

**TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE**

**SERIES 7A
WEST VIRGINIA MARKETING OF EGGS LAW REGULATIONS**

§61-7A-1. General.

1.1. Scope. -- These legislative regulations establish standards for internal and external egg quality, size and weight classifications for shell eggs.

1.2. Authority. -- W. Va. Code §19-10A.

1.3. Filing Date. -- June 1, 1976.

1.4. Effective Date. -- July 1, 1976.

§61-7A-2. Standards And Tolerances For Interior And Exterior Shell Egg Quality.

2.1. The standards for interior and exterior shell egg quality shall be the United States Standards, Grades and Weight Classes for Shell Eggs, as revised, and shall provide for origin and destination tolerances as specified.

§61-7A-3. Administrative Hearings.

3.1. Any person, firm, corporation or association feeling aggrieved by the entry of a final order by the Commissioner, affecting him or it, may present a petition in writing to be heard, asking for the suspension or revisions of such final order. Such applicant shall set forth in his statement reasons for asking for such hearing and grounds for suspension of such final order. The Commissioner may designate a time and place where such hearing may be held at which time notice shall be given to interested persons and the public that such hearing is to be held and that all interested parties may present any evidence that they have concerning such order. If the Commissioner, after such hearing, be of the opinion that a revised order should be issued, he shall do so upon such condi-

tions and under such terms as are just and reasonable.

§61-7A-4. Summaries Of Standards, Grades And Weight Classes.

4.1. Summary of United States Standards for Quality of Individual Shell Eggs. (See Appendix 1)

4.2. Summary of United States Consumer Grades for Shell Eggs. (See Appendix 2 and Appendix 3)

4.3. Weight classes.

4.3.1. The weight classes for United States Consumer Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all consumer grades. (See Appendix 4)

4.3.2. A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds five percent (5%).

§61-7A-5. Supersedure.

5.1. These regulations supercede all previous regulations. The Commissioner reserves the right to rescind, suspend or amend any requirement herein set forth.

FORMS MAY BE OBTAINED FROM SECRETARY OF STATE'S OFFICE

SUMMARY OF UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

Specifications for Each Quality Factor

Quality Factor	AA Quality	A Quality	B Quality	C Quality
Shell	Clean Unbroken, Practically Normal.	Clean Unbroken. Practically Normal.	Clean; to slightly stained Unbroken. May be slightly abnormal.	Clean; to moderately stained. Unbroken. May be abnormal.
Air Cell	1/8 inch or less in depth. May show unlimited movement and may be free or bubbly.	3/16 inch or less in depth. May show unlimited movement and may be free or bubbly.	3/8 inch or less in depth. May show unlimited movement and may be free or bubbly.	May be over 3/8 inch in depth. May show unlimited movement and may be free or bubbly.
White	Clear. Firm.	Clear. May be reasonably firm.	Clear. May be slightly weak.	May be weak and Watery. Small blood clots or spots may be present.*
Yolk	Outline slightly defined. Practically free from defects.	Outline may be fairly well defined. Practically free from defects.	Outline may be well defined. May be slightly enlarged and flattened. May show definite but not serious defect.	Outline may be plainly defined. May be enlarged and flattened. May show clearly visible germ development but no blood. May show other serious defects.

*If they are small (aggregating not more than 1/8 inch in diameter)

For eggs with dirty or broken shells, the standards of quality provide three additional qualities. These are:

DIRTY	CHECK	LEAKER
Unbroken. May be dirty.	Checked or cracked but not leaking.	Broken so contents are leaking.

Summary of U. S. Consumer Grades for Shell Eggs

U. S. Consumer Grade (origin)	Quality Required ¹	Tolerance Permitted ²	
		Percent	Quality
Grade AA or Fresh Fancy Quality	85 percent AA	Up to 15	- A or B
Grade A	85 percent A or better	Not over 5	- C or Check
Grade B	85 percent B or better	Up to 15	- B
		Not over 5	- C or Check
		Up to 15	- C
		Not over 10	- Checks
U. S. Consumer Grade (destination)	Quality Required ¹	Tolerance Permitted ³	
		Percent	Quality
Grade AA or Fresh Fancy Quality	80 percent AA	Up to 20	- A or B
Grade A	80 percent A or better	Not over 5	- C or Check
Grade B	80 percent B or better	Up to 20	- B
		Not over 5	- C or Check
		Up to 20	- C
		Not over 10	- Checks

¹In lots of two or more cases or cartons, See Appendix 3 of this section for tolerances for an individual case or carton within a lot.

²For the U. S. Consumer Grades (at origin), a tolerance of 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination is permitted. No Dirties or other type Loss are permitted.

