

## **BILL ANALYSIS**

Senate Research Center  
76R7252 DLF-F

S.B. 1532  
By: Carona  
Administration  
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As Filed

### **DIGEST**

The Texas Renderers' Licensing Act, Chapter 144, Health and Safety Code, has not been revised since the Legislature enacted it in 1969. Over the last 29 years, the rendering industry has drastically changed and expanded, including its technology, products and related potential public health hazards. S.B. 1532 regulates renderers in order to ensure that business, under guidelines of the Texas Department of Health (TDH) are authorized to track, document, identify vehicles and animals which are renderable from origin to destination in the food supply chain, in order to better protect public health.

### **PURPOSE**

As proposed, S.B. 1532 regulates renderers.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 144.002, Health and Safety Code, to redefine "employee," "related station," "rendering business," "rendering establishment," "renderable raw material," "recyclable cooking oil," "renderable raw material hauler," "transfer station," "waste cooking grease."

SECTION 2. Amends Section 144.003(b), Health and Safety Code, to require transfer stations to comply with this chapter.

SECTION 3. Amends Section 144.011, Health and Safety Code, to prohibit a person from operating or maintaining a transfer station without a transfer station operating license issued by the Texas Department of Health (department). Deletes text regarding rendering establishment.

SECTION 4. Amends Section 144.012(a), Health and Safety Code, Prohibits this chapter from applying to a person who disposes of their own animal, unless the person also performs rendering operations or process. Makes conforming changes.

SECTION 5. Amends Sections 144.013(a) and (f), Health and Safety Code, to delete the provision requiring the hearing to be conducted not later than the 30th day after the date of the request. Makes a conforming change.

SECTION 6. Amends Section 144.021(b), Health and Safety Code, to authorize the department to prescribe other reasonable and appropriate construction, operational, maintenance, and inspection requirements to ensure compliance with this chapter and applicable rules of the department. Deletes text requiring each holder of an operating license to comply with the specific operating procedures.

SECTION 7. Amends Sections 144.022(a), (b), (c), and (e), Health and Safety Code, to require each licensed rendering establishment, related station, transfer station, dead animal hauler, or renderable raw material hauler to have an operations, rather than dead animal, log that meets the requirements prescribed by the department. Requires the licensed holder to enter certain information when a dead animal or renderable raw material is received. Makes conforming changes. Requires the license holder to also keep copies of each receipt, invoice, trip ticket, manifest, or other document that evidences the receipt and delivery of the dead animal or renderable raw material. Requires each record to be maintained under this chapter to be maintained at the regular place of business of the license holder until the first anniversary of

the date on which the record was made or for a longer period as directed by the department and to be made available at that location for inspection on demand by the department. Authorizes the department to prescribe other compliance and applicable rules. Deletes text regarding licensed renderable raw material hauler.

SECTION 8. Amends Section 144.023, Health and Safety Code, as follows:

Sec. 144.023. New heading: VEHICLES; PERMIT REQUIRED. Requires a vehicle used to transport dead animals or renderable raw materials to or from a rendering establishment to comply with each applicable requirement for operation on the public roads or highways, including applicable insurance requirements and gross vehicle weight limitations. Prohibits the owner of a vehicle from operating the vehicle on public roads and highways to haul dead animals or renderable raw materials unless the owner holds a permit for the vehicle issued by the department. Requires the owner to provide the department certain information to obtain a permit for the vehicle from the department. Requires the department to require that a dead animal or renderable raw material hauling vehicle conspicuously display a permit decal issued by the department and the number and license holder's name for any operating license required under Section 144.011. Authorizes the department, as a condition of issuance and maintenance of the permit, to require that the vehicle comply with any other construction, operational, maintenance, inspection, and marking requirements as prescribed by the department.

SECTION 9. Amends Section 144.024, Health and Safety Code, by adding Subsection (d), to prohibit a person from contaminating or commingling waste cooking grease or recyclable cooking oils with grease trap waste, grit trap waste, or any other substance that would render the grease or oils harmful or otherwise unsuitable for use as an ingredient in livestock feed or in topical cosmetic products.

SECTION 10. Amends Section 144.030, Health and Safety Code, to require a container in which dead animals or renderable raw material are accumulated by a producer at collecting points for pickup by a dead animal hauler or renderable raw material hauler to remain in a secure location on the premises at each collecting point. Requires the owner of the containers, rather than producer of the materials, to maintain the containers in a leak-proof, rather than clean, sanitary condition and to replace them as necessary. Requires the transportation, delivery, transfer, loading, and off-loading of dead animals and renderable raw materials to be performed in a manner that prevents the release of animal parts and spills or leaks of renderable raw materials from containers. Requires a release of dead animal parts or spill or leak of renderable raw materials to immediately be cleaned up and reported in the operations log required by Section 144.022. Deletes text regarding rendering establishment. Deletes text regarding containers of a producer.

