulers and dead animal hauling vehicles.

Section 1180.14(a) is added to prevent contamination or infection of products or commodities, including live animals, by dead animals.

Section 1180.14(b) is added to prevent diversion of parts of animals that died other than by slaughter into meat and poultry products intended for human or animal consumption.

Section 1180.14(c) is added to ensure that vehicles identified as dead animal hauling vehicles are not used for hauling live animals.

The Department is also adding authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.15 is amended to delete outdated information and provide current requirements for record keeping for dead animal haulers pursuant to section 19404 of the Food and Agricultural Code. The Department is also adding authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.16 is amended to correct a section number citation, update terminology, and add authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.17 contains technical wording changes for clarity purposes, and amends the subsection designations. It also contains a requirement that hot water, if used as a disinfectant, must be heated to at least 180 degrees Fahrenheit.

Section 1180.18 contains technical wording changes for clarity purposes and to comply with current statutes regarding vehicle identification and the transportation and disposal of dead animals. This section also includes the addition of authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.19 contains minor technical wording changes to update terminology and clarify that a certificate or a letter will be acceptable from a local health officer regarding the premises of a dead animal hauler. They must be maintained in accordance with local health ordinances. This section also includes the addition of authority and reference citations pursuant to Government Code section 11349.1.

10) Repeal Article 42 and sections 1180.21, 1180.22, 1180.23 and 1180.24, and Article 23 and sections 1180.25, 1180.26, 1180.27, 1180.28, 1180.29 and 1180.30.

The Department is repealing these sections because they contain outdated information, and readopting the sections numbers with updated information. Some of the repealed information is being relocated in this subchapter for clarity and organizational purposes.

11) Add new Article 42 and sections 1180.19.1, 1180.20, 1180.21, 1180.22 1180.23, 1180.24, 1180.25 and 1180.26.

Inedible kitchen grease is one of many raw waste materials recycled by renderers into valuable commodities. The mission of the Department's Rendering Enforcement Program is to deter theft of inedible kitchen grease and related fraud; raise awareness of many key law enforcement officials about inedible kitchen grease theft; provide information about the program to those doing legal and illegal business with kitchen grease as part of the effort to gain compliance; create an environment which enables legal renderers of kitchen grease to maintain or increase their volume of grease business; increase knowledge of rendering industry and increase rapport with key industry personnel.

The requirements under Article 42 pertain to all transporters of inedible kitchen grease, for both commercial and personal noncommercial use. Persons obtaining grease for personal, noncommercial use are limited by statute to the amount of grease they can obtain and therefore qualify for the reduced enforcement fee as specified in statute.

The new sections being added under Article 42 in this proposal are as follows:

Section 1180.20(a) specifies the required registration applications for transporters of inedible kitchen grease. Statutes now allow for a separate registration application for persons transporting inedible kitchen grease for personal use or for commercial use. This subsection describes the decals required for the transport vehicles.

Section 1180.20(a)(1), (2), and (3) specifies the requirements for affixing the decal to all registered vehicles that transport inedible kitchen grease. These subsections provide clear direction and instructions for the use of decals, that they are nontransferable and must be used on vehicles registered with the Department as indicated on the specified registration forms. *These requirements are to prevent underpayment for using more than one vehicle to transport inedible kitchen grease.*

Section 1180.20(b) and (b)(1), (2) and (3) clearly specifies the use of signs that must be displayed on the outside of both front doors of the registered transport vehicle. The signs must include the name of the business or person registered with the Department, address, and if the signs are removable, they must also include the vehicle license number. These requirements are to ensure that only properly registered vehicles are used to transport inedible kitchen grease and so the public and businesses may be aware that the vehicles are registered with the Department.

Section 1180.20(c) specifies that removable signs shall only be affixed to vehicles registered with the Department. This requirement is for enforcement purposes to ensure only properly maintained and registered vehicles are used to transport inedible kitchen grease.

