



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: August 25, 2020

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Andrew Lockman PHONE: 624-8000				

SUBJECT: Ratify a Proclamation of Local Emergency due to Animal Mortality

REQUEST(S):

That the Board of Supervisors:
Ratify a Proclamation of Local Emergency due to Animal Mortality issued by the Director of Emergency Services on August 19, 2020.

SUMMARY:

For approximately the past 2 weeks, Tulare County and much of the State have experienced excessive heat conditions, resulting in numerous notable impacts such as fires and electrical shortages, prompting the Governor to proclaim a State of Emergency for an Excessive Heat Event on August 14, 2020. Livestock in Tulare County and the Central Valley have also been impacted, with increased mortality rates resulting from the sustained excessive heat. This surge in mortality has increased demand for carcass disposal services, which are already constrained during non-emergency periods.

On August 18, 2020, the Tulare County Agricultural Commissioner received a Quarantine Notice and Emergency Mortality Disposal Advisory from the California Department of Food and Agriculture regarding this incident, regarding the need for alternative disposal methods where owners temporarily lack access to rendering services. Concurrently, the Agricultural Commissioner reported that Baker Commodities, the regional rendering facility which disposes a majority of livestock carcasses in the area, reported at least a 24-hour backlog in their operations. Since that time, carcass pick-ups have started to experience delays and/or curtailments due to this backlog and lack of available receiving facilities. If left unmitigated, rotting animal carcasses could pose a variety of health and environmental hazards including

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but not limited to disease vectors and groundwater contamination.

On August 19, 2020, the Director of Emergency Services proclaimed a local emergency due to the actual or threatened public health impacts resulting from the inability to dispose of these carcasses through normal means. The proclamation of a Local Emergency allows for alternative disposal means as outlined in the Emergency Mortality Disposal Advisory, which may include authorization of conditional waivers by the California Regional Water Quality Control Board, Central Valley Region pursuant to Order No. R5-2018-0017 entitled "Conditional Waiver of Waste Discharge Requirements for Disaster-Related Wastes during States of Emergency within the Central Valley Region."

In order for the Director's proclamation to remain in effect, the Tulare County Board of Supervisors must ratify the proclamation within seven days of issuance, in accordance with California Government Code §8630(b). At such time as the emergency conditions abate, staff will present an Agenda Item to request the termination of the Local Emergency pursuant to California Government Code §8630(d).

FISCAL IMPACT/FINANCING:

There is no cost associated with proclaiming a local emergency. There are no extraordinary County response costs associated with this incident at this time.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security initiative, with a directive to plan and provide coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. This local emergency supports this mission and local industry by coordinating a multi-agency regulatory solution to mitigate a potential public health issue.

ADMINISTRATIVE SIGN-OFF:

/s/Timothy Lutz
Timothy W. Lutz
Agency Director

Cc: County Administrative Office

Attachment(s) Proclamation of Local Emergency
Quarantine Notice
Emergency Mortality Disposal Advisory

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF RATIFY A) Resolution No. _____
PROCLAMATION OF LOCAL EMERGENCY) Agreement No. _____
DUE TO ANIMAL MORTALITY)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Ratified a Proclamation of Local Emergency due to Animal Mortality issued by the
Director of Emergency Services on August 19, 2020.

PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES
COUNTY OF TULARE, STATE OF CALIFORNIA

WHEREAS, the California Emergency Services Act, commencing with California Government Code section 8550, empowers local government to proclaim a local emergency; and

WHEREAS, Section 1-15-1005(a) of the Tulare County Ordinance Code defines “emergency” to include “the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, ... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this County, requiring the combined forces of other political subdivisions to combat”; and

WHEREAS, Section 1-15-1005(h) recognizes the County Administrative Officer as the Director of Emergency Services;

WHEREAS, a regional heat wave in the Central Valley has resulted in higher than average mortality rates of livestock and poultry within Tulare County; and

WHEREAS, as a result of the sudden rise in animal mortality rates, it is anticipated that licensed rendering facilities within the Central Valley may lack the ability to accept and properly dispose of carcasses; and

