

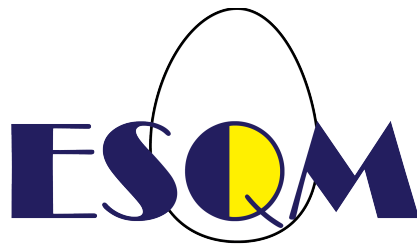


CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

ANIMAL HEALTH AND FOOD SAFETY SERVICES

MEAT, POULTRY, AND EGG SAFETY BRANCH

California Shell Egg Handler Registrant Manual



Egg Safety & Quality Management

"Ensuring Food Safety & Grade Standards, One Egg At A Time."

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EGGS

THE AIR CELL OF A CHICKEN EGG

When an egg is laid, it has a temperature of approximately 105 degrees Fahrenheit. As its temperature lowers to equal that of the room or cooler, the contents contract. An air cell is formed between the membrane layers. This air cell is usually at the egg's large end. Over time, evaporation of moisture through the egg's many pores result in the enlargement of the air cell and a general deterioration of the egg interior quality. The size of this air cell is one of the factors that determines the grade of the egg. See an example of the Air Cell Gauge on page 4 for specifications and grades.

FRESH EGGS/COLD STORAGE

Eggs of less than Grade A quality, or any quality of eggs which have been held in cold storage for more than 30 days, shall not be represented as fresh eggs, ranch eggs, farm fresh, or words of similar meaning. "Cold Storage," according to California Health and Safety Code Section 28111, means a commercial facility cooled to a temperature of 45 degrees Fahrenheit or lower.

STORAGE/TRANSPORTATION REFRIGERATION REQUIREMENTS

California Department of Food and Agriculture (CDFA) regulations require all eggs at production, wholesale or in transit be refrigerated at an ambient temperature of 45 degrees Fahrenheit.

In order to prolong the eggs fresh quality and reduce evaporation, it is recommended to hold eggs at 70% humidity.

EGGS - OTHER SPECIES OF FOWL

Size and quality standards pertain only to chicken eggs in the shell. Eggs from other species offered for sale must be in containers marked with the species of fowl from which the eggs were produced. Measurement standards require I.R.Q. Registration requirements apply.

EGG SIZES AND WEIGHTS

SIZE	OUNCES	GRAMS
Small	1 ⁵ / ₁₂ (1.42)	40.16
Medium	1 ² / ₃ (1.67)	47.25
Large	1 ¹¹ / ₁₂ (1.92)	54.34
Extra Large	2 ¹ / ₁₆ (2.17)	61.42
Jumbo	2 ⁵ / ₁₂ (2.42)	68.52

EGG DEFECTS

CHECKS

The check is the most common egg defect. The regulations define a check as, "An egg having a fractured shell, but with its membrane intact and not leaking. Being fragile, it is inevitable that egg shells will break. Each time they are handled, the chance of cracking increases 1-1/2 to 2%. To compensate, the tolerance for this defect is 5% at origin and 7% at destination. However, Jumbo size eggs are more susceptible to breaking than smaller sizes, so they are allowed 7% at origin and 9% at destination.

LEAKERS

When the shell and membrane are broken, exposing the albumen, the egg is described as a "leaker." Regulations define a leaker as, "An egg having a break in the shell and membranes, with contents exuding or free to exude. Leakers fall into the category of "loss" eggs.

FROZEN EGGS

Exterior evidence of previous freezing may be a longitudinal crack in the shell. The membrane, if broken, would expose a spongy or jellied interior.

HARD COOKED EGGS

While there are no quality standards for hard cooked eggs, eggs to be boiled for commercial purposes must first meet the standards for Grade B or better.

MIXED ROT

Also known as "addled egg" or "fresh rot," there appears murkiness throughout the eggs interior, caused by rupture of the yolk's vitelline membrane.

STUCK YOLK

When older eggs are left in a fixed position for extended periods, the thin white permits the yolk to float close to the shell membrane and become attached. The yolk may break loose during candling. The egg becomes an inedible if either the yolk breaks and diffuses into the white or remains attached to the shell.

PARTIALLY COOKED EGGS

This results from being subjected too long to a source of heat. Egg contents may partially coagulate and appear as threadlike shadows; if totally coagulated, it will appear dark and opaque. This condition should not be confused with the cloudiness in fresh eggs or a prominent chalazae. A partially cooked egg should be scored as a loss.

BLOOD SPOTS

Eggs containing small blood spots aggregating not more than 1/8 inch in diameter are classed as C quality because the white is not clear. When blood spots are larger than 1/8 inch in diameter they should be treated as a loss.

BLOODY WHITES

An egg with blood diffused through the albumen. Eggs with blood spots which show only slight diffusion into the white of the egg shall not be classed as bloody whites.

MEAT SPOTS

Eggs containing small meat spots aggregating not more than 1/8 inch in diameter are classed as B grade because the white is not clear. When meat spots are larger than 1/8 inch in diameter they should be treated as a loss.

BODY CHECKS

A crack which has healed-over before an egg is laid results in a pronounced ridge in the shell, very evident during candling. Body checks are not scored as defects.

DETERMINING SHELL CLEANLINESS

A “Clean” egg, as defined in the regulations is: “A shell that is free from adhering foreign material, visible stains or discoloration. A shell may be considered clean if it has only very small specks, stains, or cage marks, provided they are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs showing traces of processing oil on the shell are considered clean, unless otherwise soiled” [§ 1351.2.(a)].

All Grade AA and A eggs must be “Clean.” Grade B eggs are allowed some stains, but no “Dirt.”

A “Dirty” is defined as “an egg that is unbroken, with dirt or foreign material adhering to its surface, or has prominent stains, or moderate stains greater than permitted in B quality” [§1351.2.(b)].

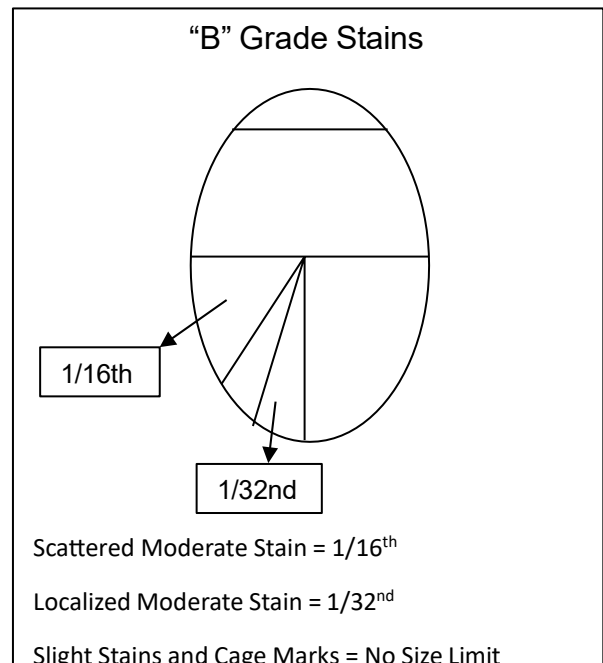
There are three stain densities to consider in grading eggs: slight, moderate, and prominent. Slight stains and cage marks are considered Grade B, except when they apply to the definition of clean.

Moderate stains are acceptable as Grade B if they are limited to a specific dimension on the shell area no longer than 1/16th of the shell surface. A localized moderate stain, confined to 1/32nd of the area of the egg surface is also a Grade B.

In both cases, if the stain dimensions are larger than the areas permitted, the egg would be dirty. A soiled egg can be upgraded by cleaning the shell.

Remember that if an egg has dirt or stains on its shell and is checked, it is considered a check and cannot be cleaned or upgraded. This is because a check is the more serious defect.

When looking at an egg, you can see roughly $\frac{1}{2}$ or 50% of the shell surface. If you mentally divide the visible surface into eight equal parts (see diagram), one of the parts will be an area approximately 1/16th of the egg’s surface. Remember that you are looking at **half** of the surface, so 1/8th section is really 1/16th of the whole surface. See diagram on right.



AIR CELL GAUGE



CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

1220 N STREET
SACRAMENTO, CA. 95814

EGG SAFETY AND QUALITY MANAGEMENT – AIR CELL GAUGE

INDIVIDUAL WEIGHTS

<u>SIZE OR WEIGHT CLASS</u>	<u>OUNCES</u>	<u>GRAMS</u>
JUMBO	2 5/12	68.51
EXTRA LARGE	2 1/6	61.42
LARGE	1 11/12	54.34
MEDIUM	1 2/3	47.25
SMALL	1 5/12	40.16
PEE WEE – less than	(NO MINIMUM)	
Underweight Tolerance	4% lot tolerance	

ORIGIN GRADE AA
1/8 INCH

GRADE B
3/8

DESTINATION
GRADE A
1/4

ORIGIN GRADE A
DESTINATION GRADE AA
3/16

DEFECTS

FERTILE EGG INSPECTION

When containers of eggs are marked "Fertile" the following procedure is recommended to determine their fertility:

1. If the lot consists of only a few cartons, select and test as many eggs as is practical to be sure they are 85% fertile.
2. In larger lots, two to ten cases or more, select the number of containers required for the official sample. Select and remove one egg from each (one dozen) carton for a total of 10 eggs per each 100-egg official sample.

Break and test the eggs in the selected sample. If 85% of the sample is fertile, the lot is in compliance. Records of hatch reliability may be used as supporting evidence of fertility in production plants keeping such records. This keeps destructive sampling to a minimum.

DESCRIPTIVE TERMS

Descriptive terms, such as "polyunsaturated," "plus polyunsaturated," "higher in iodine," "omega 3 DHA" "flavored with iron," or other wording, indicating a quality or ingredient different than found in a normally produced egg, may not appear in labeling unless approved by the Department. Information concerning the altered constituent(s) must be submitted to the Department, describing the method used to create and verify the change. If determined that a statistically significant difference exists, relative to the descriptive term used, and provided the term is not judged misleading, permission may be granted for its use.

*For organic egg registration, contact CDFA organic program

ORGANIC PROGRAM

1220 N Street
Sacramento, CA 95814
Phone: 916-900-5201
Email: CDFA_Organic@cdfa.ca.gov

ANIMAL CARE PROGRAM

1220 N Street
Sacramento, CA 95814
Phone: 916-900-5187
Email: AnimalCare@cdfa.ca.gov

FOOD AND AGRICULTURAL CODE

SECTION 27501-27523: Definition and General Provisions

27501. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

27502. "Agent" includes bailee, broker, commission merchant, factor, auctioneer, solicitor, consignee, and any other person that is acting upon the express or implied authority of another.

27503. "At retail" means a sale or transaction between a retailer and a consumer.

27503.5. "California egg" means an egg produced in this state.

27504. "Candling" means the examination of the interior of eggs by use of a transmitted light.

27505. "Cold storage eggs" means eggs which have been in cold storage for a period of more than 30 days.

27506. "Committee" means the Shell Egg Advisory Committee.

27507. "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boardinghouse, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking and not for resale in the shell.

27508. "Container" means any box, case, basket, carton, sack, bag, or any other device which is used to facilitate the handling of eggs.

27509. "Deceptive" means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part thereof as to size, quality, condition, or any other respects.

27510. "Egg handler" means a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs or pasteurized in-shell eggs for market or who engages in the operation of selling or marketing eggs that he or she has produced, purchased, or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, employee, or otherwise. This section shall not apply to any purchaser who is a retailer and who does not handle eggs in any other capacity, except as a retailer.

27510.1. "Producer" means a person engaged in the business of producing eggs from domesticated fowl for human consumption, who is not in the business of candling, grading,

packing, sorting, or otherwise preparing shell eggs for market, marketing, or processing eggs into egg products.

27511. "Egg meats" means the white, yolk, or any part of eggs, in liquid, frozen, dried, or any other form, used, intended or held for use, in the preparation of, or to be a part of or mixed with, food or food products, for human consumption.

27512. "Egg products" means egg meats.

27513. "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

27514. "Incubated eggs" means eggs which have been in the course of incubation, whether natural or artificial.

27515. "Incubator rejects" means incubated eggs.

27516. "Marked" means plainly, legibly, and conspicuously labeled, stamped, stenciled, printed, or branded.

27517. "Mislabel" means the presence of any false, deceptive, or misleading mark, term, statement, design, device, inscription, or any other designation upon any eggs or upon any container or subcontainer of eggs, or upon the label, lining, or wrapper thereof, or upon any placard or sign used in connection therewith, or in connection with any bulk lot or display having reference to eggs.

27518. "Retailer" means any person who sells eggs to a consumer.