Section 1180.20(d) and (e) specify that transporters of inedible kitchen grease have equipment to clean up minor grease spills, that transport vehicles and containers be kept clean, and that the containers for the grease shall be secure to prevent spillage. These requirements are needed to ensure the safe and sanitary transport of inedible kitchen and any failure to comply with the requirements could result in the suspension or revocation of the registration.

Section 1180.20(f) specifies that persons registered as transporters of inedible kitchen grease for personal noncommercial use are limited to using only one transport vehicle. *This*

requirement is to ensure that persons registered as transporters for personal noncommercial use do not transport inedible kitchen grease for commercial purposes.

Section 1180.20 also includes the addition of authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.21(a) and (b) specifies the requirements for the removal of inedible kitchen grease from containers owned by another company or person. These requirements are for tracking and enforcement purposes. Each registered transport vehicle must have written permission to remove inedible kitchen grease from a container that they do not own, either from the property owner or from the owner of the container. This section also requires that any written permission to remove grease waste from a container owned by another registered transporter of inedible kitchen grease must be sent by the property owner at least two times to the owner of the container within a 14 day period to ensure prior notification of the owner of the container. Any violation of this section could result in the suspension or revocation of all applicable licenses and registrations, and could be subject to other appropriate penalties. This requirement is to prevent theft of inedible kitchen grease from containers not owned by the inedible kitchen grease transporter. This section also includes the required authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.22 specifies the facilities eligible to receive inedible kitchen grease. This section is needed for compliance with section 19310.5 and 19310.7 of the Food and Agricultural Code. This section is needed for tracking and enforcement purposes to ensure that inedible kitchen grease is disposed of at approved locations.

Section 1180.23 specifies the required containers placed at restaurants, institutions, and other facilities for grease waste. For tracking and enforcement purposes, the containers must be clearly marked to identify the owner, and the containers shall be kept clean in order to prevent a nuisance.

Section 1180.24 specifies the responsibilities of transporters of inedible kitchen grease. This section is needed for clarity purposes, to ensure that transporter and their employees are aware of their statutory obligations and that transporters are aware that they are responsible for illegal activities of their employees pertaining to inedible kitchen grease. Transporters must also notify the Department of any changes to the registration application within 10 business days to ensure timely submittal of the documentation. Any violations are subject to suspension or revocation of the registration or applicable licenses.

Section 1180.25 specifies the record keeping requirements for transporters of inedible kitchen grease. In compliance with section 19303 of the Food and Agricultural Code, records shall be kept for not less than two years. For tracking and enforcement purposes the records must include, at a minimum, the date and time of receipt of the grease waste, name and address where the grease was obtained, the amount in pounds of the grease that was picked up at a location, name of the driver transporting the grease waste, and the name and address where the grease waste was delivered.

Section 1180.26 specifies the requirements for liability insurance or surety bond for transporters of inedible kitchen grease in compliance with section 19310 of the Food and Agricultural Code. This section specifies the required application forms, and that the proof of insurance shall be submitted together with the application or renewal of a transporter's registration. This section is

needed for clarity and consistency purposes to ensure transporters are in compliance with statutory requirements.

12) Add new Article 43 and sections 1180.27, 1180.28, 1180.29 and 1180.30.

The Department is adopting new Article 43 to specify the requirements for persons operating a collection center. A collection center means a receiving area for the temporary storage of animal carcasses, packinghouse waste, inedible kitchen grease, or other products before transportation to a licensed rendering plant.

Section 1180.27(a) specifies *that buildings* and facilities shall be constructed in accordance with section 1241, Division VI, Chapter 4A, Volume 1, Part 2, Title 24 of the California Building Code. All specifications for structures are under the jurisdiction of the California Building Standards Commission as specified in its building, plumbing, and electrical Codes.

