

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

11/1

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Agriculture
(Agency or Board)

Regulation No. Agr 434 thru 448 (amended)

Subject: Minnesota Certified Quality Egg Program

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

OCT 25 1973 4:35 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 10-25-73

Rev. 9-72

RULES AND REGULATIONS RELATING TO THE
MINNESOTA CERTIFIED QUALITY EGG PROGRAM

Amending Department of Agriculture Regulations Chapter 20, AGR 434-457.

Department of Agriculture Regulations Chapter 20, AGR-434-457 are amended as follows:

Agr 434 Definitions

(c) Flock. Change to read:

(c) Flock. The word "flock" shall mean all chickens in one house on one farm or premises and not varying in age by more than 60 days.

(e) Independent flockowners. Change to read:

(e) Independent flockowners shall mean flockowners responsible for grading and packing eggs from their own flocks only.

Agr 438 General Provisions for All Flocks. Change to read:

(a) All birds must be confined and housed in a manner acceptable to the department.

(b) Birds must be on a balanced ration that will produce a uniform, acceptable yolk color.

(c) All eggs shall be gathered at least three times per day on a floor plan and twice per day on cage plan. Wire baskets or other approved containers shall be used for egg gathering.

(d) All eggs must be cooled by the producer with mechanical refrigeration or comparable facilities which will maintain a uniform temperature between 50-60 degrees F. and relative humidity ~~no less than~~ of approximately 70 percent.

(e) Eggs shall be transported and handled under such conditions as will prevent sweating and at a temperature of 60°F. or below.

(f) Eggs which require cleaning shall be cleaned in accordance with the regulations of the Minnesota Egg Law (Agr 390) and may be treated by oil dipping, oil spraying or oil-emulsion spraying.

(g) All eggs shall be graded in accordance with the provisions of the Minnesota Egg Law.

(h) No birds older than 20 months from date of hatch shall be retained in participating flocks except that birds in recycled (molted) flocks may be retained provided the eggs meet the Haugh Unit requirements.

(i) Processing and holding facilities shall be maintained in a sanitary condition acceptable to the department, free from mustiness and foreign odors.

Agr 440 Break-out Testing Procedure at the Plant - Measured by Haugh Units.

(a) Change second sentence to read as follows: Samples shall be drawn at random from each flock and a minimum of ten eggs shall be tested (broken out) for each flock.

Agr 441 Haugh Unit Requirements for Qualification and Participation.

Add a new regulation (d) as follows:

(d) A broken out average score of 70 Haugh Units shall be required for all Minnesota Certified Grade AA eggs at the retail level.

Agr 444 Labeling and ~~Coding or~~ Dating. Change to read:

Cartons or containers shall bear in distinctly legible form a date stated as the "month" and "day" or the number of the "month" and "day" (i.e., 4-3) preceded by the letters "EXP" or a statement such as "Not to be Sold After." The expiration date shall not exceed 10 days from the date the eggs are packed, excluding the day of pack. Cartons or containers shall be labeled as to grade and size in accordance with the Egg Law. The plant and/or flock certificate number shall be marked on each carton or container.

Agr 446 (d) Change to read:

(d) The emblem when printed or otherwise applied directly to the carton or container shall be of a size acceptable to the Department and the size of the print and the arrangement of the other information making up the emblem shall be in the same proportion as shown on the emblem reproduced here.

Agr 448 Fee Schedule. The fee for participation in this program shall be fixed by the Commissioner within the following limits:

(a) Independent Flockowners (Based on number of birds in flock)

Change to read:

Birds in Flock	Minimum	Maximum
Less than 2,500	$ 36.00	$48.00
2,500 - 5,000	48.00	72.00
5,001 -10,000	72.00	96.00
10,001 -20,000	96.00	132.00
20,001 -50,000	132.00	168.00
50,001 -100,000	168.00	204.00
More than 100,000	204.00	240.00

(b) Dealers

(1) Change the first sentence to read

(1) The annual Dealer fee shall be $30.00 plus $15 to $30 for each affiliated flock.

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
OCT 25 1973
BY [signature]
AUTH. SIGNATURE

Agr 449 - 457 Reserved for future use.

APPROVED AS TO FORM AND LEGALITY
Oct 23 1973
WARREN SPANNAUS, ATTORNEY GENERAL
BY [signature]
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 25 1973 - 4:15 pm
[signature]
Secretary of State

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In a matter of Proposed Amendments of the Rules and Regulations of the Minnesota Department of Agriculture relating to the Minnesota Certified Quality Egg Program AGR 434 through AGR 457.

ORDER FOR HEARING

To effectively implement Minnesota Statutes 1971, Section 29.021, the Commissioner of Agriculture deems it necessary to consider amendments to the rules and regulations captioned above pursuant to the authority vested in him by Minnesota Statutes 1971, Section 29.021.

NOW, THEREFORE, IT IS ORDERED this 23rd day of July 1973, that a public hearing will be held by said Department beginning at 1:00 P.M. on September 12, 1973, in the City of St. Paul in Room B of the Veterans Service Building.