27519. "Shell eggs" means any in-shell eggs other than pasteurized in-shell eggs, as defined in Section 27519.6.

27519.5. "Shipped egg" means an egg that is produced outside the State of California and shipped into the state for purposes of resale or use by a direct user.

27519.6. "Pasteurized in-shell eggs" means in-shell eggs that have been pasteurized by any method approved by the federal Food and Drug Administration or the department.

27520. "Subcontainer" means any container when being used within another container.

27521. The purposes of this chapter are as follows:

- (a) To assure that healthful and wholesome eggs of known quality are sold in this state.
- (b) To facilitate the orderly marketing of shell eggs in a uniform manner.
- (c) To prevent the marketing of deceptive or mislabeled containers of eggs.

27522. "Eggs that are packaged for export" means those eggs destined for conveyance to any location outside the United States or its territories.

27523. "Eggs that are packaged for interstate commerce" means those eggs destined for sale outside the state.

SECTION 27531-27534: Regulations

27531. The director may adopt regulations relating to the preparation for market and marketing of shell eggs as he or she determines are reasonably necessary to carry out the purposes of this chapter. The regulations may include any of the following:

- (a) The establishment of grade standards including minimum quality and minimum size.
- (b) Pack specifications.
- (c) Marking requirements.
- (d) Sampling procedures for enforcement purposes.
- (e) Control and disposition of substandard lots.
- (f) Use of registered brands and containers, including transportation.
- (g) Requirements for displays and advertising.
- (h) Procedures for the registration of shell egg handlers.
- (i) Procedures for the collection of registration fees and assessments.
- (j) Procedures for the development and collection of data pertaining to egg production, number of chickens, and other information as recommended by the committee.
- (k) Any other matter necessary for the accomplishment of the purposes of this chapter.

27532. The regulations relating to grade standards which are adopted pursuant to subdivision (a) of Section 27531 shall be consistent with the grade standards promulgated by the United States Department of Agriculture contained in Title 7, Code of Federal Regulations, Section 2856.216.

27533. Regulations adopted pursuant to this chapter relating to egg shell surveillance inspection shall be consistent with any federal standards or procedures promulgated by the United States Department of Agriculture on that subject.

27534. The director shall adopt regulations by which eggs which do not meet the size or appearance standards generally required for marketing but which are healthy for consumption may be sold directly to consumers for their own family use.

SECTION 27541-27542: Registration of Egg Handlers

27541. Any person engaged in business in this state as an egg producer or egg handler, or any out-of-state egg handler or egg producer selling eggs into California, shall register with the secretary. A new registration shall be submitted if any current information changes.

27542. The certificate of registration shall not be transferable to any person, or be applicable to any location other than the location for which originally issued, and shall be conspicuously displayed at such location.

SECTION 27551-27555: Assessment Fees

27551. The following persons shall pay to the secretary a maximum fee of fifteen cents (\$0.15) for each 30 dozen eggs sold as provided below:

(a) California egg handlers shall pay the fee on all egg sales from their own production, on eggs purchased or acquired from California egg producers, and on eggs processed into egg products. California egg handlers shall not pay a fee on eggs purchased from out-of-state egg handlers or egg producers.

(b) California egg producers shall pay the fee on all egg sales to anyone not registered under this chapter as an egg handler, to out-of-state purchasers, and to egg breaking plants.

(c) Out-of-state egg handlers and producers shall report and pay the fee on egg sales into California sold to a retailer, producer, handler, or breaking plant, and on egg products brought into the state, at a maximum rate of fifteen cents (\$0.15) for each equivalent of 30 dozen eggs.

(d) Shipments of eggs that are accompanied by a United States Department of Agriculture certificate of grade and sold to the federal government or its agencies are exempt from these fees.

(e) Eggs sold to household consumers on the premises where produced from a total flock size of 500 hens or fewer are exempt from these fees.

(f) The assessment provided for in this section shall be paid only once on any particular egg.

27552. The fees provided in Section 27551 are maximum fees and shall be established at a lower rate by the secretary at any time the funds derived from the assessment are more than reasonably necessary to cover the cost of administration and enforcement of this chapter, including the maintenance of a reasonable reserve fund for those purposes.

27553. The secretary may, by regulation, prescribe the frequency of payment of assessments, the procedures for payment, the procedures for refunds of payment, and penalties for late payment. However, the department may triple the assessment for any eggs for which the required payment has not been made by the established due date. If a triple assessment is less than five hundred dollars (\$500), the assessment shall be five hundred dollars (\$500).

27554. The moneys which are received by the director pursuant to this chapter shall be deposited in the Department of Food and Agriculture Fund and shall be used only for the administration and enforcement of this chapter, including, but not limited to, payments to commissioners pursuant to Article 5 (commencing with Section 27561). The moneys are exempt from the provisions of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

27555. The director may assess a special fee upon egg handlers who use descriptive terms on egg containers that require laboratory analysis to verify the terms. This fee shall be used for laboratory analysis necessary for label approval and continued surveillance for compliance with the descriptive terms.

SECTION 27561-27566: Administration and Enforcement

27561. (a) The director shall enforce this chapter, and the regulations adopted pursuant to this chapter.

(b) The commissioners of each county, their deputies, and qualified inspectors, under the supervision and control of the director, shall enforce this chapter and the regulations which are adopted by the director pursuant to this chapter.

(c) Except as provided in Sections 27581 and 27601, and any of the violations enumerated in paragraph (1) of subdivision (a) of Section 27671, before any state or local official may commence legal prosecution of a handler based on a violation of this chapter, or the regulations adopted pursuant to this chapter, the handler shall be given an opportunity for a hearing with respect to the alleged violation. The director shall establish, with the advice of the committee, a policy manual which sets forth procedures for providing notice to a person charged with the violation, and for conducting the hearing. The policy manual is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

27562. (a) The director shall determine the necessary amount to be expended by each county and the department to achieve adequate administration and enforcement of this chapter, including, but not limited to, uniformity of inspection in all counties.

(b) To make the determination for purposes of subdivision (a), the director shall determine the amount of funds generated by the fees collected pursuant to Article 4 (commencing with Section 27551) that shall be distributed to counties where point-of-origin inspections are performed pursuant to Section 27593. The director shall also determine the amount of funds generated by the fees collected pursuant to Article 4 (commencing with Section 27551) that shall be distributed to those counties that choose to enter into an agreement with the director to perform inspections of retail operations upon request pursuant to Section 27594.

27563. Within 90 days after the end of each fiscal year, the commissioner of a county shall submit, in the form prescribed by the director, a statement to the director which shows the expenditures of funds in the enforcement and administration of this chapter for that fiscal year. Such statement shall be subject to audit by the director.

27564. Each fiscal year the director shall prepare a statement which shows the receipt and expenditure for each county as well as those funds expended by the director during the fiscal year of funds provided for in this chapter. The director shall, upon written request of any person who is financially interested in the inspection work which is conducted pursuant to this chapter, forward a copy of such report to any such person.

27565. The director may enter into an agreement with any commissioner for the enforcement of this chapter or the regulations adopted pursuant to this chapter.

27566. If any commissioner does not adequately and properly enforce the provisions of this chapter, or regulations adopted pursuant to this chapter, or any agreement, as determined by the director, the director shall provide these services and expend that county's share of the assessment fees for the proper enforcement of this chapter, in lieu of the reimbursement to such counties pursuant to Sections 27554 and 27562.

SECTION 27571-27574: Shell Egg Advisory Committee

27571. (a) The secretary shall appoint a Shell Egg Advisory Committee consisting of 10 members, eight of whom shall be selected by the secretary from egg handlers and be representative of the egg industry. The secretary shall appoint two alternates who may serve in the absence of any of the eight egg handler representatives. The California Agricultural Commissioners and Sealers Association shall annually designate one of its members who shall serve in a nonvoting capacity as the ninth member of the committee. The secretary also shall select and appoint one public member to the committee pursuant to subdivision (b). The members of the committee shall receive no salary.

(b) Upon the secretary's request, the committee shall submit to the secretary the names of three or more natural persons, each of whom shall be a citizen and resident of this state and not a producer, shipper, or processor nor financially interested in any producer, shipper, or processor, for appointment by the secretary as a public member of the committee. The secretary may appoint one of the nominees as the public member on the committee. If all nominees are unsatisfactory to the secretary, the committee shall continue to submit lists of nominees until the secretary has made a selection. A vacancy in the office of the public member of the committee shall be filled by appointment by the secretary from the nominee or nominees similarly qualified submitted by the committee. The public member of the committee shall represent the interests of the general public in all matters coming before the committee and shall have the same voting and other rights and immunities as other members of the committee.

27571.1. It is hereby declared, as a matter of legislative determination, that egg handlers appointed to the Shell Egg Advisory Committee pursuant to this article are intended to represent and further the interest of a particular agricultural industry concerned, and that the representation and furtherance is intended to serve the public interest. Accordingly, the Legislature finds that, with respect to persons who are appointed to the committee, the particular agricultural industry concerned is tantamount to, and constitutes, the public generally within the meaning of Section 87103 of the Government Code.

27572. The term of office for each member, other than the member designated by the California Agricultural Commissioners and Sealers Association, of the committee shall be for three years. Appointment of the first voting members shall be made so that the term of office for two voting members shall expire at the end of one year, two at the end of two years, and two at the end of three years. Thereafter, appointments for the voting members shall be for full three-year terms.

27573. The committee shall be advisory to the Secretary of Food and Agriculture on all matters pertaining to standards for shell eggs. The committee may advise on:

- (a) Quality of shell eggs.
- (b) Recommendations concerning sampling.
- (c) Uniformity of inspection.
- (d) Adjustment of fees for proper administration and enforcement.
- (e) Annual budget for the administration and enforcement of this chapter and all matters pertaining to this chapter or regulations adopted pursuant thereto.
- (f) Components of the Egg Quality Assurance Plan, a voluntary food safety program, that are consistent with and promote the purposes of this chapter.

27574. The committee shall meet at the call of its chairman, the director, or at the request of any three members of the committee. The committee shall meet at least once a year. Necessary expenditures incurred by the committee members in attending committee meetings may be reimbursed in accordance with Department of Human Resources rules.

SECTION 27581-27582: Civil Penalties and Remedies

27581. The director may bring an action to enjoin any violation or any threatened violation of this chapter or any regulations adopted pursuant to this chapter in the superior court in the county in which the violation occurred or is about to occur. Any proceeding pursuant to this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The director shall not, however, be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

27581.2. In lieu of seeking prosecution of any violation of this chapter, or the regulations adopted pursuant to this chapter, as a misdemeanor pursuant to Section 27671, the director may bring a civil action pursuant to Sections 27581 and 27581.4.

27581.4. (a) The director may bring a civil action against any person who violates this chapter or any regulation adopted pursuant to this chapter, and any person who commits that violation is liable civilly in an amount not to exceed one thousand dollars (\$1,000).

(b) Any money recovered under this section shall be deposited in the Department of Food and Agriculture Fund for use by the department in administering this chapter, when appropriated to the department for that purpose.

27581.9. A legal prosecution pursuant to this chapter shall be commenced within three years of the occurrence of the violation. However, once an investigation is completed and the appropriate documents have been submitted to the director, as determined by the director, the action shall be commenced within one year of that submission.

27582. Except as provided in Section 27601, the director shall commence any civil action based on a violation of this chapter, and the regulations adopted pursuant to this chapter, which shall be limited to the remedies provided for in this chapter.

SECTION 27591-27600: Powers of Enforcing Officers

27591. Any enforcement officer may do any of the following:

(a) Enter and inspect any place or conveyance within the county or district over which he has supervision, where any eggs are produced, candled, incubated, stored, packed, prepared, delivered for shipment, loaded, shipped, transported, or sold.

(b) Inspect the eggs and their containers and equipment which are found in any place or conveyance which he is authorized to enter and inspect.

(c) Take for inspection and hold as evidence, if necessary, representative samples of the eggs and containers, for the purpose of determining whether or not any provision of this chapter or regulation adopted by the director pursuant to this chapter has been violated.

27592. Any enforcement officer may, while enforcing this chapter or any regulations adopted by the director pursuant to this chapter, issue a hold card for all or any part of any pack, load, lot, consignment, or shipment of eggs which are packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provision of this chapter or any regulation adopted pursuant to this chapter.

27593. A commissioner in each county or the director shall perform a point-of-origin inspection on the eggs in the county of their origin to ensure that the eggs inspected meet all applicable regulations.

The inspections performed under this section shall include inspections at shell egg packing plants and major distribution points.

Regulations adopted to implement this section shall be developed in consultation with the Shell Egg Advisory Committee.

