

DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION
Statutory Authority: 3 Delaware Code, Section 8708(8) (3 **Del.C.** §8708(8))
3 **DE Admin. Code** 301

FINAL

ORDER

301 Food Products Inspection

AND NOW, this 14th day of May, 2008, and in accordance with 29 **Del.C.** §10118 and for the reasons set forth herein, the Animal Health and Food Products Inspection Section of the Delaware Department of Agriculture (hereinafter "the Department") enters this Order adopting regulations.

I. Nature of the Proceedings

Pursuant to its authority under 3 **Del.C.** §8708(8), the Department proposes to amend its existing regulations concerning the inspection of meat, poultry, and egg products and for the humane slaughter of livestock so that they are equal to existing federal statutes and regulations that deal with these subject matters. By doing so the Department will bring its regulations current with modifications to 9 CFR Parts 300 through 500 since the Department last promulgated its regulations for food safety in April of 2002. The Department also proposes to incorporate by reference the U.S. Department of Agriculture's regulations dealing with the inspection of eggs and egg products and for the voluntary inspection of eggs.

The Department gave notice of its intent to adopt these proposed amended regulations and to adopt new regulations regarding egg products inspection by publication in the April 1, 2008 issue of the *Delaware Register of Regulations*. The Department solicited written comments from the public concerning these proposed amended regulations and new regulations allowing the period of time for such submissions to remain open for the thirty (30) days mandated by 29 **Del.C.** §10118(a). This is the Department's Decision and Order adopting the proposed amended regulations and new regulations.

II. Public Comment

The Department received no written comments from the public in response to the notice of intention to adopt the proposed amended regulations and new regulations.

III. Findings and Conclusions

The public was given the required notice of the Department's intention to adopt the proposed amended regulations and new regulations and was given ample opportunity to provide the Department with comments opposing the Department's plan. Thus, the Department concludes that its consideration of the proposed amended regulations and new regulations was entirely within its prerogatives and statutory authority and, having received no comments opposed to adoption, is now free to adopt them.

IV. Order

NOW THEREFORE, it is hereby ordered that:

1. The proposed amendments to the Department's Food Products Inspection Regulations and new regulations concerning egg inspections are adopted in language identical to that found at Subchapters A, E, and I of Title 9 Parts 301 through 592, excluding Parts 390 and 391 of the Code of Federal Regulations which is incorporated by reference herein.

2. 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).

3. The Department reserves the authority to issue such other and further orders in this matter as may be just and proper.

IT IS SO ORDERED.

BY:

Michael T. Scuse, Secretary
Delaware Department of Agriculture

Dated: May 14, 2008

301 Food Products Inspection

The Delaware Department of Agriculture, Food Products Inspection Section proposed to amend its regulations concerning the rules of practice that apply to agency enforcement actions by bringing them into the conformity with federal law. The Department proposed to define each type of enforcement action that it may take, the conditions under which it likely to take each of these actions, and the procedures it will follow in doing so.

The proposed amendments are part of the Department's ongoing effort to consolidate, streamline, and clarify the meat and poultry product inspection regulations. To that end, the Department is proposed to adopt by reference, in their entirety, the federal regulations published in the Federal Register at Volume 64, Number 228, dated November 29, 1999, amending the Code of Federal Regulations at 9 CFR Sections 304, 305, 327, 335, 381 and adding a new Part 500 which became effective January 25, 2000.

1.0 Authority

1.1 ~~[These proposed amendments to regulations governing food product inspection are promulgated pursuant to the Department's authority set forth in 3 Del.C. §8708. 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.]~~

2.0 Purpose

2.1 ~~[The purpose of these proposed amendments to regulations is to consolidate, streamline, and clarify the meat and poultry product inspection regulations thereby insuring that Department enforcement actions are fair by identifying the situations that may lead to such actions. 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.]~~

3.0 Substantive Provisions

3.1 The Department incorporates by reference herein, in its entirety, the language found at page 66545 of the Federal Register at Volume 64, Number 228, beginning with the heading "Part 304 Application for Inspection; Grant of Inspection" and ending at page 66547 at the end of Section 500.8(c).

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 at Subchapters A, E, and I of Title 9, 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) (Final)