



CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
ANIMAL HEALTH AND FOOD SAFETY SERVICES  
MEAT, POULTRY, AND EGG SAFETY BRANCH

# Shell Egg Inspection Manual

**2018/2019**



**Egg Safety & Quality Management**

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



**EGG SAFETY AND QUALITY MANAGEMENT PROGRAM**

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## **INTRODUCTION**

This manual was prepared as an aid for beginning and experienced egg inspectors to assist in the interpretation and application of the California Agricultural Code and Regulations pertaining to eggs and egg container brand registration. It is to serve as a guide in the general application of these laws to assure greater uniformity of the egg inspection program on a statewide basis.

### **INSPECTION TYPES**

The shell egg inspection program consists of four types of inspection activities: retail monitoring, production and wholesale inspection, and brand registration.

#### **RETAIL SURVEILLANCE**

Retail monitoring is an inspection activity to monitor the quality of eggs sold at retail. Outlets to be inspected should be selected on a random basis to assure equitable representation of all sizes and types of establishments. Noncompliance notices are issued on eggs that fail to comply with minimum standards and labeling requirements. These eggs are removed from sale to the ultimate consumer.

Problems discovered during monitoring inspection should be corrected at origin under the production or wholesale inspection activities. If such problems originate outside the county performing the monitoring inspection, notify the local state supervisor and arrangements will be made to follow-up on the problems at the origin packing plants.

#### **PRODUCTION AND WHOLESALE (CRBI)**

Production and wholesale is inspection performed at point of packing and distribution levels. Production or wholesale inspection is based on the volume of eggs handled and the plant's history of compliance. When conducting a production or wholesale inspection, use the inspection worksheet and be sure to give a copy to management and a copy to the State District Supervisor. Refrigeration compliance is also handled during this type of inspection activity.

#### **BRAND REGISTRATION**

Brand inspection is also part of the shell egg enforcement program. The law requires egg handlers to register with the Department all brand names used on master egg containers, other than those of corrugated fiber. It is unlawful for any person to use or have in possession, without prior authorization, containers which bear another handler's brand.

It is more effective to enforce these laws and regulations at shell egg packing and distribution plants, and container exchange operations, than at the retail level. When necessary to correct a specific problem, enforcement should be made at retail stores. The intent of the brand registration activities is to prevent the misuse of master egg containers and to facilitate their return to the registered owner.

#### **BIO SECURITY**

Preventing the introduction of disease agents into poultry facilities is a constant challenge to the Shell Egg Industry. The impact of disease outbreaks is often devastating to the health of afflicted flocks, and the producers bottom line. See page 10-11 for letter describing bio-security procedures for egg inspection at the production level.

## EGGS

### **THE 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, its contents contract, and 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 the Air Cell Gauge on page 14 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/TRANSPORT 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 seven degrees Celsius (45 degrees Fahrenheit). Federal legislation has been proposed to require eggs to be refrigerated and held at 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 free of inedible and the containers marked with the species of fowl. Measurement standards require I.R.Q.

### **INSPECTION EQUIPMENT CHECKLIST**

1. Authorized Identification
2. ESQM Inspection Manual
3. Air Cell Gauge
4. Noncompliance Book
5. Hold Off Sale Tape
6. Egg Inspection Worksheets
7. Egg Candler
8. Egg Scale
9. Extension Cord and Accessories
10. Thermometer
11. Bio Security Gear (production only), see page 10-11.

**EGG SIZES AND WEIGHTS**

| <b>SIZE</b> | <b>OUNCES</b>  | <b>GRAMS</b> |
|-------------|----------------|--------------|
| Small       | 1-5/12 (1.42)  | 40.16 g.     |
| Medium      | 1-2/3 (1.67)   | 47.25 g.     |
| Large       | 1-11/12 (1.92) | 54.34 g.     |
| Ex. Large   | 2-1/6 (2.17)   | 61.42 g.     |
| Jumbo       | 2-5/12 (2.42)  | 68.52 g.     |

## **CANDLING EGGS**

Egg inspection should take place in a suitably darkened, organized, safe working area, with an adequate candling light. Given these conditions, a proficient egg inspector can observe the grading factors affecting egg quality and reliably make grade determinations based on a 100-egg sample.

To approach a suitable skill level, one must develop a pattern for work place organization, carry essential equipment, and feel comfortable with two jumbo eggs in each hand. Hand-eye coordination and visual perception of what the candling light reveals improves with experience in egg inspection.

A variety of candling lights are used in egg inspection. Brightness of the light source should always be considered. Egg inspection is best done in a darkened area with a candling light of sufficient intensity to allow the inspector to make an accurate determination of the egg's interior quality. In performing origin inspections, a proper candling booth is often made available at many packing plants. If not available, a darkened area out of traffic is usually easily found, such as in the material storeroom or the cooler. Restrooms should not be used for egg inspection for obvious reasons.

When candling, the light should be at elbow level and the egg held between the thumb and forefinger so its long axis is perpendicular to the line of sight, blunt end to the light. This provides exposure of all sides of the shell and its contents as it is twirled.