27594. (a) The director, or the commissioner under the direction and supervision of the director, shall inspect eggs at the point of destination upon the request of a retailer or a consumer. The director, or the commissioner under the direction and supervision of the director, may also perform this inspection when he or she has probable cause to believe that a violation of this chapter, or a regulation adopted thereunder, is presently occurring or has recently occurred.

(b) In addition, retail inspection for monitoring purposes may be conducted by the commissioners.

27595. The enforcing officer may, and, if requested by an enforcing officer of the state or county of destination, shall, affix a warning to any vehicle or other means of transportation, or to any eggs not previously available for inspection in California unless accompanied by a federal certificate of grade, whether or not the eggs are exempt from the standards, and serve a disposal order upon the owner or person that has custody or possession of any load or lot.

27596. The warning notice, and disposal order which directs the proper disposition of eggs, and the disposal order receipt to be signed by an enforcing officer at destination which confirms that disposition, shall be in the form which is specified by, and provided by, the director.

27597. The enforcing officer at the point of destination of a load or lot shall determine that the load or lot has been delivered to the consignee at the destination which is specified in the order and shall then release the load or lot and countersign the disposal order receipt so given to him or her. He or she shall immediately forward the receipt to the enforcing officer who served the disposal order.

27598. It is unlawful for any person to deliver any eggs which are subject to a disposal order to any person or destination except the person or destination which is shown on the disposal order, unless he or she is specifically authorized in writing to do so by an enforcing officer.

27599. It is unlawful for any person to dispose of any eggs which are subject to a disposal order prior to the release in writing of the load or lot by the enforcing officer at the point of destination. This section does not, however, make it unlawful for any person to unload and store any eggs which are subject to a disposal order.

27600. It is unlawful for any person to use or dispose of any eggs for which a disposal order has been issued, in any manner or for any purpose except the manner or purpose for which the disposal order was issued, unless the person is specifically authorized in writing to do so by an enforcement officer.

SECTION 27601: Abatement

27601. Upon the request of the director or an authorized representative, the district attorney of the county in which the eggs and their containers which are a public nuisance are found, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent the public nuisance.

Upon judgment and by order of the court, the eggs and their containers which are a public nuisance shall be condemned and destroyed in the manner which is directed by the court, or reconditioned, remarked, denatured, or otherwise processed, or released upon the conditions as the court in its discretion may impose to ensure that the nuisance is abated.

If the owner fails to comply with the order of the court within the time specified in the order, the court may order disposal of the eggs and their containers or their sale, under the terms and conditions as the court may prescribe, by the enforcement officer, or by the sheriff or marshal.

If the court orders the sale of any of the eggs and their containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

A proceeding pursuant to this chapter or any regulation adopted pursuant to this chapter where the value of the property seized amounts to twenty-five thousand dollars (\$25,000) or less is a limited civil case.

A public nuisance described in this section may only be abated in any action or proceeding pursuant to the remedies provided by this chapter. This chapter provides the exclusive source of costs and civil penalties which may be assessed by reason of the public nuisance against the owner of eggs and their containers which are found to be a public nuisance.

SECTION 27611: Samples

27611. Any sample which is taken in accordance with the prescribed sampling procedure is prima facie evidence of the true condition of the entire lot in the examination of which the sample was taken. The presumption established by this section is a presumption affecting the burden of proof.

SECTION 27621: Shippers and Transporters

27621. Any person, forwarding company, or common carrier may decline to ship or transport any eggs if it is notified by an enforcement officer that the eggs are found to be not in conformity with any provision of this chapter or regulation adopted pursuant to this chapter.

Any person, forwarding company, or common carrier may reserve the right, in any receipt, bill of lading, or other writing given to the shipper of any eggs, to reject for shipment and to return to, or hold at the expense and risk of, such shipper, all eggs which, upon inspection, are found to be not in conformity with any provision of this chapter or regulation adopted pursuant to this chapter.

A person, forwarding company, or common carrier that transports any eggs at the request of the shipper or owner of the eggs does not violate any provisions of this chapter or regulation, unless such person, forwarding company, or common carrier willfully fails or refuses to stop the transportation of the eggs with reasonable dispatch after being notified in writing by an enforcing officer of this chapter or regulation adopted pursuant to this chapter that such eggs are found to be delivered for shipment in violation of this chapter or regulation adopted pursuant to this chapter.

SECTION 27631-27644: Unlawful Acts, General

27631. It is unlawful for any person to violate any provision of this chapter, or any regulation adopted by the director pursuant to the provisions of this chapter.

27632. It is unlawful for any person to mark any eggs which were not produced in this state "Produced in California" or represent them in any manner to be a product of this state.

27633. It is unlawful for any person to engage in the business of an egg handler without first registering as an egg handler as provided for in Article 3 (commencing with Section 27541).

27634. It is unlawful for any person to sell or use any container or subcontainer of eggs which bears a name, a trademark, or a trade name unless the seller or user is entitled to use the name, trademark, or trade name.

27635. It is unlawful for any person to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, unless the containers and subcontainers of the eggs are marked with, or a sign, placard, or other inscription otherwise indicates fully, the species of fowl from which the eggs were produced.

27636. It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage more than 30 days.

27637. It is unlawful for any person to make any statement, representation, or assertion orally, by public outcry, or proclamation, or in writing, or by any other manner or means whatever concerning the quality, size, weight, condition, source, origin, or any other matter relating to eggs which is false, deceptive, or misleading in any particular.

27638. It is unlawful for any person to fail to comply with any lawful order of an enforcement officer, or of any court, in any proceeding pursuant to this chapter or any regulation adopted pursuant to this chapter.

27639. It is unlawful for any person to do any of the following:

(a) Refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of any enforcement officer.

(b) Refuse to stop, at the request of any enforcement officer, any vehicle which is transporting eggs.

27640. It is unlawful for any person to move any eggs or their containers to which any warning tag, hold card, or notice has been affixed or to remove the warning tag, hold card, or notice from the place where it may be affixed, except upon written permission, or upon the specific direction of an enforcement officer.

27641. It is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, or sell eggs in the shell unless the eggs and their containers conform to all of the requirements of this chapter or any regulation adopted pursuant to this chapter.

27642. It shall be presumed from the fact of possession by any person engaged in the sale of eggs that such eggs are for sale for human consumption unless they have been denatured and the containers are labeled in one-inch letters "Not for human consumption."

27643. (a) It is unlawful for an egg handler, as defined in Section 27510, to hold, store, transport, or display eggs that are packed or graded for human consumption unless the eggs are held, stored, transported, or displayed consistent with all of the following requirements:

(1) At an average ambient temperature of 45 degrees Fahrenheit, or lower.

(2) At a temperature equal to or less than the temperature requirement for holding, storing, transporting, or displaying eggs established by regulations of the United States Department of Agriculture in Title 7 of Part 56 of the Code of Federal Regulations governing the grading of shell eggs.

(b) Retail outlets that are regulated by this chapter, except for retail outlets located in shell egg packing or distribution facilities, are exempt from subdivision (a).

(c) Certified farmers' markets, as defined in Section 113745 of the Health and Safety Code, are not required to comply with subdivision (a).

(d) Transport vehicles may exceed the 45 degree Fahrenheit maximum temperature required pursuant to subdivision (a) when eggs are either being loaded into the transport vehicle or unloaded from the transport vehicle. A transport vehicle shall be deemed to be in compliance with subdivision (a) if the transport vehicle is equipped and has in operation when eggs are in the transport vehicle a refrigeration unit delivering air at a temperature of 45 degrees Fahrenheit or lower.

27644. (a) Except as provided in subdivision (c), it is unlawful for an egg handler, as defined in Section 27510, to sell, offer for sale, or expose for sale eggs that are packed or graded for human consumption unless at least one of the following conditions is met:

(1) The consumer container is plainly, legibly, and conspicuously labeled "KEEP REFRIGERATED" or with words of similar meaning. Consumer container labeling that complies with the safe-handling instructions required by Section 101.17 of Title 21 of the Code of Federal Regulations shall be deemed to comply with this paragraph.

(2) A conspicuous sign is posted at the point of sale for eggs on bulk display advising consumers that the eggs are to be refrigerated as soon as practical after purchase.

(b) Except as provided in subdivision (c), it is unlawful for an egg handler to sell, offer for sale, or expose for sale eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled on one outside top, side, or end with all of the following:

(1) (A) The words "Sell-by" immediately followed by the month and day in bold type, for example "June 30" or "6-30." Common abbreviations of months shall be permitted.

(B) The sell-by date shall not exceed 30 days from the date on which the eggs were packed, excluding the date of packing.

(C) If the eggs are repacked but not regraded, the original sell-by date shall apply.

(2) A Julian pack date. As used in this paragraph, the Julian pack date is the consecutive day of the year on which the eggs were packed.

(3) The identification number of the plant of origin.

(c) This section does not apply to eggs that are packaged for export. Paragraph (1) of subdivision (b) does not apply to eggs that are packaged for interstate commerce or eggs that are packaged for military sales. This section does not apply to pasteurized in-shell eggs.

(d) All eggs returned from grocery stores, store warehouses, and institutions shall not be reprocessed for retail shell egg sales.

(e) (1) For purposes of paragraph (3) of subdivision (b), the department, in consultation with the Shell Egg Advisory Committee, shall establish a plant identification numbering system and assign identification numbers to all egg handling facilities.

(2) For purposes of complying with paragraph (3) of subdivision (b), an egg handling facility that is inspected by the United States Department of Agriculture, and to which a federal plant identification number has been assigned, may use the federal identification number, the identification number assigned by the department, or both.

27644.5. (a) It is unlawful for an egg handler, as defined in Section 27510, to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless both of the following conditions are met:

(1) The consumer container is conspicuously labeled "KEEP REFRIGERATED" or with words of similar meaning. Consumer container labeling that complies with the safe handling instructions required by Section 101.17 of Title 21 of the Code of Federal Regulations shall be deemed to comply with this paragraph.

(2) A conspicuous sign is posted at the point of sale for pasteurized in-shell eggs on bulk display advising consumers that the pasteurized in-shell eggs are to be refrigerated as soon as practical after purchase.

(b) Except as provided in subdivision (c), it is unlawful for an egg handler to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless each container intended for sale to the ultimate consumer is labeled on one outside top, side, or end with all of the following:

(1) The words "Sell by" immediately followed by the month and day in bold type. Common abbreviations for months may be used.

(A) The sell-by date shall not exceed 75 days from the date on which the pasteurized in-shell eggs were pasteurized, excluding the date of pasteurization. Processors of in-shell eggs that subject the eggs to the pasteurization 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 or the State Department of Public Health upon request.

(B) If the pasteurized in-shell eggs are repacked, the original sell-by date shall apply.

(2) A Julian pack date. As used in this paragraph, the Julian pack date is the consecutive day of the year on which the pasteurized in-shell eggs were pasteurized.

(3) The identification number of the plant of origin.

(4) A conspicuous identification of the eggs as "pasteurized."

(5) All state and federal labeling requirements.

(c) This section does not apply to pasteurized in-shell eggs that are packaged for export.

(d) Paragraph (1) of subdivision (b) does not apply to pasteurized in-shell eggs that are packaged for interstate commerce or pasteurized in-shell eggs that are packaged for military sales if exported to a state or federal agency that requires a different format for the sell-by or best-if-used-by date on pasteurized in-shell eggs, and the processor is utilizing that format.

(e) All pasteurized in-shell eggs returned from grocery stores, store warehouses, and institutions shall not be reprocessed for any retail in-shell egg sales.

(f) (1) The department, in consultation with the Shell Egg Advisory Committee, established pursuant Section 27571, shall establish a plant identification numbering system and assign identification numbers to all pasteurized in-shell egg handling facilities.

(2) For purposes of complying with paragraph (3) of subdivision (b), a pasteurized in-shell egg handling facility that is inspected by the United States Department of Agriculture or the federal Food and Drug Administration, and to which a federal plant identification number has been assigned, may use the federal identification number, the identification number assigned by the department, or both.

SECTION 27651-27652: Ungraded Eggs

27651. It is unlawful for any person to sell to any retailer, consumer, or institution consumer, any eggs which are ungraded as to quality and size, except that the director, upon the written application of any producer, may find and proclaim that an emergency exists which prevents the normal marketing of eggs by the applicant and other producers in the same area.

