

RULES REVIEW COMMISSION

G.S. 150B-19.1 CERTIFICATION

Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: oah.rules@oah.nc.gov
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: N.C. Board of Agriculture	
Rule Citation(s): 02 NCAC 09O .0103	
(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) G.S. 106-245.16; G.S. 106-245.21	
(1b) Why is this rule necessary to serve the public interest? Currently, grocery stores and other retail businesses in NC that sell eggs are allowed to repackage eggs for sale when there are cracked or leaking eggs. These retailers do this in order to consolidate non-damaged eggs and create full cartons. When repackaged, eggs from various suppliers can be combined into the same carton and traceability lost. This rule is necessary in order to maintain the State’s high food safety standards and retain traceability in the event of a foodborne illness outbreak attributed to eggs. Repackaging also increases the risk of contamination at the store level.	
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? Many retailers are already implementing this standard as a company policy, but uniformity is needed to maintain product traceability and food safety at a retail level.	
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? This rule is necessary to implement the NC Egg Law that requires the Board of Agriculture to promulgate standards of quality, grades, and weight classes for eggs sold in North Carolina.	
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," provide citation: 02 NCAC 09O .0103	
(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:	
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? This rule will not add any extra burden on the regulated community and is endorsed by the NC Egg Association Board of Directors.	
AGENCY CERTIFICATION	RRC CERTIFICATION

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The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule.

Signature: Christina L. Waggett

Typed Name: Christina L. Waggett

Title: Rulemaking Coordinator

Email: christina.waggett@ncagr.gov

The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1.

By: _____

Date:

1 02 NCAC 090 .0103 is proposed for amendment as follows:

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3 **02 NCAC 090 .0103 STANDARDS FOR SHELL EGGS**

4 (a) The United States Standards, Grades, and Weight Classes for Shell Eggs, adopted by the Agricultural Marketing
 5 Service of the United States Department of Agriculture as AMS-56, are incorporated by reference, including subsequent
 6 amendments and editions, and shall apply to all shell eggs sold, offered for sale, or advertised for sale in the state except
 7 the term "ungraded eggs" may be used to designate eggs exempt from grading pursuant to G.S. 106-245.15. Copies of
 8 this document may be obtained at no cost from the Division of Marketing, North Carolina Department of Agriculture and
 9 Consumer Services.

10 (b) Title 9, Code of Federal Regulations, Part 590, Inspection of Eggs and Egg Products, is incorporated by reference,
 11 including subsequent amendments and editions. Copies may be obtained at no cost from the United States Government
 12 Printing Office website at <http://www.gpoaccess.gov/cfr/index.html>.

13 (c) Cracked or checked eggs may be sold by producers or processors to a consumer for his or her personal use, except an
 14 "institutional consumer," as defined in G.S. 106-245.14. Said sales shall be made only at the premises of production or
 15 processing.

16 (d) Cracked or checked eggs may also be sold to a processing plant by a producer or processor for further processing.

17 (e) It shall be unlawful for cracked or checked eggs to be displayed, sold, or offered for sale in a retail outlet except as
 18 permitted by 02 NCAC 090 .0101(4) and Paragraph (a) of this Rule.

19 (f) It shall be unlawful to repackage eggs at any retail outlet to be offered for sale.

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

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