³For the U. S. Consumer Grades (destination), a tolerance of 0.50 percent Leakers, Dirties or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

APPENDIX 3

(Sec. 5.2)

Tolerance For Individual Case or Carton Within A Lot

U.S. Consumer Grade	Case Minimum Quality	Origin Percent	Destination Percent	Carton Minimum Quality number of eggs (origin and destination)
Grade AA or Fancy Quality	AA	75	70	8 eggs AA
	A or B	15	20	2 eggs A or B
	C or Check	10	10	2 eggs C or Check
Grade A	A	75	70	8 eggs A
	B	15	20	2 eggs B
	C or Check	10	10	2 eggs C or Check
Grade B	B	75	70	8 eggs B
	C	5	10	2 eggs C
	Check	20	20	2 eggs Check

APPENDIX 4

(Sec. 5.3)

U. S. Weight Class for Consumer Grades for Shell Eggs

Size or Weight Class	Minimum Net Weight Per Dozen (Ounces)	Minimum Net Weight Per 30 Dozen (Pounds)	Minimum Weight For Individual Eggs At Rate Per Dozen (Ounces)
Jumbo	30	56	29
Extra Large	27	50-1/2	26
Large	24	45	23
Medium	21	39-1/2	20
Small	18	34	17
Peevees	15	28



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

May 10, 1976

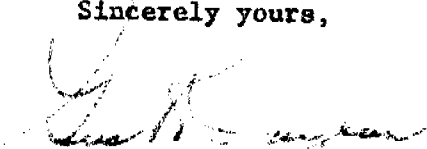
Honorable James R. McCartney
West Virginia Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary McCartney:

Enclosed please find two (2) copies of Administrative Regulations promulgated by me pertaining to the West Virginia Marketing of Eggs Law. These regulations are designated Series VII of Chapter 19-2 of the West Virginia Administrative Regulations.

I hereby certify that the enclosed regulations are true and accurate copies of official regulations adopted by me on June 1, 1976.

Sincerely yours,


Gus R. Douglass
Agriculture Commissioner

D/J/s

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE **MAY 28 1976**

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
State Department of Agriculture
Chapter 19-2
Series ~~1965-1976~~ VII i
1976

SUBJECT: West Virginia Marketing of Eggs Law Regulations (Article 10A)

Section 1.00 GENERAL.

1.01 Scope. These regulations establish standards for internal and external egg quality, size and weight classifications for shell eggs.

1.02 Authority. Chapter 19, Article 10A, Code of West Virginia as enacted 1965.

1.03 Effective Date. These regulations were adopted June 1, 1976 and become effective July 1, 1976.

1.04 Filing Date. These regulations were filed in the Office of the West Virginia Secretary of State on June 1, 1976.

1.05 Certification. These regulations were certified authentic by the Secretary of State by certification number 33.

Section 2.00 INDEX.

1.00 General

2.00 Index

3.00 Standards and Tolerances for Interior and Exterior Shell Egg Quality

4.00 Administrative Hearings

5.00 Summary of Standards, Grades and Weight Classes

6.00 Supersedure

Section 3.00 STANDARDS AND TOLERANCES FOR INTERIOR AND EXTERIOR SHELL EGG QUALITY.

3.01 The standards for interior and exterior shell egg quality shall be the United States Standards, Grades and Weight Classes for Shell Eggs, as

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MAY 28 1976

revised, and shall provide for origin and destination tolerances as specified.

Section 4.00 ADMINISTRATIVE HEARINGS.

4.01 Any person, firm, corporation or association feeling aggrieved by the entry of a final order by the Commissioner, affecting him or it, may present a petition in writing to be heard, asking for the suspension or revisions of such final order. Such applicant shall set forth in his statement reasons for asking for such hearing and grounds for suspension of such final order. The Commissioner may designate a time and place where such hearing may be held at which time notice shall be given to interested persons and the public that such hearing is to be held and that all interested parties may present any evidence that they have concerning such order. If the Commissioner, after such hearing, be of the opinion that a revised order should be issued, he shall do so upon such conditions and under such terms as are just and reasonable.

MAY 28 1976

Adm. Reg. 19-2

Series VII i

Sec. 5

Section 5.00 SUMMARIES OF STANDARDS, GRADES AND WEIGHT CLASSES.

5.01 SUMMARY OF UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS (July 1, 1974)

Specifications for Each Quality Factor

Quality Factor	AA Quality	A Quality	B Quality	C Quality
Shell	Clean Unbroken. Practically normal.	Clean Unbroken. Practically normal.	Clean; to slightly stained. Unbroken. May be slightly abnormal.	Clean; to moderately stained. Unbroken. May be abnormal.
Air Cell	1/8 inch or less in depth. May show unlimited movement and may be free or bubbly.	3/16 inch or less in depth. May show unlimited movement and may be free or bubbly.	3/8 inch or less in depth. May show unlimited movement and may be free or bubbly.	May be over 3/8 inch in depth May show unlimited movement and may be free or bubbly.
White	Clear. Firm.	Clear. May be reasonably firm.	Clear. May be slightly weak.	May be weak and watery. Small blood clots or spots may be present.*
Yolk	Outline slightly defined. Practically free from defects.	Outline may be fairly well defined. Practically free from defects.	Outline may be well defined. May be slightly enlarged and flattened. May show definite but not serious defects.	Outline may be plainly visible. May be enlarged and flattened. May show clearly visible germ development but no blood. May show other serious defects.

