

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 599*

Short Title: Rendering Act Amendments. (Public)

Sponsors: Senators Bingham, Brock, Rouzer; Clary, Jackson, and Stevens.

Referred to: Agriculture/Environment/Natural Resources.

April 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND
3 OPERATIONS AND TO BRING THE COLLECTION AND PROCESSING OF WASTE
4 KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 14A of Chapter 106 of the General Statutes reads as
7 rewritten:

8 "Article 14A.

9 "Licensing and Regulation of

10 Rendering ~~Plants and Plants~~, Rendering ~~Operations~~, Operations, and
11 Waste Kitchen Grease Collection and Processing.

12 **"§ 106-168.1. Definitions.**

13 For the purposes of this Article, unless the context or subject matter otherwise clearly
14 ~~requires~~, requires:

15 (1) "Collector" means any person, as defined in this section, who collects raw
16 material or waste kitchen grease for the purpose of selling the same to any
17 renderer or other person for further processing. "Collector" does not include
18 restaurants or other food establishments that generate kitchen grease.

19 (1a) "Farmer" means any person actively engaged in agriculture as defined in
20 G.S. 106-581.1. "Farmer" does not include a person who cultivates a garden
21 solely for personal use.

22 ...

23 (6) "Waste kitchen grease" means animal fats or vegetable oils that have been
24 used, and will not be reused, for cooking in a food establishment. "Waste
25 kitchen grease" does not include grease septage as defined in
26 G.S. 130A-290.

27 (7) "Waste kitchen grease operation" means the buildings and equipment in
28 which waste kitchen grease is stored and processed and the premises upon
29 which such buildings and equipment are located. "Waste kitchen grease
30 operations" does not include restaurants or other food establishments that
31 generate waste kitchen grease.

32 **"§ 106-168.2. License required.**

33 No person shall engage in rendering ~~operations~~ operations, storing or processing waste
34 kitchen grease at any waste kitchen grease operation, or acting as a collector of waste kitchen
35 grease, unless such person shall hold a valid license to do so issued as hereinafter provided.

36 **"§ 106-168.3. Exemptions.**



1 Nothing in this Article shall apply to the premises or the rendering operations on the
2 premises of any establishment operating under a numbered permit from the North Carolina
3 Department of Agriculture and Consumer Services as provided by the North Carolina Meat
4 Inspection Act, or under United States government ~~inspection~~inspection; provided, however,
5 no person shall be exempt from the requirements of this Article when acting as a collector or
6 when storing or processing waste kitchen grease at a waste kitchen grease operation.

7 **"§ 106-168.4. Application for rendering license.**

8 Application for license shall be made to the Commissioner of Agriculture, hereinafter
9 called the "Commissioner," on forms provided by him. The application shall set forth the name
10 and residence of the applicant, his present or proposed place of business, the particular method
11 which he intends to employ or employs in the processing of raw material, and such other
12 information as the Commissioner may require, ~~except that the Commissioner shall not require~~
13 ~~the submission of blueprints, plans, or specifications of the existing plant or equipment of any~~
14 ~~person owning and operating a rendering plant in North Carolina on January 1, 1953.~~ require.
15 The applicant shall pay a fee of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) with each
16 application, ~~which said fee shall be the only charge made in connection with~~
17 ~~licensure~~application and a renewal fee of one hundred dollars (\$100.00) annually after meeting
18 the renewal requirements of this Article.

19 **"§ 106-168.5. Duties of Commissioner upon receipt of application; the application for a**
20 **rendering license; inspection committee.**

21 Upon receipt of the ~~application~~application for a rendering license, the Commissioner shall
22 promptly cause the rendering plant and equipment, or the plans, specifications, and selected
23 site, of the applicant to be inspected by an inspection committee hereinafter called the
24 "committee," which shall be composed of three members: One member who shall be
25 designated by the Commissioner of Agriculture and who shall be an employee of the
26 Department of Agriculture and Consumer Services, one member who shall be designated by the
27 Secretary of Health and Human Services and who shall be an employee of the Department of
28 Health and Human Services, and one member who shall be designated by the ~~director~~board of
29 directors of the North Carolina ~~Division of the Southeastern Renderers Association~~, and who
30 shall be a person having practical knowledge of rendering operations. Each member may be
31 designated and relieved from time to time at the discretion of the designating authority. No
32 State employee designated as a member of the committee shall receive any additional
33 compensation therefor and no compensation shall be paid by the State to any other member.

34 **"§ 106-168.6. Inspection by committee; certificate of specific findings.**

35 ...
36 **"§ 106-168.7. Issuance of rendering license.**

37 Upon receipt of the certificate of compliance from the committee, the Commissioner shall
38 issue a rendering license to the applicant to conduct rendering operations as specified in the
39 application. A license shall be valid ~~until revoked for cause as hereinafter provided for one year~~
40 and shall be renewed upon submission of a certification under oath of compliance with the
41 requirements under this Article for licensure and payment of the annual renewal fee.

42 **"§ 106-168.8. Minimum standards for conducting rendering operations.**

43 The following minimum standards shall be required for all rendering operations subject to
44 the provisions of this Article:

45 ...
46 (8) Proof of general liability insurance of one million dollars (\$1,000,000) shall
47 be made in a manner satisfactory to the Commissioner.

48 **"§ 106-168.9. Transportation by licensee.**

49 Any person holding a rendering license under the provisions of this Article, or acting as a
50 collector of raw materials as herein defined, may haul and transport raw material, except such
51 material as may be specifically prohibited by law or by the rules and regulations promulgated

1 by the Commissioner, when such transporting and hauling is done in accordance with the
2 provisions of this Article.