Section 1180.27(b)(1), (2), and (3)(A), (B) and (C) specify the Department's requirements for the operation of a collection center. The requirements in this section are necessary to ensure the collection centers are operated and constructed in a way that promotes human and animal health and safety and environmental quality. Also, due to potential diversion to and contamination of establishments that slaughter and process animals for human consumption, it is important that the collection center operate no less than 1000 yards from those facilities. Collection centers that operate within 1000 yards of a slaughter facility, as of January 1, 2012, shall be exempt from this requirement. These requirements are necessary for the safe and sanitary operation of a collection center.

Section 1180.27(b)(4) specify that plumbing and drainage systems shall be approved by the county or city where they are located. This requirement is to prevent hazards to animal and human health and to the environment.

Section 1180.27(b)(5) and (6) and (c) and (d), clearly specify the facility requirements for collection centers. Due to sanitation and environmental concerns, it is necessary for the Department to specify the containers for packing house waste, equipment, plumbing and drainage systems, the handling of waste water, washing and cleaning of slabs, floors, walls, equipment, and the cleaning of the transport vehicles. Plumbing and drainage systems shall function properly and be maintained to prevent nuisances, environmental hazards, and human or animal health hazards. They shall have hot water and equipment available to clean floors, grounds, and other areas and surfaces where grease may have been spilled, again, for the prevention of creation of any hazardous areas in the facility.

Section 1180.27(e) applies to collection centers where animal materials and inedible kitchen grease are not stored in sealed, leak-proof containers. In such cases, a building is required. Subsection (e) also contains a compliance date of January 1, 2018 to ensure persons operating such a collection center have adequate notification of the requirements as specified. A building is required where materials are exposed in order to prevent hazards to animal and human health and to the environment.

Section 1180.27(f) applies to collection centers where animal materials and inedible kitchen grease are stored in sealed, leak-proof containers. Such collection centers are not required to have buildings but the containers must be on a properly constructed slab. A building is not required because materials are not exposed to the environment. However, a slab is required because of the potential for spillage of contents from containers during handling.

Section 1180.27(g) applies to collection centers where the only activity is storage of inedible kitchen grease in tanker trucks or tanks on trailers. This section provides an exemption from requiring a building or slab if the requirements are met as specified in subsections (1), (2) and (3). These requirements are necessary to ensure materials at a collection center to not create a nuisance, an environmental hazard, or a hazard to human or animal health.

Section 1180.28(a)(1), (2), (3), and (4), and (b) and (f) provide specified information on the operation of a collection center, and provide the types of operations that are considered collection centers that must be licensed by the Department. These requirements are necessary to ensure facilities are properly licensed and are operating in a safe and efficient manner.

Section 1180.28(c), (d), and (e) provide requirements for collection centers where carcasses are skinned prior to delivery of such carcasses to a licensed renderer. These requirements are necessary to ensure that meat from animals that died other than by slaughter is not diverted to human or animal food channels.

Section 1180.29(a) and (b) specify that collection centers must keep all buildings and facilities free from all types of vermin, including flies, rats, mice, or prevent any condition that may cause the facility to be unsanitary. These requirements are necessary to protect human and animal health and to prevent the creation of a nuisance.

Section 1180.30(a)(1), (2), (3), (4) and (5), and (b) specify that a collection center must keep and maintain records for at least one year of the animal carcasses that were received, the species and quantity, name and address where the carcasses were obtained, so forth. The requirements are necessary for enforcement purposes, and to authorize the Department to inspect the written records upon demand should any problems or inconsistencies occur at a collection center.

13) Add new Article 44 and sections 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, and 1180.39.

The Department is adding new Article 44 and the heading “Renderers” to specify the requirements for renderers in accordance with Food and Agricultural Code sections 19300, 19301, and 19302.

Section 1180.31(a) specifies that a rendering establishment must be physically separate and distinct from any establishment where meat, poultry, meat byproducts, and/or poultry byproducts are handled or any other business at the discretion of the Department. This requirement is necessary to ensure that meat from animals that died other than by slaughter is not diverted to human or animal food channels.

