



Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Ray Starling
General Counsel

April 3, 2012

Molly Masich
Office of Administrative Hearings
Rules Division
6714 Mail Service Center
Raleigh, NC 27699-6714

Dear Ms. Masich:

Re: Recodification of Marketing of Shell Eggs Rules

I write to you today to request the recodification of several Marketing of Shell Eggs rules from Chapter 43 to Chapter 09 of Title 02 of the North Carolina Administrative Code. It is necessary to recodify these rules because shell egg inspection and standards are regulated and enforced by NCDA's Food and Drug Division, and it makes logical sense to include the shell egg rules in the Food and Drug Protection Chapter rather than the Marketing Chapter. This recodification would create a new SubChapter O entitled "Marketing of Shell Eggs" under Chapter 09 of Title 02 of the NCAC. Because these rules are simply moving within the Agriculture Title, they will maintain the same statutory authority. Please find below a table of the citations to the existing rules and the recodified citations.

Original Citation	New Citation	Statutory Authority
02 NCAC 43H .0101	02 NCAC 09O .0101	No change
02 NCAC 43H .0102	02 NCAC 09O .0102	No change
02 NCAC 43H .0103	02 NCAC 09O .0103	No change
02 NCAC 43H .0104	02 NCAC 09O .0104	No change
02 NCAC 43H .0105	02 NCAC 09O .0105	No change
02 NCAC 43H .0106	02 NCAC 09O .0106	No change
02 NCAC 43H .0107	02 NCAC 09O .0107	No change

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Ray A. Starling
General Counsel and Rulemaking Coordinator, NCDA&CS



Shell Egg Rules

NCAC > Title 02 - Agriculture and Consumer Services > Chapter 43 - Markets

NCAC > Title 02 - Agriculture and Consumer Services > Chapter 09 - Food and Drug Protection

SubChapter H	MARKETING OF SHELL EGGS	BECOMES Under the authority of	SUBCHAPTER O	MARKETING OF SHELL EGGS
02 NCAC 43H .0101	DEFINITIONS	No change	02 NCAC 090 .0101	DEFINITIONS
02 NCAC 43H .0102	LOOSE EGG DISPLAYS	No change	02 NCAC 090 .0102	LOOSE EGG DISPLAYS
02 NCAC 43H .0103	STANDARDS FOR SHELL EGGS	No change	02 NCAC 090 .0103	STANDARDS FOR SHELL EGGS
02 NCAC 43H .0104	SANITATION AND MATERIALS	No change	02 NCAC 090 .0104	SANITATION AND MATERIALS
02 NCAC 43H .0105	SALE OF INEDIBLE OR LOSS EGGS TO CONSUMER PROHIBITED	No change	02 NCAC 090 .0105	SALE OF INEDIBLE OR LOSS EGGS TO CONSUMER PROHIBITED
02 NCAC 43H .0106	DETERMINING GRADES	No change	02 NCAC 090 .0106	DETERMINING GRADES
02 NCAC 43H .0107	SPECIAL REQUIREMENTS	No change	02 NCAC 090 .0107	SPECIAL REQUIREMENTS