If an egg's quality is questionable, the benefit of doubt goes to the packer. After several spins, consider the specimen egg acceptable and move on, unless a definite defect is evident.

When weighing eggs, be sure to tare your electric scale prior to weighing the eggs.

## **EGG INSPECTION WORKSHEET**

When performing inspections, be sure to use the Egg Inspection Worksheet (Form 517-015). It provides you with a "scorecard" to use as you candle the eggs and a means to track your inspection work time. By keeping copies of the worksheet, you can monitor the lots you inspect and determine if there is a repeating problem with a specific size, grade, or brand. An inspection worksheet shall be filled out for **every** inspection regardless of type or outcome.

At the conclusion of all inspection types, a copy of the worksheet is to be given to the responsible party, owner, or manager. This can be a helpful tool for their use in quality control. It also lets the manager know if a problem is developing, preventing surprises between the inspector and the manager if additional enforcement action becomes necessary. Send copies to your District Supervisor.

(The distribution of the Inspection Worksheet is listed on the bottom of the form).



## **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.

### **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 meat spots are larger than 1/8 inch in diameter they are loss eggs.

### **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 are loss eggs.

### **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.

## 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.**

## PASTEURIZED LIQUID AND SHELL EGGS

Eggs of the domesticated chicken, which have been subjected to a process to destroy viable microorganisms of public health concern, identified by the Food and Drug Administration. Such process must meet the criterion for pasteurization set forth by the Food and Drug Administration.

Section 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 Eggs, 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 graded and processed.
- (h) "Processed." Shell eggs that have been washed, cleaned, sanitized. candled, graded, sized, and placed in containers.
- (i) "Restricted eggs." Shell eggs classed as dirties, checks, leakers, loss, inedible, and incubator rejects.

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

## 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 it surface, or has prominent stains, or moderate stains greater than permitted in B quality" [§1351.2.(b)].

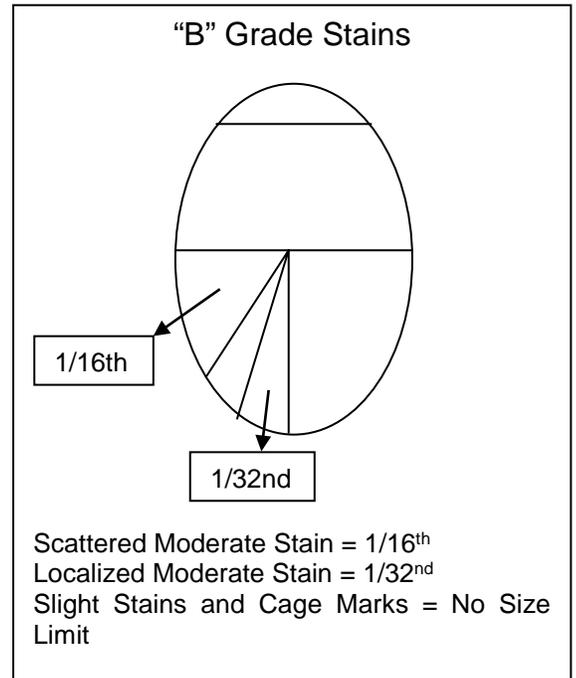
There are three stain densities to consider in grading eggs: slight, moderate, and prominent. Slight stains and cage marks are considered Grade B, except when they apply to the definition of clean.

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 (see Order of Defects).

When looking at an egg, you can see roughly 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. If you divide this section in half, you will have an area approximately 1/32nd of the total surface.



## **INSPECTION PROCEDURES FOR PRODUCTION/ WHOLESALE**

### **SAMPLE SELECTION**

1. The regulations define a lot of eggs as any number of containers labeled with one size, grade, brand, code date, and in one location.
2. During routine egg inspection, initial samples are taken according to size, grade, brand, and code date. The lots are selected at the discretion of the inspector.
3. The inspector determines the inventory present and then begins to sample the lots.
4. The inspector may remember which sizes, grades, or brands were inspected on the last visit and decide to inspect different lots. On the other hand, there may have been a noncompliance on a particular size or grade, and the inspector may wish to inspect the same type of lot to ensure compliance. The purpose, however, is to inspect all sizes, grades, and brands on a regular basis.
5. For the purpose of a broadened initial inspection, samples may be drawn from lots with various code dates. Samples drawn should be representative of all codes making up the lot. If, after examining one-half the official sample, the lot is fairly uniform in size and quality, pass the lot based on the initial samples. If samples from a specific code date indicate a possible violation, examine more samples from that code date until an official sample has been examined; then pass or reject the lot.
6. When the official sample exceeds the maximum tolerance wherein the remaining samples make it mathematically impossible to bring back into tolerance, no further sampling is required. See sample worksheet on page 35.
7. In all inspections, attempt to sub-lot and reject the least quantity possible, subject to it being identifiably different as to source, date, shift, machine number, pallet, or other method. A full official sample must be examined on all rejected lots.
8. Single "wild" sample-cases, which are badly out of tolerance, or that have been damaged and are not representative of the lot, should be excluded from the sample results and rejected separately. Noticeably damaged cases should not be included in your representative sample.