27652. During an emergency which is proclaimed pursuant to Section 27651, producers in the area in which the emergency has been proclaimed to exist may sell to any retailer, consumer, or institution consumer, eggs which were produced upon the premises of the producers which are ungraded as to size and quality, and any retailer may sell such eggs to any consumer or institution consumer. Each container of eggs which is so sold and all invoices which relate to the eggs shall both:

- (a) Be clearly marked "emergency, ungraded."
 - (b) Bear the name and address of the producer.
-

SECTION 27661-27669: Registered Brands

27661. Every egg handler shall register with the director each brand name which is intended for use by the handler on a master container of eggs, other than a container made of corrugated fiber.

27662. It is unlawful for a brand registrant or his authorized agent or employees to pack eggs into a master container which does not bear the registrant's brand, or to transport or sell eggs in such container.

27663. Any person who, without prior authorization, acquires possession of a master container which bears a brand belonging to someone else, shall, at his or her own expense, return the container to the registered owner within 30 days. This section does not apply to the operator of a retail store who is not otherwise an egg handler.

27664. Every person who operates a container exchange business for master containers of eggs shall obtain a license from the director.

27665. The director shall issue licenses to persons engaged in the container exchange business for master containers of eggs pursuant to such regulations as the director deems necessary to protect the shell egg industry.

27666. Every licensee shall file with the director the name and address of each person or firm that has contracted to use the exchange services, and shall return all containers bearing a registered brand to the registered owner within 30 days after receipt.

27667. A licensee may sell containers which do not have a registered brand, and the ownership of which cannot be determined, to egg handlers. The handlers shall apply a registered brand before use. The licensee shall keep a record of each sale for a period of two years. All records required to be maintained by a licensee shall be made available to the director upon request.

27668. The director may suspend or revoke any license for failure to comply with the provisions of Sections 27664, 27666, or 27667 or regulations adopted by the director relating to activities which must be licensed pursuant to this article.

27669. It is unlawful for any common carrier or private carrier for hire, except those which are engaged in transporting eggs and containers of eggs to and from farms where eggs are produced, to receive or transport any container which is marked with a brand that is registered pursuant to this chapter or regulation unless such carrier has in its possession a bill of lading or invoice which shows all of the following:

- (a) The name and address of the consignor.
 - (b) The name and address of the consignee.
 - (c) The number of containers.
 - (d) The brand which appears on the containers.
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SECTION 27671-27690: Criminal Punishment and Procedure

27671. (a) The following persons are guilty of a misdemeanor:

- (1) Any person who violates Section 27632, 27638, 27639, 27640, or 27672.
- (2) Any person who commits a second or subsequent violation of this chapter, or any regulation adopted pursuant to this chapter, that is the same as a prior violation.
- (3) Any person whose intentional violation of this chapter, or regulations adopted pursuant to this chapter, resulted, or reasonably could have resulted, in the creation of a hazard to human health or the environment, or in the disruption of the marketing of eggs.

(b) Any person guilty of a misdemeanor as provided in this section is punishable as follows:

- (1) In any case of willful or intentional violation, by imprisonment in the county jail not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both.

(2) In any case which does not involve willful or intentional violation, by a fine not to exceed one thousand dollars (\$1,000). Any prosecution for a violation of this chapter or any regulation adopted pursuant to this chapter may be instituted in any county where any part of the offense occurred. Any evidence which is taken by any enforcement officer in any county may be admitted in evidence in any prosecution in any other county.

27672. It is unlawful for any person to fail to appear in court at the time and place designated in any written promise to appear given after arrest pursuant to this chapter or any regulation adopted pursuant to this chapter, regardless of the disposition of the offense originally charged.

27673. Unless a person who is arrested for the transportation of eggs in violation of any provision of this chapter or any regulation adopted pursuant to this chapter demands the right of an immediate appearance before a magistrate, the procedures as prescribed in Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code shall be followed.

27680. If the grade determination and size determination required by this chapter are performed at a location outside of this state, the records relating to eggs of any person registered under this chapter at that location shall be subject to inspection by the department as the department considers necessary. The department may contract with another agency of state government or with a state department of agriculture or other similar agency where the out-of-state registrant is domiciled to conduct the inspection.

27681. A registrant whose out-of-state location is inspected shall reimburse the department for actual and necessary expenses incurred during the inspection. If an out-of-state registrant fails to pay the expenses before the 11th day on which the registrant received an invoice from the department, the department may do any of the following:

- (a) Automatically cancel the person's registration.
- (b) Deny a registration to any person who is connected with a person whose registration is canceled because of a violation of this section.
- (c) Issue an order to stop the sale of all eggs shipped into California from the registrant.

27682. The actual and necessary expenses of the department for each inspection of an out-of-state location may not exceed either of the following:

- (a) The actual and necessary expenses, not to exceed the state's per diem, for food, lodging, and local transportation of the inspector and the cost of the least expensive available space round-trip airfare from Sacramento to the location to be inspected.
- (b) Any contract fees charged to perform the inspection by another state agency or an agricultural agency in the state where the registrant is domiciled.

27683. The department shall attempt to schedule as many out-of-state inspections as feasible within an area on each inspection trip. If more than one registrant is inspected in an area during an inspection trip, the expenses of the trip shall be divided proportionately among the registrants based upon the amount of time spent on each registrant's audit.

27684. The department shall perform sufficient inspections of the records of out-of-state registrants to ensure that out-of-state registrants selling eggs into California pay the appropriate fees as required by Section 27551.

27685. Before receiving a registration as required by this chapter, an applicant whose home office or principal place of business is outside of this state shall file with the department the name of an agent in this state who is authorized to receive service of process in actions by the state or the department in the enforcement of this chapter.

27686. All shipped eggs shall be transported under refrigeration in compliance with California statutes and regulations.

27687. (a) If the department determines that eggs are not in compliance with this chapter or that they have been shipped without the handler or producer first securing the required registration and being current on the payment of the appropriate fees, the department shall issue and enforce an order to stop the sale of the eggs.

(b) A person may not sell eggs on which a stop-sale order has been issued until the department determines that the eggs and the handler or producer are in compliance with this chapter. Eggs that are in compliance with this chapter, but for which the handler or producer have not secured the required registration and paid the appropriate fees, may only be sold or moved under the specific direction of the secretary.

(c) With respect to eggs that are not in compliance with this chapter and on which a stop-sale order has been issued, the seller may submit the eggs for reinspection to an authorized state or county enforcement officer. If on reinspection the eggs fail to meet the specification of the grades with which they are labeled, the seller must remark or repackage the eggs to meet the specifications for their actual grades before calling for reinspection. Repackaged eggs must be labeled with the original sell by date.

27688. Each registrant shall submit a report as designated by the department and remit any fees due on a monthly basis. The report is due no later than the 30th day following the month of delivery to California. Each registrant shall keep a copy of this report on file at the registered facility for a period of three years.

27688.5. Any out-of-state registrant who fails to promptly submit required reports or pay required fees is subject to the criminal penalties specified in this chapter. A violation of this section is also subject to a civil or administrative penalty not to exceed five hundred dollars (\$500) per violation. Each day a violation continues may be considered a separate violation for purposes of penalty assessment. The department may also seek appropriate injunctive relief.

27689. The report required by Section 27688 shall give a complete breakdown of all sales of graded and ungraded eggs into California, listing the individual plant or person to whom eggs were sold and indicating whether these eggs were sold on a graded or ungraded basis. A check or money order in the amount of the fee as required by this chapter on all eggs shipped into California on a graded basis shall accompany the report.

27690. All brokers registered with California shall itemize in their reports a true and complete list of all eggs brokered into and within California. This list shall include the name and address of all persons from whom eggs were purchased, to whom they were sold, and the amount of eggs involved in each transaction. Furthermore, the broker shall indicate whether the eggs involved in the transaction were graded or ungraded.

CALIFORNIA CODE OF REGULATIONS

TITLE 3. FOOD AND AGRICULTURE

DIVISION 3. ECONOMICS

CHAPTER 1. FRUIT AND VEGETABLE STANDARDIZATION

SUBCHAPTER 3. EGGS

§ 1350 - Shell Egg Food Safety

(a) In accordance with Food and Agricultural Code section 27521(a), to assure that healthful and wholesome eggs of known quality are sold in California, commencing July 1, 2013, any egg producer or egg handler as defined in sections 27510 and 27510.1 of the Food and Agricultural Code, shall ensure all flocks with a hatching date after July 1, 2013 comply with the requirements of this section.

(b) Registered egg producers or egg handlers whose shell eggs are processed with a treatment such as pasteurization to ensure safety, shall be exempt from the requirements of this section. A "treatment" or "treated" means a technology or process that achieves at least a 5-log destruction of SE for shell eggs as defined in 21 CFR section 118.3.

(c) Registered egg producers or handlers with 3,000 or more laying hens shall incorporate all of the provisions specified in subsections (c)(1), (2), and (3) in their facility operations:

(1) Implement *Salmonella enterica* serotype Enteritidis (SE) prevention measures in accordance with the Food and Drug Administration, Department of Health and Human Services' requirements for the production, storage, and transportation of shell eggs as specified in 21 CFR Part 118;

(2) Implement a SE environmental monitoring program which includes testing for SE in "chick papers," (the papers in which chicks are delivered) and the house environment when the pullets are 14-16 weeks of age, 40-45 weeks of age, 4-6 weeks post-molt, and pre-depopulation; and

(3) Implement and maintain a vaccination program to protect against infection with SE which includes at a minimum two attenuated live vaccinations and one killed or inactivated vaccination, or a demonstrated equivalent SE vaccination program approved by the Department.

(d) No egg handler or producer may sell or contract to sell a shelled egg for human consumption in California if it is the product of an egg-laying hen that was confined in an enclosure that fails to comply with the following standards. For purposes of this section, an enclosure means any cage, crate, or other structure used to confine egg-laying hens:

(1) An enclosure containing egg-laying hens shall provide a minimum of 144 square inches of usable floorspace per hen. Usable floorspace means the total square footage of floorspace provided to each egg-laying hen as calculated by dividing the total square footage of floorspace provided to the egg-laying hen in an enclosure by the number of egg-laying hens in that enclosure. Usable floorspace shall include both ground space and elevated level flat platforms upon which hens can roost but shall not include perches or ramps.

(2) The enclosure shall provide access to drinking water and feed trough(s) without restriction.

Credits

Note: Authority cited: Sections 407, 27531 and 27533, Food and Agricultural Code; and Section 25993, Health and Safety Code. Reference: Sections 27510, 27510.1, 27518, 27521, 27541 and 27573, Food and Agricultural Code; and Sections 25990 and 25991, Health and Safety Code.

History

1. New section filed 5-6-2013; operative 7-1-2013 (Register 2013, No. 19).
2. Amendment of subsections (d)-(d)(1) and amendment of Note filed 6-25-2020; operative 7-1-2020 pursuant to Government Code section 11343.4(b)(3) (Register 2020, No. 26).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1350, 3 CA ADC § 1350

§ 1351 - Definitions-General Terms

- (a) “Balut.” Shell eggs from any species of fowl, removed from incubation after partial embryo development, intended for human consumption.
- (b) “Case.” Quantity of 30 dozen eggs.
- (c) “Denature.” Application of a substance which, by sight or smell, readily identifies an egg, or egg meat, as unfit for human consumption.
- (d) “Inedible.” Any eggs of any of the following descriptions: black rots; yellow rots; white rots; mixed rots; sour eggs; green whites, stuck yolks; moldy eggs; and eggs showing embryo development at blood ring stage or beyond.
- (e) “Loss.” Any egg classed as “inedible”; also eggs with contents leaking, frozen, cooked, contaminated or which contain bloody whites, large blood/meat spots, or other foreign matter.
- (f) “Lot.” Any number of containers labeled with one size, grade, brand and code date and in one location.
- (g) “Origin Grade.” Standards applicable to eggs at the plant where processed.
- (h) “Processed.” Shell eggs that have been washed, cleaned, sanitized, candled, graded, sized, and placed in containers.
- (i) “Regraded.” Shell eggs that have been processed.
- (j) “Restricted eggs.” Shell eggs classed as dirties, checks, leakers, loss, inedibles, and incubator rejects.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27521 and 27531, Food and Agricultural Code.

