

**DEPARTMENT OF AGRICULTURE
FOOD PRODUCTS INSPECTION SECTION**

Statutory Authority: Statutory Authority: 3 Delaware Code, Section 8708(8) (3 **Del.C.** §8708(8))
3 **DE Admin. Code** 301

FINAL

ORDER

301 Food Products Inspection

I. NATURE OF PROCEEDINGS

Pursuant to its delegated authority under 3 **Del.C.** §8708(8) and Delaware's Administrative Procedures Act, 29 **Del.C.** §10100 *et seq.*, the State of Delaware Department of Agriculture ("DDA") proposed to amend its regulations in order to ensure that its procedures for inspecting meat, poultry and egg products, and for slaughtering animals, were always at least equal to those mandated by the U.S. Department of Agriculture and federal law.

Notice of a public comment period of thirty (30) days relating to the proposed regulations was published in the Delaware *Register of Regulations* for June 1, 2012 as required by law. This is the DDA's Decision and Order adopting the proposed amended regulations.

II. PUBLIC COMMENTS

DDA received no public comments in response to its notice of intent to adopt the proposed regulations.

III. FINDINGS AND CONCLUSIONS

The public was given the required notice of DDA's intent to adopt the proposed regulations and the opportunity to provide comments concerning them. Having received no such comments, the DDA concludes that its consideration of the proposed amended regulations was entirely within its prerogatives and statutory authority, it is now free to adopt them.

IV. ORDER

AND NOW, this 11 day of July, 2012 it is hereby ordered that:

The proposed amended regulations are adopted;

The text of the proposed regulations shall be in the form attached hereto as Exhibit A;

The effective date of this Order is ten (10) days from the date of its publication in the Delaware *Register of Regulations* in accordance with 29 **Del.C.** §10118(e); and

DDA reserves unto itself the authority to issue such other and further orders concerning its practices and procedures as may be just and proper.

IT IS SO ORDERED.

Edwin Kee, Secretary

Delaware Department of Agriculture

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1.0 Authority

1.1 These proposed amendments to existing Delaware regulations as well as the adoption of new regulations governing meat, poultry, and egg products inspection and the humane slaughtering of livestock are promulgated pursuant to the Department's authority specifically set forth in Section 8708(8) of Title 3 of the **Delaware Code**.

11 DE Reg. 1622 (06/01/08)

2.0 Purpose

2.1 The purpose of these proposed regulations is to re-establish the standards and procedures for the meat, poultry, and egg product inspection programs of Delaware as well as Delaware's humane slaughtering of livestock procedures so that they shall be equal to those imposed by the Federal Meat Inspection Act, the

Federal Poultry Inspection Act, the Federal Egg Products Inspection Act and the Federal Humane Methods of Slaughter Act with respect to operations occurring within the State of Delaware.

11 DE Reg. 1622 (06/01/08)

3.0 Substantive Provisions

3.1 The Department adopts and incorporates by reference herein the rules, regulations, definitions and standards of the U.S. Department of Agriculture governing meat and meat products inspection, poultry products inspection, voluntary inspection of poultry, egg and egg products inspection and humane methods for slaughtering animals as they ~~are currently written and which are found~~ appear, and as they may be amended from time to time, at Title 9 of the Code of Federal Regulations, at Subchapters A, E, and I of Title 9, Parts 301 through 592, Parts 301 through 592, excluding Parts 390 and 391, of the Code of Federal Regulations.

5 DE Reg. 1902 (4/1/02)

11 DE Reg. 1622 (06/01/08)

16 DE Reg. 196 (08/01/12) (Final)