### **NUMBERING CASES**

Consecutively number each sample case as selected. This procedure may assist the packer in determining the cause of the problem, and the inspector in sub-lotting by pallet.

## BIO-SECURITY GUIDELINES FOR STATE/ COUNTY EGG INSPECTORS

1220 N Street  
Sacramento, CA 95814  
(916) 900-5062

eggs-01-012

July 1, 2012

TO: **COUNTY AGRICULTURAL COMMISSIONERS**

SUBJECT: **FIELD BIOSECURITY GUIDELINES FOR STATE/ COUNTY INSPECTORS  
ENTERING SHELL EGG PACKING FACILITIES**

It is critical that all inspectors entering a shell egg packing facility follow these biosecurity guidelines:

I. Inspectors should be limited to visiting one production facility or processing plant per day. Exceptions to this rule are acceptable if a company with multiple facilities prefers that the inspector visit several of its locations on a single day.

**II. Equipment needed:**

Disposable coveralls or clean smocks  
Disposable shoe covers  
Disposable hair net

Plastic bags

\*Disinfectants that will kill avian influenza virus:

- (1) One-stroke Environ
- (2) Any Detergent
- (3) Formaldehyde
- (4) Bleach
- (5) Ammonia
- (6) Acids
- (7) Heating to 90 F for 3 hrs, 100 F for 30 min.
- (8) Drying
- (9) Iodine containing solutions

**III. Transportation of Equipment:**

- A. Package clean protective wear in clean plastic bags that are sealed (twist ties are acceptable).
- B. Transport clean protective wear and equipment in a clean area of vehicle.

**IV. Procedures:**

- A. At each premise don new boots, coveralls and hair net. When requested, use protective wear provided by the company.
- B. Wash /Disinfectant hands before and after lot sampling.
- C. Use disinfectant to sanitize any equipment carried onto the facility.

- D. After inspection, discard disposable shoe covers, disposable coveralls and hair net into clean plastic bag; leave discarded items on the facility.
  - E. Disinfect the surface of any equipment or other items transported off the facility.
  - F. Seal smock in the plastic bag and do not reuse until cleaned.
- V. Always wash vehicle between facilities with the exception of multiple visits for the same company on a single day. A commercial car wash can be used for this purpose. Keep the inside of the vehicle clean and free of any organic material. **Always comply with the personnel entry and disinfection procedures required by company policies. These procedures may include signing in and out, use of tire/truck wash stations, footbaths, hand cleaning stations and other bio-security measures.**

Remember that people, equipment, and vehicles can easily spread dangerous diseases from one location to another! Please do your part to protect our poultry industry.

Sincerely,

Anthony S. Herrera, Program Supervisor  
Egg Safety and Quality Management  
Meat, Poultry and Egg Safety Branch  
Animal Health and Food Safety Services

### SAMPLING SEQUENCE

| EGGS PER PACKAGE | EGGS PER LAYER | IF PACKED 5 LAYERS OR MORE, SAMPLE LAYERS | AND  | IF PACKED 4 LAYERS, SAMPLE LAYERS                                    | AND                  |
|------------------|----------------|---|--|--|----------------------|
| 8                | 32             | 1-2-3<br>3-4-5<br>2-3-4<br>1-2-5<br>1-4-5 | *  |  |                      |
| 12               | 36             | 1-2-3<br>3-4-5<br>2-3-4<br>1-2-5<br>1-4-5 | 4 Eggs from center of 9th carton. Return 9th carton to middle of third layer.              | Same as 1st four of 5 layer pack.                                    |                      |
| 18               | 36             | 1-2-3<br>3-4-5<br>2-3-4<br>1-2-5<br>1-4-5 | Mark one carton in 3rd sample layer and exempt 8 eggs, thus:<br>XXOOXX<br>OOOOOO<br>XXOOXX | Same as 1st four of 5 layer pack.                                    |                      |
| 20               | 20             | Sample all 5 layers                       |  | 1-2-3-4<br>1-2-3-4<br>1-2-3-4<br>1-2-3-4                             | **<br>**<br>**<br>** |
| 30               | 30             | 1-2-3<br>3-4-5<br>2-3-4<br>1-2-5<br>1-4-5 | ***10 eggs from<br>4th layer<br>6th layer<br>5th layer<br>6th layer<br>6th layer           | *** 10 eggs from<br>4th layer<br>3rd layer<br>2nd layer<br>1st layer |                      |

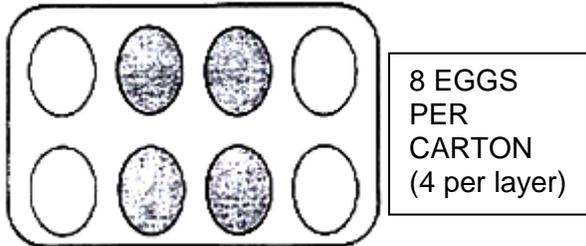
\* Plus center 4 eggs in carton marked by inspector from any layer not otherwise included in sample.

