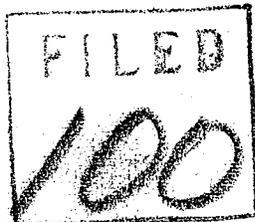


ANIMALS@
DEAD BODIES:
STATUTES:

The proposed operation, as stated in this opinion request,
comes within the purview of Chapter 269, RSMo 1949.



February 19, 1958

Honorable Edwin Yagel
Prosecuting Attorney
Linn County
Brookfield, Missouri

Dear Mr. Yagel:

This will acknowledge receipt of your request for an opinion
of this Department which reads:

"Recently a rendering company from out state
has established what they denominate a sub-
station or dock for the collection of dead
animals and commercial wastes from slaughter
houses to be later transported out state for
processing. This substation or dock is
located approximately 1.4 miles from the
corporate limits of the City of Brookfield,
and as such was not licensed under Chapter
269, R.S. Mo. 1949, by the State Veterinarian.

"I have been informed by the manager of the
company that they will no longer collect at
the dock any dead animals, but it will be used
solely for the purpose of collecting commercial
wastes from animal and poultry slaughter houses.

"I would appreciate an opinion from you or your
staff as to whether such operation comes within
the purview of Chapter 269, R.S. Mo. 1949, and as
such would require a license."

Most of the various statutes contained in Chapter 269, supra,
deal specifically with the transportation of dead animals only and
regulations and operation of disposal plants for disposing of said
dead animals. (See Sections 269.010, 269.030, 269.040, 269.130,
269.150, 269.160, 269.170 and 269.180, RSMo 1949.)

Honorable Edwin Yagel

Section 269.010, subparagraph 2, RSMo 1949, defines "disposal plant" for the disposal of bodies of dead animals to also include substations or any subplant that may be used in connection with the bodies, solely for temporary deposit or storage of such dead bodies pending final delivery thereof to a disposal plant.

In view of the foregoing statute a substation or plant falls within the same classification as a disposal plant for the purpose of licensing and regulating same.

Under Section 269.030, supra, it is provided that no one shall engage in the business of disposing of or transporting on the highways or public roads of this state, bodies of dead animals, or of operating a disposal plant in this state without first obtaining a license for such purpose from the state veterinarian. Section 269.040, supra, requires an application be filed for the purpose of operating a disposal plant and also contains a provision that the applicant must show the number and location of all substations he desires to operate. The state veterinarian is required to ascertain under Section 269.050, supra, if said applicant is responsible and a suitable person to conduct such a business and if the methods of operation comply with all the provisions of Chapter 269 and rules and regulations of state veterinarian.

Section 269.210, supra, does specifically hold that any person, except when holding a license to operate a disposal plant in this state, or one holding a license to transport bodies of dead animals, or who is acting for such licensee, or who is otherwise excepted by Chapter 262, supra, who shall advertise that he is engaged in transporting and disposing of dead animals in any manner and for any purpose and not excepted in this chapter; or who shall obtain from any other person, by purchase or otherwise, the body of any such dead animal in whole or in part, for the purpose of transporting same over the highways of this state, and disposing of the carcass or the hide, skin, grease or other products of such dead animals to any person or by any method, shall be guilty of violating this chapter and subject to the penalties provided for in this chapter. See Section 269.220, "Penalties."

Section 269.200, RSMo 1949, contains certain exceptions to the provisions of Chapter 269, supra, however, nothing therein contains anything that could possibly exempt said company from this act while obtaining such commercial waste for the purposes stated in your request.

You state that such substation is to be used in the future for collecting commercial wastes from animal and poultry slaughterhouses. We assume by reference to commercial wastes that you have reference to what is commonly called tankage and tankage has been defined in

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Webster's New International Dictionary as follows: "[4]. Dried animal residues, as bones, tendons, etc., a by-product of slaughterhouses, rendering plants, etc., usually freed from the fat and gelatin and used as a fertilizer and feeding stuff." See also Darling and Co. vs. U.S., 12 Ct. Cust. App. 86, l.c. 87, wherein the decision of the court referred to evidence of the only witness who testified in the case defining tankage as follows:

"In packing houses there is certain parts of the animal, either cattle or hogs, that is not fit for human consumption--fleshings and even old animals, parts of hoofs, sinews, etc. There is a certain amount of fat in these products and packers are anxious to recover all the fat they can. The process is very simple. I can describe it by telling you that it is similar to making a beef stew. They are put in a tank and cooked the same as a stew and the grease is skimmed off the top and the rest of the material is tankage. It is called tankage because it was put in tanks."

By use of such language in Section 269.210, supra, i.e., by obtaining the body of any dead animal in whole or in part, for the purpose of transporting same over the state highways and of disposing of the carcass or hide, skin, grease or other product of said dead animals, we conclude that said statute is sufficiently broad enough to include so-called tankage or commercial waste from animals and, therefore, such proposed operation at such substation is within the purview of Section 269.210, RSMo 1949, and subject to the provision of Chapter 269, supra, and rules and regulations for enforcing same.

CONCLUSION

It is, therefore, the opinion of this Department that such proposed operation of transporting commercial wastes to such substation comes within the purview of Chapter 269, RSMo 1949, and, therefore, in order to so operate said company must obtain a license as provided therein.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

John M. Dalton
Attorney General

ARH:mw