

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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 388 - 403 (amended)

Subject: Candling and Grading of Eggs

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

NOV 13 1973 9:10 am

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 11-12-73

Rev. 9-72

RULES AND REGULATIONS RELATING TO THE CANDLING
AND GRADING OF EGGS AMENDING DEPARTMENT OF
AGRICULTURE REGULATIONS, CHAPTER 18, AGR 388-417

Department of Agriculture Regulations, Chapter 18, Agr 388-417 are amended in the following respects:

Agr 388 Candling Defined - Change the first sentence to read as follows:

Persons dealing in eggs, pursuant to provisions of Chapter 29, Statutes of 1971 as amended by Laws of Minnesota 1973 shall have adequate equipment and space and a room darkened sufficiently to make possible accurate quality determinations of the candled appearance of the eggs.

Agr 390 Egg Cleaning Provisions

In all instances eggs shall, so far as possible and by use of all reasonable means, be protected from being soiled or dirtied by foreign matter in all stages of production, transportation and processing.

(a) Wet cleaning of eggs using rags, sponges or other devices to scrub or wipe the eggs by hand is strictly prohibited.

(b) Dry cleaning with abrasive material reasonably free of bacterial contamination.

(c) Wet cleaning is permitted provided the following minimum requirements are employed:

(1) Egg washing equipment and the area in which it is operated shall be of such construction as to permit thorough cleaning.

(2) Egg washing equipment and the surrounding area shall be kept in a sanitary condition.

(3) The water used in washing eggs shall be potable and contain less than two parts of iron per million.

(4) The water temperature for both washing and rinsing shall be thermostatically controlled.

(5) The temperature of the wash water shall be maintained at a minimum of 90° F. and shall be at least 20°F. warmer than the temperature of the eggs and the rinse water temperature shall exceed the wash water temperature by at least 10° F. Prewetting by submersion shall not exceed five (5) minutes.

(6) Only approved cleaning and sanitizing compounds shall be used. (Refer to the USDA list of chemical compounds authorized for use under the USDA Poultry, Meat, Rabbit and Egg Products Inspection Programs).

(7) Washed eggs shall be spray rinsed with an approved sanitizing agent. The rinse shall contain not less than 100 PPM nor more than 200 PPM of available chlorine or its equivalent.

Agr 390 (continued)

(8) Washed eggs must be reasonably dry prior to cartoning or casing.

(9) Washers shall be operated in accordance with the manufacturer's instructions in all instances which are not in conflict with these regulations.

(10) No immersion type washers shall be used. ~~after January 1, 1968.~~

(11) Whenever the washing and rinsing area of the egg washer and the scanning area where there may be a build up of heat are not in use, all eggs shall be removed from those surfaces.

Agr 391 Candling and Grading Records - Change paragraph (a) to read:

(a) Each person dealing in eggs shall keep an accurate candling and grading record for each patron from whom eggs are purchased on a graded basis, which records shall be designated as the "Bench Record". Candling and grading bench records shall be kept ~~on forms approved by the Commissioner~~ in a manner sufficient to indicate that ~~all~~ the eggs purchased by the first licensed buyer have been candled and graded and all inedible eggs removed. Bench Records, consecutively numbered, shall be written in ink or other nonerasable writing and shall include the following data:

(1) Name and address of licensed egg dealer
(2) Name or number and address of producer or person selling eggs.
(3) Date received
(4) Number of dozen eggs received.
(5) Exact number of eggs in each Minnesota Purchase Grade ~~as a result of candling.~~
(6) Deductions for inedible and ~~shorts~~ adulterated eggs.
(7) Name or initial of candler and date candled.

Agr 392 Minnesota Purchase Grades Required - change to read:

Persons buying eggs from the producer on a graded basis shall do so on the basis of the Purchase Grades promulgated by the commissioner of agriculture

Agr 396 Minnesota Purchase and Consumer Grades

(a) Purchase Grades

(1) through (11). Delete and add the following:

(1) Eggs shall be purchased on the basis of the standards for grades and weight classes established for Consumer Grades except that Grade AA, Grade A Jumbo and Grade A Extra Large are optional Purchase Grades.

(2) "Grade C" shall consist of all edible eggs which do not meet specifications for Grade AA, Grade A, Grade B. dirties and checks. In the preparation of bench records, Grade C, dirties and checks may be grouped together in one column in order to simplify record keeping.

(3) Dirties and checks shall be identified as such but record keeping may be done as specified under Agr 396 (a) (2).

