

Approved: 2-16-99  
Date

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT

The meeting was called to order by Chairperson Joann Freeborn at 3:30 p.m. on January 28, 1999 in Room 423-S of the Capitol.

All members were present except: Rep. Henry Helgersen - excused  
Rep. Dennis McKinney - excused  
Rep. Douglas Johnston - excused

Committee staff present: Raney Gilliland, Legislative Research Department  
Mary Torrence, Revisor of Statutes  
Mary Ann Graham, Committee Secretary

Conferees appearing before the committee: Duane Larkins, Rt 1 Box 118, Chester, NE 68327  
Dan Emmot, RR 4 Box 21, Beloit, KS 67420  
Representative Tom Sloan, State Capitol, Rm 446-N,  
Topeka, KS 66612  
Tom Clayman, 3413 E. Blanchard, Hutchinson, KS 67501  
Tom Menousek, National By-Products, 2155 N. Mosley,  
Wichita, KS 67214  
Donald DeSmet, Darling International, Inc., 685 Adams  
Street, Kansas City, KS 66105

Others attending: See attached list

Chairperson Joann Freeborn called the meeting to order at 3:30 p.m. She asked if there was a motion to approve the minutes of the January 14<sup>th</sup> and 19<sup>th</sup> committee meetings.

Rep. Gerry Ray made a motion the minutes be approved. Rep. Bill Light seconded the motion. Motion carried.

The Chairperson announced there was a sign up sheet available if anyone would like to have additional copies of the 1998 Annual Reports to the Legislature from the Division of Environment, KDHE. She asked if anyone had bill requests.

Rep. Gerry Ray requested a bill which would amend the Kansas Recreational Trails Act. (See attachment 1)

Rep. Gerry Ray made a motion the bill be introduced. Rep. Lisa Benlon seconded the motion. Motion carried.

Chairperson Freeborn welcomed Edward Moses, KS Aggregate Producers' Association, to the committee. He requested a bill supplementing the Kansas Water Appropriation Act. (See attachment 2)

Rep. Vaughn Flora made a motion the bill supplementing the Kansas Water Appropriation Act; concerning appropriation of water for sand and gravel projects, be introduced. Rep. Clay Aurand seconded the motion. Motion carried.

Chairperson Freeborn reviewed the agenda for next week, February 2 and 4. On Tuesday, February 2, hearings will be held on **HB2103** - Concerning certificates of completion of hunter education; **HB 2104** - Concerning controlled shooting areas; and **HB 2124** - Concerning solid waste; relating certain accumulations of discarded materials. It will also be the last day for committee and agency bill requests. On Thursday, February 4, a review on status of Abandoned Oil and Gas Wells and Remediation Sites by Maurice Korphage, Director, Conservation Division, KCC; and a review on Total Maximum Daily Loads by Thomas Stiles, Director, Planning and Prevention, KDHE.

She opened the hearing on **HB2021**.

**HB2021: An act concerning rendering plants; relating to acceptance of certain refuse.**

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ENVIRONMENT, Room 423-S Statehouse, at 3:30 p.m. on January 28, 1999.

Raney Gilliland, Legislative Research Department, explained the bill.

The Chairperson recognized Rep. Tom Sloan. He provided testimony in support of the bill. (See attachment 3) The issue is refusal by Kansas Renderers to collect sheep offal (non-edible animal parts left after processing the meat). Included in Rep. Sloan's testimony are a number of letters with information from sheep producers and people within the sheep industry. He also distributed a letter from Kevin Varner, Veterinarian, with information from USDA:APHIS concerning sheep offal and rendering, and how the presence of sheep offal affects trade. (See attachment 4) Questions and discussion followed.

Duane R. Larkins, a Kansas resident with a Chester, NE address, was welcomed to the committee. He is a Republic county, Kansas, lamb producer and president of the Kansas Sheep Association. He provided testimony in support of the bill. (See attachment 5) He feels the lack of services of picking up sheep offal at the local packing facility is hurting the sheep industry both locally and on a national level.

Dan Emmot, Beloit, Sheep Producer, was welcomed to the committee. He testified in support of the bill and provided testimony. (See attachment 6) As past president of the Kansas Sheep Association he has had the opportunity to attend producer meetings around the state. He feels there is no scientific evidence to back up the rendering plants refusal to pick up sheep offal.

Tom Clayman, Hutchinson, was welcomed to the committee. He is a sheep producer and appeared in support of the bill. (No written testimony) He is concerned as to why rendering plants will not pick up his sheep offal. He feels there is no scientific proof that a lamb less than 1 year old can contaminate the offal and his business is faced with the problem of disposing of it.

Written testimony only was submitted by Jeff and Kerri Ebert, 10015 Flush Road, Saint George, Kansas 66535, in support of the bill. (See attachment 7)

Tom Menousek, National By-Products, Wichita, was welcomed to the committee. He provided testimony in opposition to the bill. (See attachment 8) He feels his company provides a rendering service that is an environmentally correct solution for the disposal of large quantities of inedible animal by-products and discussed the reasons he is opposed to the bill.

Donald DeSmet, General Manager, Darling International Inc., Kansas City, Kansas, appeared before the committee in opposition to the bill and provided testimony. (See attachment 9) He feels the bill as written is an attempt to force an independent business to offer and perform services, which it would not normally offer. This should not be the roll of government in a free enterprise system. Questions and discussion followed.

Assistant Secretary of Agriculture, Mary Jane Stattelman, in attendance, answered questions by the committee concerning inspections of rendering plants.

Chairperson Freeborn closed the hearing on **HB2021**. She announced that the review by the Kansas Water Office, which was scheduled to be heard today, will be rescheduled due to the lack of time.

The meeting adjourned at 4:50 p.m.

The next meeting is scheduled for February 2, 1999.

# HOUSE ENVIRONMENT COMMITTEE GUEST LIST

DATE: January 28, 1999

NAME	REPRESENTING
Jerry Duwall	Ks Water Office
David L. Eblund	Ks water office
TOM MENOUSEV	NATIONAL BQ, PRODUCTS
Butch Fosdick <sup>B. Zordich</sup>	National By Products
Patricia Bredt	KCCI
Don DoS...	Darling International
Cl Ruffey	Ks Water Office
<del>Leslie Kaufman</del>	KFB
Helene E. Rolp	Ks Dept of Agric.
Dalton Sisk Jara	KWA
Tom Clayman	Kansas Sheep Assn.
Tom Pope	Kansas Sheep Assc
David Emmott	Kansas Sheep Assoc.
Dwaine B. Perkins	Kansas Sheep Assn.
Tracy Stuch	SCL
David Mitchell	Economic Life Lines
Ed Rowe	League of Women Voters/KS
Jim Kang	Cities of Hays, Topeka
David...	SFLP

Al LeDoux

KWO

Glen Kirk

KWO

# BILL REQUEST

## Amendments to the Kansas Recreational Trails Act

The Kansas Recreational Trails Act was enacted in 1996. Among other things, the Act establishes maintenance and upkeep standards for trail sponsors, referred to in the Act as "responsible parties" who control recreational trails established under the National Trails System Act.

It has become clear that trail corridor in many areas of Kansas is not being maintained as the Kansas Recreational Trails Act requires. Certain portions of corridors in various Kansas counties are overgrown with weeds and brush, tressels left by the railroad are deteriorating, noxious weeds are inadequately controlled and fences are not maintained adequately. Adjacent landowners and potential trail users both suffer when corridors are neglected.