WHEREAS, on August 18, 2020 the Tulare County Agricultural Commissioner’s Office, Tulare County Office of Emergency Services, and the Tulare County Health Department were advised of this situation; and

WHEREAS, on August 19, 2020, the State Veterinarian, acting pursuant to the authority of Section 9562 of the Food and Agricultural Code, imposed a statewide Quarantine on all owners of livestock and poultry—effectively requiring said owners to move all animal carcasses

to an alternative disposal site which complies with relevant state and local laws and regulations, so long as carcasses have been refused by a licensed renderer due to lack of capacity, condition of the carcass, or on-site operational problems; and

WHEREAS on August 19, 2020, in recognizing the need for alternative methods of disposal of animal carcasses, the California Department of Food and Agriculture (CDFA) has issued an Emergency Mortality Disposal Advisory allowing for four alternative carcass disposal methods which includes: 1) Direct transport to alternative rendering facilities; 2) Direct transport to permitted landfills; 3) Temporary on-farm storage for later transport to rendering or permitted landfills; and, 4) On-farm composting for later transport to landfill or on-farm land application for non-agricultural purposes; and

WHEREAS, per CDFA guidance, the aforementioned disposal methods are only permissible during an emergency declared by the Governor, County agricultural commissioner, or other authorized government entity; and

WHEREAS, the anticipated increase of livestock and poultry carcasses throughout farms and ranches within the County will result in a public health hazard and that at times, emergency disposal measures are necessary to protect the public health and safety; and

WHEREAS, from the adoption by the Legislature of Government Code section 8570.5 as a part of the State Emergency Services Act, it is clear that the State has determined alternative measures to deal with unusually high number of dead livestock would be necessary in such emergencies.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED by the Tulare County Director of Emergency Services, or successor, as follows:

1. Due to anticipated increase in livestock and poultry mortality rates resulting from regional heat wave and the inability of local rendering facilities to accept the sudden influx of

animal carcasses, there is a need for alternative disposal methods to prevent a health hazard and conditions of disaster and extreme peril from occurring within the County of Tulare and, therefore, a local emergency now exists in Tulare County.

2. Based upon the above proclamation of local emergency, the Tulare County Health Department, the Tulare County Agricultural Commissioner's Office, and the Tulare County Solid Waste Department are hereby authorized to take such actions as they deem appropriate and necessary to provide for the safe and orderly disposal of livestock and poultry carcasses. Such disposal will be at a location and under the conditions determined by the Health Department and the Agricultural Commissioner to be necessary to create minimal risk to the environment and to the health and safety of the public. Actions taken hereunder shall comply with all applicable State statutes and regulations.

3. This Proclamation and the acts of disposal of the dead livestock and poultry are hereby determined to be exempt from the provisions of the California Environmental Quality Act ("CEQA") under the provisions of Public Resources Code section 21080(b)(4), and CEQA Guidelines section 15269, which provides an exemption for emergency projects.

4. The Emergency Services Manager, the Tulare County Agricultural Commissioner's Office, the Tulare County Health Department, and the Tulare County Solid Waste Department are hereby authorized to take other appropriate action which are deemed necessary in response to this local emergency.

5. The Emergency Services Manager shall take appropriate steps to notify the State Office of Emergency Services of this Proclamation and of the steps taken hereunder to address this local emergency.

6. During the existence of said local emergency, the powers, functions, and duties of the emergency organization of Tulare County shall be those prescribed by State law, by

ordinances, and resolutions of Tulare County, and by the Tulare County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

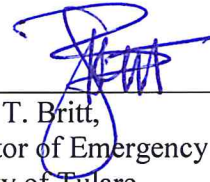
7. This Order is issued pursuant to the Emergency Services Act, commencing with Government Code §8550.

8. The County of Tulare Director of Emergency Services also requests the State of California waive any regulations that may hinder response and recovery efforts.

9. This Emergency shall be reviewed and ratified by the Tulare County Board of Supervisors within 7 days, or it shall have no further force or effect.