(4) Eggs may be purchased as "Nest Run" or "Current Receipts".

(5) All restricted eggs (dirties, checks, leakers, inedibles, loss and incubator rejects) shall be handled in a manner conforming to the requirements of the Federal Egg Products Inspection Act of 1970 and regulations relating thereto and the Minnesota Egg Law, Section 29.235, MS 1971.

(b) Consumer Grades - Delete (1) through (10) and add the following:

(1) Grade AA (Quality Controlled) shall consist of eggs produced and marketed under the Minnesota Certified Quality Egg Program (Agr 434-457 or the Federal-State Quality Egg Program (7 CFR Part 56, Section 56.216) for Fresh Fancy Quality labeling. Eggs from flocks that meet the provisions of these programs may be packaged and officially labeled after eggs with blood spots, or meat spots, chex, loss eggs and eggs with shells failing to meet the requirements for AA quality have been removed.

(2) Grade AA (Candled Quality) shall consist of eggs which are 80 percent AA quality. The minimum tolerance of 20 percent which may be below AA quality may consist of A or B quality in any combination with not more than 5 percent C quality or checks in any combination and not more than 0.5 percent leakers or dirties in any combination.

(3) Grade A shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or checks in any combination, and not more than 0.5 percent leakers or dirties in any combination.

(4) Grade B shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be checks and not more than 0.5% leakers or dirties in any combination.

(c) Change to read as follows:

(c) Specifications for Standards for Quality of Individual Shell Eggs shall be regulated in accordance with the United States Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs (7 CFR Part 56 Subpart C Sections 56.201 through 56.212 Effective July 1, 1971) which regulations are hereby adopted by reference.

(d) Summary of Grades for Shell Eggs

Consumer Grade	Quality Required	Tolerance Permitted Percent	Quality
Candled Grade			
Grade AA	80 percent AA	Up to 20	A or B
		Not over 5	C or checks
		Not over 0.5	Leakers, Dirties or Loss*
Grade A	80 percent A or better	Up to 20	B
		Not over 5	C or checks
		Not over 0.5	Leakers, Dirties or Loss*
Grade B	80 percent B or better	up to 20	C
		Not over 10	Checks
		Not over 0.5	Leakers, Dirties or Loss*

* Loss refers to meat or blood spots only - Such Loss may not exceed 0.30 percent.

Agr 396 (continued)

(e) Weight Classes for Grades for Shell Eggs

Size or Weight Class	Minimum Net Weight per doz./ounces	Minimum Net Weight per 30 doz./Lbs.	Minimum weight for individual eggs at rate per dozen/ounces
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17

A lot average tolerance of 3.3% for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

Agr 397 Invoices - change to read as follows:

Every person selling eggs to retailers shall furnish to such retailers an invoice showing the grade of such eggs, according to the standards prescribed by Regulation ~~5~~ Agr 396 (b) as it relates to Consumer Grades. A copy of each such invoice shall be kept on file by the person selling and the retailer at his respective place of business for a period of 30 days and shall be available and open for inspection at all reasonable times to a representative of the department of agriculture.

Agr 398 Labeling - change to read as follows:

Any person exposing or offering eggs for sale to a consumer shall give notice of the grade of eggs in the following manner:

If eggs are exposed or offered for sale in cartons, bags or other containers, such cartons, bags or other containers shall be plainly and conspicuously printed in letters not smaller than 1/4 inch in height, or plainly and conspicuously stamped or marked in letters not smaller than 1/2 inch in height with the exact grade and size. If eggs are offered or exposed for sale in bulk, there shall be placed among or adjacent to such eggs, a placard, and such placard shall state the grade and size of such eggs and shall be in letters not smaller than 1/2 inch in height. Grade designations shall not be abbreviated. All containers shall also include the name and address of the producer or processor or distributor. In the case of the processor or distributor, the words "packed for" or "distributed by" or some equivalent phrasing shall be used.

Agr 401 Coding ~~or~~ and Dating - change to read as follows:

Consumer grades of eggs, except quality controlled Grade AA, shall be code dated in type not smaller than eight-point capitals to indicate the date of delivery, which date shall not be more than three (3) days from the date of candling and grading. All cartons shall bear a code date and cases of eggs for bulk sales shall be plainly coded. ~~or dated~~. Such code date shall guarantee to the retailer the grade indicated, for a period not to exceed seven days, when properly handled and refrigerated. If retailers carton eggs which have been delivered in bulk cases, the code date on the carton shall be the same as on the cases.

