

National Egg Regulatory Officials

Model Egg Regulations

I. Terms Defined

A.

1. *Adulterated* means it bears or contains an added substance which may render it injurious to human health; it consists in whole or in part of any filthy, putrid or decomposed substance or if it is otherwise unfit for use as human food; if it has been subject to incubation; or if it has been prepared, packaged or held under unsanitary conditions whereby it may have become contaminated with filth or otherwise rendered injurious to human health.
2. *Ambient Temperature* means the temperature of the air surrounding shell eggs;
3. *Carton* means a consumer package in which shell eggs are packed;
4. *Case* means a container that holds cartons of eggs or loose packed eggs;
5. "Check" means an individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."
6. *Consumer* means a person who purchases or otherwise acquires eggs for household consumption;
7. *Container* includes any carton, basket, case, cart, pallet, or other receptacle;
8. *Department* is the Department of Agriculture;
9. *Dirty* means a shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.
10. *Distributor/Wholesaler* means a person engaged in the business of buying eggs from producers or other persons on his own account and selling or transferring eggs to other distributor/wholesalers, processors, retailers, or other persons and consumers. A distributor/wholesaler further means a person engaged in producing eggs from his own flock and disposing of any portion of this production on a graded basis;
11. *Eggs* means the product of the
 - (a.) domesticated chicken,
 - (b.) Other species includes turkey, duck, goose, quail, pheasant, guinea, and other avian species that are intended for human consumption;
12. *Egg Products* means dried, frozen or liquid eggs with or without added ingredients that are intended for human consumption except products that are not primarily composed of eggs;
13. *Food Service Facility* is any person that distributes, prepares, handles, or dispenses food for public consumption with or without charge;
14. *Loss*. An egg that is inedible, cooked, frozen, contaminated, musty, or moldy, or an egg that contains a large blood spot, large meat spot, bloody white, green white, rot, sour eggs, stuck yolk, blood ring, embryo chick (at or beyond the blood ring state), free yolk in the white, or other foreign material, or an egg that is adulterated.
15. "Leaker" means an individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.
16. *Loose Pack Eggs* are eggs that are in trays or flats not intended as the consumer package.
17. "Lot" means any quantity of two or more eggs.
18. *Lot Consolidation* means the removal of damaged eggs from consumer labeled cartons and replacement of the damaged eggs with eggs of the same grade, size, brand, lot, and **source**.

19. *Nest Run Shell Eggs* are unwashed, ungraded shell eggs.
 20. *Packer* means any person who grades, sizes, candles, and packs eggs for purposes of resale;
 21. *Packer identification number* is the number assigned to an individual packer by the State, the official plant number assigned by USDA or the Egg Products Inspection Act number assigned by USDA;
 22. *Person* means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not;
 23. *Possession* means the fact of possession by any person engaged in the sale of a commodity is prima facie evidence that the commodity is for sale;
 24. *Principal Display Panel* is for food in packaged form and shall be part of a label most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale;
 25. *Processor* means a person who operates a plant for the purpose of producing egg products;
 26. *Producer* is a person who sells eggs of his own hen's production only;
 27. *Repacking* means changing the identity of a lot of shell eggs by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, lot number, source and/or brand.
 28. *Retailer* means a person who sells eggs to a consumer;
 29. *Secretary/Commissioner/Director* is a person having the authority to enforce the requirements of the Agriculture Article, act officially, give orders, charge, or direction;
 30. *Sell* means to offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade;
 31. *Treated shell eggs* means shell eggs from domesticated chicken that have been treated by a process such as pasteurization, irradiation or other method of treatment with the shell intact; by a technology or process that achieves at least a 5-log destruction of SE for shell eggs approved by the Federal Food and Drug Administration or the department, that changes the interior quality of the egg in a manner that USDA quality standards are not applicable.
- B. Wherever appropriate, and if not expressly indicated, words in the singular form shall be construed to include the plural and vice versa. Nouns and pronouns in masculine, feminine and neuter genders shall be construed to include any other gender.
- C. Examples shall not be construed to limit, expressly or by implication, the matter they illustrate.
- D. The word "includes" and its derivatives means "includes, but is not limited to" and corresponding derivative expressions.

II. Registration/Licensing

States can include an exemption from fees and/or licensing or registration in this section for small producers.

1. All persons packing or distributing eggs in the state must register with or obtain a license from the Secretary/Commissioner/Director of Agriculture annually.
2. Registration/Licensing fees of \$ per location shall be collected from processors, packers, and/or dealer-wholesalers for an annual license to market eggs within this state.
3. Fees of \$ per each equivalent 30 dozen case packed or sold in this state by packers, processors, and/or dealer/wholesalers will be reported and paid monthly, quarterly and/or annually.
4. Late penalties of a minimum of \$ or 10% of the fees dues will be assessed for reports and fees not submitted by the established due date.

