

# Carcass Composting Regulatory Pathway During a Declared Emergency

These options have been provided by CalRecycle staff to assist with the management of animal carcasses by identifying regulatory pathways that would facilitate the on-farm composting of carcasses during a declared emergency. Key sections in Title 14 of the California Code of Regulations regarding solid waste management during emergencies, solid waste facility and operation permitting, and other related topics are listed below:

- [Section 17823.5](#) - Agriculture Solid Waste Management - Dead Animals
- [Section 17210.2](#) - Purpose and Limitations of an Emergency Waiver (solid waste handling regulations)
- [Section 17210.5](#) - Reporting Requirements for a Solid Waste Facility Operator (solid waste handling regulations)
- [Section 17855](#) - Excluded Activities for Composting Operations and Facilities (composting regulations)
- [Section 17855.2](#) - Prohibitions (composting regulations)
- [Section 17856](#) - Agricultural Material Composting Operations (composting regulations)
- [Section 17852](#) - Definitions

There are several regulatory pathways available to manage animal carcasses during an emergency. These pathways are discussed with key points and limiting factors.

A summary table of the pathways is provided at the end of this document.

## Temporary Activities under an Emergency Waiver

When a local and/or state emergency is proclaimed, a locally approved, temporary compostable material handling activity on a farm or ranch may be allowed to begin operations under the emergency waiver process found in Section 17210.2. A Local Enforcement Agency (EA) that issues an emergency waiver may determine a proposed temporary compostable material handling activity to be consistent with the agricultural activity exclusion found in Section 17855(a)(1) or with the Agricultural Solid Waste Management Standards for dead animals as described in Section 17823.5.

Upon issuance of the emergency waiver, the EA may choose to include conditions or restrictions to ensure adequate protection to public health and the environment. Also, consistent with Section 17855.2(a)(3), CalRecycle must approve the source of the carcasses after consulting with the State Water Resources Control Board (Water Board) and the California Department of Food and Agriculture (CDFA).

Under an emergency waiver, the operator of the temporary composting activity must submit reports to the EA as required in Section 17210.5. The first report is submitted within 90 days of activation of the waiver, and every 90 days thereafter, for the effective period of the activated waiver. The waiver shall not exceed 120 days unless the EA extends the effective period of the waiver to allow for additional time to process the materials. If the producer believes they will need more than 120 days to compost carcasses, it is advised they work with the EA for approval.

**Key Points to consider:**

- The operator needs to request an emergency waiver from the EA.
- The EA oversees the operation through the emergency waiver granted to the operator.
- The EA may place additional conditions and restriction as part of the approval of an emergency waiver request.
- The activity may process carcasses only sourced from on-site once approved by CalRecycle.
- The activity may only handle agricultural material.
- The on-site use of processed material may be subject to approval by other regulatory agencies.
- The activity should cease processing of additional carcasses after the declared emergency has ended.
- The emergency waiver is applicable for 120 days with an option to extend the waiver.
- A written report required to be submitted to the EA after 90 days of operation.

**Activities under an EA Notification tier**

Another pathway for handling animal carcasses during an emergency is for the site to operate under an Agricultural Material Composting Operation, EA Notification (Section 17856). The process to receive an EA Notification can occur at any time before or after a declared emergency. However, the EA Notification should specify that operations to compost carcasses would only commence after an emergency has been declared. CalRecycle would approve the composting of animal carcasses in consultation with the Water Board and the CDFA [Section 17855.2(a)(3)].

The operator would notice the EA prior to commencing operations and the EA would be required to conduct inspections to ensure compliance with general operating standards which include Article 7, Environmental Health Standards (Section 17868.1 et seq.).

**Key Points to consider:**

- The operator may process carcasses only sourced from on-site once approved by CalRecycle in consultation with CDFA and Water Board.

- The operator may process material derived on-site and off-site.
- The operator must comply with General Operating Standards including Article 7, Environmental Health Standards (Section 17856, et seq).
- The operator may receive agricultural material as defined in Section 17852(a)(5) and green material as defined in Section 17852(a)(21).
- The operator may send the composted material off-site for recovery if it meets regulatory requirements.
- The operator must notify the EA prior to starting operations.

## Regulatory Pathways Summary Table

	<b>Temporary Activities under an emergency waiver</b>	<b>Activities under an EA notification tier</b>
<b>Material type(s) received and handled</b>	The activity may only handle agricultural material. The activity may process material only sourced from on-site.	The activity may handle agricultural material and green material (animal bedding could be considered agricultural material). The activity may process material derived from on-site and off-site.
<b>Material volume limit</b>	The EA may place conditions or restrictions as part of the emergency waiver process.	An unlimited amount of material may be sold or given away if the activity is zoned for agricultural uses and less than 1,000 cubic yards of compost per year is sold or given away (feedstock may be limited if there is a risk to public health and safety or the environment).
<b>Use of processed material</b>	Processed material may be utilized on-site.	Material may be land applied (off-site and on-site) provided it meets the requirements of Section 17852(a)(24.5) (metals, pathogens, contaminants, etc.).
<b>Operational process timeline</b>	The operator must initiate the waiver process with the EA prior to commencing activities (under Emergency declaration).	The operator must notice the EA prior to starting operations (under Emergency Declaration).
<b>Applicable operating standards</b>	The activity is excluded from composting General Operating Standards and monitored through the conditions and restrictions of the Emergency Waiver.	The operator must comply with General Operating Standards (Section 17856, et seq.) while in operation.
<b>Noticing requirements</b>	The emergency waiver is applicable for 120 days with an option for extension.	The operator shall notify the EA with the intent to commence operations through the EA notification requirements.