Grade AA quality controlled eggs in cartons or cases shall bear 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.

Agr 402 - Delete

Agr 403 Renumber as Agr 402

Agr 404 - Delete

Agr 403 - 417 Reserved for future use

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

NOV 13 1973 9:10 am

BY Eda Staudenmaier
AUTH. SIGNATURE

APPROVED AS TO FORM AND LEGALITY

Nov. 8 19 73

WARREN SPANNAUS, ATTORNEY GENERAL

BY Patrick W. Loop

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 12 1973 - 4:00 pm

Arlen I. Erdahl
Secretary of State

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Thomas Kalitowski do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Thomas Kalitowski
Special Assistant Attorney General

Dated: October 24, 1973

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 Candling and Grading of Eggs, AGR 388 through AGR 417.

ORDER FOR HEARING

To effectively implement Minnesota Statutes 1971, Sections 29.21 through 29.28 as amended by the 1973 State Legislature (M.S.1973, Chapter 29, Section 29.23) the Commissioner of Agriculture deems it necessary to consider adoption of proposed amendments to the rules and regulations captioned above pursuant to the authority vested in him by Minnesota Statutes 1971, Section 29.27.

NOW, THEREFORE, IT IS ORDERED this 23rd day of July 1973, that a public hearing will be held by said Department beginning at 9:30 A.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

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed
Amendments to the Regulations
of the Minnesota Department
of Agriculture relating to
the Candling and Grading of
Eggs, Chapter 18, Agr 388 - 417.

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 April 5, 1968.

The need to adopt these amendments arises because of a change in the Egg Law adopted by the 1973 State legislature which permits the purchase of eggs from producers on a "nest-run" basis. The passage and implementation of the Federal Egg Products Act of 1970 mandates a change in Minnesota Consumer Grades of eggs and further stipulates specific procedures for the handling of restricted eggs.

COMMISSIONER OF AGRICULTURE

Jon Wefald

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 Candling and Grading of Eggs
Chapter 18, AGR 388 - 417

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 9:30 A.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 regulations up to date in accordance with the amendments to the Law adopted by the Minnesota State Legislature in 1973 (MS 1973, Chapter 29 - Section 29.23), also to make the regulations compatible with the Federal Egg Products Inspection Act of 1970.

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 CANDLING AND GRADING OF EGGS AMENDING DEPARTMENT OF AGRICULTURE REGULATIONS, CHAPTER 18, AGR 388-417

Department of Agriculture Regulations, Chapter 18, Agr 388-417 are amended in the following respects:

Agr 388 Candling Defined - Change the first sentence to read as follows:

Persons dealing in eggs, pursuant to provisions of Chapter 29, Statutes of 1971 as amended by Laws of Minnesota 1973 shall have adequate equipment and space and a room darkened sufficiently to make possible accurate quality determinations of the candled appearance of the eggs.

Agr 390 Egg Cleaning Provisions

In all instances eggs shall, so far as possible and by use of all reasonable means, be protected from being soiled or dirtied by foreign matter in all stages of production, transportation and processing.

(a) Wet cleaning of eggs using rags, sponges or other devices to scrub or wipe the eggs by hand is strictly prohibited.

(b) Dry cleaning with abrasive material reasonably free of bacterial contamination.

(c) Wet cleaning is permitted provided the following minimum requirements are employed:

(1) Egg washing equipment and the area in which it is operated shall be of such construction as to permit thorough cleaning.

(2) Egg washing equipment and the surrounding area shall be kept in a sanitary condition.

(3) The water used in washing eggs shall be potable and contain less than two parts of iron per million.

(4) The water temperature for both washing and rinsing shall be thermostatically controlled.

(5) The temperature of the wash water shall be maintained at a minimum of 90° F. and shall be at least 20°F. warmer than the temperature of the eggs and the rinse water temperature shall exceed the wash water temperature by at least 10° F. Prewetting by submersion shall not exceed five (5) minutes.

(6) Only approved cleaning and sanitizing compounds shall be used. (Refer to the USDA list of chemical compounds authorized for use under the USDA Poultry, Meat, Rabbit and Egg Products Inspection Programs).

(7) Washed eggs shall be spray rinsed with an approved sanitizing agent. The rinse shall contain not less than 100 PPM nor more than 200 PPM of available chlorine or its equivalent.