\*\* Plus 1st, 2nd, 3rd, and 4th layers, respectively in other end of sample case, or in a supplemental cube or container designated 1A, 2A, 3A, etc.

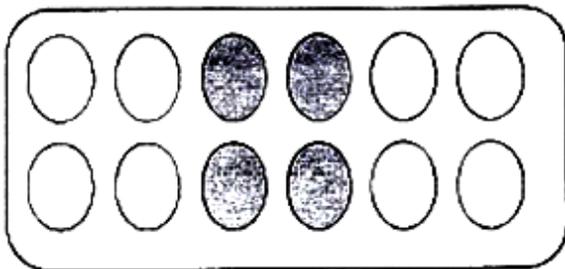
\*\*\* Select 10 eggs from the middle two rows.

**SAMPLING 100 EGGS FROM VARIOUS CARTONS/ FLATS**

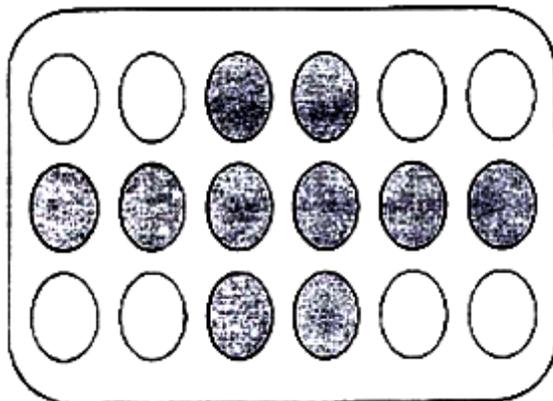
3 LAYERS OF 32 EGGS &  
4 FROM THE 4<sup>TH</sup> LAYER



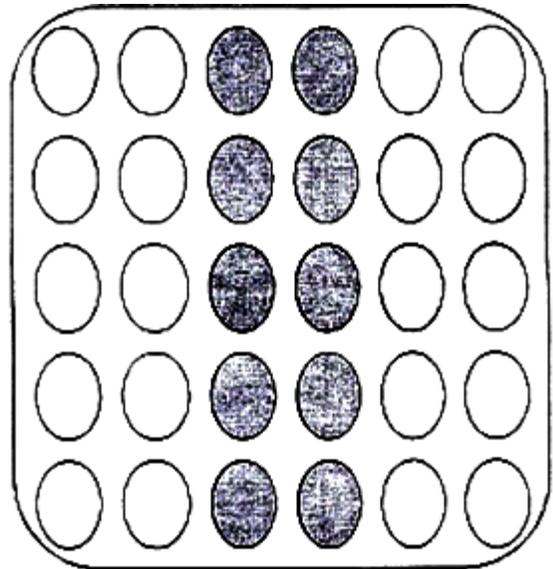
2 LAYERS OF 36 EGGS & 28 EGGS  
INCLUDING ONLY 4 EGGS FROM  
THE MIDDLE OF THE CENTER CARTON



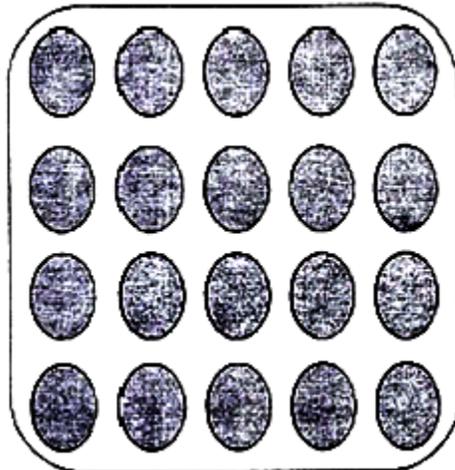
2 LAYERS OF 36 EGGS & 28 EGGS  
INCLUDING ONLY 10 FROM THE  
CENTER OF MARKED CARTON



3 LAYERS OF 30 EGGS & 10 EGGS  
FROM THE 4<sup>TH</sup> LAYER MIDDLE ROW



5 LAYERS OF 20 EGGS



## AIR CELL GAUGE

The Air Cell Gauge has four charts that are useful to the egg inspector.

1. **Air Cell Depths.** These are cutouts in the gauge that can be placed on top of an egg being candeled to determine the size of the air cell.
2. **Individual Egg Weights.** This Chart gives the minimum weight for each size of egg. These are also the sizes of check weights to use when calibrating your egg scale.
3. **Sample Selection – 5 Layer Cartons.** This chart tells which layers to remove and candle from each case being sampled. For more details, see page 10.
4. **Official Samples.** To determine how many eggs to inspect for each lot, determine the number of cases in the lot, then use this chart.