This Order shall take effect immediately.

It is so ordered and proclaimed this 19 day of August, 2020 at 3:00 p.m.



Jason T. Britt,
Director of Emergency Services
County of Tulare

State of California
California Department of Food and Agriculture
Animal Health and Food Safety Services

HQ-200818.1Q

1220 N Street
Sacramento, California 95814

Telephone: (916) 900-5002
Facsimile: (916) 900-5333

NOTICE OF REQUIRED ACTION PURSUANT TO QUARANTINE

Owner: All owners of livestock and poultry within California that temporarily do not have access to rendering services.

Address: Throughout California

You are hereby notified that the State Veterinarian has imposed a Quarantine pursuant to Food and Agricultural Code, Section 9562 on the following population of animals or animal product:

Description of Population of Animals or Animal Product: _____

Location of animals: Farms and ranches throughout CA where mortality pick-up and processing has been refused by a licensed renderer due to lack of capacity, condition of the carcass, or operational problems.

Reason for Quarantine:

This Quarantine is imposed because the population of animals or animal product described above may be infected or infested, has been exposed to a condition that could transmit an illness that could kill or seriously damage other animals or humans, or may be at risk for such exposure.

Condition: THE QUARANTINE IS IN EFFECT FROM AUGUST 18, 2020 THROUGH AUGUST 31, 2020 - THE OWNER MUST COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

This Quarantine is imposed in the circumstances of natural disaster, whether occurring or imminent, or a declared emergency.

Required Action: Pursuant to Food and Agricultural Code, Section 9562 and Title 3, California Code of Regulations, Section 1301 *et seq.*, you are required to:

Hold the population of animals or animal product described above on the premises where it is now located.

Move the population of animals or animal product described above from the present location to an alternative disposal site that is in compliance with other state (environmental agencies) and local laws and regulations. Only if renderers cannot accept the carcasses. no later than _____ a.m. / p.m. on _____

The method of movement shall be _____

Cease all efforts to cause the population of animals or animal product described above to enter the State of California.

Segregate the population of animals or animal product described above from other animals or products no later than _____ a.m. / p.m. on _____

The method of segregation shall be _____

Isolate the population of animals or animal product described above no later than _____ a.m. / p.m. on _____

The method of isolation shall be _____

Treat the population of animals or animal product described above no later than _____ a.m. / p.m. on _____

The method of treatment shall be _____

Destroy and dispose of the population of animals or animal product described above. Destruction shall take place no later than _____ a.m. / p.m. on _____.

The method of destruction shall be _____

The method of disposal after destruction shall be _____

and disposal shall be completed no later than 11:59 PM a.m. / p.m. on August 31, 2020

The State Veterinarian may modify the action(s) required in this Notice. Failure to comply with this Notice of Required Action is a violation of Title 3, California Code of Regulations, Section 1301.8 and will result in the Department of Food and Agriculture pursuing appropriate remedies, including but not limited to law enforcement involvement, and may interfere with your receiving indemnity payments to which you might be entitled.

Notice issued by: _____ Title Branch Chief Date: 8/18/20 Time: 3:52PM

Notice served by: _____ Title _____ Date: _____ Time: _____

Notice received by: _____ Title _____ Date: _____ Time: _____

YOUR APPEAL RIGHTS

You may appeal the imposition of the Quarantine in an informal hearing process, pursuant to Chapter 4.5 (commencing with Section 11400) of Division 3 of Title 2 of the Government Code and Title 3, California Code of Regulations, Section 1301.2 and 1301.3, by contacting the **State Veterinarian at cdfa.qna@cdfa.ca.gov** and requesting an informal hearing. The request must include the appellant's: name, address, and phone number, as well as a copy of this Notice. **Unless the box below is checked, your request for a hearing must be received within 72 hours of service of this notice.**

YOUR REQUEST FOR A HEARING MUST BE RECEIVED NO LATER THAN _____ A.M. / P.M. ON _____

Emergency Mortality Disposal Advisory

California Department of Food and Agriculture (CDFA)

Disclaimer

The guidance below is only applicable during an emergency declared by the Governor, county agricultural commissioner, or other authorized government entity. Once the emergency situation is over, disposal of mortalities on-site or through landfill without proper CDFA permit will be considered by California Central Valley Regional Water Quality Control Board (RB-5) to be a violation of the Dairy General Order, and a violation of California Food and Agricultural Code (FAC) 19348.