III. Standards for Quality, Grade and Weight

States can include an exemption in this section for sales by small producers.

1. All eggs of the domesticated chicken sold, delivered or donated to consumers, retailers, food service facilities, dealers, or wholesalers must be washed and meet the standards for grade AA, A or B outlined in the United States Consumer Grades and Weight Classes for Shell Eggs.
2. All shell eggs of the domesticated chicken packed must meet the United States Consumer Grade origin standards for the labeled grade while at the packing plant.
3. All shell eggs of the domesticated chicken sold, delivered or donated to consumers, retailers food service facilities, dealers, or wholesalers within the state must meet the United States Consumer Grade destination standards for the labeled grade after leaving the plant of origin.
4. All shell eggs of the domesticated chicken sold, delivered or donated to consumers, retailers, food service facilities, dealers, or wholesalers within the state must meet the United States Consumer Weight standards for the labeled size.
5. Standards for treated Shell Eggs of the domesticated chicken. It is unlawful for a producer, producer dealer, dealer, or retailer to sell, offer for sale, or expose for sale treated shell eggs that are packed for human consumption unless the following conditions are met:
 - Quality and weight classes:
The eggs used to produce treated eggs shall meet Consumer Grades A or AA and Weight Classes for Eggs of subsection (1).
 - i. At destination treated eggs shall contain no more than 7 percent (9 percent for Jumbo size) Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.
 - ii. In lots of two or more cases, no individual case may exceed 10 percent Checks.
 - iii. Treated shell eggs shall meet the weight classes as indicated in Table I. Weight Classes for Treated Eggs.

Table I. Weight Classes for Treated Eggs

Table I Weight Classes for Treated Eggs			
Size or weight class	Minimum net weight per dozen (ounces)	Minimum net weight 30 per dozen (pounds)	Minimum net 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
...Pee wee	15	28	--

*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.

6. Standards for other species. It is unlawful for a producer, producer dealer, dealer, or retailer to sell, offer for sale, or expose for sale shell eggs from other species that are packed for human consumption unless the following conditions are met:
 - i. Eggs shall be visible clean.

- ii. At destination eggs shall contain no more than 7 percent Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.
- iii. In lots of two or more cases, no individual case may exceed 10 percent Checks.

IV. Labeling and advertising of eggs

1. No advertising or labeling misleading to the consumer shall be permitted on shell eggs or on cases or cartons of shell eggs.
2. No advertising misleading to the consumer shall be permitted.
3. Documentation supporting product claims such as production practices and nutritional enhancement shall be provided.
4. Advertising by sign, placard or otherwise the price at which chicken eggs are offered for sale without marking the full, correct and unabbreviated designation of size and grade of the eggs, according to the standards prescribed pursuant to this chapter on the advertisement is prohibited.
5. All cartons of shell eggs shall be labeled with the information required by these regulations.
 1. The grade of the eggs must be displayed on the principal display panel with a minimum lettering height of ¼ inch except for shell eggs for which a USDA grade standard has not been established such as treated shell eggs; Treated shell eggs must include the words “produced from” in conjunction with the appropriate consumer grade in letters no smaller than 1/2 size of the labeled consumer grade. The use of the consumer grade without the qualifier “produced from” is not permitted.
 2. The size of the eggs must be displayed on the principal display panel with a minimum lettering height of ¼ inch;
 3. The quantity statement expressed by either count or weight shall be displayed on the principal display panel with a minimum lettering height as required by §IV. D. 13 of these regulations;
 4. The identity statement shall be displayed on the principal display panel with a minimum lettering height of 1/4 inch or a height at least as large as the largest lettering on the principal display panel whichever is larger;
 5. The packer identification number shall be legibly displayed on the principal display panel or the information panel;
 6. The date of pack expressed as the Julian day of the year or the actual date shall be legibly displayed on the principal display panel or the information panel;
 7. Nutritional information shall be displayed on the principal display panel, information panel or in lid with a minimum lettering height of 1/16 inch;
 8. Safe handling instructions shall be displayed on the principal display panel, the information panel or in lid with a minimum lettering height of 1/16 inch;
 9. The safe handling instructions must state “To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly”;
 10. Cartons that display the safe handling instructions in lid or on the back or side information panels must have a separate refrigeration statement “KEEP REFRIGERATED” on the principal display panel or the front information panel.
 11. If a carton bears an expiration or sell by date, the date must not exceed 30 days from the date of pack.
 12. If a carton bears a “best if used by” date, “use by” date, or similar statement; the date must not

exceed 45 days from the date of pack.

13. Treated eggs expiration date shall not exceed 75 days from the date on which the eggs were treated, excluding the date of treatment. Processors of in-shell eggs that subject the eggs to the treatment process shall establish a sell-by date by completion of an appropriate shelf stability study that includes public health and safety criteria. The processor shall retain the study on file at the processing plant and make it available to the department upon request.