During the years since the Kansas Recreational Trails Act was signed into law, it has become evident that certain amendments to the Act would be helpful:

- Certain terminology used in the Act could be amended to clarify the statute and better relate the terminology to that currently used in federal rail banking proceedings.
- The provisions regarding fencing need clarification and a process for settling fencing disputes through the current county commission fence viewer process should be considered.
- Determination of the bonding/escrow and liability insurance amounts should be the responsibility of the County Commission.
- Certain time frames for completing notice, planning and maintenance/upkeep activities need to be established and/or modified.
- Inclusion of provisions for a public hearing/comment period prior to the trail sponsor/responsible party developing a final project plan for the trail should be considered.
- Provisions are needed within the Kansas Recreational Trails Act to address those situations where a trail sponsors/responsible party fails to comply with the requirements of the Act. Currently, there is no specific penalty section within the Act, other than referencing federal recourse possibilities. Without appropriate penalties, there is little, if any, incentive to comply with the Act.

If recreational trails are going to be established in Kansas, we need to provide the tools for insuring the are maintained in a safe, responsible manner. I believe the amendments I outlined will help in accomplishing this.

*House Environment  
1-28-99  
Attachment 1*



## SAND AND GRAVEL PROJECT PERMIT LEGISLATION

### K.S.A. 82a-734-Definitions

When used in this act, unless the context indicates otherwise, the following words shall have the following meanings:

- a) "Acceptable quality surface water" means surface water which will not degrade the quality of the groundwater source into which it is discharged.
- b) "Operator" means any person who engages in sand and/or gravel mining.
- c) "Project application" means an application filed with the Chief Engineer of the division of water resources, Kansas department of agriculture, to construct a sand and gravel project. The application shall show the entire net amount of groundwater evaporation which needs to be offset at the time that active mining ceases.
- d) "Project permit" means a permit issued by the Chief Engineer authorizing construction and operation of a sand and gravel project until the exhaustion of proven reserves or closure in according with the Mined Land Reclamation Act, K.S.A. 49-601 et seq. The permit will include authorization of: 1) the net average annual groundwater evaporation, 2) all non-consumptive uses of water at the project site, including hydraulic dredging, and 3) all consumptive uses of water in the project.

- e) "Proven reserves" means extractable sand and gravel deposits for which good estimates of the quantity and quality have been made by various means, such as core drilling.
- f) "Sand and gravel project" (hereinafter referred to as "project") means a project that 1) excavates overburden for mining sand and/or gravel, exposing the underlying groundwater table to evaporation, and 2) has a perimeter equal to or greater than its depth.
- g) "Unconsolidated regional aquifer" means a body of mostly unconsolidated and heterogeneous water-bearing deposits that are hydraulically and geographically contiguous and are capable of yielding water in sufficient quantities for beneficial use.
- h) "Stream channel aquifer" means unconsolidated water-bearing deposits in river valleys, flood plains, and terraces that are separate and distinct from any other aquifer and capable of yielding water in sufficient quantities for beneficial use.

#### K.S.A. 82a-735-Permitting Requirements

In determining whether a project can be permitted by the Chief Engineer pursuant to K.S.A. 82a-701 et seq., the following criteria shall apply to the permitting of projects which will expose, and cause evaporation from, the groundwater table.

- a) The annual quantity of permitted groundwater shall be based on net average annual evaporation of groundwater determined by the Chief Engineer based on values in effect on July 1, 1997, multiplied by the water surface area of the proposed project expressed in acres, or revised values

taking into account any relevant scientific evaporation data related to projects in the state of Kansas. The rate of diversion shall be considered to be the natural rate of evaporation.

- b) The Chief Engineer shall expeditiously approve all applications for a project if the operator demonstrates that the net average annual evaporation for the project is accounted for, or offset, in one or more of the following ways:
- 1) the amount of net annual groundwater evaporation is currently permitted pursuant to K.S.A. 82a-701 et seq.;
  - 2) water as may be available for appropriation pursuant to K.S.A. 82a-701 et seq.; the perfection period shall extend through the life of the project;
  - 3) the net annual groundwater evaporation is authorized to be permitted pursuant to the provisions of K.S.A. 82a-736;
  - 4) acceptable quality surface water, which is legally and physically available for groundwater recharge, is authorized to be diverted into the proposed project;
  - 5) water rights have been acquired and the point of diversion, place of use and type of use are changed to allow existing water rights to be used for the project;
  - 6) A) water is made available by acquiring all, or a portion of, an existing water right to either:
    - i) use surface water, groundwater, or both, which are hydraulically connected to the stream channel aquifer in which the project is located; or

- ii) use groundwater from the unconsolidated regional aquifer within a two-mile radius of the geo-center of the project. However, if the operator can demonstrate to the satisfaction of the Chief Engineer that sufficient water rights to offset the evaporation caused by the sand and gravel project cannot be acquired within a two-mile radius circle of the geo-center of the project after making a reasonable and prudent effort to find both proven reserves and water rights, the operator may request that the Chief Engineer expand the two-mile radius circle up to a distance not to exceed a total radius of 3.5 miles. The source of any groundwater right must be the same unconsolidated regional aquifer in which the project is located, or a hydraulically connected aquifer.
- B) the applicant shall demonstrate to the satisfaction of the Chief Engineer that the acquired water right or a portion thereof will no longer be exercised by:
- i) placing it in the custodial care of the state,
  - ii) placing it in a perpetual trust approved by the Chief Engineer, or
  - iii) restricting its future use in some other way that the Chief Engineer determines to be satisfactory to accomplish the purposes of this section.

No physical diversion of the offset water right shall be required or allowed.



- C) The project shall receive credit for 100% of the net consumptive use of the acquired water right.
  - D) The Chief Engineer shall adopt rules and regulations setting the criteria for determining the offset credit that shall be allowed pursuant to this subsection.
- 7) diffused surface water is diverted into the project from inside a berm surrounding the project built to prevent unacceptable quality surface water from entering the groundwater table; the average annual amount of runoff shall be determined in accordance with standards established by the Chief Engineer;
- 8) and any other water credit, or offset, acceptable to the Chief Engineer.
- c) Proof that any necessary easements or covenants attached to or running with the land to provide offsets will continue to be available.
  - d) The Chief Engineer may approve a project permit with such terms, conditions and limitations as are necessary to protect the public interest.

K.S.A. 82a-736-Grandfather clause

- a) An application for a permit to appropriate water for evaporation of groundwater caused by a project shall be exempt from meeting the safe yield, allowable appropriation or similar criteria if the applicant demonstrates that all of the following criteria are met on the effective date of this act:
  - 1. The operator had an active existing sand and gravel mining operation as of December 31, 1997;

2. The operator has a valid surface mining license issued pursuant to K.S.A. 49-601 et seq., as amended;
  3. If required, the operator has a valid hydraulic dredging permit issued pursuant to the Kansas water appropriation act;
  4. The operator has filed all water use reports required by K.S.A. 82a-732;
  5. The operator has paid all water protection fees required by K.S.A. 82a-954;
  6. The operator had purchased, leased or otherwise acquired legal control over the proven sand and gravel reserves for the existing project or a reasonable expansion of the proposed project by February 15, 1999; the Chief Engineer may grant exceptions to this date for good cause based on clear and convincing evidence;
  7. In the past the operator has provided notice to the Chief Engineer when required by K.S.A. 82a-734(a);
  8. The operator has applied for all local permits and local zoning approvals; these permits must be acquired by December 31, 2000.
- b) It shall be the burden of the operator to show that the sand and gravel project meets the requirements of this section by filing such information and documentation with the Chief Engineer on or before December 31, 2000; extensions may be granted by the Chief Engineer, provided that any requests for such extensions are filed by December 31, 2000.