History

1. Repealer of Group 3 (Sections 1351-1360) and new Group 3 (Sections 1351-1358.6) filed 2-9-72; effective thirtieth day thereafter (Register 72, No. 7). For prior history, see Register 58, No. 4, and Register 63, No. 19.
2. Repealer of Group 3 (Sections 1351-1358.4) and new Group 3 (Sections 1351-1358.4, not consecutive) filed 1-24-83; effective thirtieth day thereafter (Register 83, No. 5). For prior history, see Registers 81, No. 15; 76, Nos. 50 and 38; 75, Nos. 43, 35, 29 and 18; 74, Nos. 46, 40 and 10; 73, No. 11; and 72, Nos. 53, 34 and 29.
3. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).
4. Amendment of subsection (g), new subsections (h)-(i), subsection relettering and amendment of newly designated subsection (j) and Note filed 10-29-2012; operative 11-28-2012 (Register 2012, No. 44).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1351, 3 CA ADC § 1351

§ 1351.2 - Definition of Terms Descriptive of the Shell

- (a) Clean. A shell that is free from adhering foreign material, visible stains or discolorations. A shell may be considered clean if it has only very small specks, stains, or cage marks, provided they are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs showing traces of processing oil on the shell are considered clean, unless otherwise soiled.
- (b) Dirty. An egg that is unbroken, with dirt or foreign material adhering to its surface, or has prominent stains, or moderate stains greater than permitted in B quality.
- (c) Check. An egg having a fractured shell, but with its membranes intact and not leaking.
- (d) Leaker. An egg having a break in the shell and membranes, with contents exuding or free to exude.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1351.2, 3 CA ADC § 1351.2

§ 1351.4 - Definition of Terms Descriptive of Air Cell

- (a) Depth of air cell (air between the shell membranes). Air cell depth is a measurement from its top to bottom, when the egg is held air cell upward.
- (b) Free air cell. An air cell that is mobile.
- (c) Bubbly air cell. A ruptured air cell resulting in small air bubbles in the albumen.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1351.4, 3 CA ADC § 1351.4

§ 1351.6 - Definition of Terms Descriptive of the White

- (a) Clear. A white that is free of discoloration or suspended foreign matter.
- (b) Weak and watery. (B quality) A white lacking in viscosity, causing the yolk outline to appear dark and plainly visible when examined before a candling light.
- (c) Blood clots and spots (not due to germ development). These are blood clots or spots on the surface of the yolk or suspended in the white. If aggregating no more than $\frac{1}{8}$ inch in diameter, the egg shall be classed as a C quality. If larger, or showing diffusion of blood in the white, the egg shall be classified as loss.
- (d) Bloody white. An egg with blood diffused through the white. Eggs with blood spots which show only slight diffusion into the white are not classed as bloody whites.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1351.6, 3 CA ADC § 1351.6

§ 1351.8 - Definition of Terms Descriptive of the Yolk

- (a) Practically free of defects (AA-A quality). A yolk showing no germ development but may have slight defects on its surface.
- (b) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow and may appear enlarged and flattened.
- (c) Serious defects (B quality). A yolk that shows well-developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.
- (d) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg, which is plainly visible as a definite circular area around the spot, with no blood in evidence.
- (e) Blood due to germ development. Blood caused by development of the germ in a fertile egg, visible as definite lines or as a blood ring. Such an egg is classified as inedible.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1351.8, 3 CA ADC § 1351.8

§ 1352 - California Standards of Quality for Individual Shell Eggs

- (a) General. California standards of quality for individual shell eggs are applicable only to eggs that are a product of domesticated chickens. Except as provided in Section 1356.2, no eggs lower than Grade B shall be sold for human consumption.
Interior quality is based on the apparent condition of the egg contents when examined before a candling light. Any type candling light may be used which will enable the grader to make an accurate determination of the grading factors affecting egg quality.
- (b) AA Quality. The shell must be clean and unbroken. The air cell is limited to a $\frac{1}{8}$ inch depth at origin, $\frac{3}{16}$ inch at destination, and may be free and bubbly. The white must be clear and the yolk practically free of apparent defects.
- (c) A Quality. The shell must be clean and unbroken. The air cell is limited to a $\frac{3}{16}$ -inch depth at origin, $\frac{1}{4}$ inch at destination, and may be free and bubbly. The white must be clear and the yolk practically free of apparent defects.
- (d) B Quality. The shell must be unbroken and may have unlimited slight stains. Moderately stained areas are permitted if they cover no more than $\frac{1}{32}$ of the shell surface, when localized, or $\frac{1}{16}$ of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell depth may not exceed $\frac{3}{8}$ inch, may show unlimited movement and be free and bubbly. The white may be weak and watery and the yolk outline plainly visible. The yolk may appear dark, enlarged and flattened, and with clearly visible germ development,

but no blood due to such development. It may show other serious defects which do not render the egg inedible.

(e) C Quality. An egg having an air cell over $\frac{3}{8}$ inch in depth or small blood spots or clots aggregating no more than $\frac{1}{8}$ inch in diameter.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27651, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1352, 3 CA ADC § 1352

§ 1352.2 - Exempt Eggs

(a) Eggs in the shell are exempt from standards established by these regulations when being transported:

(1) From a location which does not have proper or adequate facilities for grading or reconditioning to a shell egg grading plant which does.

(2) To first point of grading.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1352.2, 3 CA ADC § 1352.2

§ 1352.4 - Regraded and Repacked Eggs

(a) Registered producers and wholesalers may repack eggs into overwraps, flats, or hand sort into clean containers. Clean containers shall be labeled with original Julian pack and sell-by dates, and the plant identification number of the producer or wholesaler repacking the eggs.

(b) Registered egg handlers who also act as a retailer shall only replace damaged or dirty eggs with clean, undamaged eggs from the same lot.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27541, 27631 and 27644, Food and Agricultural Code.

History

1. New section filed 10-29-2012; operative 11-28-2012 (Register 2012, No. 44).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1352.4, 3 CA ADC § 1352.4

§ 1353 - Grade Tolerances

- (a) Grade AA (origin) shall consist of eggs which are at least 85 percent AA quality; a tolerance of 15 percent below AA quality is permitted and may consist of A and B quality in any combination; no more than 5 percent (7 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.
- (b) Grade AA (destination) shall consist of eggs which are at least 80 percent AA quality; a tolerance of 20 percent below AA quality is permitted and may consist of A or B quality in any combination; no more than 7 percent (9 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (c) Grade A (origin) shall consist of eggs which are at least 85 percent A quality; a tolerance of 15 percent below A quality is permitted and may consist of B quality; no more than 5 percent (7 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.
- (d) Grade A (destination) shall consist of eggs which are at least 80 percent A quality; a tolerance of 20 percent below A quality is permitted and may consist of B quality; no more than 7 percent (9 percent for Jumbo size) checks is permitted; and no more than 1 percent C quality or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (e) Grade B (origin) shall consist of eggs which are at least 85 percent B quality; a tolerance of 15 percent below B quality is permitted and may consist of C quality; no more than 10 percent checks or more than 0.5 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted. Other types of loss are not permitted.
- (f) Grade B (destination) shall consist of eggs which are at least 80 percent B quality; a tolerance of 20 percent below B quality is permitted and may consist of C quality; no more than 10 percent checks or more than 1 percent leakers, dirties or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.5 percent. Other types of loss are not permitted.
- (g) Additional Tolerance: No lot shall be rejected due to a single loss or dirty egg.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1353, 3 CA ADC § 1353

§ 1353.2 - Summary of Grades for Shell Eggs

TABLE 1 ORIGIN GRADES

Tolerance Permitted		
Quality Required	Percent	Quality
Grade AA 85% AA	15%	A,B.
	Within this 15%	
	5%	Checks, (7% Jumbo)
	1%	C.
	0.5%	Leakers, dirties or loss (due to blood or meat spots).
Grade A 85% A or better	15%	B.
	Within this 15%	
	5%	Checks, (7% Jumbo)
	1%	C.
	0.5%	Leakers, dirties or loss due to blood or meat spots).
Grade B 85% B or better	15%	C.
	Within this 15%	
	10%	Checks.
	0.5%	Leakers, dirties or loss due to blood or meat spots).

* No lot shall be rejected due to a single loss or dirty egg.

TABLE 1 DESTINATION GRADES

Tolerance Permitted			
Quality Required	Percent	Quality	
Grade AA 80% AA	20%	A,B.	
		Within this 20%	
	7%	Checks, (7% Jumbo)	
	1%	C.	
		Leakers, dirties or loss (of this 1% not over 1% .5% loss due to blood or meat spots).	
Grade A 80% A or better	20%	B.	
		Within this 20%	
	7%	Checks, (9% Jumbo)	
	1%	C.	
		Leakers, dirties or loss (of this 1% not over 1% .5% loss due to blood or meat spots).	
Grade B 80% B or better	20%	C.	
		Within this 20%	
	10%	Checks.	
		Leakers, dirties or loss (of this 1% not over 0.5% .5% loss due to blood or meat spots).	

* No lot shall be rejected due to a single loss or dirty egg.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27651, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1353.2, 3 CA ADC § 1353.2

§ 1353.4 - Size Standards for Individual Shell Eggs

Size or Weight Class	Grams	Grains	Ounces
Jumbo	68.51	1,057	2 ⁵ / ₁₂
Extra Large	61.42	948	2 ¹ / ₆
Large	54.34	839	1 ¹¹ / ₁₂
Medium	47.25	729	1 ² / ₃
Small	40.16	620	1 ⁵ / ₁₂
Peewee	No minimum		

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27651, Food and Agricultural Code. This database is current through 2/14/25 Register 2025, No. 7.
Cal. Admin. Code tit. 3, § 1353.4, 3 CA ADC § 1353.4

§ 1353.6 - Egg Sample Schedule

When Size of Lot is:	Minimum Sample Is:
50 eggs or less	all eggs
51 eggs to less than 1 case	50 eggs
1 case	100 eggs
more than 1 to 10 cases	100 eggs from each of 2 cases
more than 10 to 25 cases	100 eggs from each of 3 cases
more than 25 to 50 cases	100 eggs from each of 4 cases
more than 50 to 100 cases	100 eggs from each of 5 cases
more than 100 to 200 cases	100 eggs from each of 8 cases
more than 200 to 300 cases	100 eggs from each of 11 cases
more than 300 to 400 cases	100 eggs from each of 13 cases
more than 400 to 500 cases	100 eggs from each of 14 cases
more than 500 to 600 case	100 eggs from each of 16 cases

For each additional 50 cases, or fraction thereof, in excess of 600 cases, draw one additional 100-egg sample.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531, 27591 and 27611, Food and Agricultural Code.
This database is current through 2/14/25 Register 2025, No. 7.
Cal. Admin. Code tit. 3, § 1353.6, 3 CA ADC § 1353.6

§ 1354 - Marking Requirements

(a) Grade and Size Designation. Where eggs are not produced by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such eggs; such as, "Produced for _____", "Distributed by _____", or any other wording that expresses the facts. Each container or subcontainer of shell eggs shall be marked with the name, address and zip code of the person by or for whom the eggs were graded and packed, and the unabbreviated designation of one of the following sizes and grades:

Size		Grade
Jumbo	Medium	Grade AA
Extra Large	Small	Grade A
Large	Peewee	Grade B

Only one size and grade shall appear upon a container, subcontainer or placard. Size and grade shall be plainly marked in letters not less than ¼ inch in height, as follows:

(1) Containers holding three dozen or less, on the outside top face; and

(2) Containers holding more than three dozen, on one outside top, side or end, except that oblong containers shall be marked on one outside end.

(b) Price Advertising. Any advertisement, sign or placard, which indicates the price of eggs for sale, must also use the full designation of size and grade.

(c) Superlative and Brand Names.

(1) Superlative descriptions or other amplification of grade or size are not permitted on containers. Prohibited words related to grade include, but are not limited to: "fancy," "select," "premium," and "superior." Prohibited words related to size include, but are not limited to: "oversize," and "giant."

(2) Brand names on consumer size containers which use a superlative term shall be separated from the size and grade designation in a style of lettering which makes it obvious that the brand name is not related nor intended to be read in conjunction with size or grade designation. Additionally, each such brand name shall be followed immediately by the word "brand" in letters at least one-half the size of letters or figures used in the brand name, and in the same color, style, and prominence.

(d) Descriptive Terms.

(1) Descriptive terms, such as "polyunsaturated," "plus polyunsaturates," "higher in iodine," "flavored with iron" or other wording, indicating a quality or ingredient different than found in a normally produced egg, may not appear in labeling unless approved by the department. Information concerning the altered constituent(s) must be submitted to the department, describing the method used to create and verify the change. If determined that a statistically significant difference exists, relative to the descriptive term used, and provided the term is not judged misleading, permission may be granted for its use.

(2) Terms such as "organic" and "organically produced" or similar description relating to production, qualities, nature of the product or other descriptive terms, if determined by the department not to be misleading or deceptive, may be used.

(3) Eggs labeled with the descriptive term "Cage-Free", on consumer size containers, must be raised in Cage-Free Housing Systems that meet the following minimum standards:

(A) 1 (one) square foot of useable floor space per bird for egg laying hens in a multi-tiered aviary and partially slatted systems, or 1.5 (one point five) square feet of useable floor space per bird for egg laying hens in a single-level all-litter floor system.

