

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 401-444 (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

JUN 9 1975 11:50 am

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 6-9-75

Rev. 9-72

ADMIN. 1000
3

STATE OF MINNESOTA

DEPARTMENT Agriculture

Office Memorandum

DATE: May 23, 1975

TO : Michael Miller
Special Assistant
Attorney General

FROM : Paul Strandberg
Special Assistant
Attorney General

SUBJECT: AGR 401 and AGR 444

Enclosed for your approval, please find the above entitled regulations.

RULES AND REGULATIONS RELATING TO
CANDLING AND GRADING OF EGGS
CHAPTER 18: AGR 401

Agr 401. Coding and Dating. 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. 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.

Cartons or containers for Grade AA quality controlled eggs shall bear in distinctly legible form a date stated as the "month" and "day" or the number of the "month" and "day" (~~i.e.~~ e.g. 4-3) preceded by the letters "EXP" or an equivalent statement. The expiration date shall not exceed 15 days from the date the eggs are packed, excluding the day of pack. Cartons and containers shall be labeled as to grade and size in accordance with Minnesota Statutes 1974, Sections 29.021 and 29.27, and the applicable regulations adopted thereunder. The plant and/or flock certificate number shall be marked on each carton or container.

RULES AND REGLATIONS RELATING TO
MINNESOTA CERTIFIED QUALITY EGG PROGRAM

Agr 444. Labeling and Dating. Cartons or containers for Grade AA quality eggs shall bear in distinctly legible form a date stated as the "month" and "day", or the number of the "month" and "day" (~~i.e.~~ e.g., 4-3) preceded by the letters "EXP" or an equivalent statement. The expiration date shall not exceed 15 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 Minnesota Statutes 1974 Sections 29.021 and 29.27, and the applicable regulations adopted thereunder. The plant and/or flock certificate number shall be marked on each carton or container.

APPROVED AS TO FORM AND LEGALITY
JUN -9 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 9 - 1975 11:40 AM
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUN 9 1975 11:50 am
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

PROPOSED
AMENDMENTS TO RULES AND REGULATIONS OF
THE DEPARTMENT OF AGRICULTURE RELATING
TO THE LABELING AND DATING OF EGGS
CHAPTER 18: AGR 401 AND CHAPTER 20: AGR 444

Minnesota Department of Agriculture Regulation Agr 401, is amended to read:

Agr 401. Coding and Dating. 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. 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.

Cartons or containers for Grade AA quality controlled eggs ~~in cartons or cases~~ 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"~~ statement "Grade AA EXP", or ~~a~~ an equivalent statement ~~such as "Not to be Sold After"~~. The expiration date shall not exceed ~~10~~ 15 days from the date the eggs are packed, excluding the day of pack. Cartons and containers shall be labeled as to grade and size in accordance with M.S. 1974, Section 29.021, and the applicable regulations adopted thereunder. The plant and/or flock certificate number shall be marked on each carton or container.

Minnesota Department of Agriculture Regulation Agr 444, is amended to read:

Agr 444. Labeling and Dating. Cartons or containers for Grade AA quality eggs 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"~~ statement "Grade AA EXP", or ~~a~~ an equivalent statement ~~such as "Not to be Sold After"~~. The expiration date shall not exceed ~~10~~ 15 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~~ M.S. 1974 Section 29.021, and the applicable regulations adopted thereunder. The plant and/or flock certificate number shall be marked on each carton or container.

Note: Changes or additions indicated by underline deletions by ~~strikeout~~.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules and Regulations of the Department of Agriculture Relating to Labeling and Dating of Eggs, Agr 401 and 444.

ORDER OF HEARING

To effectively implement Minnesota Statutes 1974, 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 me by Minnesota Statues 1974, Section 29.091.

NOW, THEREFORE, IT IS ORDERED this 24th Day of January 1975, that a public hearing on the proposed amendments captioned above be held in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, on Thursday, February 27, 1975, commencing at 10:00 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, That 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 to all persons who are presently member of the Minnesota Legislature.

STATE OF MINNESOTA

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules and Regulations of the Department of Agriculture Relating to the Labeling and Dating of Eggs, Agr 401 and 444.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1974, Section 15.0412, in the above entitled matter in Conference Room D, 5th floor, Veterans Service Building, St. Paul, Minnesota, on February 27, 1975, commencing at 10:00 A.M., and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed amendments to existing rules captioned above by submitting either oral or written data, statements or arguments. This notice supercedes the notice sent on January 9, 1975, and serves to cancel a hearing scheduled for February 13, 1975, in Conference Room D, 5th floor, Veterans Service Building, St. Paul, Minnesota. Statements may be submitted without appearing in person at the hearing.