### K.S.A. 82a-737-Application Requirements

Applications for a project shall be made on forms provided by the Chief Engineer; those forms shall require the following:

- a) the legal description and a map of the land located within one mile of the proposed project boundary;
- b) the date the project began, or will begin;
- c) the total net acres of the groundwater table that will be exposed by the project at the time active mining ceases; and a legal description and a map showing the location of the completed excavation;
- d) the total net average annual groundwater evaporation that will be caused by the project at the time active mining ceases;
- e) the natural and artificial drainage patterns of surface water into the project:
  - 1) during active mining and 2) at the time active mining will cease;
- f) the water rights, permits and evaporation offsets that will fully permit or replace the net average annual groundwater evaporation at the time that active mining ceases; and
- g) other pertinent information as may be required by the Chief Engineer.

### K.S.A. 82a-738-Water Use Reporting Requirements and Offset Implementation

- a) In addition to the reporting requirements of K.S.A. 82a-732, the owner shall also report pursuant to K.S.A. 82a-732: (1) the areal extent of the exposed ground water table on December 31 of the preceding calendar year, (2) that sufficient offsets to the evaporation are actually in place pursuant to the project permit to replace the net annual evaporation from the surface area

of the groundwater exposed as of December 31 of the previous year; and (3) the specific offsets that are in place.

- b) The Chief Engineer shall report net evaporation from sand and gravel operations as an industrial use to the Director of Taxation for the purpose of assessing the water protection fee pursuant to K.S.A. 82a-954 and amendments thereto.
- c) At the time active mining ceases, the applicant shall have in place offsets sufficient to replace the average annual net evaporation from the groundwater table.

#### K.S.A. 82a-739-Administration

Once a project is permitted, the project shall not be subject to regulation by the Chief Engineer for impairment unless it is necessary to protect the public health, safety or welfare.

#### K.S.A. 82a-740-Application Fees

Any application for a project permit shall be accompanied by a filing fee of \$500; any request for modification shall be accompanied by a fee of \$250. This fee shall cover all permits issued pursuant to the project permit, and is in lieu of any fees which might be required pursuant to K.S.A. 82a-708a and K.S.A. 82a-708b, as amended.

#### K.S.A. 82a-741-Modification of Project Permits

- a) If an operator desires to modify, or expand, a project, the operator shall apply for a modification to, and receive the written approval of, the Chief Engineer prior to modifying or expanding the project.



- b) If a project is terminated prior to full completion, the special project permit may be modified accordingly and an application for change for the unused portion of any water rights used for offset may be filed for pursuant to K.S.A. 82-708b.

K.S.A. 82a-742-Act supplemental to article 7 of Chapter 82a of the Kansas Statutes

Annotated

The provisions of K.S.A. 82a-734, 82a-735, 82a-736, 82a-737, 82a-738, 82a-739, 82a-740, 82a-741, shall be amendatory thereof and supplemental to the provisions of article 7 of Chapter 82a of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.

Repeal

K.S.A. 82a-734 is hereby repealed.

**TOM SLOAN**  
REPRESENTATIVE, 45TH DISTRICT  
DOUGLAS COUNTY

STATE CAPITOL BUILDING  
ROOM 446-N  
TOPEKA, KANSAS 66612-1504  
(913) 296-7677  
1-800-432-3924

772 HWY 40  
LAWRENCE, KANSAS 66049-4174  
(913) 841-1526



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
MEMBER: ENVIRONMENT  
UTILITIES

Testimony Before House Environment Committee on HB 2021 – January 28, 1999

Madam Chairman, members of the Committee, I appreciate your willingness to hear this issue of importance to a small segment of the Kansas agricultural community. However, as Sec. of Agriculture Allie Devine has stated on several occasions, in 1998 only two agricultural commodities made money – sheep and cotton, so this is an important issue for our State.

**The Issue:** Refusal by KS Renderers to collect sheep offal (non-edible animal parts left after processing the meat)

**The Effect on Sheep Producers:** Sloan Acres experience

We have two locally-owned processors within 20 miles of the farm

- 1) Charges \$27 to kill and process each lamb – sheep owner must pickup and dispose of offal
- 2) Charges \$45 to kill and process each lamb – offal taken to local landfill (most landfills do not accept “deads”)

Significance: \$18 per head extra cost vs. extra trip to processor and personal disposal of offal

**Background Efforts to Address the Problem Short of Legislation:**

1997 – K.S. Sec of Agric. at my request convened a meeting of K.S. sheep producers, U.S. sheep industry representatives, leading U.S. Dept. of Agric. sheep veterinarians, K.S. Dept. of Commerce representatives, Hills Pet Foods attorney, and a renderer.

Hills Pet Foods purchases 1 million pounds of sheep by-products (cooked offal) per year as protein supplement for pet foods (e.g., Lamb & Rice dog food)

Sec. of Agric. and Dept. of Commerce talked about state support for a renderer to process lambs for that market.

Renderer referred to national renderer’s association’s voluntary ban on handling sheep due to fears of BSE-TSE (British Mad Cow disease)

1998 – Federal Food and Drug Administration and U.S. Dept. of Agriculture ban mammalian-to-ruminant protein supplements (i.e., cow, hog, sheep, deer, horse etc. by-products may not be mixed in feed that is fed to ruminants), but may be used in fish, poultry, pet foods without risk to health (human or other) and require changes in the rendering process.

**The Science of Rendering and Human/Animal Health:**

Included in the packet of information with this testimony is an article that appears in the most recent issue of FDA Veterinarian, “Prevention of BSE in the U.S. Through Feed Regulation, by Dr.

*House Environment  
1-28-99  
Attachment 3*

Honstead. It goes into extensive detail about transmissible spongiform encephalopathies of which BSE is one.

Key points: TSEs are fatal diseases of humans and some animals species. They are progressively degenerative central nervous system diseases that are characterized by a long incubation period, a short clinical course, and 100 percent death rate. Animal TSEs include sheep scrapie, BSE in cattle, and chronic wasting disease of deer and elk (NOTE this last item). TSEs in humans include Creutzfeldt-Jakob disease, Gerstmann-Straussler-Scheinker syndrom, and kuru.

Research in Britain indicates that TSEs may be passed from infected animals to other ruminants in the following situations: incompletely processed product in the rendering process, reduced use of solvent extraction in the rendering process, and feeding of significant amounts (up to 4%) of the diet of these inadequately treated products to young calves.

British feed practices involved feeding the incompletely cooked by-products of infected sheep and cattle to the next generation of cattle and sheep. Time after time. The concentration of TSEs in the feed ration increased in proportion to the generation of incomplete processing by the rendering industry.

*British and American health agencies identified this cycle and instituted changes in the rendering process and banned the feeding of mammalian-derived protein supplements to other ruminants. This action effectively prohibits any possible TSE transmission to cattle and allows cattle, sheep, deer, and other mammals protein-rich by-products to be used in feed for species which cannot contract TSEs (fish, poultry, pets).*

#### **Why Lamb Offal is NOT a Health Risk:**

Federal researchers have discovered, the incubation period for TSEs is very long (3-8 years). Lambs processed for human food are less than one (1) year old – older sheep taste like shoe leather and only the British eat that stuff.