Section 1180.31(b) specifies that rendering establishments that receive carcasses from any source other than a slaughter facility on the same premises shall not operate within 1000 yards of a facility that slaughters livestock or other animals for human consumption. Rendering establishments that are licensed and operating within 1000 yards of a slaughter facility on January 1, 2012 are not be required to comply with this restriction. This requirement is necessary to ensure that meat from animals that died other than by slaughter is not diverted to human or animal food channels.

Section 1180.31 also includes the authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.32 lists requirements specific to renderers that convert inedible kitchen grease into fuel or a constituent of fuel.

Section 1180.32(a), (b) and (c) specifies requirements for licensure as a renderer for persons who wish to convert inedible kitchen grease into fuel or a constituent of fuel. These requirements are necessary to distinguish these renderers from renderers who manufacture products used in agriculture and for cosmetics or other personal care products that could pose a risk to human and animal health.

Section 1180.32(d) states that renderers that convert inedible kitchen grease into fuel or a constituent of fuel must list vehicles that transport inedible kitchen grease on appropriate forms provided by the Department. This requirement is necessary for tracking and enforcement purposes.

Section 1180.32(e), (f)(1) and (2), (g) and (h) specifies that buildings shall be constructed in accordance with the specified section of the California Building Code, that a slab be provided that meet specified requirements, that hot water be available for cleaning, and that lavatories be provided. These requirements are necessary to protect human and animal health and to prevent the creation of a nuisance.

Section 1180.33(a), (b), (c), (d), (e) and (f) specifies the requirements for buildings and facilities for rendering establishments that render packinghouse waste, carcasses, and other animal tissue. These requirements are necessary to ensure the construction, grounds, floors, rooms, so forth, comply with the specified sections of the California Building Code and to ensure sanitary processing of all products processed at rendering plants. This section also includes the authority and reference citations pursuant to Government Code section 11349.1.

Section 1180.34(a) and (b) specifies the requirements for rendering plants that process animal material and inedible kitchen grease where the products of rendering are used in animal feed or for other products used in agriculture. Raw materials must be treated, using a written and verifiable process control plan, to produce products that are free of any microorganisms that could be pathogenic to humans or animals. This section also authorizes the Department to require that product not properly treated be destroyed or re-processed and also allows the Department to approve or disapprove process control plans. These requirements are necessary to protect human and animal health.

Section 1180.35(a), (b), and (c) specifies that all vehicles used for transport of livestock or grease waste must be kept clean and that vehicle cleaning areas comply with the specified sections of the California Building Code and don't create a nuisance. These requirements are necessary to protect human and animal health and to prevent the creation of a nuisance.

Section 1180.36(a) through (g) specifies that raw and finished products must be kept separate to avoid any possible contamination of the finished product. This section also specifies needed requirements for keeping the plant premises clean and sanitary to ensure products are not contaminated and to avoid any possible contamination of the grounds and environment. These requirements are necessary to protect human and animal health and to prevent the creation of a nuisance.

Section 1180.37 specifies the requirements for handling containers at a rendering establishment. Containers shall be kept clean and in good repair and a Departmental employee

may apply a California Rejected tag onto the container until it is properly cleaned or repaired as needed. These requirements are necessary to protect human and animal health and to prevent the creation of a nuisance.

Section 1180.38(a) and (b) specifies the required permit if any animal material that has not been rendered is removed from a rendering establishment. The requirements are needed for tracking purposes so the Department is aware of the materials that are not processed; why they cannot be processed, such as, a power outage, or other event; and where they are taken for processing. Applicants are to use the specified MPI form to apply for a permit from the Department. These requirements are necessary prevent diversion of inedible/condemned material in order to protect human and animal health.

Section 1180.39(a)(1), (2), and (3), (b) and (c) specified that all rendering records shall be kept and maintained for at least two years. The requirements are needed for tracking animal carcasses received at the facility and to authorize the Department to inspect the records as needed.

14) Renumber the heading of Article 44 and sections 1180.31, 1180.32, and 1180.33.

The Department is renumbering Article 44 to read Article 45 in this subchapter.