Agr 390 (continued)

(8) Washed eggs must be reasonably dry prior to cartoning or casing.

(9) Washers shall be operated in accordance with the manufacturer's instructions in all instances which are not in conflict with these regulations.

(10) No immersion type washers shall be used. ~~after January 1, 1968.~~

(11) Whenever the washing and rinsing area of the egg washer and the scanning area where there may be a build up of heat are not in use, all eggs shall be removed from those surfaces.

Agr 391 Candling and Grading Records - Change paragraph (a) to read:

(a) Each person dealing in eggs shall keep an accurate candling and grading record for each patron from whom eggs are purchased on a graded basis, which records shall be designated as the "Bench Record". Candling and grading bench records shall be kept ~~on forms approved by the Commissioner~~ in a manner sufficient to indicate that ~~all~~ the eggs purchased by the first licensed buyer have been candled and graded and all inedible eggs removed. Bench Records, consecutively numbered, shall be written in ink or other nonerasable writing and shall include the following data:

(1) Name and address of licensed egg dealer
(2) Name or number and address of producer or person selling eggs.
(3) Date received
(4) Number of dozen eggs received.
(5) Exact number of eggs in each Minnesota Purchase Grade ~~as a result of candling.~~
(6) Deductions for inedible and ~~shorts~~ adulterated eggs.
(7) Name or initial of candler and date candled.

Agr 392 Minnesota Purchase Grades Required - change to read:

Persons buying eggs from the producer on a graded basis shall do so on the basis of the Purchase Grades promulgated by the commissioner of agriculture

Agr 396 Minnesota Purchase and Consumer Grades

(a) Purchase Grades

(1) through (11). Delete and add the following:

(1) Eggs shall be purchased on the basis of the standards for grades and weight classes established for Consumer Grades except that Grade AA, Grade A Jumbo and Grade A Extra Large are optional Purchase Grades.

(2) "Grade C" shall consist of all edible eggs which do not meet specifications for Grade AA, Grade A, Grade B. dirties and checks. In the preparation of bench records, Grade C, dirties and checks may be grouped together in one column in order to simplify record keeping.

(3) Dirties and checks shall be identified as such but record keeping may be done as specified under Agr 396 (a) (2).

(4) Eggs may be purchased as "Nest Run" or "Current Receipts".

(5) All restricted eggs (dirties, checks, leakers, inedibles, loss and incubator rejects) shall be handled in a manner conforming to the requirements of the Federal Egg Products Inspection Act of 1970 and regulations relating thereto and the Minnesota Egg Law, Section 29.235, MS 1971.

(b) Consumer Grades - Delete (1) through (10) and add the following:

(1) Grade AA (Quality Controlled) shall consist of eggs produced and marketed under the Minnesota Certified Quality Egg Program (Agr 434-457 or the Federal-State Quality Egg Program (7 CFR Part 56, Section 56.216) for Fresh Fancy Quality labeling. Eggs from flocks that meet the provisions of these programs may be packaged and officially labeled after eggs with blood spots, or meat spots, chex, loss eggs and eggs with shells failing to meet the requirements for AA quality have been removed.

(2) Grade AA (Candled Quality) shall consist of eggs which are 80 percent AA quality. The minimum tolerance of 20 percent which may be below AA quality may consist of A or B quality in any combination with not more than 5 percent C quality or checks in any combination and not more than 0.5 percent leakers or dirties in any combination.

(3) Grade A shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or checks in any combination, and not more than 0.5 percent leakers or dirties in any combination.

(4) Grade B shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be checks and not more than 0.5% leakers or dirties in any combination.

(c) Change to read as follows:

(c) Specifications for Standards for Quality of Individual Shell Eggs shall be regulated in accordance with the United States Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs (7 CFR Part 56 Subpart C Sections 56.201 through 56.212 Effective July 1, 1971) which regulations are hereby adopted by reference.

(d) Summary of Grades for Shell Eggs

Consumer Grade	Quality Required	Tolerance Permitted	
		Percent	Quality
Candled Grade			
Grade AA	80 percent AA	Up to 20	A or B
		Not over 5	C or checks
		Not over 0.5	Leakers, Dirties or Loss*
Grade A	80 percent A or better	Up to 20	B
		Not over 5	C or checks
		Not over 0.5	Leakers, Dirties or Loss*
Grade B	80 percent B or better	up to 20	C
		Not over 10	Checks
		Not over 0.5	Leakers, Dirties or Loss*

* Loss refers to meat or blood spots only - Such Loss may not exceed 0.30 percent.