No scientific evidence has been identified by any U.S. Government agency to indicate a health risk to humans or other animals from sheep by-products. Consequently, the renderers' decision to exclude sheep offal unreasonably punishes the KS sheep industry. When one small pet food company (Hill's) purchases 1 million pounds of sheep by-product each year, KS sheep producers and local meat processors should not be denied market access, should not suffer unnecessary financial costs, and should not be singled out when the renderers will handle deer and elk offal (another, supposedly high risk species for TSEs).

Included in the packet of information I am providing you are copies of letters from Kansas sheep producers, national experts on TSEs, and locally-owned Kansas meat processors. I hope that you will find the information informative.

HB 2021 simply requires the renderers to treat Kansas sheep producers fairly by picking up the offal from local meat processors OR reimburse the producer for disposal costs. I request your favorable action on HB 2021.

January 26, 1999

Rep. Tom Sloan  
Kansas House of Representatives  
Topeka, Kansas

Re: House bill 2021

Dear Rep. Sloan:

As a sheep producer and Kansas Sheep Auxiliary President, I have opportunity to talk to sheep producers and retailers across the state. One of the Auxiliary projects I have been involved with is the editing and publication of the Kansas Retail Lamb Directory, a brochure listing retail sources of lamb. Over the past 4 years, I have had several packing plants ask that their businesses be removed from this publication because they are no longer processing lambs. When pressed to explain why they are refusing to process lamb, the reason, without fail, is that they can not dispose of the offal. The sheep producers in the areas served by these packing plants lose their local market for locker lambs and even can not have lamb processed for home use.

Other meat processors are still accepting lambs for slaughter, but the offal is sent back to the owner for disposal. This presents several problems,

1. Consumers wishing to buy and process a locker lamb are disgusted to have to dispose of the remains.
2. Disposal of offal may not be taken care of sanitarily.
3. Offal buried on the farm of origin often does not stay buried and may attract dogs, coyotes and other predators to an operation. Once the supply of offal is exhausted, predator losses in the flock occur.

I feel that the sheep industry in Kansas is being unnecessarily inhibited by the rendering plants refusal to pick up sheep offal.

Sincerely,



Sheila Corn  
34 Buckskin Road  
Inman, Kansas 67546



Jan. 27, 99  
Hope, Ks 67451

To: Committee hearing H.B. 2021.

We have 20-30 Lambs processed each year for ourselves + other people that like Lamb.

Its getting harder to get this done because processors cannot get the offal picked up.

I would encourage some type of statute to solve this problem.

Larry Alheldt  
785-366-7791  
FAX 785-366-7202

January 20, 1999

To: Committee Members

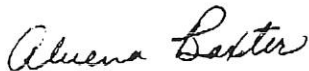
Thank you for the opportunity to address House Bill 2021, an issue that is very important to most of the approximately 2100-2300 sheep producing families in Kansas.

As you may know, renders in Kansas are not currently picking up sheep offal from slaughter houses and packing plants. Currently, when a producer takes lambs to be processed, the producer must make a second trip to claim the offal from their lambs and find a method themselves for disposal. This causes unnecessary hardships on the sheep producers as well as extra expenses to retrieve the offal and dispose of it personally.

The ban on renders picking up sheep offal came about when there was a fear of passing Scrapie, a neurological disease of ovine, through the sheep offal to other species. However, currently, both the USDA and FDA have stated that there is no reason the renders should not be picking up sheep offal, and that the fear of Scrapie transmittal in this manner is unfounded. Offal from all other species, including deer and elk, are being picked up and it is a discriminatory act to exclude sheep offal.

Thank you for your consideration of House Bill 2021, and this very important issue to Kansas agriculture and the Kansas sheep producers.

Sincerely,



Alvena Baxter  
1224 Road H  
Emporia KS 66801  
316-342-7960

*Executive Secretary, KS Sheep Assoc.*

# Schuetz Locker Co.



R. R. 3

ATCHISON, KANSAS 66002

Dear Mr. Sloan;

In regards to the information on lamb off ball it would be cheaper for the customer and save the plant operators time and money.

Our plant has to charge \$5.00 extra on each lamb to cover the charge of discarding of the off ball.

I am sure that this is true for all plants. Some plants will not take lambs because of this law.

Yours truly,  
Ray Schuetz

## Gail/Tom Sloan

---

From: Paul Rodgers <prodgers@inetone.net>  
To: glsloan@prodigy.net  
Subject: rendering sheep material  
Date: Wednesday, January 27, 1999 4:23 PM

Dear Mr. Sloan,

I recently faxed two letters to you regarding ASI's efforts to bring science and more modern regulatory approaches to TSE risk reduction and to shed some light on sheep rendering policy. As you know, ASI has communicated with the National Renderers Association (NRA) regarding their antiquated sheep-exclusion policy.

It is now accepted by the Food and Drug Administration that all mammals (excluding swine, horses and meat previously inspected for human consumption) carry the same risk of transmitting a TSE to ruminants. This means that by-products from cattle, deer, elk or any other mammal carries the same risk as sheep and must be labeled "do not feed to ruminants". The fourth paragraph in my letter to Tom Cook dated February 11, 1998 explains this.

A renderer who refuses to process sheep material must be doing this for reasons other than to reduce the risk of transmitting a TSE to ruminants since the "FDA-Mammalian to Ruminant Feeding Ban" satisfies all current regulatory requirements for this. Renderers who process cattle and (or) deer material can, quite legally, process sheep material as well and blend it into the same product(s). It will simply carry a label restricting its use to non-ruminant diets. Also, if sheep material (from lambs) is rendered separately it commands a very high premium in the market place for use in pet food diets.

I hope this is helpful to you and if I can be of further assistance, please don't hesitate to contact me.

Sincerely, Paul Rodgers

Paul Rodgers  
Director of Animal Health, Product Safety  
and Technical Services  
American Sheep Industry Association  
Rt. 2  
Box 94  
Ronceverte, WV 24970  
(304) 647-9981 phone  
(304) 647-4778 fax  
prodgers@inetone.net





American Lamb Council



American Sheep Industry Association, Inc.

www.sheepusa.org



American Wool Council

February 11, 1998

Tom Cook  
Executive Director  
National Renderers Association  
801 North Fairfax St, Ste 207  
Alexandria, VA 22314

Dear Tom:

As you are aware, in the late 1980's APPI implemented a voluntary policy designed to reduce the risk of BSE occurring in the U.S. by excluding mature sheep from the raw material supply lines going into the manufacture of meat and bone meal. When that policy was implemented it seemed prudent based upon the "Southwood Report" and the (then current) scientific thought regarding BSE risk factors. For a period of years, the sheep exclusion policy served U.S. animal agriculture as the corner-stone of our BSE safety net; again based upon what was known about BSE at the time and considering that the U.S. was, according to our surveillance program, BSE-free.

Although it has been difficult, the US sheep industry adjusted to this policy as did the rendering and feed manufacturing industries. The rendering industry is to be complimented for helping to find solutions to the perplexing problems of: what role does sheep scrapie play in the occurrence of BSE and how do we collectively control and eventually eradicate scrapie from the U.S. Examples of this commitment by your industry is your cooperation in the research efforts at NADC in Ames, Iowa and participation in the negotiated rulemaking process which resulted in the Voluntary Scrapie Flock Certification Program (VSFCP); not to mention the tireless efforts of the NRA and APPI staff and leadership in assisting sheep producers, packers and others in finding outlets for their sheep and products. The cooperative promotion and product development efforts with your industry and ours regarding lamb meal for pet-food diets has been a great success.