14. Table 1.

Minimum type size*	Area of Principal Display Panel
1/16 inch	5 square inches or less
1/8 inch	More than 5 square inches but not more than 25 square inches
3/16 inch	More than 25 square inches but not more than 100 square inches
1/4 inch	More than 100 square inches but not more than 400 square inches
1/2 inch	Over 400 square inches

*For the net quantity statements, the minimum type size is the smallest type size that is permitted based on the space available for labeling on the principal display panel. Determine the height of type of printing by measuring the height of the lower case letter "o" or its equivalent when mixed upper and lower case letters are used, or the height of the upper case letters when only upper case letters are used.

6. Cases of loose eggs shall be labeled with the same information as required on cartons.
7. Cases of cartoned eggs shall be labeled with the grade, size, date of pack and the plant number of the packer.

V. Prohibited Acts

1. No person, processor, packer, distributor/wholesaler, retailer or food service facility shall sell, deliver, donate or use eggs that do not meet the requirements of these regulations.
2. No person, processor, packer, distributor/wholesaler, retailer or food service facility shall sell, deliver, donate or use eggs that have been adulterated.

VI. Powers of the Delegated Enforcement Authority

1. The Secretary/Commissioner/Director of Agriculture and his designated authorized employees or agents are authorized to enter any store, retailer, vehicle, food service facility, market, packer, wholesaler, dealer or any other business or place where eggs are bought, stored, sold, offered for sale, packed or processed.
2. The Secretary/Commissioner/Director of Agriculture and his authorized employees or agents are authorized to conduct such inspection as needed of eggs to determine if the grades of the eggs conform to grades as labeled on the exterior of the container, determine if the eggs have been adulterated, determine if the labeling meets the requirements of this act, determine if the invoices meet the requirements of this act or otherwise determine compliance with the requirements of this subtitle.
3. The Secretary/Commissioner/Director of Agriculture and his designated authorized employees or agents shall have the power to stop sale of and impound for evidence any containers of eggs offered for sale which are not in compliance with any provisions of this subtitle.

VII. Temperature requirements Refrigeration

1. All Eggs must be held at or below 45 °F ambient temperature beginning 36 hours after time of lay. This includes storage and transportation. If the eggs are to be processed as table eggs and are

not processed for the ultimate consumer within 36 hours from the time of lay and, therefore, are held and transported as required at or below 45 °F ambient temperature, then you may then hold them at room temperature for no more than 36 hours just prior to processing to allow an equilibration step to temper the eggs.

[Referenced from: 21 CFR 118.4(e)]

VIII. Sanitation requirements

States can include an exemption or different requirements in this section for small producers.

1. Shell Egg Operations
 1. Buildings shall be of sound construction so as to prevent the entrance or harboring of vermin.
 2. Grading and packing rooms shall be sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each day.
 3. Adequate lavatory, wash stations and toilet accommodations shall be provided. Toilet, wash stations and locker rooms shall be maintained in a clean and sanitary condition. Hot and cold running water, soaps, sanitizers and hand drying methods shall be provided. Rooms shall be ventilated to the outside of the building. Signs shall be posted in the rest rooms and break rooms instructing employees to wash their hands before returning to work. Wash stations that eliminate hand contamination shall be provided near the work area.
 4. A separate refuse room or a designated area for the accumulation of trash must be provided in plants which do not have a system for daily removal or destruction of such trash.
 5. Wood benches, platforms, etc. in areas which are subjected to moisture and which develop odors shall be replaced with equipment of metal construction. Wood walls or partitions which develop odors shall be replaced with materials impervious to moisture. Newly constructed plants should be equipped with metal benches, platforms, etc. in areas which are subjected to moisture.
 6. Cooler rooms shall be free from objectionable odors and from mold, and shall be maintained in a sanitary condition.
 7. Shell egg grading equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently if necessary.
8. Wash water shall be changed approximately every 4 hours or more often if needed to maintain sanitary conditions, and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation. The temperature of the wash water must be maintained at 90°F (32.2°C) or higher, and shall be at least 20°F (6.7°C) warmer than the internal temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle. Accurate thermometers shall be provided for monitoring wash water temperatures.
9. Waste water from the egg washing operation shall be piped to drains.
10. When steam or vapors originate from the washing operation, they shall be continuously and directly removed to the outside of the building.
11. Adequate ventilation shall be provided.
12. Adequate light shall be provided to facilitate necessary quality determinations, including the detection and removal of stained and dirty shells and the condition of the packing material.
13. Cases and packing material must be new, clean, free of mold, mustiness and off odors and must be of sufficient strength and durability to adequately protect the eggs during normal distribution.