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE**  
 1220 N STREET  
 SACRAMENTO, CA. 95814

**EGG SAFETY AND QUALITY MANAGEMENT – AIR CELL GAUGE**

| INDIVIDUAL WEIGHTS<br>SIZE   |                         | SAMPLE SELECTION – 5 LAYER CARTONS |
|------------------------------|-------------------------|------------------------------------|
| <u>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)            |                                    |
| <b>Underweight Tolerance</b> | <b>4% lot tolerance</b> |                                    |

|                |                               |  |
|----------------|-------------------------------|--|
| GRADE B<br>3/8 | DESTINATION<br>GRADE A<br>1/4 | ORIGIN GRADE A<br>DESTINATION GRADE AA<br>3/16 |
|----------------|-------------------------------|--|

ORIGIN GRADE AA  
 1/8 INCH

**EGG SAFETY AND QUALITY MANAGEMENT – AIR CELL GAUGE**

**OFFICIAL SAMPLE**

When a lot consists of less than 50 eggs, all the eggs shall be examined. For a lot less than 1 case, but more than 50 eggs a minimum of 50 eggs shall be examined.

|                                  |                                |
|----------------------------------|--------------------------------|
| 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 cases ..... | 100 eggs from each of 16 cases |

For each additional 50 cases or fraction thereof in excess of 600 cases, one additional case shall be included in the sample.  
 Initial sample is half of official, rounded up.

## DEFECTS

### MARKING LOSS AND INEDIBLE TYPE DEFECTS

Packers are aided in correcting egg quality problems if eggs with internal defects are identified when they are discovered in a lot under inspection.

Mark loss eggs with the appropriate symbol from the following list:

|             |                     |             |                    |
|-------------|---------------------|-------------|--------------------|
| <b>LS</b>   | <b>large spot</b>   | <b>GW</b>   | <b>green white</b> |
| <b>BW</b>   | <b>bloody white</b> | <b>SY</b>   | <b>stuck yolk</b>  |
| <b>CE</b>   | <b>cooked egg</b>   | <b>SR</b>   | <b>sour rot</b>    |
| <b>FZ</b>   | <b>frozen</b>       | <b>BLRT</b> | <b>black rot</b>   |
| <b>BR</b>   | <b>blood ring</b>   | <b>MR</b>   | <b>mixed rot</b>   |
| <b>MLDY</b> | <b>moldy</b>        |             |                    |

If loss type defects are found to be within the tolerance permitted, the loss eggs should be removed from the sample. If the tolerance is exceeded, return all marked defects to the upper layer of the cartons/flats in the sample case. Carton lids containing the defective eggs should be marked with a large "X."

### LOSS DEFECTS

**Leakers**  
**Large Spot (Blood or Meat)**  
**Bloody White**  
**Cooked**  
**Frozen**

### INEDIBLE DEFECTS

Bloody White  
Black Rots  
Yellow Rots  
White Rots  
Mixed Rots  
Sour Eggs  
Green Whites  
Stuck Yolks  
Moldy Eggs  
Embryo development at blood ring or beyond

### OTHER DEFECTS

On rejected lots of eggs, return all defects to the original cartons or flats where they were found and place the cartons or flats on the top layers of the sample cases.

When performing inspections at wholesale or origin, the inspector may, if requested by management, remove defects from samples even if the lot can be rejected. If the lot is to be reconditioned by another handler, the defects are to be placed in the top layers of the sample cases. Seal and identify all sample containers with "Hold Off Sale" tape. Conspicuously place the tape on the sides, ends, or other parts of the containers to identify the lot.

### **REJECTABLE SMALL LOTS**

The time and expense of re-inspecting and releasing lots of 15 dozen or less may be reduced by removing the defects from the remainder of the eggs in the sample container at time of inspection. Complete a noncompliance form and distribute it as usual, except that the hold tag is not used and may be discarded.

### **MULTIPLE DEFECTS**

When an egg has more than one defect, score it for the defect with the most restrictive tolerance. A dirty/checked egg, however, may only be scored as a check; by definition a dirty egg must have a sound shell.

**TABLE I:  
ORIGIN GRADES**

These tolerances apply at point of "processing".

| GRADE    | QUALITY REQUIRED | TOLERANCE PERMITTED    |   |
|----------|------------------|------------------------|---|
|          |                  | PERCENT                | QUALITY   |
| GRADE AA | 85% AA           | 15%                    | A, B  |
|          |                  | WITHIN THIS 15%<br>5%  | CHECKS<br>(7% JUMBOS)                                   |
|          |                  | 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%<br>5%  | Checks<br>(7% Jumbos)                                   |
|          |                  | 1%                     | C   |
|          |                  | 0.5%                   | Leakers, Dirties, or Loss (due to blood or meat spots)* |
| GRADE B  | 85% or better    | 15%                    | C   |
|          |                  | WITHIN THIS 15%<br>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.