Due in no small part to the efforts of the rendering industry, sheep industry and others to affect the direction of TSE research both in the U.S. and abroad, a great deal has been learned about scrapie and the other TSEs. Also, advancements in the field of molecular biology has given scientists new tools which are leading to improved diagnostics and other vital instruments with which to understand and control TSEs. It is not necessary to approach a review of the literature here; your technical staff is well aware of the state of science regarding these diseases and has done an outstanding professional job of explaining these issues to a wide range of audiences over the years.

It is now generally accepted by the scientific community that BSE and scrapie are two separate, distinctly different TSE diseases and that sheep scrapie is only one of a number risk factors associated with the BSE occurrence in Great Britain. This is recognized and rather thoroughly discussed in the FDA mammalian to ruminant feeding rule. With this rule now in effect, any risk

Tom Cook  
National Renderers Association  
Page 2

associated with the feeding of sheep-source meat and bone meal is minimized. It is ASI's view that any reduction in BSE risk, which was intended by the rendering industry's voluntary sheep exclusion policy, is now replaced by the mandatory FDA rule. This rule in no way prohibits the processing of ovine material, regardless of age of animal, but states the manner in which material from specified sources must be labeled and fed.

Since this rule is now being applied unilaterally across the U.S. rendering industry, ASI requests that NRA and APPI drop their sheep exclusion policy. It is our belief that a more general policy emphasizing "Total Quality Management" (TQM), HACCP, and GMPs will serve your industry and animal agriculture in a more scientifically valid and current fashion.

Sheep producers appreciate the good working relationship we have with the rendering industry, the services you provide, and the contribution you make to animal agriculture and environmental enhancement. We trust that you will see the merits of our request. As always, if we can be of assistance to your organization, please don't hesitate to let us know.

Sincerely,



Paul Rodgers  
Director of Animal Health, Product Safety  
and Technical Services

# Prevention of BSE in the U.S. through Feed Regulation

By John Honstead, D.V.M., M.S.  
From FDA Veterinarian

## Introduction

Bovine spongiform encephalopathy (BSE) belongs to a group of poorly understood emerging diseases known as transmissible spongiform encephalopathies (TSE's), and presents a unique regulatory challenge to FDA. In this article, I will briefly review information on transmissible spongiform encephalopathies, describe the UK BSE epidemic and review the U.S. FDA BSE regulation and the scientific basis for the requirements.

## Characteristics of TSE Diseases

TSE's are fatal diseases of humans and a number of animal species, primarily ruminants. They are progressively degenerative central nervous system (CNS) diseases that are characterized by a long incubation period, a shorter clinical course of neurological signs, and 100 percent death rate. Animal TSE's include sheep scrapie, BSE, transmissible mink encephalopathy, feline spongiform encephalopathy, and chronic wasting disease of deer and elk. TSE's in humans include Creutzfeldt-Jakob disease, Gerstmann-Strausler-Scheinker syndrome, kuru, and fatal familial insomnia. In the United States, naturally occurring TSE's of animals have been reported in sheep, goats, mink, elk, and deer. Recent evidence has shown a strong association between BSE and the occurrence of a new form of CJD (new variant CJD).

Because of their structure and mode of replication, the TSE agents do not seem to provoke an antibody response in the host. Therefore, detecting their presence by serological techniques or preparing protective vaccines may be difficult. However, post-mortem histopathology of brain tissue from animals with TSE's reveals bilaterally symmetrical degenerative changes in gray matter and neuronal vacuolation.

The cause of TSE's is unknown. Proposed causes of TSE's are the infectious protein or prion theory, an unconventional virus, and *Spiroplasma*, among others. Resistance of the agents to physical and chemical agents that destroy nucleic acid have essentially ruled out conventional microbiological agents as the cause. Thus, the prion theory seems to be the most likely explanation. The mode of transmission of the TSE's is also not understood. As

a measure of infectivity, laboratory animals are inoculated with TSE tissue, generally through intracerebral injections, and observed for signs of disease.

## Bovine Spongiform Encephalopathy

BSE is a TSE of cattle with a prolonged incubation period following oral exposure (two to eight years). BSE was first recognized as a distinct disease of cattle by researchers of the British Ministry of Agriculture, Fisheries, and Foods (MAFF) at Weybridge, England, in November 1986. There were indications that the first clinical case of BSE may have been observed as early as April 1985.

The clinical signs of BSE include behavioral, gait and postural abnormalities, and usually begin with apprehension, increased reaction to sound and touch, a swaying gait, sometimes with high stepping, and kicking in the milking parlor. This is accompanied by subtle changes in the normal behavior of the cow such as a change in the milking order, separation from the rest of the herd while at pasture, disorientation, staring, and excessive licking of the nose of flanks. The disease progresses with stumbling, falling and eventually inability to stand. It ends with coma, seizures and death.

BSE has not been detected in cattle in the United States. Intensive efforts are in place both to determine whether the disease exists in the United States and to prevent its entry, e.g., USDA surveillance, by prohibiting the importation of BSE-infected cattle or feed. There is, nevertheless, a small risk that the disease could occur in the United States as it has in a number of countries in addition to the United Kingdom (UK). Sheep scrapie exists in the United States, and TSE's have been diagnosed in several other animal species. In addition to the possibility of transmission from these species to cattle and the risk of inadvertent importation of BSE-infected cattle or feed, the prion theory suggests that BSE could occur spontaneously.

## Creutzfeldt-Jakob Disease (CJD) in Humans

Sporadic Creutzfeldt-Jakob Disease is a TSE of humans with no known cause, and exists throughout the world with an annual incidence of approximately one case per million population. The average age is 58 years, and clinical

symptoms start with changes in sleeping and eating patterns, and often include confusion, inappropriate behavior, and lack of coordination.

In April 1996, British scientists reported a previously undetected new variant of CJD (nvCJD) in young patients with symptoms different from sporadic CJD. All the cases had histopathologic evidence of the spongiform changes, but also formation of amyloid plaques not typically seen in sporadic CJD. Clinically, nvCJD begins with a psychiatric presentation, including depression, anxiety, nightmares and hallucinations followed by memory impairment with dementia in the late stages. The clinical course may last up to two years. The prion protein in the nvCJD brains is the same prion protein found in cattle with BSE, leading UK scientists to state that exposure to the BSE agent is the most plausible explanation for these findings though the exact route of exposure is unknown. There are currently 28 cases of nvCJD in the UK, and one in France.

## BSE Epidemic in the UK

Since BSE was first diagnosed in the United Kingdom in December 1986, more than 170,000 cattle have contracted the disease. BSE has also been reported in native cattle in France, Switzerland, Netherlands, Belgium, Portugal, Luxemburg, the Republic of Ireland, and Northern Ireland.

Epidemiological studies have characterized the outbreak of BSE in the UK as an extended common source epidemic. Each case, therefore, has been a primary case due to exposure to a single common source of infection. Investigators have identified several major risk factors that apparently contributed to the emergence of the disease and the resultant epidemic in the UK. USDA identified the following risk factors for BSE in the UK:

1. large sheep population relative to the cattle population,
2. a large, uncontrolled, scrapie incidence rate,
3. the production of greaves, an incompletely processed intermediate product in the rendering process,
4. changes in rendering processes, like the reduced use of solvent extraction,
5. the feeding of significant amounts, up to four percent of the diet, of meat and bone meal to young dairy calves.

