



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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April 1, 2011

Douglas Hepper, DVM, Chief  
Department of Food and Agriculture  
Meat and Poultry Inspection Branch  
1220 N Street, Room A-125  
Sacramento, CA 95814

Re: PROPOSED REGULATIONS FOR RENDERERS, COLLECTION CENTERS, DEAD  
ANIMAL HAULERS, AND TRANSPORTERS OF INEDIBLE KITCHEN GREASE

Dear Dr. Hepper,

The California Department of Resources Recycling and Recovery (CalRecycle) offers these comments on the California Department of Food and Agriculture's (CDFA) proposed regulations for Renderers, Collection Centers, Dead Animal Haulers, and Transporters of Inedible Kitchen Grease (dated 2-8-11).

On June 4, 2010, CDFA released for public comment proposed regulations (dated 5-24-10) that pertained to the same or similar subject matter as the recently released 2-8-11 regulations. In January 2011, CDFA withdrew and discontinued the 5-24-10 regulations and initiated a plan to reintroduce the subject matter of regulations in three parts: 1. Traditional rendering oversight (Part 1), 2. Inedible Kitchen Grease manifest system (Part 2), and 3. Areas of CDFA/CalRecycle commonality (Part 3). CalRecycle understands that CDFA intends the 2-8-11 regulations to pertain only to part 1, traditional rendering oversight. It is with this understanding that we offer the following comments.

It is apparent that CDFA has taken strides to limit the major subject matter of the Part 1 rulemaking to issues related to traditional rendering oversight. However, there are a few proposed changes that still raise questions about whether or not the regulations would apply to activities regulated by CalRecycle. We believe that the regulated community, other stakeholders, and our agencies would be better served by postponing these types of changes (i.e. those that affect areas of commonality, overlap, duplication, etc., between CalRecycle and CDFA) until CDFA initiates Part 3 of the rulemaking. This would allow the time and the opportunity for a full and open discussion of the issues, which we believe was CDFA's intended purpose for separating the rulemaking into three parts.

To directly address the questions of applicability, CalRecycle recommends CDFA place a definitive, overarching statement at the beginning of the regulation text that clarifies nothing in the Part 1 rulemaking applies to activities regulated by CalRecycle [see suggested text below]. CDFA could modify or remove the statement, as appropriate and necessary, during Part 3 the rulemaking.

Further, we believe clarity (again with respect to applicability) can be gained by deferring certain specific changes to Part 3. As drafted, the proposed regulations defines "In the business of operating a collection center" (Section 1180(b)(14), pg. 4) in part as, operating a facility that temporarily stores dead livestock or poultry, **packinghouse waste, or other animal products** [emphasis added]. When looked at together with the proposed definition of "Packinghouse waste" (Section 1180(b)(20), pg. 4.), which could include



meat scraps, fat, bones and other animal materials from retail stores and other commercial facilities, the definition of "In the business of operating a collection center" could reasonably be interpreted to include solid waste transfer stations that are regulated by CalRecycle and CalRecycle-certified local enforcement agencies. We recommend that the first half of the proposed definition of "In the business of operating a collection center" be deleted.

The second half of the definition related to the temporary storage of small amounts of household-generated inedible kitchen grease would be useful and could be retained by moving it to another section of the regulations, as suggested below under Proposed Text Changes. Please note that we offer suggested revisions to this part of the proposed text that would associate the authority under which a conversion facility operates to the enabling legislation rather than tying the authority to the permitting agencies. The enabling legislation is broader-based and less likely to change over time, which could avoid the need for CDEA to revise regulations in the future.

### **Proposed Text Changes**

"Nothing in these standards applies to any person, business entity, or public agency that requires authorization to operate pursuant to the Integrated Waste Management Act (Public Resources Code 40000 et seq.)."

#### Section 1180. Definitions.

(a)  
~~—(14) "In the business of operating a collection center" means operating a facility that temporarily stores dead livestock or poultry, packinghouse waste, other animal products, or inedible kitchen grease delivered from any location not owned by or under the control of the operator prior to transporting such material to a licensed renderer or pet food facility in accordance with Food and Agricultural Code section 19300.5. "In the business of operating a collection center" does not include a public entity that operates a facility for the temporary storage of small amounts of inedible kitchen grease derived from and delivered by households before delivery of such inedible kitchen grease to a licensed renderer or to a conversion facility operating under a permit issued by a local enforcement agency under the authority of the California Department of Resources, Recycling, and Recovery. Such a temporary storage facility shall not have over 165 gallons of inedible kitchen grease on its premises at any time.~~

#### Section 1180.28. Operations at Collection Centers.

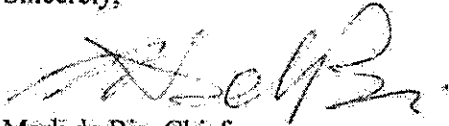
A public entity that operates a facility for the temporary storage of 165 gallons or less (at any time) of inedible kitchen grease derived from and delivered by households before delivery of such inedible kitchen grease to a licensed renderer or to a conversion facility authorized to operate pursuant to the Integrated Waste Management Act (Public Resources Code 40000 et seq.) is not subject to the requirements of this section.