**A lot(s) of eggs containing loss or inedible eggs other than leakers and blood or dirty meat spots shall be rejected when the second loss or inedible is found in any combination in the official sample.**

**UNDERWEIGHT TOLERANCE**

Tolerance for individual eggs of the next lower size is 4%

**TABLE II:  
DESTINATION GRADES**

These tolerances apply at locations other than point of pack.

| GRADE    | QUALITY REQUIRED | TOLERANCE PERMITTED |   |
|----------|------------------|---------------------|---|
|          |                  | PERCENT             | QUALITY   |
| GRADE AA | 80% AA           | 20%                 | A, B  |
|          |                  | Within this 20%     | Checks<br>(9% Jumbos)   |
|          |                  | 7%                  | C   |
|          |                  | 1%                  | Leakers, Dirties, or Loss (of this 1%, not over .5% loss due to blood or meat spots)* |
| GRADE A  | 80% A or better  | 20%                 | B   |
|          |                  | WITHIN THIS 20%     |   |
|          |                  | 7%                  | Checks<br>(9% Jumbos)   |
|          |                  | 1%                  | C   |
| GRADE B  | 80% B or better  | 1%                  | Leakers, Dirties, or Loss (of this 1%, not over .5% loss due to blood or meat spots)* |
|          |                  | 20%                 | C   |
|          |                  | WITHIN THIS 20%     | Checks  |
|          |                  | 10%                 |   |
|          |                  | 1%                  | Leakers, Dirties, or Loss (of this 1%, not over .5% loss due to blood or meat spots)* |

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

**A lot(s) of eggs containing loss or inedible eggs other than leakers and blood or dirty meat spots shall be rejected when the second loss or inedible is found in any combination in the official sample.**

**UNDERWEIGHT TOLERANCE**

Tolerance for individual eggs of a lower size is 4%

|   |
|---|
| <b>Egg Defects ranked by degree of seriousness:</b>   |
| <ol style="list-style-type: none"> <li>1. Inedible</li> <li>2. Loss</li> <li>3. Dirties</li> <li>4. Combination</li> <li>5. Checks</li> <li>6. Underweights</li> <li>7. Under grades</li> <li>8. Improper markings</li> </ol> |
|   |

## **LABELING**

### **LABELING REQUIREMENTS FOR LOOSE GRADED EGGS**

Inspection personnel occasionally find loose graded eggs without markings while making routine inspections in plants. Inspectors may have some difficulty in determining whether or not the containers should be marked for inspection purposes. The following are a number of situations that could occur, and these guidelines may be helpful:

1. Inspectors may be informed that the eggs are being held for reasons stated in Section 1354.2 of the California Code of Regulations. We cannot require markings on containers if they are subject to one of the exemptions provided for in Section 1354.2; however, if unmarked eggs are being held for military or out-of-state sales, the packer should, upon request, be able to produce bona fide orders for such eggs or other satisfactory evidence.
2. Industry adds to the problem occasionally by shipping graded, unmarked eggs between plants because the purchaser may not wish the original packer's name to appear on the cases. When this situation is encountered, the original packer must be informed that it is illegal to transport graded, unmarked eggs from one plant to another. The only option in this situation would be to label the cases with the sell-by date, Julian pack date, and identification number of the plant of origin, size, grade, name and address of the person for whom the eggs were packed. Such markings should not give any indication that the eggs were packed by the handler whose name appears on the cases.
3. A packer may have a legitimate argument by having graded eggs in possession and not have them sold or assigned to a destination. If this situation is encountered, it will be acceptable to identify these unmarked lots of eggs with a placard that is stamped with the size, sell-by date and grade only. This method can be considered as being acceptable provided the cases are stamped or labeled with the required markings prior to being shipped from the plant.

### **LABELING REQUIREMENTS FOR PACKED CONTAINERS**

Required markings include size, grade, the words "Keep Refrigerated," sell-by date, handler code, and Julian date of pack.

- a. "Keep Refrigerated," or with words of similar meaning (USDA Safe Handling Instructions) must be plainly legible and conspicuously labeled on consumer containers.
- b. The words "Sell-by" immediately followed by the month and day in bold type (June 30 or 6-30) must appear on the consumer container. The sell-by date shall not exceed 30 days from the date on which the eggs were packed, excluding the day of packing.
- c. If the eggs are repacked but not re-graded, the original "sell-by date" shall apply.
- d. The Julian pack date is the consecutive date of the year on which the eggs were packed.
- e. The handler code (plant of origin) shall also be labeled on the consumer container.
- f. California Shell Egg Food Safety Compliant.(January 1, 2015)

### **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.

3. 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.

### **DOUBLE YOLKS**

In addition to meeting the standards for size and grade, double yolk eggs must prove to be as labeled by candling. One single-yolk is permitted; reject on the second single-yolk egg found, regardless of the sample size.

### **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.

### **COMBINATION DEFECTS**

When inspecting eggs, you may find that there are a number of loss and dirty eggs, but no single defect is in sufficient numbers to warrant a noncompliance. When this happens, Combination Defects may apply.

Combination Defects are used when you can total the percentages of certain loss and dirty eggs, and if the total is over the acceptable tolerance, a noncompliance is issued. The loss types are leakers, and loss due to blood or meat spots.