The only common factor in the cattle with BSE is that feed containing meat and bone meal was fed to the affected animals. Further epidemiological studies, including computer simulation of the

epidemic in the United Kingdom, suggest that feed contaminated by a TSE agent was the cause of the disease. Two possible hypotheses as to the original source of this agent were consistent with the epidemiological findings—that it was the agent of scrapie itself, or that it was a cattle-adapted strain of a scrapie-like agent.

In the UK, dead sheep, many of which may have died of scrapie and cattle with BSE, were picked up by "knackers" for rendering into animal feed. This material was partially rendered into "greaves" which contained large amounts of the scrapie/BSE agent, and was fed to dairy calves in large amounts. The spread of BSE appeared to be facilitated by the feeding of rendered BSE-infected cattle back to calves. Changes in rendering practices may have potentiated the agent's survival in meat and bone meal. BSE agent recycled from cows to calves until the ruminant-to-ruminant feeding ban in 1989.

#### **Efforts to Control BSE in the UK**

In an extensive research project, various rendering processes used in the European Union were tested for their ability to inactivate the BSE agent in 15 pilot scale facilities. BSE brains were mixed with intestine and bone to replicate raw materials. The variables were a type of process (continuous or batch), time, temperature, atmosphere, amount of fat, and particle diameter. Meat and bone meal was produced from each of the processes, and suspensions were assayed in inbred mice for infectivity. Four of the 15 processes produced meat and bone meal with detectable BSE. These processes were banned for use in the European Community (EC) member countries.

Regulatory controls taken to manage the BSE epidemic and minimize public health risks in the UK and other countries include an action to make the disease reportable (June 1988); a ban on the feeding of ruminant-derived protein supplements to other ruminants (July 1988); compulsory slaughter of suspect cattle (August 1988); and a ban on the feeding of the specified offals or their products to all pet and farm animals (September 1990). The UK has a Specified Bovine Materials (SBM) ban which prevents the whole head, spleen, tonsil, intestinal tract, spinal cord and lymph nodes from use in animal feeds or human foods, cosmetics, drugs or medicinal products. Additionally, the UK has a Heads of Sheep and Goat ban that prevents the use of sheep and goat heads for human consumption and

requires them to be treated as SBM. The regulations in the UK are enforced by government inspections of slaughter and rendering plants, SBM collection centers, and incinerators, and by testing of feeds using an ELISA test to detect mammalian protein.

#### **FDA BSE Regulation for U.S. Feeds**

The FDA was requested by various customers and organized groups to take actions in the U.S. that ranged from no regulation at all to a complete stoppage of any animal protein recycling to animals. The most obvious question FDA had to face was: Why is a feed regulation necessary for the U.S. if there is no BSE? Even though BSE has not been diagnosed in cattle in the U.S., information and theories on TSE diseases raise concern that BSE could occur. If BSE does occur, the causative agent could be transmitted and amplified through feeding of certain processed animal proteins to cattle resulting in an epidemic. The greatest risk for cattle, given the prolonged incubation period of two to eight years, would be unrecognized amplification in the cattle population, resulting in greater animal exposure. The announcement of the possible link between new variant-CJD and BSE, and new information about the origin and ecology of the BSE agent has caused increased concern about BSE regulation in the U.S.

The next question was: Why not ban all animal proteins from the diets of U.S. animals? FDA's answer is that processed animal proteins have been safely fed to animals for many years before the BSE outbreak, and except for BSE, we are not aware of data indicating this practice is not safe. Therefore, the FDA rule utilized scientific data regarding the difference between animals with TSE's and animals with no natural TSE, mammalian tissues with no TSE agent contained in them or processing that reduces the BSE threat. The FDA BSE rule reduces the threat of undetected amplification of BSE by banning mammalian tissues known to be a TSE risk from ruminant feed, but allows feeding of safe tissues.

#### **Materials Affected by the Ban**

The FDA BSE regulation prohibits the use of protein derived from mammalian tissue, with some exemptions, in feed for ruminant animals. The basis for the inclusion of only protein in the regulation is that only protein portions from TSE-affected animals have been capable of transmitting the disease to other animals. The regulation applies only to mammalian proteins because studies

have not detected a TSE of plants or non-mammalian animals.

The exemptions are pure swine or pure equine proteins, blood and blood products, milk and milk products, gelatin and plate waste. Plate waste is defined as inspected meat products which have been cooked and offered for human food and further heat processed for feed. The term "prohibited materials" will be used to describe non-exempt mammalian proteins, and "non-prohibited materials" to mean all other proteins.

The scientific basis for exemption of *pure swine or pure equine proteins* is that these species have never been found to have a naturally-occurring TSE. We are aware that one pig out of ten, inoculated with BSE developed TSE lesions. We do not believe that this represents an event that occurs naturally in pigs. Pigs were no doubt exposed quite routinely in UK during the BSE epidemic before the feed bans, and no pigs came down with a TSE.

*Blood and blood products, milk and milk products, and gelatin* were exempt for the reason that none of these tissues have not been shown scientifically to play a role in transmitting BSE. The WHO considers all of these tissues to be of no risk for BSE based on scientific information.

The exemption for *plate waste* was proposed by the operations utilizing this as a feed source. They presented the case that meat is a low risk material for BSE, plate waste contains a small proportion of meat (2%) and high moisture requiring addition of 50 to 60% corn or soybeans for extrusion of animal feed. The initial cooking for human use would reduce the amount of any TSE agent present and the second heating and high pressure for animal feed often at 290° to 400° F would reduce it even more.

#### **Industries Affected**

Renderers, protein blenders, feed manufacturers, distributors including haulers, and individuals that are responsible for feeding ruminants are directly affected in this regulation. The BSE regulation covers mammalian protein materials from renderer to the animal feeder including all the operations between. The scientific rationale for this goes back to the MAFF calf study demonstrating that one gram of BSE brain fed one time to calves will cause them to get BSE. The minimum dose to transmit BSE orally in bovines is therefore believed to be less than one gram.

The entry of prohibited mammalian proteins into *rendering establishments*



is the first point of control for this regulation. Renderers are defined as anyone that processes slaughter byproducts, animals unfit for human consumption or meat scraps. This includes traditional renderers, renderers that blend animal protein products, those who collect slaughter byproducts and minimally process them, and those who collect and distribute slaughter byproducts to firms other than renderers.

Renderers can either separate or not separate prohibited and nonprohibited materials. All prohibited materials must be labeled "**Do not feed to cattle or other ruminants,**" records such as invoices or similar documents must be maintained to track the materials through their business, made available to FDA for copying and inspection and kept for one year. Renderers that separate prohibited and nonprohibited material must label the prohibited material, maintain records, obtain non-prohibited material from single species slaughter facilities, and provide for measures to avoid commingling or cross-contamination of prohibited and nonprohibited materials.

There are many businesses that handle mammalian **proteins between renderers and animal feeders including protein blenders, feed manufacturers, and distributors including haulers.** These processors and haulers can either separate or not separate prohibited and nonprohibited materials. All prohibited materials must be labeled "**Do not feed to cattle or other ruminants,**" records maintained to track the materials through their business, made available to FDA for copying and inspection and kept for one year. Protein blenders, feed manufacturers, distributors including haulers that separate prohibited and nonprohibited material must label the prohibited material, maintain records, obtain nonprohibited material from single species slaughter facilities, and provide for measures to avoid commingling or cross-contamination of prohibited and nonprohibited materials.

