



# Oregon

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**DATE:** May 20, 2013

**TO:** House Committee on Rules

**FROM:** Paul Mather  
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**SUBJECT:** HB 3529

## INTRODUCTION

House Bill 3529 creates requirements for how road authorities dispose of dead animals in areas of known or potential wolf activity. The bill requires road authorities dispose of carcasses in locations authorized by the Oregon Department of Fish and Wildlife (ODFW) or in solid waste facilities permitted by Department of Environmental Quality.

## BACKGROUND

The Oregon Department of Transportation recently became aware of the disposal of animal carcasses in Wallowa County recently. Concerns were raised that animal carcasses being deposited at an aggregate stockpile site could attract wolves. Immediately upon the concern being raised, ODOT cleaned up the 10 carcasses at the site and gated the site. This is not ODOT's typical practice.

ODOT's typical practice when removing animal carcasses from state highways is, when feasible, to drag them to the side of the highway away from the view of the public and out of danger for a vehicle. When the carcass is located close to residences, ODOT modifies this practice. Practices differ throughout the state depending on the options available for disposal. We dispose of animal carcasses in several ways including, using an incinerator, composting and taking them to a landfill. However because of the concerns raised in Wallowa County about attracting wolves, ODOT Director Matthew Garrett made a commitment to change ODOT's animal carcass disposal practices in Wallowa County. Now staff is taking carcasses to the Wallowa County landfill.

## DISCUSSION

House Bill 3529 would make significant changes to ODOT's current practices. The bill would require all ODOT staff members, even those not involved in daily highway maintenance activities, to collect and dispose of animal carcasses, from very small to large. It further requires ODOT to dispose of the carcasses in an approved solid waste disposal site or a location authorized by ODFW. The bill would only allow for ODOT to use existing practices of an incinerator if the locations are authorized by ODFW. Many facilities choose not to accept animal carcasses even though DEQ authorizes them to do so. This could result in lengthy haul distances for very small animals.

Should the bill move forward, ODOT would recommend some changes to further clarify. ODOT recommends the following modifications to the bill:

- Apply the civil penalties to the agency instead of the employee—this holds the agency accountable for improper disposal and allows the agency to manage the performance of employees.
- Limit the requirement to the deer and elk population—this minimizes the fiscal impact of the bill so that road authority staff is not required to collect and dispose of small animals.
- Allow latitude about when the road authority must collect and dispose the carcass—this allows flexibility so that employees engaged in emergency work are not required to stop plowing snow or helping a stranded motorist to retrieve animal carcasses. By allowing the flexibility, it also allows a road authority employee who discovers a carcass but is traveling in a passenger vehicle to report the need for pickup to ODOT maintenance staff.
- Limit the requirements to Wallowa County and remove the provision applying the requirements to areas of potential wolf activity—this codifies the agency’s current commitment and practices and addresses the concern raised. Should additional concerns be raised in other parts of the state, ODOT will evaluate its practices for the area and make necessary adjustments.

## **SUMMARY**

HB 3529 makes significant changes to ODOT’s practices for handling dead animals. As written, the bill would require ODOT employees to take all dead animals to a location approved by ODFW or a solid waste facility. ODOT has suggestions for amending the language.