Agr 396 (continued)

(e) Weight Classes for Grades for Shell Eggs

Size or Weight Class	Minimum Net Weight per doz./ounces	Minimum Net Weight per 30 doz./Lbs.	Minimum weight for individual eggs at rate per dozen/ounces
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17

A lot average tolerance of 3.3% for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

Agr 397 Invoices - change to read as follows:

Every person selling eggs to retailers shall furnish to such retailers an invoice showing the grade of such eggs, according to the standards prescribed by Regulation ~~5~~ Agr 396 (b) as it relates to Consumer Grades. A copy of each such invoice shall be kept on file by the person selling and the retailer at his respective place of business for a period of 30 days and shall be available and open for inspection at all reasonable times to a representative of the department of agriculture.

Agr 398 Labeling - change to read as follows:

Any person exposing or offering eggs for sale to a consumer shall give notice of the grade of eggs in the following manner:

If eggs are exposed or offered for sale in cartons, bags or other containers, such cartons, bags or other containers shall be plainly and conspicuously printed in letters not smaller than 1/4 inch in height, or plainly and conspicuously stamped or marked in letters not smaller than 1/2 inch in height with the exact grade and size. If eggs are offered or exposed for sale in bulk, there shall be placed among or adjacent to such eggs, a placard, and such placard shall state the grade and size of such eggs and shall be in letters not smaller than 1/2 inch in height. Grade designations shall not be abbreviated. All containers shall also include the name and address of the producer or processor or distributor. In the case of the processor or distributor, the words "packed for" or "distributed by" or some equivalent phrasing shall be used.

Agr 401 Coding ~~or~~ and Dating - change to read as follows:

Consumer grades of eggs, except quality controlled Grade AA, shall be code dated in type not smaller than eight-point capitals to indicate the date of delivery, which date shall not be more than three (3) days from the date of candling and grading. All cartons shall bear a code date and cases of eggs for bulk sales shall be plainly coded. ~~or-dated~~. Such code date shall guarantee to the retailer the grade indicated, for a period not to exceed seven days, when properly handled and refrigerated. If retailers carton eggs which have been delivered in bulk cases, the code date on the carton shall be the same as on the cases.

Grade AA quality controlled eggs in cartons or cases shall bear 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.

Agr 402 - Delete

Agr 403 Renumber as Agr 402

Agr 404 - Delete

Agr 403 - 417 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 Candling and Grading of Eggs AGR 388 through AGR 417

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 .M., this 17th day of July, 1973, have requested pursuant to M.S. 1971, Sec. 15.0412, 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 Dion

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 19 73.

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

In the matter of the Proposed Adoption of Rules of the Minnesota Department of Agriculture Governing the Candling and Grading of Eggs, AGR 388 through AGR 417

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 the Proposed Amendments to the Regulations of the Minnesota Department of Agriculture relating to the Candling and Grading of Eggs
Agr 388 - 417

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 9:30 A.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 in the Minnesota Egg Law (Laws 1973, Chapter 29 amended M.S.1971, Section 29.23) deleted the mandatory requirement that all eggs be purchased on a graded basis. This change required that certain changes be made in the regulations in order to qualify existing regulations which referred to mandatory purchase grades and to define alternate methods of purchasing eggs by egg buyers.

2. Passage of the Federal Egg Products Inspection Act of 1970 required States to use the USDA standards for quality and the USDA Consumer Grade designations. Under this Act, Minnesota was instructed by USDA to permit the sale of "candled quality" Grade AA eggs. Minnesota regulations permitted only "quality controlled program" eggs to be sold on Grade AA.

3. The coding or dating regulation (Agr 401) was changed to make it compatible with the regulations adopted to implement the Open Dating Law. (Laws of Minnesota 1973, Chapter 686).

4. The changes to the proposed changes in the regulations recommended by Roy D. Carlson in his testimony before the hearing are necessary and are therefore adopted.

5. The expiration date of 10 days recommended for quality controlled Grade AA eggs is sound and necessary and should not be changed to 14 days.

6. The remainder of the changes are minor and editorial.

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 Candling and Grading of Eggs, Agr 388 - 417

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 9:30 A.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 Candling and Grading of Eggs are adopted this 11th day of October, 1973, pursuant to authority vested in me by M.S.1971, Section 29.27.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

Jon Wefald
COMMISSIONER