

**Proposed Amendments to 02 NCAC 090 .0103
To be published in the NC Register 7/15/14**

TEXT OF PROPOSED RULE:

02 NCAC 090 .0103 STANDARDS FOR SHELL EGGS

- (a) The United States Standards, Grades, and Weight Classes for Shell Eggs, adopted by the Agricultural Marketing Service of the United States Department of Agriculture as AMS-56, are incorporated by reference, including subsequent amendments and editions, and shall apply to all shell eggs sold, offered for sale, or advertised for sale in the state except the term "ungraded eggs" may be used to designate eggs exempt from grading pursuant to G.S. 106-245.15. Copies of this document may be obtained at no cost from the Division of Marketing, North Carolina Department of Agriculture and Consumer Services.
- (b) Title 9, Code of Federal Regulations, Part 590, Inspection of Eggs and Egg Products, is incorporated by reference, including subsequent amendments and editions. Copies may be obtained at no cost from the United States Government Printing Office website at <http://www.gpoaccess.gov/cfr/index.html>.
- (c) Cracked or checked eggs may be sold by producers or processors to a consumer for his or her personal use, except an "institutional consumer," as defined in G.S. 106-245.14. Said sales shall be made only at the premises of production or processing.
- (d) Cracked or checked eggs may also be sold to a processing plant by a producer or processor for further processing.
- (e) It shall be unlawful for cracked or checked eggs to be displayed, sold, or offered for sale in a retail outlet except as permitted by 02 NCAC 090 .0101(4) and Paragraph (a) of this Rule.
- (f) It shall be unlawful to repackage eggs at any retail outlet to be offered for sale.

*History Note: Authority G.S. 106-245.16; 106-245.21;
 Eff. August 1, 1982;
 Amended Eff. July 1, 2005; April 1, 1988; December 1, 1987;
 Transferred from 02 NCAC 43H .0103 Eff. May 1, 2012.*

EXPLANATION/REASON FOR PROPOSED RULE:

This amendment prohibits grocery stores and other retail businesses in NC that sell eggs from repackaging eggs for sale when there are cracked or leaking eggs. Retailers do this in order to consolidate non-damaged eggs and create full cartons. When repackaged, however, eggs from various suppliers can be combined into the same carton and traceability is lost. This amendment maintains the State's high food safety standards and retains traceability in the event of a foodborne illness outbreak attributed to eggs.

HOW TO DEMAND A PUBLIC HEARING:

Any person may request a public hearing on the proposed rules by submitting a request in writing no later than 7/30/14 to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001.

INSTRUCTIONS ON HOW AND WHERE TO SUBMIT COMMENTS ON THE PROPOSED RULE:

Written comments may be submitted to Tina Hlabse, Secretary of the NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001. Written comments may also be received via email (tina.hlabse@ncagr.gov) or fax (919-733-1141).