(B) Hens are allowed to roam unrestricted, except for external walls, and contain the following enrichments: scratch areas, perches, nest boxes, and dust bathing areas.

(C) Farm employees are able to provide care while standing in the hen's usable floor space.

(e) Shell eggs packed in California in consumer size containers exclusively for out-of-state sales are exempt from the prohibitions of (c) above.

(f) In accordance with section 1350 of Title 3 of the California Code of Regulations, commencing January 1, 2015, the principal display panel for containers for all eggs sold in California shall have the following statement: "California Shell Egg Food Safety Compliant". The statement may be abbreviated to read "CA SEFS Compliant" or a similar abbreviation or other descriptive term may be used if determined by the Department not to be misleading or deceptive. The statement shall be legible and plainly marked on each container in letters not less than ¼ inch in height.

Credits

Note: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Sections 27521, 27573, 27631 and 27637, Food and Agricultural Code.

History

1. Amendment of subsection (d)(2) and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
 2. Amendment of subsections (a) and (a)(1), new subsection (f) and amendment of Note filed 5-6-2013; operative 7-1-2013 (Register 2013, No. 19).
 3. New subsections (d)(3)-(d)(3)(C) filed 7-1-2022; operative 10-1-2022 (Register 2022, No. 26).
- This database is current through 2/14/25 Register 2025, No. 7.*
Cal. Admin. Code tit. 3, § 1354, 3 CA ADC § 1354

§ 1354.2 - Markings Not Required

(a) Size, grade, name and address markings are not required on containers or subcontainers of eggs in any of the following situations:

- (1) If sold at retail from a properly marked bulk display and packaged in the presence of the purchaser.
- (2) If packed for shipment or in transit to points outside the state.
- (3) If sold to household consumers without advertising by the producer on the premises where produced, from a flock of 500 hens or less.
- (4) If being delivered from outside the state to dealers for candling and grading.
- (5) If being delivered to, or are in possession of, a dealer for candling and grading, or being delivered, stored or removed from cold storage.
- (6) If packed for sale to the military forces of the United States, labeled with one of the United States Department of Agriculture grades.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Section 27531, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1354.2, 3 CA ADC § 1354.2

§ 1355 - Seized and Held Lots

- (a) Any eggs and their containers which are prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported, or sold in violation of any provision of these regulations, are a public nuisance.
- (b) The enforcement officer may affix a warning tag or notice to the eggs and their containers which are a public nuisance and may give notice of such violation to the producer, packer, or owner, or other person in possession of the eggs.
- (c) If the person notified refuses or fails within a reasonable time specified by the enforcement officer to commence to bring the eggs and their containers into compliance with these regulations, the eggs and their containers may be seized by any enforcement officer.

Credits

Note: Authority cited: Sections 407, 27531 and 27592, Food and Agricultural Code. Reference: Sections 27531, 27591, 27592 and 27640, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1355, 3 CA ADC § 1355

§ 1356 - Special Requirements

(a) Shell eggs which are labeled as containing a distinguishing quality or condition, in addition to meeting size and grade standards are subject to the following requirements:

(1) "Fertile Eggs." To be labeled or advertised as fertile, the eggs must be at least 85 percent fertile, as determined by candling, break-out, or incubation.

(2) "Polyunsaturates." To be labeled or advertised as containing an amount of polyunsaturated fatty-acid greater than the average egg, at least 2.0 grams of polyunsaturated fatty-acid in 100 grams of the edible portion must be evidenced by laboratory analysis performed by the department.

(b) "Balut." Records shall be maintained on eggs incubated for this purpose at the time they are placed in an incubator. These eggs are exempt from the standards and marking requirements for grade and size. They must be labeled with (1) species of fowl from which the eggs came, followed by "Embryos" in letters ½ inch high, (2) the words "incubated fertile eggs" in letters no less than ¼ inch high, and (3) the name and address of the producer.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531 and 27637, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1356, 3 CA ADC § 1356

§ 1356.2 - Restricted Eggs

Eggs classed as "restricted eggs" are exempt from the size and quality standards for consumer grade eggs except as provided in the tolerances, if any, for undergrade eggs.

Restricted eggs may be sold directly to consumers only as follows: by a shell egg producer from his own flock's production, at the site of production or segregation, or at secondary locations operated by the producer-packer for the primary purpose of shell egg retail sales; by a shell egg packer at the grading station where grading or segregation occurred.

Special provisions described below place restrictions upon the sale, processing, movement, distribution and uses of restricted eggs.

Any product segregated into the several restricted egg categories must bear legible and conspicuous labeling of its quality on the carton, case, rack or pallet, as applicable. Name, address and zip code of the packer is required for shipment, but need not appear on the label if it appears elsewhere on the packing medium described above.

(a) Product for Human Consumption.

(1) Checks--direct sales to consumers. Checked eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per

sale. Eggs labeled “checks” may not exceed 1 percent dirties, leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.

(2) Checks--sales to breaking plants. Checked eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement “For Processing Only in an Official USDA Egg Product Plant.” For this purpose a tolerance of 5 percent leakers and 1 percent other loss or dirties is permitted.

(3) Dirties--direct sales to consumers. Dirty eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per sale. Eggs labeled “dirty” may not exceed 10 percent checks and 1 percent leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.

(4) Dirties--sales to breaking plants. Dirty eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement “For Processing Only in an Official USDA Egg Product Plant.” Eggs so labeled may not exceed 10 percent checks or 1 percent loss.

(5) Dirties--transported for cleaning. Dirty eggs may be transported to another facility and location for the purpose of cleaning.

(6) Checks and Dirties--direct sales to consumers. Checked and dirty eggs may be sold directly to a consumer for exclusive use by his household and nonpaying guests, in quantities not to exceed 30 dozen per sale. Eggs labeled “checks and dirties” may not exceed 1 percent leakers and loss (due to meat or blood spots), except that loss may not exceed 0.5 percent.

(7) Checks and Dirties--sales to breaking plants. Checked and dirty eggs may be sold in bulk and transported only for processing into an egg product at a USDA inspected egg product plant. Labeling shall include the statement “For Processing Only in an Official USDA Egg Products Plant.” For this purpose a tolerance of 5 percent leakers and 1 percent other loss is permitted.

(8) Bloods--sales to breaking plants. Eggs containing large blood or meat spots with only slight diffusion, if any, into the egg white, and when labeled “Spots” or “Light Bloods,” may be sold and transported without denaturation to a USDA inspected egg product plant for processing as an egg product. Labeling must include the statement “For Processing Only in an Official USDA Egg Products Plant.” No other type loss is permitted for this product.

(b) Product Unfit for Use as Human Food. Leakers, loss and inedible eggs must be rendered unfit for human food purposes at point of segregation by one of the following methods:

(1) Processed into animal food--in shell form. Sale and transportation of loss eggs for animal food purposes are permitted when denatured by application of dye to the shell and the following statement included in the label: “Restricted Eggs--Not To Be Used As Human Food.”

(2) Processed into animal food--liquid form. Sale and transportation of loss eggs in liquid form for animal food purposes is permitted when denatured and the following statement is included in the label: “Restricted Eggs--Not To Be Used As Human Food.” When shipped and received under USDA supervision the product need not be denatured.

(3) Processed into industrial product. Inedible eggs in liquid form may be processed into an industrial product at the grading station. If transported from the plant, the product must be denatured and the following statement included in the labeling: “Inedible Egg Product--Not To Be Used As Human Food.”

(4) Destroyed. Any form of restricted eggs other than incubator rejects may be disposed of by intermingling with refuse and discarded.

(c) Incubator Rejects. Eggs which have been subjected to incubation may not be moved in shell form, but must be crushed and denatured upon removal from incubation. If transported from the hatchery the product must be labeled: "Inedible Egg Product--Not To Be Used As Human Food."

Credits

Note: Authority cited: Sections 407, 27531 and 27642, Food and Agricultural Code. Reference: Sections 27531 and 27642, Food and Agricultural Code.

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1356.2, 3 CA ADC § 1356.2

§ 1357 - Registered Brands

(a) Brand Registration and Container Regulation Requirements. Any certification of registration granted pursuant to this regulation and Section 27661 of the Food and Agricultural Code, shall be valid until cancelled by the department.

(b) Registered Brand--Change of Ownership. A person who acquires by purchase or other lawful means, egg master containers, other than corrugated fiber, with a registered brand, shall notify the department and submit evidence which supports the transaction. Such notice constitutes transfer of the brand and container ownership.

(c) Brand Alterations. To obliterate, erase, cover-up, remove or conceal any registered brand, other than his own, without first notifying the department and receiving approval, is prohibited.

(d) Licensed Container Exchange Operators. Licenses issued to persons engaged in the container exchange business for master containers of eggs shall be valid until suspended or revoked by the department.

(e) Court Proceeding--Registered Container. Upon representation of any interested party, the department may institute proceedings in any court of competent jurisdiction to recover for the owner any container which is marked with a brand that is registered pursuant to this section. Whenever the department prevails in such an action, it shall ask the court to assess costs against the party found to have been in unlawful possession of the containers.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, 27641 and 27661-27669, Food and Agricultural Code.

History

1. Amendment of section and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1357, 3 CA ADC § 1357

§ 1358 - Inspection Fees

(a) The mill fee shall be due and payable after close of each reporting period, and becomes delinquent at the close of the next reporting period thereafter.

(b) Reporting Periods. Reporting periods shall be equal to the 4-4-5 Retail Accounting Calendar, which consists of the following: eight 4 week and four 5 week accountings period beginning in

July and ending in June, with the first reporting period ending on the fourth Saturday of July, Sunday through Saturday.

(c) Advance Payment. A handler who provides information satisfactory to the department, indicating the handler's estimated annual mill fee liability, may pay that amount in advance. Such advance payment shall cover the period from July 1 through June 30, whereupon the handler shall report actual mill fee liability and a recapitulation will be made. A refund will be made in case of overpayment, or the balance, if any, may be applied to the next year's estimate. In the event of underpayment, the mill fee shall become due and payable on June 30, and becomes delinquent after close of the first reporting period of each fiscal year. Any handler, choosing not to make an estimated advance deposit, as described above, shall submit the fee at the end of each four-week/five-week reporting period.

(d) Penalties shall be charged for each delinquent report and payments as follows: A penalty of ten percent (10%) for the first delinquent reporting period and two percent (2%) of the unpaid balance compounded at the close of each subsequent reporting period for all delinquent mill fee reports and payments until payment has been received. The above penalties apply to all reports and payments due after the effective date of this subsection.

Credits

Note: Authority cited: Sections 407, 27531 and 27553, Food and Agricultural Code. Reference: Sections 27551 and 27631, Food and Agricultural Code.

History

1. Amendment filed 3-4-85; effective thirtieth day thereafter (Register 85, No. 10).

2. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).

3. Amendment of subsection (c) and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).

4. Amendment of subsections (b)-(c) filed 12-16-2008; operative 6-28-2009 (Register 2008, No. 51).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1358, 3 CA ADC § 1358

§ 1358.2 - Fee Exemption

(a) Any handler providing satisfactory information that the handler owes no mill fee for any fiscal year, and anticipates no mill fee liability to be incurred, may be exempted by the department from filing a mill fee report. Should the handler later make sales requiring payment during the fiscal year, the handler shall file a report pursuant to Section 1358(a) or 1358(c), as applicable.

(b) The department may require special or periodic reports from any handler pursuant to this section and may require a statement in such detail as the department deems necessary to support the payment or exemption. The department may require the report to be made, or confirmed, under penalty of perjury.

Credits

Note: Authority cited: Sections 407, 27531 and 27553, Food and Agricultural Code. Reference: Sections 27551 and 27631, Food and Agricultural Code.

History

1. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).

