

BILL ANALYSIS

Senate Research Center
76R10531 MCK-F

C.S.S.B. 1532
By: Carona
Natural Resources
4/7/1999
Committee Report (Substituted)

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. C.S.S.B. 1532 regulates renderers in order to ensure that business, under guidelines of the Texas Department of Health 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, C.S.S.B. 1532 regulates renderers.

RULEMAKING AUTHORITY

Rulemaking authority is granted the Texas Department of Health in SECTION 18 (Section 144.072(e), Health and Safety Code), of this bill.

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," "renderable raw material hauler," and "transfer station." Defines "recyclable cooking oil" and "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 establishments.

SECTION 4. Amends Section 144.012(a), Health and Safety Code, to prohibit this chapter from applying to a person who disposes of the person's 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 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 8. 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, if a person intends to use oil or grease as an ingredient in livestock feed or in topical cosmetic products.

SECTION 9. 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 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 10. Amends Section 144.031, Health and Safety Code, to prohibit a person licensed under this chapter from purchasing renderable raw materials from a renderable raw material hauler who is not licensed under this chapter.

SECTION 11. Amends Section 144.041, Health and Safety Code, to prohibit a person from 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 12. 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 13. Amends Sections 144.043(a) and (e), Health and Safety Code. to make conforming changes.

SECTION 14. 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 15. Amends Sections 144.063(b) and (d), Health and Safety Code, to require the department to set an annual renewal fee. Deletes a 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 16. 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 or a rule or order adopted under this chapter or did not exercise due care to prevent the violation. Deletes a provision regarding the period for correction.

SECTION 17. 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 18. 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 19. 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 treasurer. 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 20. 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 trial de novo.

SECTION 21. 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 22. 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 of recyclable cooking oil. Prohibits a render, hauler, or another person from taking certain actions.

SECTION 23. Amends 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 24. Effective date: September 1, 1999.

SECTION 25. Makes application of this Act prospective to January 1, 2000.

SECTION 26. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 7.

Deletes proposed SECTION 7 and proposed changes to Sections 144.022(a), (b), and (e), Health and Safety Code, regarding renderable raw material.

Redesignates existing SECTIONS accordingly.

SECTION 8.

Amends Section 144.024, Health and Safety Code, regarding the intent to use oil as an ingredient in livestock feed or cosmetic products.

SECTION 9.

Deletes proposed amendment to Section 144.030(a), Health and Safety Code, regarding a secure location.