### **EXAMPLE**

You are inspecting at a retail store where destination tolerances apply.

The destination tolerance for a combination of Leakers, Dirties, or Loss due to blood/meat spots is 1%, except that not more than 0.5% may be loss due to blood/meat spots.

(At origin, the tolerance for any combination of these defects Leakers, Dirties, or Loss due to blood/meat spots is 0.5%).

The sample size is 400 eggs.  
You find the following defects:

|                   |              |
|-------------------|--------------|
| Leakers           | 0.5%         |
| Dirties           | 0.5%         |
| <u>Large Spot</u> | <u>0.25%</u> |
| Total %           | 1.25%        |

This is over the 1% tolerance allowed at destination. The notice of noncompliance should be completed showing each defect and the percent of each defect.

### **LABELING REQUIREMENTS FOR EXPORT SHIPMENTS**

“Export” is defined as shipments destined for any location outside the United States or its territories. Export shipments are exempt from all marking requirements. The destination country may have their own labeling requirements.

### **LABELING REQUIREMENTS FOR INTERSTATE SHIPMENTS**

“Interstate” is defined as shipments destined for any location outside the state of California and within the boundaries of the United States. Only “Sell-by date” requirements are exempt for interstate shipments. All other labeling requirements (Keep Refrigerated, Name, Address and Zip Code, Julian Date of Pack, and Plant Identification Number) must be on the container.

### **LABELING REQUIREMENT FOR MILITARY EXPORT SHIPMENT**

All military export shipments are exempt from labeling requirements.

### **LABELING REQUIREMENT FOR MILITARY INTERSTATE SHIPMENTS**

Only “sell-by date” requirements are exempt from military interstate shipments.

### **EGGS MARKED “U.S.”**

Some export contracts require that individual eggs be stamped with the letters "U.S." Production. Overrun or cancellation of export orders can result in these eggs being packed for the domestic market. Industry attempts to channel them into loose packed cases for institutions, restaurants, or bakery use. If discovered in consumer packs, contact the packer, or the district Egg Safety and Quality Management Office for corrective action if taken by packer, or the person-in-possession. The U.S. marked eggs would not be scored as blemished or stained.

**LABELING REQUIREMENT SAMPLES**

**BULK DISPLAY – RETAIL STORES**

**REQUIRES A PLACARD NEAR THE DISPLAY**

**THE FOLLOWING INFORMATION IS REQUIRED:**

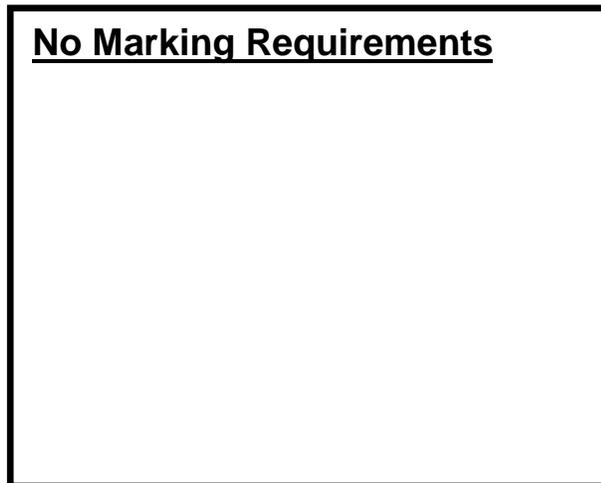
|          |                   |   |
|----------|-------------------|---|
| Name     | Size              | Sell-by Date (June-30 or 6-30)              |
| Address  | Grade             | Julian Date of Pack                         |
| Zip Code | Keep Refrigerated | Plant of Origin Code Number                 |
|          |                   | Shell Egg Food Safety Compliant ( 1/01/2015 |
|          |                   | USDA Plant Number (P 1234)                  |
|          |                   | Or State Handler Code (CA 1234)             |
|          |                   | Or USDA Federal Surveillance Code (06-1234) |

|   |
|---|
| <p><b>LARGE~GRADE AA</b></p> <p><b>KEEP REFRIGERATED</b></p> <p>Uncle Oliver's Egg Farm<br/>Half Moon Bay, CA 94720</p> <p>Sell By: June 30, or 6-30<br/>151<br/>P 1234 or CA-1234 or 06-1234<br/>Shell Egg Food Safety Compliant ( 1/01/2015</p> |
|---|

