



To All New York Dairy and Livestock Producers:

Many of you are aware that companies that have been picking up dead stock from farms have halted pick-ups. The NYS Department of Agriculture and Markets (NYSDAM) is discussing the situation with the companies to determine a course of action regarding the disposal of downed and dead animals. In the meantime, New York producers will need to consider other methods of disposal. The following information is provided as guidance; however, these activities may also be subject to local law.

On- Farm Burial

On-farm burial may be a viable option for many farms. New York Agriculture and Markets Law has the following provisions for disposal. These provisions are applicable to all farms, including farms operating under a Concentrated Animal Feeding Operation (CAFO) permit.

[https://www.agriculture.ny.gov/AI/Allaws/Article 26 Circ 916 Cruelty to Animals.pdf](https://www.agriculture.ny.gov/AI/Allaws/Article%2026%20Circ%20916%20Cruelty%20to%20Animals.pdf)

§ 377. Disposal of dead animals.

- (1) The carcasses of large domestic animals, including but not limited to horses, cows, sheep, swine, goats and mules, which have died otherwise than by slaughter, shall be buried at least three feet below the surface of the ground or otherwise disposed of in a sanitary manner by the owner of such animals, whether the carcasses are located on the premises of such owner or elsewhere. Such disposal shall be completed within seventy-two hours after the owner is directed to do so by any peace officer, acting pursuant to his special duties, police officer, or by a designated representative of the commissioner.
- (2) Notwithstanding section forty-one of this chapter, any violation of this section shall constitute a violation. This section shall not apply to animal carcasses used for experimental or teaching purposes.

The Department also recommends the following considerations for onsite burial:

- Locate onsite mortality management activities so that prevailing winds and landscape elements minimize odors and protect visual resources.
- Locate the facility down -gradient from springs or wells whenever possible; at least 200 feet from wells and open water; above the 100-year floodplain elevation; and avoid areas with seasonally high-water tables. (Please note that State law requires that the highest part of the buried animal must have at least 3 feet of soil over it and burial must occur within 72 hours.)
- Onsite mortalities should not be disposed in liquid manure storages.
- Any farm operating under a CAFO permit must carefully observe the provisions of the permit and the farms Comprehensive Nutrient Management Plan (CNMP), including working with their AEM Certified Planner.

On-Farm Composting

You may also choose to compost dead animals.

Farms operating under a CAFO permit that choose to compost must do so in accordance with the 2014 Cornell Waste Management Institute recommendations “Composting Animal Mortalities”

<http://cwmi.css.cornell.edu/composting.htm> or the NY 316 NRCS Standards as planned in their CNMP.

For non-CAFO farms, you may compost mortalities on-site without a permit using 2014 Cornell Waste Management Institute recommendations <http://cwmi.css.cornell.edu/composting.htm>. In addition, under State law, up to 10 carcasses per year can be from off-site sources, and the animal carcasses must be placed within the compost pile on the day received (6 NYCRR Part 360-3.2(a)(4)). To handle additional off-site animals, the farm must obtain a solid waste management facility registration under 6 NYCRR Part 360-3.2(b)(3). The registration form can be found at: http://www.dec.ny.gov/chemical/52706.html#Application_Forms

Animal Health Best Practices

The Department strongly recommends the following precautions:

- Be decisive when it’s time to cull an animal. Make the decision early while the cow is still marketable. With disposal being more difficult now, it’s more likely that every dealer, market, and slaughter buyer will be refusing marginal (weak/nonthriving) calves and cull cows for fear that they will not make it successfully all the way to slaughter.
- If chemical euthanasia is used to dispatch an animal on the farm, the option for composting might be restricted due to chemical exposure to birds of prey, scavengers and neighbors’ free-roaming dogs. You must take precautions to be sure that dogs, cats, and wildlife cannot gain access to the animals being composted.
- Do not delay burial or encasement in a composting bed. The longer you wait to deal with a mortality, the more difficult the carcass will be to handle and the chances of spreading disease will increase.



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