CalRecycle is responsible for the regulation of solid waste, including the operation of landfills, transfer-processing stations, material recovery facilities, compost facilities, and waste to energy facilities. CalRecycle's statutory authority stems from the California Integrated Waste Management Act, which is set forth in Public Resources Code, Division 30 (§§ 40000 et seq.). Statute specifies that no person shall operate a solid waste facility without a solid waste facilities permit. A "solid waste facility" includes, among others, a solid waste transfer or processing station, a composting facility, and a disposal facility. Under its statutory authority CalRecycle adopts regulations establishing standards for solid waste handling, transfer, composting, transformation, and disposal. These regulations are found in California Code of Regulations, Title 14 (14 CCR), Division 7 (§§ 17000 et seq.), and Title 27, Division 2 (§§ 20005 et seq.). The regulations include facility design and operational standards for the protection of public health and safety and the environment. The standards address potential issues associated with vectors, odors, litter, dust, noise, landfill gas, leachate, traffic, nuisance and others. These regulations have been in place for several decades and have been effective in preventing health and environmental problems associated with the handling, processing and disposal of solid waste. CalRecycle can, as

necessary, amend or otherwise revise these regulations to address the need to provide better public health, safety and environmental protection.

If you have any questions in the meantime, please contact me at (916) 341-6331, [mark.debie@calrecycle.ca.gov](mailto:mark.debie@calrecycle.ca.gov) or Robert Holmes at (916) 341-6376, [robert.holmes@calrecycle.ca.gov](mailto:robert.holmes@calrecycle.ca.gov).

Sincerely,



Mark de Bie, Chief  
Permitting and Assistance Branch  
Permits and Certification Division  
California Department of Resources Recycling and Recovery

Cc: Annette Whiteford, State Veterinarian and Director - Animal Health and Food Safety Services  
Division, CDFA



## TITLE 3. FOOD AND AGRICULTURE

### NOTICE OF A REQUESTED HEARING

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) has proposed changes to various sections of Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations. The proposal was published in the *California Regulatory Notice Register* on February 18, 2011 [Register 2011, No. 7-Z] but no hearing was scheduled. The Department has received a request for a public hearing; therefore, the hearing will be held in accordance with Government Code section 11346.8 for the proposal relating to the regulation of rendering establishments, collection centers, dead animal haulers, and transporters of inedible kitchen grease.

Food and Agricultural Code section 407 authorizes the 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. Chapter 5 (commencing with section 19200), of Part 3, Division 9, of the Food and Agricultural Code, authorizes the Department to regulate, in part, the rendering industry, which includes, collection centers, dead animal haulers, and transporters of inedible kitchen grease. Rendering establishments and collection centers are exempt from inspection by the United States Department of Agriculture but require inspection in California. Dead animal haulers and transporters of inedible kitchen grease are required to be registered with the Department.

This proposal makes various changes to the regulation of rendering establishments, collection centers, dead animal haulers, and transporters of inedible kitchen grease under Subchapter 2 (commencing with section 1180) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations. 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 and incorporates by reference specified standards from the 2007 California Building Code.

#### Hearing Date, Time, Location

April 29, 2011  
9:00 a.m. – 12:00 p.m., or until all public comments have been received  
Department of Food and Agriculture  
1220 N Street, 1<sup>st</sup> Floor Auditorium  
Sacramento, CA 95814

#### Public Comments

Comments shall be presented at the hearing on April 29, 2011. Written comments may be faxed or emailed by 5:00 p.m., April 29, 2011 to the contact person named in this Notice. Any person who submitted a written comment during the 45-day public comment period ending April 4, 2011, which has been extended through April 20, 2011, [as published in the *California Regulatory Notice Register* on March 25, 2011, Register 2011, No. 12-Z] remains in the Department's official rulemaking file.

#### Contact Persons

Inquiries concerning the substance of the proposed regulations are to be addressed to: Douglas Hepper, DVM, Branch Chief, Department of Food and Agriculture, Meat and Poultry Inspection Branch, 1220 N Street, Room A-125, Sacramento, CA 95814, Telephone (916) 654-0504.

The backup contact person is: Nancy Grillo, Regulation/Legislation Coordinator, Department of Food and Agriculture, Animal Health and Food Safety Services, 1220 N Street, Room A-114, Sacramento, CA 95814, Telephone (916) 651-7280.