2. Amendment of section and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1358.2, 3 CA ADC § 1358.2

§ 1358.3 - Registration and Fees for Egg Handlers and Egg Producers

- a) Every person required to be registered pursuant to section 27541 of the Food and Agricultural Code shall submit to the Department a completed application for registration accompanied by the applicable fee for the principal place of business. An application for registration accompanied by the applicable fee is required for each facility location where any of the business practices requiring a registration will be conducted.
- (b) The following forms shall be provided by the Department for use by applicants and are incorporated by reference in this subchapter:
- (1) ESQM Form 517-004a (Rev. 12/13), Egg Handler and Egg Producer Registration.
 - (2) ESQM Form 517-004b (Rev. 12/13), Egg Handler and Egg Producer Renewal Registration.
- (c) All registrations and renewals for each principal place of business and each facility location will be prorated beginning April 1, 2014 and ending December 31, 2014, as follows:
- (1) Egg handlers and egg producers not currently registered with the Department shall pay a registration fee of \$56.00.
 - (2) Egg handlers and egg producers currently registered with the Department shall pay a renewal fee of \$38.00.
- (d) Commencing January 1, 2015 and thereafter, all registrations and renewals for each principal place of business and each facility location are on an annual cycle beginning January 1 and ending December 31 of each year.
- (1) Egg handlers and egg producers shall pay a registration fee of \$75.00.
 - (2) Egg handlers and egg producers shall pay an annual renewal fee of \$50.00.
- (e) Any change in ownership, change of business name, or change in business location must be reported to the Department within 30 business days of such change, by submitting a completed Egg Handler and Egg Producer Registration form as provided in subsection (b)(1) accompanied by the registration fee as stated in subsection (c) for changes reported to the Department during the period April 1, 2014 through December 31, 2014, and subsection (d) for changes reported to the Department on or after January 1, 2015.
- (f) The current registration certificate or copy thereof shall be posted conspicuously in each official place of business and any facility locations conducting business to assure that it is easily accessible for Department personnel to read during inspections.
- (g) All information set forth on registrations and renewals for registration shall be truthful and not misleading.

Credits

Note: Authority cited: Sections 407, 27531 and 27541, Food and Agricultural Code. Reference: Sections 27510, 27510.1, 27521, 27541, 27542, 27554, 27571, 27573 and 27633, Food and Agricultural Code.

History

1. New section filed 3-5-2014; operative 4-1-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 10).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1358.3, 3 CA ADC § 1358.3

§ 1358.4 - Inspection of Records, Invoices, and Premises

- (a) Every person required to be registered pursuant to section 27541 of the Food and Agricultural Code shall comply with this section.
- (b) Each egg handler shall maintain business records of egg transactions for three years, subject to audit by the Department. The records shall indicate the date, egg quality and quantity, and identity of purchaser and seller. For small quantities of restricted eggs sold by egg handlers directly to consumers under provisions of section 1356.2, or incidental sales of consumer grade eggs, the name of purchaser is not required.
- (c) An invoice on egg sales shall be furnished to the purchaser, stating the seller's name and address, quantity, size and grade or quality of the eggs. Exempt from this requirement are eggs which are:
 - (1) Sold or delivered by a producer for candling and grading.
 - (2) Sold at retail.
 - (3) Sold by an egg handler from the handler's own production directly to a consumer on the premises where produced.
- (d) Egg handlers shall maintain records of the original plant where the eggs were first processed for not less than one year from the date of original processing.
- (e) To verify compliance with, and the implementation of section 1350 of Title 3 of the California Code of Regulations, all records, invoices and documents for shell eggs and shell egg food products that are produced, processed, stored, sold, labeled and transported for sale and marketing in California shall be maintained for three years from the date the shell eggs and shell egg food products are packaged for transport and sale in California, and shall be subject to inspection and audit by the Department or certifying agent.
 - (1) For purposes of this section a certifying agent includes USDA inspectors, contracted employees, and other authorized governmental representatives.
 - (2) All records, invoices, documents and premises must be made accessible by production, handling, or transportation operations personnel for examination by the Department or certifying agent.
 - (3) All records, invoices, documents and premises, including, but not limited to the following, shall be subject to inspection by the Department or certifying agent:
 - (A) Records of pre-harvest or post-harvest *Salmonella enteritidis* (SE) testing and grade out reports of any shell eggs or egg products to be sold, labeled, or represented as California Shell Egg Food Safety Compliant, and samples for analysis.
 - (B) Inspection of Pastures, fields, equipment, and structures where shell eggs or egg products may be produced, processed, handled, stored or transported, including the inspection of the enclosure area for egg laying hens.
 - (C) Inspection of documentation and records pertaining to the production, processing, storage, transportation, or handling of shell eggs or shell egg products identified as California Shell Egg Food Safety Compliant.
 - (D) Egg Handler/Producer registration number.
 - (E) Shell egg and egg product sales records.
 - (F) The quantity processed from each layer facility or farm unit, the size of the layer facility unit, the number of layers, and the date of harvest and production.

- (G) Unless the layers were hatched and raised by the egg handler/producer, the name and address of all suppliers and date of transaction.
- (H) Documentation of treatment to achieve at least a 5-log destruction of SE as defined in 21 CFR section 118.3 for shell eggs marketed as pasteurized.
- (I) Documentation of implementation of SE prevention measures in accordance with the Food and Drug Administration, Department of Health and Human Services' requirements for the production, storage, and transportation of shell eggs as specified in 21 CFR Part 118.
- (J) Documentation of implementation of a SE environmental monitoring program.
- (K) Documentation of implementation and maintenance of a vaccination program or documentation of a demonstrated equivalent SE vaccination program approved by the Department.
- (L) Company shipping invoices, bills of lading, and/or shipping manifest shall include a statement whether the shipment is California Shell Egg Food Safety [or abbreviation CA SEFS] Compliant or Not for California Consumption. The statement must be clearly legible handwriting or a stamp may be used.

Credits

Note: Authority cited: Sections 407, 27531 and 27533, Food and Agricultural Code. Reference: Sections 27510, 27510.1, 27518, 27521, 27533, 27541, 27573, 27631, 27637 and 27680, Food and Agricultural Code.

History

1. Amendment filed 5-31-88; operative 6-30-88 (Register 88, No. 23).
 2. Amendment of subsection (a) and Note filed 6-14-2000; operative 7-14-2000 (Register 2000, No. 24).
 3. New subsection (c) filed 10-29-2012; operative 11-28-2012 (Register 2012, No. 44).
 4. Amendment of section heading, section and Note filed 11-9-2015; operative 1-1-2016 (Register 2015, No. 46).
- This database is current through 2/14/25 Register 2025, No. 7.*
Cal. Admin. Code tit. 3, § 1358.4, 3 CA ADC § 1358.4

§ 1358.5 - Eggs, Procedures to Ascertain Ambient Air Temperature

Air flow temperature of egg transport vehicles and ambient room temperatures of storage rooms, retail outlets, and display units located in packing plants or distribution facilities shall be ascertained at least quarterly in accordance with this section.

- (a) Ambient or air flow temperature shall be determined by use of a thermometer having a temperature gradation one-half Celsius (one degree Fahrenheit) and have an accuracy of plus or minus one degree Celsius (two degrees Fahrenheit).
- (b) Prior to taking an initial temperature reading, the thermometer shall be brought to equilibrium within the location being inspected.
- (c) When a location is determined to be in violation, each temperature reading taken and the location within the enclosure where the temperature is taken shall be recorded. The cooler or vehicle shall be clearly identified.
- (d) If a transport vehicle is equipped with a thermometer that has been verified for accuracy, an enforcing officer may use the thermometer to determine compliance with temperature requirements. If a transport vehicle is not equipped with a thermometer, an enforcing officer shall utilize an accurate thermometer and two temperature readings shall be taken. When a unit is accessible, the readings shall be taken in the air flow discharge at the refrigeration unit,

one reading on the right side of the unit and one reading on the left side of the unit. The vehicle shall be accepted or rejected on the basis of the mean average of such readings. If the refrigeration unit is not accessible, the readings shall be taken in the air flow as near as possible to the refrigeration unit in a manner consistent with the foregoing instructions. If the mean average air flow temperature is more than 7 degrees Celsius (45 degrees Fahrenheit), the handler may unload the vehicle to make the refrigeration unit accessible for two additional temperature readings which shall be mean averaged to determine the basis for accepting or rejecting the vehicle.

(e) Mean Average.

The "mean average" is calculated by dividing the number of samples into the sum of all temperatures taken.

(f) If a cooler is equipped with a thermometer that has been verified for accuracy, an enforcing officer may use the thermometer to determine compliance with temperature requirements. If a cooler is not equipped with a thermometer an enforcing officer shall utilize an accurate thermometer, and five temperature readings shall be taken in the storage room(s) or display unit(s). The readings shall be taken approximately 4 to 5 feet from the floor, and as far from warm eggs as feasible. The readings shall be taken away from doorways and the refrigeration unit's air flow at separate locations. The readings shall be mean averaged to determine compliance.

(g) Compliance Time Period.

(1) Storage Rooms and Display Units.

Locations in which eggs are placed or stored and which are found to have a mean average ambient air temperature above 7 degrees Celsius (45 degrees Fahrenheit) shall be brought into compliance within 24 hours from the time of rejection. If compliance cannot be accomplished within such time, the eggs shall be removed and placed in a transport vehicle or storage facility which complies with temperature requirements of 7 degrees Celsius (45 degrees Fahrenheit) or below.

(2) Transport Vehicles.

A transport vehicle in which eggs are placed for shipment or storage and which is found to have the refrigeration unit discharging a mean average air flow temperature above 7 degrees Celsius (45 degrees Fahrenheit), the unit shall be brought into compliance within four hours from the time of rejection. If compliance cannot be accomplished within such time, the transport vehicle shall not be used, and the eggs shall be removed and placed in a transport vehicle or storage facility which is in compliance.

(3) If a transport vehicle, store room, or display unit is found to be in noncompliance and is to be used for transporting or storing eggs, the responsible party shall repair the refrigeration unit and submit a copy of the repair tag to the enforcing officer. The repair tag shall include:

- i. The name, address and telephone number of the person or company that made the repairs.
- ii. The date and time of repair.
- iii. The refrigeration unit's delivery temperature taken by the repair person, following the unit's repair.

Unless otherwise instructed by the enforcing officer, the responsible party may place the store room, display unit, or transport vehicle back in use upon repair and submission of the repair tag. The tag may be submitted by facsimile. Upon receipt of the repair tag, the enforcing officer

may approve the continued use verbally, in writing or by facsimile. If approval is made verbally, the enforcing officer shall record the time, date and name of the person to whom approval was given.

(h) Tolerance.

A tolerance of one degree Celsius (two degrees Fahrenheit) shall be allowed.

(i) Good Faith Effort.

Enforcing officers shall take into consideration refrigeration efforts of an industry egg handler or transporter when determining whether to initiate any legal proceedings.

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, 27641 and 27643, Food and Agricultural Code.

History

1. New section filed 9-27-2000; operative 10-27-2000 (Register 2000, No. 39).

This database is current through 2/14/25 Register 2025, No. 7.

Cal. Admin. Code tit. 3, § 1358.5, 3 CA ADC § 1358.5

§ 1358.6 - Administrative Penalties for Egg Quality Control

(a) Failure to comply with the provisions of this Chapter and the statutes relating to the marketing of shell eggs and shell egg food products under Chapter 1 (commencing with section 27501) of Part 4, Division 12 of the Food and Agricultural Code and any regulations adopted pursuant to them, constitutes a violation punishable by a fine of not less than fifty dollars (\$50) or more than ten thousand dollars (\$10,000). The Department shall use the provisions of this section to determine the severity of the violation in order to establish the appropriate penalty range.

(b) For the purposes of this section, violations are designated as “serious,” “moderate,” or “minor” as required by Food and Agricultural Code section 27581.1. Repeat violations may result in an escalation of the designation of the violation. Serious and moderate violations may be downgraded based upon the evidence, the factual circumstances, mitigating factors, and the cooperation of the violator.

(1) “Serious.” Violations that resulted, or reasonably could have resulted, in the creation of a hazard to human health or the environment, or in the disruption of the marketing of shell eggs in California intended for human consumption; repetitive failure to comply with statutes and/or regulations pertaining to shell egg food safety or the marketing of shell eggs in California; misrepresenting eggs not produced in California; and/or unregistered persons marketing shell eggs in California.

(2) “Moderate.” Violations in which there is a potential for harm to human health or the environment or disruption of the marketing of shell eggs in California intended for human consumption.

(3) “Minor.” Violations that are unintentional and have minimal impact upon human health or the environment, or the marketing of shell eggs in California intended for human consumption. The Department may issue a notice of warning for minor violations.

(c) Table "A" Administrative Penalty Schedule for Egg Quality Control, shall be used by the Department to establish the level of severity of a particular violation and the corresponding penalty range for "serious," "moderate," and "minor" violation classes.