*If they are small (aggregating not more than 1/8 inch in diameter)

For eggs with dirty or broken shells, the standards of quality provide three additional qualities. These are:

Dirty	Check	Leaker
Unbroken. May be dirty.	Checked or cracked but not leaking.	Broken so contents are leaking.

5.02 Table I. - Summary of U. S. Consumer Grades for Shell Eggs (July 1, 1974)

U. S. Consumer Grade (origin)	Quality Required ¹	Tolerance Permitted ²	
		Percent	Quality
Grade AA or Fresh Fancy Quality-----	85 percent AA-----	Up to 15-----	A or B Not over 5---C or Check
Grade A-----	85 percent A or better-----	Up to 15-----	B Not over 5---C or Check
Grade B-----	85 percent B or better-----	Up to 15-----	C Not over 10--Checks

U. S. Consumer Grade (destination)	Quality Required ¹	Tolerance Permitted ³	
		Percent	Quality
Grade AA or Fresh Fancy Quality-----	80 percent AA-----	Up to 20-----	A or B Not over 5---C or Check
Grade A-----	80 percent A or better-----	Up to 20-----	B Not over 5---C or Check
Grade B-----	80 percent B or better-----	Up to 20-----	C Not over 10--Checks

¹In lots of two or more cases or cartons, see Table II of this section for tolerances for an individual case or carton within a lot.

²For the U. S. Consumer Grades (at origin), a tolerance of 0.30 percent Leakers or Loss (due to meat or blood spots) in any combination is permitted. No Dirties or other type Loss are permitted.

³For the U. S. Consumer Grades (destination), a tolerance of 0.50 percent Leakers, Dirties or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

Table II. - Tolerance for Individual Case or Carton Within A Lot (July 1, 1974)

U. S. Consumer Grade	Case Minimum Quality	Origin	Destination	Carton-minimum quality number of eggs (origin and destination)
		Percent	Percent	
Grade AA or Fresh Fancy Quality-----	AA-----	75	70	8 eggs AA
	A or B-----	15	20	2 eggs A or B
	C or Check-----	10	10	2 eggs C or Check
Grade A-----	A-----	75	70	8 eggs A
	B-----	15	20	2 eggs B
	C or Check-----	10	10	2 eggs C or Check
Grade B-----	B-----	75	70	8 eggs B
	C-----	5	10	2 eggs C
	Check-----	20	20	2 eggs Check

5.03 WEIGHT CLASSES.

(a) The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all consumer grades.

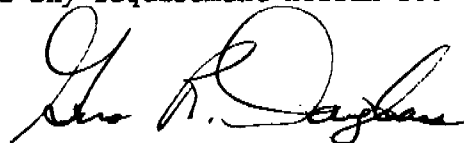
Table I. - U. S. Weight Classes For Consumer Grades for Shell Eggs

Size or weight class	Minimum	Minimum	Minimum
	net weight per dozen	net weight per 30 dozen	weight for individual eggs at rate per dozen
	Ounces	Pounds	Ounces
Jumbo-----	30	56	29
Extra Large-----	27	50½	26
Large-----	24	45	23
Medium-----	21	39½	20
Small-----	18	34	17
Peewee-----	15	28	-----

(b) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

Section 6.00 SUPERSEDURE.

6.01 These regulations supersede all previous regulations. The Commissioner reserves the right to rescind, suspend or amend any requirement herein set forth.



Gus R. Douglass
 Agriculture Commissioner

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-10A

GENERAL INDEX

FOR

SERIES VIIi

TITLE: West Virginia Marketing of Eggs Law Regulations

Section 1. General

Section 2. Index

Section 3. Standards and Tolerances for Interior and Exterior
Shell Egg Quality

Section 4. Administrative Hearings

Section 5. Summaries of Standards, Grades and Weight Classes

Section 6. Supersedure

Appendix 1

Appendix 2

Appendix 3

Appendix 4

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE June 1, 1976
ADMINISTRATIVE LAW DIVISION

Title 61

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-10A
SERIES VIII 7A

RULES

TITLE: West Virginia Marketing of Eggs Law Regulations

Section 1. General

1.1 Scope - These Legislative regulations establish standards for internal and external egg quality, size and weight classifications for shell eggs.