The scheduled hearing shall continue until all interested persons or their representatives present have had an opportunity to be heard. The hearing shall be conducted in accordance with the Administrative Procedure Act, Minnesota Statutes 1971, Section 15.01 - 15.41, as amended.

IT IS FURTHER ORDERED that the notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

Jon Wefald

Jon Wefald
Commissioner of Agriculture

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Agriculture Governing the Minnesota Certified Quality Egg Program AGR 434 through AGR 457.

CERTIFICATE

I hereby certify that the attached 270 Labels & 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 1:30 o'clock P M., this 17th day of July 1973, have requested pursuant to M.S. 1971, See 15.0413, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Gail Dimm

AFFIDAVIT

Frances T. Cufer, being duly sworn on oath deposes and says:

1) That she is an employee of the Department of Agriculture of the State of Minnesota.

2) That on the 17th day of July 1973, she went to the Secretary of State's office for the State of Minnesota and requested a current list and 270 labels of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 17th day of July 1973, in response to the above request, the Secretary of State provided her with such a list and labels, a copy of the list is attached hereto and incorporated by reference.

Further affiant sayeth not.

Frances T. Cufer

Subscribed and sworn to
before me this 23rd day
of July 1973.

Emma Copeland
Notary Public,
Ramsey County, Minnesota

My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

State of Minnesota

County of Ramsey

Before Jon Wefald
Commissioner
Minnesota Department of Agriculture

In a matter of proposed Amendments of the Rules of the Minnesota Department of Agriculture relating to the Minnesota Certified Quality Egg Program Agr 434 through AGR 457

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to MS 1971, Section 15.0412, Subdivision 4, in the above entitled matter in Room B, Veterans Service Building, St. Paul, Minnesota on September 12, 1973 commencing at 1:00 P.M. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing by mailing to the Commissioner of Agriculture, Minnesota Department of Agriculture, Room 530 State Office Building, St. Paul, Minnesota 55155.

The proposed rule changes are designed to bring the program up to date with changes in quality production and marketing developed in recent years. It is also necessary to consider changes in the participation fees in the light of increased supervision costs.

Copies of the proposed rule changes may be obtained by writing to:

Minnesota Department of Agriculture
Division of Poultry Industries
State Office Building
St. Paul, Minnesota 55155
Telephone (612) - 296 2861

STATE OF MINNESOTA

Jon Wefald

Jon Wefald
Commissioner of Agriculture

Dated this 23rd day of July 1973

PROPOSED

RULES AND REGULATIONS RELATING TO THE
MINNESOTA CERTIFIED QUALITY EGG PROGRAM

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Add a new regulation (d) as follows:

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Agr 449 - 457 Reserved for future use.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Agriculture Governing the Minnesota Certified Quality Egg Program AGR 434 through AGR 457

AFFIDAVIT OF MAILING

Frances T. Cufer, being first duly sworn, deposes and says:

That on the 23rd day of July, 1973, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Frances T. Cufer

Frances T. Cufer

Subscribed and sworn to before me this 23rd day of July 1973.

Emma Copeland

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Amendments to the Regulations of the Minnesota Department of Agriculture Relating to the Minnesota Certified Quality Egg Program, Agr 434 - 457

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Department of Agriculture. The last time the above captioned rules were amended was October 17, 1963.

The need to adopt these amendments arises because of changes which have occurred in the handling of egg production flocks such as recycling (forced molting). An increase in the fee schedule was required to be considered because USDA Agricultural Marketing Act Matching Funds no longer will be made available to partially finance the program.

COMMISSIONER OF AGRICULTURE

Jon Wefald

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments to the Regulations of the Minnesota Department of Agriculture relating to the Minnesota Certified Quality Egg Program, Agr 434 - 457

FINDINGS OF FACT

The above-entitled matter came on for a hearing before the Commissioner of Agriculture of the State of Minnesota on the 12th day of September, 1973, at 1:00 P.M. in Room B of the Veteran's Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. The change to permit recycled (molted) flocks to be retained as Certified flocks is supported by research done at Washington State University in 1966 and the University of California, Riverside. The data clearly indicates that recycled birds will lay high quality eggs when they come back into production.

2. There is a need to establish a standard of 70 Haugh Units which Certified Grade AA eggs must meet at the retail level in order to assure consumers that they are receiving premium quality eggs.

3. The ten day expiration date for Certified Grade AA eggs at retail is sound and reasonable and should not be changed to fourteen days.

4. A letter from the Administrator of the USDA Matching Fund Program is on file notifying the Department that this project will no longer be funded. This action dictates the significant increase in participation fees in order to continue the program.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

Jon Wefald
COMMISSIONER

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments to the Regulations of the Minnesota Department of Agriculture relating to the Minnesota Certified Quality Egg Program, Agr 434 - 457

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Commissioner of Agriculture of the State of Minnesota on the 12th day of September, 1973, at 1:00 P.M., in Room B, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S.1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as relating to the Minnesota Certified Quality Egg Program are adopted this 3rd day of October, 1973, pursuant to authority vested in me by M.S.1971, Section 29.021.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

Jon Wefald
_____ COMMISSIONER