Renumber section 1180.31 to read 1180.40. No amendments are proposed at this time to this section.

Renumber section 1180.32 to read 1180.41. No amendments are proposed at this time to this section.

Renumber section 1180.33 to read 1180.42. No amendments are proposed at this time to this section.

15) Renumber section 1180.34 of Article 46.

Section 1180.34 is renumbered to read 1180.43. No amendments are proposed at this time to this section.

16) Renumber sections 1180.35 and 1180.36 of Article 47.

Renumber section 1180.35 to read 1180.44. No amendments are proposed at this time to this section.

Renumber section 1180.36 to read 1180.45. No amendments are proposed at this time to this section.

17) Renumber sections 1180.37, 1180.38, 1180.39, 1180.40 and 1180.41 of Article 48.

Renumber section 1180.37 to read 1180.46. No changes are proposed to this section at this time.

Renumber section 1180.38 to read 1180.47. No changes are proposed to this section at this time.

Renumber section 1180.39 to read 1180.48. No changes are proposed to this section at this time.

Renumber section 1180.40 to read 1180.49. No changes are proposed to this section at this time.

Renumber section 1180.41 to read 1180.50. No changes are proposed to this section at this time.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT

- MPI Form 79-005A (Rev. 12/04), Dead Animal Hauler License Application
- MPI Form 79-006A (Rev. 11/08), Collection Center License Application
- MPI Form 79-007A (Rev. 11/07), Licensed Renderer Application
- MPI Form 79-012A(1) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application
- MPI Form 79-012A(2) (Rev. 02/10) Personal Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application
- MPI Form 79-012A(3) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Interceptor/Trap Grease) Transporter Registration Application
- MPI Form 79-012A(4) (Rev. 02/10) Commercial Use Inedible Kitchen Grease (Used Cooking Oil) Transporter Registration Application
- MPI Form 79-015 (Rev. 08/08), Driver/Vehicle Information for Renderers
- MPI Form 79-015A (Rev. 08/08), Registration of Transporters Of Inedible Materials
- MPI Form 79-016A (Rev. 12/04), Inedible Permit Application.
- MPI Form 79-019A (Est. 08/07), Inedible Kitchen Grease Renderer Application
- MPI Form 79-020 (Rev. 08/08), Driver/Vehicle Identification for Collection Centers
- MPI Form 79-028 (Rev. 01/75), California Retain/Reject Tag
- MPI Form 79-121 (04/10), Permit Request To Dispose of Carcass(es) At A Landfill
- MPI Form 79-122 (04/10), Permit To Transport Carcass(es) To A Landfill
- Division VI, Chapter 4A, Volume 1, Part 2, Title 24, California Building Code (2007).

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This proposed regulation does mandate the use of specific technologies or equipment in accordance with the standards of the rendering industry.

CONSIDERATION OF REASONABLE ALTERNATIVES

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department of Food and Agriculture would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed regulation.

REASONABLE ALTERNATIVES THE DEPARTMENT HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Department has not identified any reasonable alternatives to the proposed action and no adverse impacts to small business are expected as a result of this proposed action. The anticipated compliance requirements are as follows:

- There are existing costs for license and registration application and renewal, which are specified in statute, including two enforcement fee categories for transporters of inedible kitchen grease which became effective January 1, 2009, for commercial use, and a reduced fee for persons transporting inedible kitchen grease for noncommercial use.
- The record keeping requirements include standard business records for persons engaged in the rendering industry, such as, receipts, logs, accounting records and inspection records.
- The paperwork/reporting requirements include application forms for licensure, vehicle registration, survey forms, and schedule of operation forms that are provided by the Department and must be submitted to Department as specified in this proposal.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are various federal rules and regulations relating to slaughter and processing establishments inspected by the USDA. However, there are no comparable federal rules and regulations for standards and requirements for State-licensed and inspected rendering establishments, collection centers, dead animal haulers and registered transporters of inedible kitchen grease.