3 **"§ 106-168.10. Disposal of diseased animals.**

4 Any person holding a rendering license under the provisions of this Article is authorized to
5 kill diseased, sick, old or crippled animals on the premises of the owner upon his request;
6 provided that no animal known to have tuberculosis, Bang's disease, anthrax, or any other
7 disease for which quarantine may be imposed, shall be removed from any premises placed
8 under quarantine without permission of the State Veterinarian, or his authorized agent. The
9 licensee shall keep and make available to the Commissioner, upon request, such records as the
10 Commissioner may require with respect to the collection and disposal of dead animals.

11 **"§ 106-168.11. Authority of agents of rendering licensee.**

12 Authority granted to any person holding a valid rendering license under the provisions of
13 this Article shall extend also to the agents and employees of such person while acting within
14 the scope of their authority. All such agents and employees shall comply with the provisions of
15 this Article and rules and regulations not inconsistent therewith, and shall display evidence of
16 such employment or agency upon proper request at any time while so acting.

17 **"§ 106-168.12. Commissioner authorized to adopt rules and regulations.**

18 ...

19 **"§ 106-168.13. Effect of failure to comply.**

20 ...

21 **"§ 106-168.14. Collectors of raw material subject to certain provisions.**

22 Any ~~collector,~~ collector of raw material, as defined in ~~this Article,~~ G.S. 106-168.1, shall be
23 subject to the provisions of subdivision (5) and subdivision (6) of G.S. 106- 168.8 and the
24 provisions of G.S. 106-168.9, and any rules and regulations adopted by the Commissioner
25 pursuant thereto.

26 **"§ 106-168.14A. Collectors of waste kitchen grease subject to certain provisions.**

27 (a) Any collector of waste kitchen grease shall submit an application for licensure to the
28 Commissioner not less than 30 days before conducting any such collection or transportation.
29 Licensure shall be for one year. The application shall be submitted in accordance with a
30 procedure established by the Commissioner for this purpose. The application shall include all
31 of the following:

32 (1) The applicant's name and address.

33 (2) A description of the operations to be performed by the applicant.

34 (3) The make, model, license number, and vehicle identification number of any
35 vehicle to be used for the transportation of waste kitchen grease.

36 (4) A nonrefundable application fee of one hundred dollars (\$100.00).

37 (b) The Commissioner shall issue each licensee a unique license number and a
38 certificate. The license shall be renewable annually January 1, when accompanied by a one
39 hundred dollar (\$100.00) licensing renewal fee and certification of compliance with the
40 provisions of this Article.

41 (c) Every licensee shall record, maintain for two years, and make available for
42 inspection by the Department all of the following information:

43 (1) The name and address of each location or person from which the registrant
44 obtained the waste kitchen grease for transportation.

45 (2) The quantity of material received from each location or person.

46 (3) The date on which the waste kitchen grease was obtained from each location
47 or person.

48 (4) The waste kitchen grease operation or other processor to whom the waste
49 kitchen grease was delivered.

50 (d) No person required to be licensed under this Article shall collect or transport waste
51 kitchen grease without all of the following:

- 1 (1) Having in his or her possession a copy of the license required by this Article
2 or other proof that the person is in compliance with the licensure
3 requirement of this Article.
4 (2) Conspicuously displaying the licensee's name and the license number in
5 letters not less than three inches high on any vehicle used for the
6 transportation of waste kitchen grease.
7 (e) It shall be a violation of this Article for a collector to do any of the following:
8 (1) Sell or offer for sale to any person unlicensed under this Article any waste
9 kitchen grease, knowing such unlicensed person would transport or process
10 such waste kitchen grease in violation of this Article.
11 (2) Steal, misappropriate, contaminate, or damage any waste kitchen grease
12 container or grease therein.
13 (3) Take or possess waste kitchen grease from a collector that is not licensed
14 under this section unless otherwise allowed under this Article, or knowingly
15 take possession of waste kitchen grease that has been stolen.

16 (f) A collector who holds a waste kitchen grease operations license pursuant to
17 G.S. 106-168.2 is exempt from the application fee requirement of subdivision (4) of subsection
18 (a) of this section.

19 (g) This section does not apply to a farmer who collects waste kitchen grease for a use
20 that is related to his or her farm.

21 **"§ 106-168.14B. Presumption of ownership.**

22 A container in which waste kitchen grease is deposited that bears a name on the container is
23 presumed to be owned by that person named on the container unless another person in writing
24 states that he or she is the owner of the container.

25 **"§ 106-168.15. Violation a misdemeanor.**

26 Any person conducting rendering operations or collecting raw material in violation of the
27 provisions of this Article shall be guilty of a Class 1 misdemeanor.

28 **"§ 106-168.16. Civil penalties.**

29 The Commissioner may assess a civil penalty of not more than five thousand dollars
30 (\$5,000) against any person who violates a provision of this Article or any rule promulgated
31 thereunder. In determining the amount of the penalty, the Commissioner shall consider the
32 degree and extent of harm caused by the violation.

33 The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to
34 the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

35 **SECTION 2.** Article 16 of Chapter 14 of the General Statutes is amended by
36 adding a new section to read:

37 **"§ 14-79.2. Larceny of waste kitchen grease.**

38 If any person shall take and carry away, or shall aid in taking or carrying away, any waste
39 kitchen grease within a container bearing the name of the owner of the container and bearing a
40 notice that unauthorized removal is prohibited without written consent from the owner of the
41 container, that person shall be guilty of a Class H felony."

42 **SECTION 3.** This act becomes effective January 1, 2012.