#### Website Access

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov/ahfss/regulations.html>



## TITLE 3. FOOD AND AGRICULTURE

### NOTICE OF EXTENSION TO THE 45-DAY PUBLIC COMMENT PERIOD

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest published in the California Regulatory Notice Register [Notice File No. Z2011-0208-14, Register No. 7-Z, February 18, 2011], relating to the Meat and Poultry Inspection Branch rendering program.

The 45-day public comment for this proposal began February 18, 2011 and will end at 5:00 p.m. on April 4, 2011. This public comment period is extended until 5:00 p.m. on April 20, 2011.

#### Authority and Reference:

Authority cited: Sections 407, 19380, 19381, 19382, 19383, 19384, and 19385, Food and Agricultural Code; Reference: Sections 19227, 19228, 19240, 19260, 19280, 19300, 19300.5, 19301, 19302, 19303, 19305, 19310, 19310.5, 19310.7, 19312, 19313.1, 19313.5, 19313.8, 19315, 19320, and 19321, of said Code

Sections Affected: Various sections of Subchapter 2, Chapter 4, Division 2, of Title 3, California Code of Regulations.

Written comments are to be addressed to the following persons. All written comments already received for this proposal will become a part of the Department's official rulemaking file and will be reviewed and responded to by Departmental staff as part of the compilation of the rulemaking file.

Douglas Hepper, DVM, Chief  
Department of Food and Agriculture  
Meat and Poultry Inspection Branch  
1220 N Street, Room A-125  
Sacramento, CA 95814  
Telephone: (916) 654-0504  
Fax: (916) 654-2608  
Email: DHepper@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814  
Telephone: (916) 651-7280  
Fax: (916) 653-4249  
E-mail: NGrillo@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>

The first part of the report is devoted to a description of the work done during the year. It is divided into two main sections, the first of which deals with the work done in the laboratory and the second with the work done in the field. The first section is divided into three parts, the first of which deals with the work done in the laboratory during the year, the second with the work done in the laboratory during the year, and the third with the work done in the laboratory during the year.

The second section of the report deals with the work done in the field. It is divided into two parts, the first of which deals with the work done in the field during the year, and the second with the work done in the field during the year.

The third section of the report deals with the work done in the laboratory during the year. It is divided into three parts, the first of which deals with the work done in the laboratory during the year, the second with the work done in the laboratory during the year, and the third with the work done in the laboratory during the year.

The fourth section of the report deals with the work done in the field during the year. It is divided into two parts, the first of which deals with the work done in the field during the year, and the second with the work done in the field during the year.

The fifth section of the report deals with the work done in the laboratory during the year. It is divided into three parts, the first of which deals with the work done in the laboratory during the year, the second with the work done in the laboratory during the year, and the third with the work done in the laboratory during the year.

The sixth section of the report deals with the work done in the field during the year. It is divided into two parts, the first of which deals with the work done in the field during the year, and the second with the work done in the field during the year.

The seventh section of the report deals with the work done in the laboratory during the year. It is divided into three parts, the first of which deals with the work done in the laboratory during the year, the second with the work done in the laboratory during the year, and the third with the work done in the laboratory during the year.

The eighth section of the report deals with the work done in the field during the year. It is divided into two parts, the first of which deals with the work done in the field during the year, and the second with the work done in the field during the year.

The ninth section of the report deals with the work done in the laboratory during the year. It is divided into three parts, the first of which deals with the work done in the laboratory during the year, the second with the work done in the laboratory during the year, and the third with the work done in the laboratory during the year.



### TITLE 3. FOOD AND AGRICULTURE

#### NOTICE OF A DOCUMENT ADDED TO THE RULEMAKING FILE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (Department), Meat and Poultry Inspection Branch (MPI), has added a Revised Initial Statement of Reasons to its rulemaking file. The rulemaking file pertains to the proposed action described in the Informative Digest published in the California Regulatory Notice Register on February 18, 2011 [Notice File No. Z2011-0208-14, Register 2011, No. 7-Z] relating to the MPI Rendering Program.

The Revised Initial Statement of Reasons has been added to the rulemaking file pursuant to Government Code sections 11346.8(d), 11346.9(a)(1) and 11347.1.

The Revised Initial Statement of Reasons is available for public inspection at the Department's headquarters office located at 1220 N Street, Room A-125, Sacramento, California, from April 5, 2011 and ending April 20, 2011, between the hours of 8:00 a.m. and 5:00 p.m. The document will also be made available on the Department's regulatory web page: [www.cdffa.ca.gov/ahfss/regulations.html](http://www.cdffa.ca.gov/ahfss/regulations.html)

Written comments regarding the original proposal.