SECTION 11. Amends Section 144.031, Health and Safety Code, to prohibit a person licensed under this chapter to purchase renderable raw materials from a renderable raw material hauler who is not licensed under this chapter.

SECTION 12. Amends Section 144.041, Health and Safety Code, to prohibit a person from not constructing a new transfer station or engaging in construction involving an addition or replacement at a transfer station without a construction permit issued by the department. Provides that construction at a rendering business, rather than related station, is subject to the construction and layout requirements established under Subsection (a). Deletes text regarding construction conducted in connection with construction at a rendering establishment.

SECTION 13. Amends Section 144.042, Health and Safety Code, to provide that a construction permit from the department for the construction of a new rendering business, rather than establishment or new related station, or for construction at a rendering business, rather than establishment or related station, is not required if the cost to the rendering business, establishment or related station, is less than \$10,000.

SECTION 14. Amends Sections 144.043(a) and (e), Health and Safety Code. Makes conforming changes.

SECTION 15. Amends Section 144.051, Health and Safety Code, to require construction permit holders to comply with the specific requirements established under this subchapter, except to the extent the department grants a written variance from a requirement. Authorizes the department to grant a variance from the requirements of this subchapter if the department determines that construction or operational features established at a rendering establishment will provide protection for public health and safety

equivalent to that afforded by the requirements of this subchapter.

SECTION 16. Amends Sections 144.063(b) and (d), Health and Safety Code, to require the department to set an annual renewal fee. Deletes provision stating that the annual renewal fee is the same as the original license fee for that license. Provides that if the renewal fee is not paid before the expiration of the 15th day after the date on which written notice of delinquency is given to the license holder by the department, the license expires unless the department grants an extension, rather than license holder showing good cause for failure to renew.

SECTION 17. Amends Section 144.064, Health and Safety Code, as follows:

Sec. 144.064. New heading: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE OR PERMIT; REINSTATEMENT. Authorizes the commissioner of health (commissioner) to deny, suspend, or revoke an operating license, construction permit, or renewal of an operating license or construction permit if the (commissioner) finds that the license holder or permit holder has violated this chapter of a rule or order adopted under this chapter or did not exercise due care to prevent the violation. Deletes provision regarding period for correction.

SECTION 18. Amends Sections 144.071(a) and (c), Health and Safety Code, to require the department to inspect the place of business of each operating license holder, the vehicles of each renderable raw material hauler, and construction site of each construction permit holder, if construction is continuing. Makes a conforming change.

SECTION 19. Amends Section 144.072, Health and Safety Code, to require an application for an operating license to be accompanied by an application fee. Requires an application for a construction permit to be accompanied by a fee. Requires construction permit fees to be based on the dollar value at the cost to the rendering establishment or related station of the construction. Requires an applicant for a vehicle permit under Section 14.023 to be accompanied by a permit fee for each vehicle for which a permit is to be issued. Requires the department, by rule, to set the fees authorized by this chapter in amounts that allow the department to recover the annual expenditures of state funds in certain actions. Deletes provisions regarding the application fee and schedule. Makes conforming changes.

SECTION 20. Amends Section 144.073, Health and Safety Code, to require all fees collected under this chapter to be payable to the department and to be deposited to the credit of the rendering fee account in the general revenue fund, rather than the state treasure. Authorizes money in the account to be appropriated only to the department to be used to process and investigate applications filed under this chapter and to administer this chapter..

SECTION 21. Amends Section 144.077, Health and Safety Code, as follows:

Sec. 144.077. New heading: HEARINGS AND JUDICIAL REVIEW. Provides that a hearing held under this chapter is subject to Chapter 2001, Government Code. Provides that the manner of judicial review is by substantial evidence review, rather than trail de novo.

SECTION 22. Amends Sections 144.078(a) and (c), Health and Safety Code, to authorize on request of the department, the attorney general to bring an action in any district court of this state. Authorizes the attorney general on behalf of the department to bring an action under Subsection (a).

SECTION 23. Amends Section 144.079, Health and Safety Code, as follows:

Sec. 144.079. New heading: PROHIBITED ACTS. Prohibits a person from stealing, misappropriating, contaminating, or damaging recyclable cooking oil or containers or recyclable cooking oil. Prohibits a render, hauler, or another person from taking certain actions.

SECTION 24. Sections 144.082(a) and (c), Health and Safety Code, to authorize an administrative penalty to be assessed only after a person has been notified of, rather than charged with, a violation. Makes a conforming change.

SECTION 25. Effective date: September 1, 1999.

SECTION 26. Makes application of this Act prospective.

SECTION 27. Emergency clause.