Table "A" Administrative Penalty Schedule for Egg Quality Control					
Food and Agricultural Code	Title 3, California Code Regulation	Description of Section Violated	Minor \$50-\$400 or notice of warning	Moderate \$401-\$1,000	Serious \$1,001-\$10,000
27621		Person forwarding company, or common carrier willfully fails or refuses to stop the transportation of the eggs with reasonable dispatch after being notified in writing by an enforcing officer of this chapter or regulation adopted pursuant to this chapter that such eggs are found to be delivered for shipment in violation of this chapter or regulation adopted pursuant to this chapter.			1 st violation
27632		Misrepresenting eggs to be product of this state.			1 st violation
27633	1358.3	Acting as egg handler without registering.		1 st violation	2 nd violation
27634		Unauthorized use of name, trademark, or trade name.	1 st violation	2 nd violation	3 rd violation
27635		Misrepresentation as chicken eggs.	1 st violation	2 nd violation	3 rd violation
27636		It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage more than 30 days.		1 st violation	2 nd violation
27637		False, deceptive, or misleading representation.		1 st violation	2 nd violation
27638		It is unlawful for any person to fail to comply with any lawful order of an enforcement officer, or any court, in any proceeding pursuant to this chapter or any regulation adopted pursuant to this chapter.			1 st violation

27639		Refusal to submit to inspections; Refusal to stop vehicle.			1 st violation
27640	1355	Unauthorized moving of eggs or container having warning tag affixed; Removal of tag.			1 st violation
27641	1357; 1358.5	Preparation, delivery, or sale of nonconforming eggs or containers		1 st violation	2 nd violation
	1350	Failure to meet Shell Egg Food Safety requirements.			1 st violation
27643	1358.5	Temperature requirements for eggs.		1 st violation	2 nd violation
	1352.4	Regraded and Repacked Eggs.	1 st violation	2 nd violation	3 rd violation
27644	1352.4; 1354; 1356; 1356.2	Signs and labels on eggs.		1 st violation	2 nd violation
27644.5		Signs and labels on pasteurized in-shell eggs.	1 st violation	2 nd violation	3 rd violation
27651	1352; 1353; 1353.2; 1353.4	Unlawful sale of ungraded eggs absence of finding and proclamation of emergency.	1 st and 2 nd violation	3 rd violation	4 th violation
27652		Authorized sale of ungraded eggs during emergency; Required marking of containers.		1 st violation	2 nd violation
27661	1357	Brand name on master container; Registration requirement.	1 st violation	2 nd violation	3 rd violation
27662	1357	Misuse of Registered Brand at Production.	1 st violation	2 nd violation	3 rd violation
27663	1357	Unauthorized possession of Registered Brand Master Containers.	1 st violation	2 nd violation	3 rd violation
27664	1357	Requirements to operate a Registered Brand Container Exchange.		1 st violation	2 nd violation
27665	1357	Authorized licensing of Container Exchanges.		1 st violation	2 nd violation
27666	1357	Container Exchange service records.	1 st and 2 nd violation	3 rd violation	4 th violation
27667	1357	Unauthorized sale of master containers by Container Exchange.		1 st violation	2 nd violation
27669	1357	Unlawful transportation of master containers.		1 st and 2 nd violation	3 rd violation

27671(a)(3)		Any person whose intentional violation of this chapter, or regulations adopted pursuant to this chapter, resulted, or reasonably could have resulted, in the creation of a hazard to human health or the environment, or in the disruption of the marketing of eggs.			1 st violation
27680	1358.4	Production records inspection.		1 st violation	2 nd violation
27684		Failure to comply with audit request.			1 st violation
27686		Refrigeration requirements for shipped eggs.			1 st violation
27687		Shipping non-compliant eggs or failing to register before marketing.		1 st violation	2 nd violation
27688		Failure to submit assessment reports as specified.			1 st violation
27690		Itemization of all eggs brokered into California.			1 st violation

(d) Enforcement shall commence within three years of the occurrence of the violation. Once investigation is completed, the Department shall commence action within one year.

(e) Administrative penalties levied pursuant to this section may be appealed in accordance with Food and Agricultural Code section 27583.2 by requesting an informal hearing within 20 days of the issuance of the notice of proposed action. Hearing requests shall be submitted in writing to the California Department of Food and Agriculture, Legal Office, 1220 "N" Street, Suite 400, Sacramento, California 95814.

(f) Any request for an informal hearing shall include a copy of the notice of adverse determination; and state the grounds for the appeal.

(g) Informal hearings shall be conducted pursuant to Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2 of the Government Code.

(1) The informal hearing shall be presided over and conducted by a hearing officer designated by the Department.

(2) The standard of proof to be applied by the hearing officer shall be preponderance of the evidence unless statutes or regulations applicable to the determination provide a higher standard.

(3) Hearings may be conducted by telephone at the discretion of the hearing officer subject to Government Code section 11440.30.

(4) Hearings may be tape recorded with either a transcript of the recording, or a copy of the recording, provided to any interested party upon request.

- (5) Subject to the provisions of Government Code section 11425.50, the decision of the hearing officer shall be in writing with a brief statement of the conclusion and findings to support the conclusion.
- (6) The decision shall be issued within 30 days after the conclusion of the hearing.
- (7) The decision shall be served on the respondent either by personal service, or a method requested by the respondent.
- (8) The hearing officer's decision shall be effective immediately upon service on the respondent.
- (9) The respondent may appeal the hearing officer's decision by filing a petition for a writ of administrative mandamus in accordance with the provisions of the Code of Civil Procedure section 1094.5.
- (10) The Department shall provide a copy of the decision to any interested party upon written request.

Credits

Note: Authority cited: Sections 407, 27531, 27581.1 and 27583, Food and Agricultural Code. Reference: Sections 27521, 27531, 27541, 27581.1, 27581.4, 27581.9, 27583, 27583.2, 27583.4, 27584 and 27585, Food and Agricultural Code.

History

1. New section filed 12-19-2016; operative 1-1-2017 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 52).

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Cal. Admin. Code tit. 3, § 1358.6, 3 CA ADC § 1358.6

§ 1358.7 - Denial, Suspension or Revocation of a Registration Certificate

- (a) The Department may refuse to issue, or may deny, suspend or revoke a registration certificate for a period not to exceed three years based upon the severity of the violations as set forth in Table “A” Denial, Suspension or Revocation of an Egg Handler Registration Certificate.
- (b) For the purposes of this section, violations are designated as “serious” or “moderate.” Repeat violations may result in an escalation of the designation of the violation. Designation of violations may be downgraded based upon the evidence, the factual circumstances, mitigating factors, and the cooperation of the violator.
- (1) “Serious.” Violations that resulted, or reasonably could have resulted, in the creation of a hazard to human health or the environment, or in the disruption of the marketing of shell eggs in California intended for human consumption; repetitive failure to comply with statutes and/or regulations pertaining to shell egg food safety or the marketing of shell eggs in California; misrepresenting eggs not produced in California; and/or unregistered persons marketing shell eggs in California.
- (2) “Moderate.” Violations in which there is a potential for harm to human health or the environment or disruption of the marketing of shell eggs in California intended for human consumption.
- (c) The Department may refuse to issue, or may deny, suspend or revoke a registration certificate for a period of two or three years for a “Serious” violation. It may refuse to issue, or

may deny, suspend or revoke a registration certificate for a period of one year for a “Moderate” violation.

(d) A party may appeal the Department's decision to refuse to issue, or to deny, suspend or revoke a registration certificate by requesting a hearing in writing within twenty (20) days of being served with notice of the Department's decision.

(e) Hearing requests shall be submitted to the California Department of Food and Agriculture, Legal Office, 1220 “N” Street, Suite 400, Sacramento, California 95814.

(f) Informal hearings shall be conducted pursuant to Chapter 4.5 (commencing with section 11400), Part 1, Division 3, Title 2 of the Government Code.

(1) The informal hearing shall be presided over and conducted by a hearing officer designated by the Department.

(2) The standard of proof to be applied by the hearing officer shall be preponderance of the evidence unless statutes or regulations applicable to the determination provide a higher standard.

(3) Hearings may be conducted by telephone at the discretion of the hearing officer subject to Government Code section 11440.30.

(4) Hearings may be tape recorded with either a transcript of the recording, or a copy of the recording, provided to any interested party upon request.

(5) Subject to the provisions of Government Code section 11425.50, the decision of the hearing officer shall be in writing with a brief statement of the conclusion and findings to support the conclusion.

(6) The decision shall be issued within 30 days after the conclusion of the hearing.

(7) The decision shall be served on the respondent either by personal service, or a method requested by the respondent.

(8) The hearing officer's decision shall be effective immediately upon service on the respondent.

(9) The respondent may appeal the hearing officer's decision by filing a petition for a writ of administrative mandamus in accordance with the provisions of the Code of Civil Procedure section 1094.5.

(10) The Department shall provide a copy of the decision to any interested party upon written request.

Table “A” Denial, Suspension or Revocation of an Egg Handler Registration Certificate				
Food and Agricultural Code	Title 3, California Code Regulation	Description of Violation	Moderate [One year]	Serious [Two or three years]
27541	1358.3	Any person engaged in business in this state as an egg producer or egg handler, or any out-of-state egg handler or egg producer selling eggs into California, shall register with the secretary. A new registration shall be submitted if any current information changes.	2 nd violation	3 rd violation
27551		Failure to pay assessment fees.	2 nd violation	3 rd violation

27553		Payment of assessments, procedures for payment, the procedures for refunds of payment, and penalties for late payment. The Department may triple the assessment for any eggs for which the required payment has not been made by the established due date. If a triple assessment is less than five hundred dollars (\$500), the assessment shall be five hundred dollars (\$500).	2 nd violation	3 rd violation
27561.5		Applicant fails to pay in full by the due date a fine, fee, assessment, or penalty levied by the Department for violations of the chapter, including a violation that occurred before January 1, 2016	2 nd violation	3 rd violation
27621		Person forwarding company, or common carrier willfully fails or refuses to stop the transportation of the eggs with reasonable dispatch after being notified in writing by an enforcing officer of this chapter or regulation adopted pursuant to this chapter that such eggs are found to be delivered for shipment in violation of this chapter or regulation adopted pursuant to this chapter.		1 st violation
27632		Misrepresenting eggs to be product of this state.		1 st violation
27634		Unauthorized use of name, trademark, or trade name.	2 nd violation	3 rd violation
27635		Misrepresentation as chicken eggs.	2 nd violation	3 rd violation
27636		It is unlawful for any person to sell as "fresh eggs," "ranch eggs," or "farm eggs," or to represent as being fresh, any eggs which are below the quality of grade A or which have been held in cold storage more than 30 days.	1 st violation	2 nd violation
27638		It is unlawful for any person to fail to comply with any lawful order of an enforcement officer, or of any court, in any proceeding pursuant to this chapter or any regulation adopted pursuant to this chapter.		1 st violation
27639		Refusal to submit to inspections; refusal to stop vehicle.		1 st violation
27640	1335	Unauthorized moving of eggs or container having warning tag affixed; Removal of tag.		1 st violation
	1350	Failure to meet Shell Egg Food Safety Requirements.		1 st violation

27643	1358.5	Temperature requirements for eggs.	1 st violation	2 nd violation
	1352.4	Regraded and Repacked Eggs.	2 nd violation	3 rd violation
27644	1356.2	Signs and labels on eggs.	1st violation	2nd violation
27651	1352; 1353; 1353.2; 1353.4	Unlawful sale of ungraded eggs absence of finding and proclamation of emergency.	3 rd violation	4 th violation
	1357	Failure to meet Registered Brand requirements.	2 nd violation	3 rd violation
	1358.4	Failure to meet records, invoices, and premises inspection requirements.	1 st violation	2 nd violation
27671(a)(3)		Any person whose intentional violation of statutes and/or regulations pertaining to shell egg food safety and the marketing of shell eggs in California that resulted or could have resulted in the creation of a hazard to human health or the environment or in the disruption of marketing of eggs or egg products.		1 st violation
27690		Itemization of all eggs brokered into California.		1 st violation

Credits

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27541, 27542, 27561 and 27561.5, Food and Agricultural Code.

History

1. New section filed 6-6-2016; operative 6-6-2016. Submitted to OAL for filing and printing only pursuant to Food and Agricultural Code section 27561.5 (Register 2016, No. 24).

2. Amendment of subsection (f) filed 8-24-2016; operative 8-24-2016 pursuant to agency's request pursuant to Food and Agricultural Code section 27561.5 and Government Code section 11343.8 (Register 2016, No. 35).

3. Amendment of subsections (b)-(b)(2) and (d)-(e), repealer and new subsection (f), new subsections (f)(1)-(f)(10) and amendment of Table A filed 6-28-2017; operative 6-28-2017. Submitted to OAL for filing and printing only pursuant to Food and Agricultural Code section 27561.5 (Register 2017, No. 26).

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Cal. Admin. Code tit. 3, § 1358.7, 3 CA ADC § 1358.7