All written comments already received for this proposal during its original public notification period beginning February 18, 2011 and ending at 5:00 p.m., April 4, 2011, (extended to 5:00 p.m., April 20, 2011 as published in the California Regulatory Notice Register: 2011, No. 12-Z, March 25, 2011) will become a part of the Department's official rulemaking file.

Written comments regarding the document added to the rulemaking file.

If any person wishes to comment on the document added to the rulemaking file, the written comment must be received or postmarked no later than 5:00 p.m., April 20, 2011 to the following.


Douglas Hepper, DVM, Chief  
Department of Food and Agriculture  
Meat and Poultry Inspection Branch  
1220 N Street, Room A-125  
Sacramento, CA 95814

The backup contact person is:

Nancy Grillo, Associate Analyst  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street, Room A-114  
Sacramento, CA 95814

All written comments received or postmarked by April 20, 2011 which pertain to the document added to the rulemaking file will be reviewed and responded to by Departmental staff as part of the compilation of the rulemaking file.

Dated: March 28, 2011

  
Douglas Hepper, DVM, Chief  
Meat and Poultry Inspection Branch



## Mary Pitto

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**From:** Sweetser@aol.com  
**Sent:** Sunday, May 01, 2011 1:48 PM  
**To:** Mary Pitto  
**Subject:** Fwd: CDFA Meeting w/Renderers

FYI

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From: [chuckhelget@msn.com](mailto:chuckhelget@msn.com)  
To: [cwhite1@wm.com](mailto:cwhite1@wm.com), [KJJensen@shilobby.com](mailto:KJJensen@shilobby.com), [Robert.Holmes@CalRecycle.ca.gov](mailto:Robert.Holmes@CalRecycle.ca.gov), [roster@recology.com](mailto:roster@recology.com),  
[rmule1@wm.com](mailto:rmule1@wm.com), [scottsmithline@cawrecycles.org](mailto:scottsmithline@cawrecycles.org), [kkeene@counties.org](mailto:kkeene@counties.org), [Sweetser@aol.com](mailto:Sweetser@aol.com),  
[nicklapis@cawrecycles.org](mailto:nicklapis@cawrecycles.org), [nicklapis@cawrecycles.org](mailto:nicklapis@cawrecycles.org), [matt@mattcotton.com](mailto:matt@mattcotton.com), [neil@edgarinc.org](mailto:neil@edgarinc.org), [jka@Astor-Kingsland.com](mailto:jka@Astor-Kingsland.com), [enviropablo@sbcglobal.net](mailto:enviropablo@sbcglobal.net)  
Sent: 4/29/2011 10:48:44 A.M. Pacific Daylight Time  
Subj: Re: CDFA Meeting w/Renderers

The message below essential captures the comments that I made at the CDFA Hearing this morning and I apologize for not getting this out sooner in the form of a letter. CalRecycle, Bob Holmes, was at the hearing and made similar comments. CalRecycle also submitted written comments and Bob will be sending out a copy of their letter.

There were no problem comments from the renderers. EBMUD testified regarding there ability to accept chicken blood and several other IKG related issues. Doug Hepper indicated that they initially thought the regulations would not be controversial but they have received numerous comments so they will be going out with at least another 15-day comment period.

\* Support breaking the regulations into three phases and the regulations attempt to increase restrictions on handling, hauling and processing IKG. However, Phase 1 was supposed to be noncontroversial and technical in nature and as we read these regulations, they still contain controversial and nontechnical issues. Our concerns include:

\* Section 1180(b)(14) defines collection center and exempts temporary storage from the definition. Temporary storage however is limited to IKG collected a stored at a facility operated by a public entity storing IKG derived from or delivered from households before delivery to a licensed renderer or a conversion facility permitted under authority of CalRecycle. That facility may store no more than 165 gallons. This section also appears to limit collection centers that temporarily stores <sup>3</sup>other animal products<sup>2</sup> before being shipped to a licensed renderer.

Since the solid waste industry may not be delivering animal products to a licensed renderer, are we exempt? Why is the temporary storage of IKG limited to public entities, households and 165 gallons?? This section should be removed and handled during Phase 3.

\* Section 1180.1 (i) still appears to be a broad restriction on <sup>3</sup>...transporting parts or products of animals not intended for human food..<sup>2</sup> without a CDFA license.

That is obviously a major concern if I read that section correctly. We have raised this issue for the past year and understood that this issue would be

resolved in Phase 3.

\* POTW's are handling IKG are exempt from the definition of renderer in Section 1180.1 (m).

What about privately owned digeters?

\* Section 1180.23 seems to allow IKG to be accepted by facilities authorized to accept IKG under the IWMA and permitted by CalRecycle.

Does this conflict with Section 1180(14) since 1180(14) appears to require us to get a collection center permit? This section should be removed and handled as part of Phase 3.