This is our best understanding of the current situation. We will provide updates if the situation changes and more information becomes available.

Background

The regional heat wave expected over the next few days has resulted in higher than normal animal mortality rates in the Central Valley areas. This advisory was created to give necessary guidance to impacted producers regarding alternative carcass disposal methods.

Disposal Options

Currently, there are four alternative carcass disposal methods that include: 1. Direct transport to alternative rendering facilities; 2. Direct transport to permitted landfills; 3. Temporary on-farm storage for later transport to rendering or permitted landfills; and, 4. On-farm composting for later transport to landfill or on-farm land application for non-agricultural purposes.

The four options listed below are provided as general guidance describing all potentially viable alternative disposal methods during the heat event. Please be aware that some counties may have some specific guidance/requirements on how to dispose of stockpiled animal carcasses during such events. It is the producer's responsibility to check with their local enforcement agencies (LEA) and follow their guidance and requirements.

Option #1. Direct transport to alternative rendering facility.

The preferred carcass disposal option is direct transport to an alternative rendering facility with available capacity to process the carcasses. Rendering is recycling and it provides the best beneficial use of the carcass materials. However, the condition of the carcasses is critical, as rendering plants have requirements regarding the acceptable levels of carcass decomposition. If this option is pursued, coordination is critical among CDFA's Meat, Poultry and Egg Safety (MPES) Branch, the alternative CDFA licensed rendering facility, licensed collection centers, and licensed dead animal haulers. Mr. Michael Koewler, Chairman of CDFA's Rendering Industry Advisory Board (RIAB) is the lead for coordination among rendering facilities. Mr. Koewler is also President of Sacramento Rendering Company and can be reached at 916-363-4821. Please contact Mr. Koewler for the coordination of transportation among the alternative rendering facilities, dead animal haulers, and collection centers.

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- **CDFA Licensed Renderers and Collection Centers:** A link to the map showing the location and contact phone number for licensed renderers and collection centers can be found [here](#).
- **CDFA Licensed Dead Animal Haulers:** A list of 2020 CDFA licensed dead animal haulers with their contact phone number can be found [here](#).
- **CDFA MPES Branch Contacts:**
Paula Batarseh, 916-900-5059, Paula.Batarseh@cdfa.ca.gov
Han Lai, 916-204-4438, han.lai@cdfa.ca.gov

Option #2. Direct transport to permitted landfill

If Option 1 is not available, producers may be able to locate a landfill that will accept animal carcasses. The first step in evaluating this option is to contact local landfills regarding their acceptance of animal carcasses. The second step is to consult with your LEA and the Regional Water Quality Control Board (RWQCB) before transporting carcasses to a landfill. The RWQCB recommends that animal carcasses should only be disposed of in landfills with permitted leachate management systems to prevent potential water quality contamination. There are many more landfills in the Central Valley that lack leachate management systems than those that do. Therefore, it is critical to work closely with the LEA and RWQCB to determine which landfills will be allowed to accept carcasses during heat events. Once a landfill has been identified, remember landfill operators should also be provided with a copy of the CDFA Carcass Disposal Quarantine Notice.

Local Landfill Map: A comprehensive interactive map listing local landfills is [available on-line](#) from CalRecycle.

LEA Directory. A directory link with contact information for the LEAs can be found at: <https://www2.calrecycle.ca.gov/SolidWaste/LEA/Directory/>

Central Valley RWQCB Contact: Doug Patteson, (559) 445-5577

Option #3. Temporary storage on-farm for later transport to a rendering facility or permitted landfill.

If Option 1 and 2 are not available, carcasses may be temporarily stored on-site at the farm. There are two temporary storage options.

