

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE – ANIMAL SERVICES DIVISION

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 7 A.A.R. 4782, October 19, 2001

2. Sections Affected

R3-2-206

Rulemaking Action

Amend

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 3-107 (A)(1), 3-1203(B)(1)

Implementing statutes: A.R.S. §§ 3-2046, 3-2081

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sherry D. Blatner, Rules Specialist

Address: Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking conforms the Department's rules regarding disposal of dead animals with rules promulgated by the Department of Environmental Quality, provides additional safeguards for health issues related to dead animals, and clarifies existing language.

6. An explanation of the substantial change which resulted in this supplemental notice:

R3-2-206(A)(3) of the Notice of Supplemental Proposed Rulemaking establishes a denaturing requirement for a carcass with the hide, hair, or pelt still on the carcass if it was from an official state or federal slaughter establishment. This requirement was not fully stated in the Notice of Proposed Rulemaking. The new language prescribes the explicit denaturing requirement.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to training staff and educating the regulated community on the amendments.

B. *Political Subdivision.*

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Implementation of this rulemaking will increase the number of animal carcasses disposed of at registered sanitary landfills, some of which are municipally owned. However, the Department of Environmental Quality rules already permit the disposal of large animals at these landfills.

C. Businesses Directly Affected By the Rulemaking.

Businesses licensed to transport animal carcasses will be permitted to dispose of the carcasses at sanitary landfills registered with the Arizona Department of Environmental Quality. Animals that die from anthrax or a foreign animal disease may be disposed of only as directed by the State Veterinarian.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sherry D. Blatner
Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, Arizona 85007
Telephone: (602) 542-0962
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10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department of Agriculture will schedule a public hearing if a written request for a public hearing is made to the person in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE

ANIMAL SERVICES DIVISION

ARTICLE 2. MEAT AND POULTRY INSPECTION

Section

R3-2-206. Purchase, Sale, Collection, Transportation, Disposition, and Use of Meat or Meat Food Products; Dead Animals; Animal Bone, Animal Fat, ~~Animals~~ Animal Offals

ARTICLE 2. MEAT AND POULTRY INSPECTION

R3-2-206. Purchase, Sale, Collection, Transportation, Disposition, and Use of Meat or Meat Food Products; Dead Animals; Animal Bone, Animal Fat, ~~Animals~~ Animal Offals

- A.** No person shall buy, sell, offer for sale, store, transport, receive, or collect any meat or meat food product except as provided in this subsection.
1. Any of the following meat or meat food products may be bought, sold, or offered for sale as animal food and may be stored, transported, received, or collected anywhere within the state:
 - a. Any meat or meat food product which has been processed in an animal food manufacturing plant licensed by the Department;
 - b. Any meat or meat food product which has come from an animal that has died by slaughter or has been approved or passed for animal food by either state or federal meat inspectors;
 - c. Any meat or meat food product which has been thoroughly cooked at a minimum temperature of 180° F for 30 minutes and has been certified by state or federal meat inspectors having jurisdiction at the place of processing.
 2. A carcass with the hide, hair, or pelt still on the carcass may be bought, sold, offered for sale, collected and transported to, or received or stored by the following only:
 - a. A rendering or tallow plant,

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- b. A state or county diagnostic laboratory or crematory, or
 - c. An animal food manufacturing plant, or
 - d. A landfill registered with the Arizona Department of Environmental Quality.
3. Any meat or meat food product described in ~~subsections~~ subsection (A)(1) and (2) or a carcass with the hide, hair, or pelt still on the carcass from an official state or federal slaughter establishment shall be denatured with a denaturant that will not leave a toxic residue and is removable when steam is distilled at atmospheric pressure.
4. Any meat or meat food product that has been condemned by state or federal meat inspectors shall be treated as provided in 9 CFR 314.3, which has been incorporated by reference in R3-2-202, and may be disposed of as provided in that rule or may be collected and transported to or received and stored in a rendering or tallow plant or a state or county diagnostic laboratory or crematory.
- B.** A person engaged commercially in the collection or transportation of dead animal carcasses or inedible meat shall be registered with the Department as a dead animal hauler and shall maintain and keep all records for such period of time as required by ~~R3-2-203(C)~~ R3-2-203(C).
- C.** All vehicles and other means of conveyance used to transport dead animal carcasses or inedible meat shall be leak proof, constructed of impervious materials that permit thorough cleaning and sanitizing, and equipped to assure the control of insects and odors and prevent the spread of disease. In addition, the Department of Environmental Quality vehicle requirements prescribed in R18-13-310(A) and (B) shall apply.
- D.** Except as provided in subsection (E), ~~A~~ a dead animal carcass may be ~~processed~~ rendered or made into animal food only at a licensed rendering or an animal food manufacturing plant as prescribed in A.R.S. § 3-2088 and this Article.
- E.** Dead animals diagnosed with anthrax or a foreign animal disease shall be handled as directed by the State Veterinarian.
- E.F.** Discarded animal bone, animal fat, and animal offals generated by wholesale food manufacturers shall be transported, ~~and~~ received, and rendered only by a:
- 1. ~~licensed~~ Licensed rendering plant, or
 - 2. Landfill, as prescribed in subsection (A)(2)(d).