In order for the regulation to be fully effective, **Individuals and establishments that are responsible for feeding ruminants** must ultimately handle prohibited feed properly, and be held accountable. They must maintain all feed invoices and copies of labels for feeds that contain animal protein, make them available to FDA for copying and inspection and keep records for one year.

Pet foods were exempted from the regulation because once manufactured

and packaged for sale as pet foods, they are unlikely to be fed to ruminants. Once pet food is damaged or otherwise unfit for pet use, the material must be handled according to the regulation like any other mammalian protein since it can be diverted to ruminant feed.

#### **Role of Processing**

Processing cannot assure complete removal of BSE agent from feed materials as demonstrated by research in rendering. When this is coupled with the fact that very small amounts of BSE agent can cause disease orally in cattle, a dilemma arises in a BSE-free country that utilizes rendered ruminants for ruminant feeds. It becomes apparent that processing alone cannot be counted on to stop undetected amplification if BSE occurred undiagnosed at any time in the future. Processing must be combined with controls over source materials for ruminant diets to assure complete safety from BSE.

Production of animal feeds involves several physical processes such as heat and pressure applied over time. When sufficient heat and pressure are applied to BSE-infected materials for a sufficient time, a decrease in infective titer is seen as measured by bioassay in susceptible mice. When the conditions are very severe, the final product may not have any detectable infectivity remaining. The safety of the final materials is complicated by the lack of confidence in the mouse bioassay coupled with the fact that very small amounts of the prion agent can cause disease.

#### **The Role of Feed Testing**

A provision of the FDA feed regulation provides for exemption from certain requirements if the feed is tested for BSE agent using an FDA-validated test. To date, no such test exists, but this provision may stimulate research and development in the future.

The UK is presently using an ELISA test for ruminant proteins to enforce its mammalian-to-farm animal feeding ban. FDA is reviewing a polymerase chain reaction test developed in Italy for consideration as a regulatory tool. It is currently focused on the identification of bovine DNA, but may be able to be modified to identify mammalian material. In the future, test information may be used to focus inspectional efforts relative to the exemptions.

#### **Impact of FDA BSE Regulation**

The ultimate impact of the regulation will be a reformulation of ruminant feeds to exclude prohibited materials, and labeling of non-ruminant feeds that contain prohibited materials to prevent undetected

amplification of BSE in the U.S. There has been a small decline in the price of mixed-mammalian meat and bone meal. Many inquiries have been received by FDA from the feed and animal feeding industries regarding the requirements and methods for complying, indicating a genuine concern for compliance.

#### **Conclusion**

Although the risk of BSE in the U.S. is small, the consequences and cost would be very high, should it be detected. U.S. cattle would be at risk for disease, and the human population could be at risk for nvCJD. The FDA BSE regulation identifies and isolates prohibited mammalian proteins from the renderer through processing and transportation, and prohibits their feeding to ruminants. The provisions and requirements of the regulation are based on current science. Because BSE is an emerging disease, the scientific base is limited, and should be expanded through research.

**USDA:APHIS**

USDA:APHIS  
1947 NW Topcka Blvd, Ste. F  
Topeka, Kansas  
66608-1826

Phone: 785-235-2365  
FAX: 785-235-1464  
email: kevin.p.vanmar@usda.gov

Thursday, January 28, 1999

The Honorable Thomas Sloan  
Kansas House of Representatives  
300 West Tenth  
Topeka, Kansas 66612

Dear Dr. Sloan:

**Sheep Offal and Rendering**

I would like to submit information that will provide both a historical perspective and current information concerning the rendering of sheep offal. First, here's the historical perspective:

The most widely accepted theory for the origins of the "Mad Cow Disease" (BSE- Bovine Spongiform Encephalopathy) epidemic in England has its' roots in changes in the rendering industry of the late 70's. At that time the rendering industry worldwide underwent a dramatic change when the traditional "batch system" (high heat / pressure, large volume of petroleum based solvents) was replaced with a more economical "continuous flow system" (lower heat / pressure, fewer solvents). As the theory goes, this is when the "prion" that causes Scrapie in sheep began to pass through rendering without losing its infectivity. In England these products were fed back to cattle in cattle feed and Mad Cow disease emerged in the mid - 80's.

In 1989, the USDA responded to this crisis by banning the import of live animals and animal products from any country with BSE. At that time the rendering industry in this country instituted a voluntary ban on the pickup of any sheep. This ban affected both on-farm pickups and collection at small slaughtering plants.

Additionally, the USDA response to this crisis has involved:

- tracing, quarantining and purchasing, when possible, any remaining "live" animals that were born in BSE countries and arrived in the US prior to the 1989 ban.

- instituting a nationwide surveillance system that has examined thousands of bovine brains of "high-risk" animals. To date, no evidence of BSE has ever been found in this country.

- completing a Risk-assessment of the cattle population in the US. This risk assessment determined that due to the differing feeding patterns in the US cattle industry (more plant protein fed and little animal protein), and due to our relatively small sheep population, that there was little risk that BSE would emerge in the US.

*House Environment  
1-28-99  
Attachment 4*

The FDA has instituted additional restrictions to further minimize the risk of BSE ever arising in this country. These restrictions are in the form of a mammalian to ruminant feedban. No mammalian protein can be used in feed fed to cattle. The only exceptions to this are from mammalian protein sources that are 100% porcine or equine.

**Currently, how does the presence of sheep offal affect trade?**

**Pet Food:**

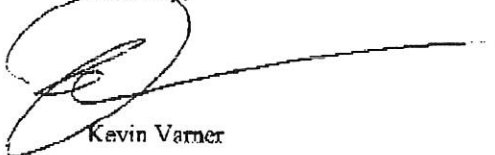
--- For pet foods produced and sold in the US there are NO restrictions based on the species of the protein.

-- For the European Union (with some exceptions) there are no restrictions based on species of the protein source. England and Switzerland (not an EU member but they adopt many EU restrictions) both place additional restrictions on pet food that contains ruminant protein (sheep, cattle, goats, etc.).

--- For South America and the Far East there are no restrictions based on the species of the animal protein source.

In general, most countries do not exclude US products based on the presence of sheep proteins. There are exceptions to this, notably Mexico and South Africa, but the long-term trend appears to be that if a country does restrict proteins, they are tending to restrict not a single species, but whole genera such as ruminants (cattle, sheep, goats, deer, elk, etc.).

Sincerely,



Kevin Varner  
Area Veterinarian in Charge



In response to House Bill 2021 as introduced by Representative Tom Sloan I would like to make these comments.

As the situation is at this period in time when we take a lamb to the local locker plant to be processed we have to make a second trip back to town to pick up the refuse and dispose of it.

The rendering companys will not pick up sheep refuse from the smaller packing facility but they pick up at the major packing plants. The lambs that are slaughtered locally come out of the same group of lambs that go to the major packers. I realize that there are some markets for by products with lamb in it that are closed, such as the European markets. But the refuse from the major plants are going somewhere why not the same for the smaller plants. It is also my understanding that there is a Pet food company here in the state of Kansas that uses lamb in thier products but that lamb is imported.