- 3.1 On-Site Cold Storage. Holding carcasses in a temperature-controlled storage unit is preferred as it retards decompositions and may hold the carcass in a condition that will allow rendering at a later date.
- 3.2 Temporary Piling. Carcasses can be piled on or above the ground surface and covered with soil. In either case, the pile needs to be on an impervious layer to protect groundwater from leachate infiltration, e.g. a waterproof liner is required to be placed underneath the pile. During an extended heat event, storage in ambient temperatures will result in accelerated decomposition where the final disposition will be transport to a permitted landfill. Producers should contact the landfill prior to storing carcasses onsite and before transporting the material to ensure the facility is permitted and has the capacity to accept carcasses. Producers should also consult with the county LEA and RWQCB before pursuing with the temporary storage option for ultimate landfill disposal.

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Note: Always consider control measures for insects, other fomites, and vectors during temporary carcass storage. Stored material must be removed from the farm within **one month** following the creation of the temporary pile. If any storage is done below grade (buried), prior notification to the RWQCB is required to avoid enforcement action. Be sure to keep and maintain records to document that the material was taken to a landfill within one month. Also maintain final landfill disposal records for inspection.

Option #4. On-farm Composting

As a last resort, if the animals died on the owner's property they may be composted on-farm. If done correctly, composting can: mitigate the immediate issue of decomposing animal carcasses by the roadside, control common human and animal pathogens, and create a more manageable material that may be more acceptable for landfilling. Compost must always be performed in a controlled manner by trained and experienced personnel. Proper site security measures such as fencing should be installed to protect the compost piles from predators, vermin, or other unwanted animals. After the composting process is complete and no later than **six (6) months** from starting the composting process, the composted materials will be required to be disposed of through:

4.1 **Landfill.** Composted materials can be disposed of at permitted landfills. The producers should confirm that there is a landfill available that will accept compost material before beginning the composting process. Producers should consult with the landfill operator, LEA, and RWQCB before starting the composting process and/or sending the composted material to the landfill. The date, number and identity of cows composted and subsequently transported to landfill should be documented to address any future regulatory inquiries.

4.2 **Land Application on Owner's Property for Non-Agricultural Purpose.** Land application is an option but only with the approval of the RWQRB and is for non-agricultural use only. Producers should consult with the RWQCB before starting the composting process and inquire about requirements for land application. It is likely that land application will require a management plan with monitoring and testing that shows the composted material will not be a threat to water quality. The producers should plan for the possibility that the only disposal option for the composted material is landfill. Be aware that the maximum allowed time for composting on-farm is **six (6) months**. In addition, outside material cannot be brought on site to be composted, and the compost materials cannot be transported off-site (other than to a landfill as presented under option 4.1) or sold and/or land applied at other locations. Bones should be removed and properly disposed of prior to land applying the compost materials.

Composting resources: Several guides for composting cattle mortalities are available on-line including USDA and Extension Bulletins from [Michigan State](#) and [New Mexico State](#). Research by the University of California suggests dairy manure (either dry-lot scraping or screened manure solids) having a moisture content ranging from 25% to 70% and is an effective composting feedstock. An impervious layer such as a concrete pad or a waterproof liner should be used to protect groundwater from infiltration. Adult carcasses should be placed on a 3-foot bed of dairy manure and covered with 3 feet of the same material. The site of the temporary piles should be protected from inundation, washout, runoff, ponding, and scavenging wild animals. The temporary pile should be at least 50 feet from any domestic well.

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Recordkeeping Requirements

Producers are required to record the final disposition of each carcass not sent to rendering. This will help protect them from regulatory confusion and potential fines. Records must be maintained for at least three years.

Please reach out to CDFA MPES Sacramento Headquarter if you have any general questions or need additional assistance.

California Department of Food and Agriculture

Animal Health and Food Safety Services: Meat, Poultry and Egg Safety Branch

1220 N Street

Sacramento, California 95814

Telephone: (916) 900-5004

Fax: (916) 900-5334

or send an email to: cdfa.mpes_feedback@cdfa.ca.gov