1.2 Authority - Code of West Virginia, Chapter 19-10A

1.3 Filing Date - June 1, 1976

1.4 Effective Date - July 1, 1976

~~Section 2. Index~~

Section 1. General

Section 2. Index

Section 3. Standards and Tolerances for Interior and Exterior Shell Egg Quality

Section 4. Administrative Hearings

Section 5. Summary of Standards, Grades and Weight Classes

Section 6. Supersedure

Section ² Standards and Tolerances for Interior and Exterior Shell Egg Quality

3.1 The standards for interior and exterior shell egg quality shall be the United States Standards, Grades and Weight Classes for Shell Eggs, as revised, and shall provide for origin and destination tolerances as specified.

Section ³ Administrative Hearings

4.1 Any person, firm, corporation or association feeling aggrieved by the entry of a final order by the Commissioner, affecting him or it, may present a petition in writing to be heard, asking for the suspension or revisions of such final order. Such applicant shall set forth in his statement reasons for asking for such hearing and grounds for suspension of such final order. The Commissioner may designate a time and place where such hearing may be held at which time notice shall be given to interested persons and the public that such hearing is to be held and that all interested parties may present any evidence that they have concerning such order. If the Commissioner, after such hearing, be of the opinion that a revised order should be issued, he shall do so upon such conditions and under such terms as are just and reasonable.

Section ⁴ 5. Summaries of Standards, Grades and Weight Classes,

- 5.1 Summary of United State Standards For Quality Of Individual Shell Eggs. (See Appendix 1)
- 5.2 Summary of U. S. Consumer Grades for Shell eggs. (See Appendix 2 and Appendix 3)
- 5.3 Weight Classes -
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 - 5.3.2 A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

Section ⁵ 6. Supersedure.

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Gus R. Douglass
Agriculture Commissioner

APPENDIX 1

(Sec. 5.1)

SUMMARY OF UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

Specifications for Each Quality Factor

Quality Factor	AA Quality	A Quality	B Quality	C Quality
Shell	Clean Unbroken, Practically Normal.	Clean Unbroken. Practically Normal.	Clean; to slightly stained Unbroken. May be slightly abnormal	Clean; to moderately stained. Unbroken. May be abnormal.
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White	Clear. Firm.	Clear. May be reasonably firm.	Clear. May be slightly weak.	May be weak and Watery. Small blood clots or spots may be present.*
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DIRTY	CHECK	LEAKER
Unbroken. May be dirty.	Checked or cracked but not leaking.	Broken so contents are leaking.

APPENDIX 2 (Sec. 5.2)

Summary of U. S. Consumer Grades for Shell Eggs

U.S. Consumer Grade (origin)	Quality Required ¹	Tolerance Permitted ²	
		Percent	Quality
Grade AA or Fresh Fancy Quality	85 percent AA	Up to 15	- A or B
Grade A	85 percent A or better	Not over 5	- C or Check
		Up to 15	- B
Grade B	85 percent B or better	Not over 5	- C or Check
		Up to 15	- C
		Not over 10	- Checks
U. S. Consumer Grade (destination)	Quality Required ¹	Tolerance Permitted ³	
		Percent	Quality
Grade AA or Fresh Fancy Quality	80 percent AA	Up to 20	- A or B
Grade A	80 percent A or better	Not over 5	- C or Check
		Up to 20	- B
Grade B	80 percent B or better	Not over 5	- C or Check
		Up to 20	- C
		Not over 10	- Checks

¹In lots of two or more cases or cartons, See Appendix 3 of this section for tolerances for an individual case or carton within a lot.

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APPENDIX 3

(Sec. 5.2)

Tolerance For Individual Case or Carton Within A Lot

U.S. Consumer Grade	Case Minimum Quality	Origin Percent	Destination Percent	Carton Minimum Quality number of eggs (origin and destination)
Grade AA or Fancy Quality	AA	75	70	8 eggs AA
	A or B	15	20	2 eggs A or B
	C or Check	10	10	2 eggs C or Check
Grade A	A	75	70	8 eggs A
	B	15	20	2 eggs B
	C or Check	10	10	2 eggs C or Check
Grade B	B	75	70	8 eggs B
	C	5	10	2 eggs C
	Check	20	20	2 eggs Check

APPENDIX 4

(Sec. 5.3)

U. S. Weight Class for Consumer Grades for Shell Eggs

Size or Weight Class	Minimum Net Weight Per Dozen (Ounces)	Minimum Net Weight Per 30 Dozen (Pounds)	Minimum Weight For Individual Eggs At Rate Per Dozen (Ounces)
Jumbo	30	56	29
Extra Large	27	50-1/2	26
Large	24	45	23
Medium	21	39-1/2	20
Small	18	34	17
Peeweese	15	28