It is my Understanding that nether the USDA or FDA has put any restrictions on sheep by products that is not on any other livestock by products.

I feel that the lack of services of picking up of sheep refuse at the local packing facility is also hurting the sheep industry both locally and on a national level. Many times the only chance that people in small communities have a chnce of purchsing and eating lamb is if they buy one from a local producer and have it processed. we loss the oportunity to have another consumer for our product if they can't deal with the left over refuse.

Duane R Larkins  
Republic Co. Lamb Producer  
President Kansas Sheep Assn.

*House Environment  
1-28-99  
Attachment 5*

As past president of the Kansas Sheep Association I had the opportunity to attend producer meetings around the state. One thing that kept coming up was the question of offal disposal at local locker plants. Some producers said that their locker plant was sending the refuse home with them, while some locker plants were burying theirs. Both alternatives are inconvenient for both parties, not to mention the added expense.

There seems to be no scientific evidence to back up the rendering plants refusal to pickup sheep offal.

I feel that the passage of House Bill No. 2021 would at least give the small slaughter plants a line of recourse if the refusal to pickup sheep offal is continued.

Thank you for your time and consideration,

Dan S. Emmot, producer

Beloit, Ks. 67420

*House Environment  
1-28-99  
Attachment 6*

January 28, 1999

## Testimony Supporting HB 2021

Submitted by: Jeff & Kerri Ebert  
10015 Flush Road, Saint George, KS 66535  
785-494-2436

To: Chairman Freeborn and members of the House Environment Committee

We support HB 2021. We are sheep producers from Pottawatomie County. Our family has had sheep on our farm continuously since 1957. I am a past president and board member of the Kansas Sheep Association and Kerri, my wife, is the former communications director for the KSA. We have owned as many as 250 ewes and as few as our current 75 ewes. The majority of our farm income is derived from selling lambs – both feeders and fats. Our ability and the ability of our customers to have lambs slaughtered is very important to the continued viability of our livestock operation.

We have experienced many, many changes in the sheep industry over the years; not the least of which is the unfortunate situation addressed by HB 2021 – the refusal of some slaughtering plants in our state to accept lambs because rendering plants will not pick up the sheep offal. This practice by renderers makes it nearly impossible for some people to get lambs processed by their local locker plants. Furthermore, we know of no valid reason why the renderers are refusing to accept sheep offal while accepting offal of other species of livestock.

We are fully aware of federal regulations banning the feeding of ruminant by-products to other ruminants. However, there are other uses for sheep offal, besides using it as a ruminant feed additive. For example, it can be (and is) used in non-ruminant feeds (ie dog and cat food).

We support HB 2021 because it will provide much-needed relief to sheep producers as well as consumers who are being denied the ability to have lambs slaughtered because some renderers are refusing to do their job.

We ask for the Committee to join us in supporting HB 2021. Thank you for considering our comments in your decision-making process. If you have any questions we can be reached at the phone number above.

*Jeff Ebert*      *Kerri Ebert*

*House Environment  
1-28-99  
Attachment 7*



**NATIONAL  
BY-PRODUCTS, INC.**

2155 N. Mosley  
Wichita, KS 67214  
316-264-6951  
1-800-999-3956

January 28, 1999

My name is Tom Menousek and I work for National By-Products, Inc. in Wichita, KS. Our Company provides rendering service throughout the state of Kansas. I am here today to speak in opposition of the House Bill 2021.

While National By-Products, Inc. and other renderers in Kansas are proud of the work we do in providing a rendering service that is an environmentally correct solution for the disposal of large quantities of inedible animal by-products; we are opposed to House Bill 2021 for the following reasons:

- Being the most environmentally sound solution for the above mentioned waste entails a high cost to protect the air and water quality in Kansas. House Bill 2021 does not speak for the economics of our business, particularly during this current time of severely depressed commodity prices. These prices directly effect the value of by-products and the charges we are forced to pass back to the suppliers.
- Like any company, we have business to conduct. House Bill 2021 assumes that the rendering industry is a public utility and an entitlement type of service without providing any mechanism to recoup costs. The bill actually provides sanctions if we make decisions, in the course of running our business, which displease the packing plants. By-products are a very perishable commodity. For example, at present, renderers do not provide service if the material is stockpiled on farms, deteriorated, excess water, and other causes because this material is worth less than zero and would require exorbitant processing and waste stream costs. It would also reduce the value of our finished products, which are feed ingredients to the Livestock Industry.
- Beginning in approximately August of 1997, Mexico banned animal proteins containing sheep material due to scrapies in sheep. Since animal proteins trade freely and may eventually end up in Mexico, a requirement that renderers pick up sheep would have a dramatic adverse effect on our finished product markets and could likely cause repercussions to all suppliers of by-products. We are required to certify on the USDA export certificate that the animal protein does not contain Ovine (sheep protein).
- As a part of federal regulations we are required to mark our invoices as follows:

Do not feed to cattle and other ruminants.

This is a part of the firewall to reduce the likelihood of BSE or Mad Cow Disease. The National Renderers Association has a policy recommending that renderers not accept sheep until scrapies are eradicated in sheep.

In conclusion, the rendering industry is a vital part of animal agriculture in Kansas. We must preserve the decision making process which includes what materials to process in response to changing commodity markets, environmental, and food safety regulations.

*House Environment  
1-28-99  
Attachment 8*



685 Adams Street  
P. O. Box 5231  
Kansas City, Kansas 66105

January 28, 1999

Darling International Inc.  
Testimony Before the  
House Committee on Environment

By

Donald DeSmet  
General Manager  
Darling International Inc. Kansas City, Kansas

Madam Chairman and members of the Committee:

My name is Donald DeSmet. I am the General Manager of Darling International Inc. located in Kansas City Kansas City, Kansas. Thank you for the opportunity to comment today on HB 2021.

Darling International Inc. is the largest food processing by-products recycling company in the United States. The Company recycles used restaurant cooking oil, bakery by-products, and by-products from the beef, pork and poultry processing industries into usable products such as tallow, feed-grade fats, meat and bone meal, and dried bakery product. These products are sold to animal feed and oleo-chemical manufactures around the world.

I am here today to speak in opposition to HB 2021. I must oppose this bill first as an independent businessperson engaged in a free enterprise. Although the bill in front of us at this time is specific to rendering it tares at the vary fiber of the free enterprise system. This bill as written is an attempt to force an independent business to offer and perform services, which it would not normally offer. This should not be the roll of government in a free enterprise system.

(913) 321-9328  
Fax: (913) 321-0028

*House Environment  
1-28-99  
Attachment 9*

HB2021  
Darling International

I also must speak against this bill as the manager of a rendering company which conducts business in the state of Kansas. To remain in our business we must be able to provide a quality service to our suppliers and produce a finished product, which meet the demands of our customers. The quality and acceptability of our finished product is directly affected by the raw product we collect and render through our plants. This bill, if enacted, could eliminate our ability to produce a finished product which would be acceptable to our various customers. This bill would require us to accept any material regardless of its make-up or condition from packing plants with out consideration of its value to our finished product. I can sympathize with the packing industry but historically it is the obligation of the generator of a waste product to assume the responsibility and cost of proper disposal of that waste. This bill forces that responsibility to the renderer and if enacted would leave renderers no choice but to take what ever steps are necessary to insure a fair profit to their share holders.

This bill is not good for the rendering industry, it is not good for packing house operators and this bill is not good for Kansas. I strongly urge you to join with me in opposing this bill.