The Commissioner proposes to adopt rules amending Regulations Agr 401 and 444, relating to the labeling and dating of containers for Minnesota Certified Quality Eggs, as authorized by M.S. 29.021.

A copy of the proposed amendment is enclosed. Additional copies may be obtained by writing to the office of the Commissioner, 420 State Office Building, St. Paul, Minnesota 55155, and copies will be available at the door on the date of the hearing.

Dated January 24, 1975

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Amendments of Rules and Regulations of the Department of Agriculture Relating to the Labeling and Dating of Eggs, AGR 401 and 444.

CERTIFICATE

I hereby certify that the attached 404 labels x two sheets constitute the complete lists of persons, associations, and other interested groups who as of 3'45 o'clock P.M., this 23rd day of January, 1975 have requested pursuant to M.S. 1974, Sec. 15.0421, 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

Joan Anderson Growe

By Ceil Dorn

AFFIDAVIT

Joyce Walkosz, being duly sworn on oath deposes and says:

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

2) That on the 23rd day of January, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations and 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 23rd day of January, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Joyce Walkosz

Subscribed and sworn to before me
this 29th day of January 1975.

Joan LeDuc

Notary Public, County, Minnesota

JOAN LeDUC
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
August 14, 1981

My commission expires .

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of Proposed Amendments of Rules and Regulations of the Department of Agriculture Relating to Labeling and Dating of Eggs, Agr 401 and 444.

AFFIDAVIT OF MAILING

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 27th day of January, 1975, 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 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.

Joyce Walkosz

Subscribed and sworn to before me this 29th day of January, 1975.

Joan LeDuc

Notary Public JOAN LeDUC Notary Public, Ramsey Co., Minn. MY COMMISSION EXPIRES August 14, 1981 County, Minnesota

My commission expires _____.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments of Rules and Regulations of the Department of Agriculture Relating to Labeling and Dating of Eggs, Agr. 401 and 444.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota Department of Agriculture. The above captioned rules were amended October 25, 1973 and November 12, 1973 respectively.

The existing rules, Agr 401 and 444 were found not to be equitable because the 10-day expiration date requirement does not provide sufficient time to market certified AA quality eggs and does not represent a critical time span for such eggs which retain the AA quality for a substantially longer period of time.

COMMISSIONER OF AGRICULTURE

Jon Wefald

JON WEFALD

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments to Rules and Regulations of the Department of Agriculture Relating to Labeling and Dating of Eggs, Agr 401 and 444.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Commissioner of Agriculture of the State of Minnesota on the 27th day of February, 1975, at 10 a.m., in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes 1974, Section 15.0412 was served on 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 testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. That 10 days is not sufficient time for the orderly marketing of Grade AA Certified Quality Eggs.

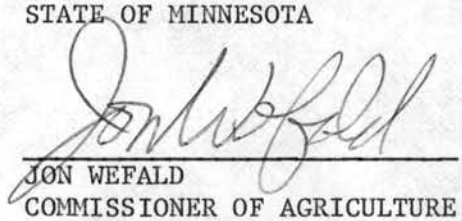
2. That no difficulty was experienced with the eggs retaining their quality under 15-day storage at the required temperature.

3. That all producers of Grade AA Certified Quality Eggs uniformly requested at least a five-day extension with two exceptions where retention of the present 10-day period was advocated.

4. That consumers would be able to obtain Grade AA Certified Quality Eggs with no loss of quality if the five-day extension were adopted and that their confidence in the egg quality would not be lessened.

5. That a five-day increase in the marketing period is reasonable and more equitable and will result in a better enforcement program.

STATE OF MINNESOTA



JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD

COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Amendments to Rules and Regulations of the Department of Agriculture Relating to Labeling and Dating of Eggs, Agr 401 and 444.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Commissioner of Agriculture of the State of Minnesota on the 27th day of February, 1975, at 10 a.m., in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes 1974, Section 15.0412 was served on 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 the amendments to the rules identified as Rules of the State Department of Agriculture Relating to Labeling and Dating of Eggs, Agr 401 and 444 are adopted this 20th day of May, 1975, pursuant to authority vested in me by Minnesota Statutes 1974, Sections 15.0412, 29.021 and 27.27.

STATE OF MINNESOTA

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULEMAKING PROCEDURES

I, Special Assistant Attorney General Paul Strandberg 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 RuleMaking Procedures has been followed. Any exceptions are noted below.

Paul Strandberg

Special Assistant Attorney General

Dated: May 23, 1975