14. Only potable water may be used to wash eggs. Well water must be tested annually for potability. An analysis of the iron content of well and municipal water supply, stated in parts per million, is also required. When the iron content exceeds 2 parts per million, equipment shall be provided to reduce the iron content below the maximum allowed level. When the water source is changed, new tests are required.
15. The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: Pesticides, insecticides, rodenticides, cleaning compounds, de-staining compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product.
2. Shell Egg Protection Operations
 1. Shell egg protecting (oil processing) operations shall be conducted in a manner to avoid contamination of the product .
 2. Eggs with excess moisture on the shell shall not be shell protected.
 3. Oil having any off odor, or that is obviously contaminated, shall not be used in shell egg protection.
 4. Shell egg processing equipment shall be washed, rinsed, and treated with a bacterial agent each time the oil is removed. It is preferable to filter and heat treat processing oil and clean processing equipment daily when in use.
3. Health and Hygiene of Personnel
 1. No person known to be affected by communicable or infectious disease shall be permitted to come in contact with the product.
 2. Plant personnel coming into contact with the product shall wear clean clothing
 3. Employees handling eggs must take every precaution to prevent contamination or cross contamination.
 4. Employees shall use wash stations to clean their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands.

IX. Packing requirements

1. Eggs must be packed only in new packaging materials that are clean, free of mold, mustiness and off odors, or clean and sanitized packaging material designed by the manufacturer to be reused, and must be of sufficient strength and durability to adequately protect the eggs during normal distribution. When packed in other than fiber packing material, the containers must be of sound construction and maintained in a reasonably clean manner. When reusable packaging material is used, a letter from the packaging manufacturer must be on file that certifies the reusability of the carton and include validated cleaning and sanitizing requirements for the reuse of the container.
2. No person other than a packer shall repack eggs.
3. All eggs sold at retail must be pre-packaged with all required labeling.
4. A packer shall not pack or repack eggs that have been in the wholesale/retail distribution channels.
5. A packer shall not pack or repack eggs that are more than 21 days old.
6. A retailer may lot consolidate eggs consumer labeled by a packer.

X. Establishments Regulated

- A. Retail Outlets
- B. Distributors/Wholesalers
- C. Food Service Facilities
- D. Packers/Processors

XII. Egg Products

- A. All egg products sold or distributed in this state shall be USDA inspected as evidenced by USDA mark of inspection.

XIII. Violation Penalties

- A. Shell eggs not meeting the standards of this regulation shall be subject to removal from sale and return to the supplier for disposition or removal from sale and destruction under the supervision of the Secretary/Commissioner/Director's representative.
- B. Persons with repeated violations of the provisions of this regulation shall be required to attend an administrative hearing to review the violations and enforcement actions.
- C. Persons violating the provisions of this regulation shall have an administrative hearing prior to implementation of additional penalties.
- D. Persons violating the provisions of these regulations may be subject to revocation/suspension of their registration/permit/license to pack eggs for distribution within the state or distribute eggs within the state after an administrative hearing.
- E. Persons violating the provisions of these regulations may be subject to civil penalties after an administrative hearing.

XIV. Record Keeping

- A. All persons packing and/or distributing eggs to wholesalers, retailers, food service facilities or any other person that sells, donates, or prepares eggs to be sold or donated must provide an invoice or equivalent record with the date of delivery, quantity of eggs, grade of eggs, size of eggs, name and address including the physical location of the seller or donator, and the name and address of buyer or receiver.
 - 1. Keep accurate records showing the number of eggs sold or delivered to any person;
 - 2. Keep copies of the invoices provided to wholesalers, retailers, food service facilities or any other person that sells, donates, or prepares eggs to be sold or donated;
 - 3. Keep required records at each place of business or at a central location;
 - 4. Keep required records for one year.
 - 5. Make required egg records available to the Secretary/Commissioner/Director or his representative upon request.
- B. All persons receiving eggs to be sold, distributed, donated or prepared for public consumption must keep a copy of the invoice provided by the seller.
 - 1. Keep required records at each place of business;
 - 2. Keep required records for one year;
 - 3. Make required records available to the secretary, commissioner, director upon request.

XV. Administrative Procedures

- A. All established administrative procedures must meet the requirements of state law.
- B. Subject to the hearing provisions adopted by the Secretary/Commissioner/Director, the Secretary/Commissioner/Director may deny, suspend, or revoke the registration for a packer or distributor if:
 - 1. The packer or distributor does not meet the requirements of this title;
 - 2. The packer or distributor violates any provisions of this subtitle or any regulations adopted by the Secretary.

X. Use of Funds

- 1. There is an "Egg Law Fund"
- 2. All fees collected under the provisions of this subtitle shall be credited to the fund.
- 3. The fund shall only be used to partially defray the expenses of administering this subtitle.