**(MEASUREMENT STANDARDS REQUIRES IRQ)**

# **PALLETS STACKED WITH EGG FLATS**

**(Packer to Packer Shipment, Ungraded)**



# PALLETS STACKED WITH EGG FLATS

**REQUIRES A PLACARD ATTACHED TO THE STACK  
(Graded Eggs)**

## The Following Information Is Required:

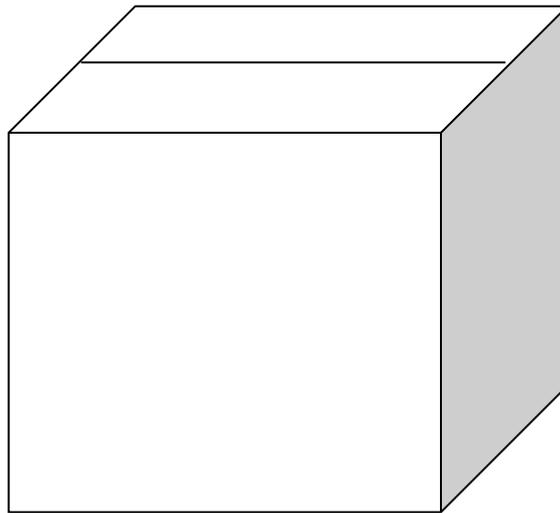
|          |                                   |   |
|----------|-----------------------------------|---|
| Name     | Size                              | Sell-by Date (June-30 or 6-30)              |
| Address  | Grade                             | Julian Date of Pack                         |
| Zip Code | Keep Refrigerated                 | Plant of Origin Code Number                 |
|          | (Top side or end<br>of container) | Shell Egg Food Safety Compliant ( 1/01/2015 |
|          |                                   | USDA Plant Number (P 1234)                  |
|          | Or                                | State Handler Code (CA 1234)                |
|          | Or                                | USDA Federal Surveillance Code (06-1234)    |

|  |
|--|
| <p><b>LARGE~GRADE AA</b></p> <p>KEEP REFRIGERATED</p> <p>Uncle Oliver's Egg Farm<br/>Half Moon Bay, CA 94720</p> <p>Sell By: June 30, or 6-30<br/>151<br/>P 1234 or CA-1234 or 06-1234<br/>Shell Egg Food Safety Compliant ( 1/01/2015</p> |
|--|

**(MEASUREMENT STANDARDS REQUIRES IRQ)**

**CASES OR HALF-CASES CONTAINING  
CARTONS OR OVERWRAPS  
INTRASTATE SHIPMENT**

**NO MARKING REQUIREMENTS**



**(MEASUREMENT STANDARDS REQUIRES IRQ)**

**CASES OR HALF-CASES CONTAINING  
LOOSE PACKED EGGS  
IMPORTED AND INTRASTATE SHIPMENTS**

**THE FOLLOWING INFORMATION IS REQUIRED**

**(MEASUREMENT STANDARDS REQUIRES IRQ)**

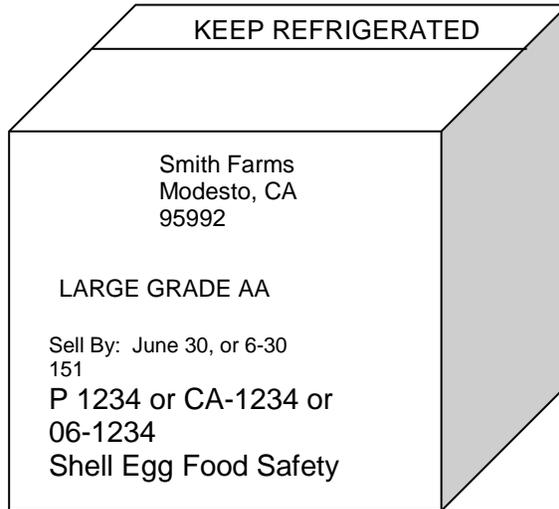
Name  
Address  
Zip Code

Size  
Grade  
Keep Refrigerated

(Top side or end  
of container)

Or  
Or

Sell-by Date (June-30 or 6-30)  
Julian Date of Pack  
Plant of Origin Code Number  
Shell Egg Food Safety Compliant ( 1/01/2015  
USDA Plant Number (P 1234)  
State Handler Code (CA 1234)  
USDA Federal Surveillance Code (06-1234)



# CARTON/OVERWRAPS INTRASTATE SHIPMENTS

## THE FOLLOWING INFORMATION IS REQUIRED

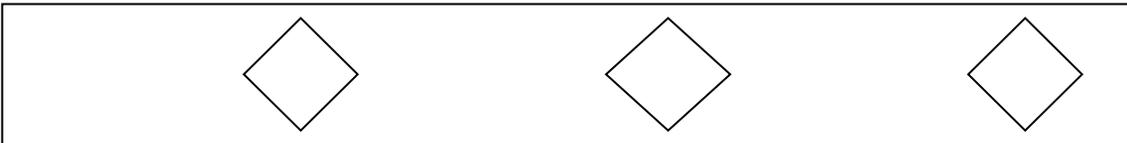
### (MEASUREMENT STANDARDS REQUIRES IRQ)

|          |                   |   |
|----------|-------------------|---|
| Name     | Size              | Sell-by Date (June-30 or 6-30)              |
| Address  | Grade             | Julian Date of Pack                         |
| Zip Code | Keep Refrigerated | Plant of Origin Code Number                 |
|          |                   | USDA Plant Number (P 1234)                  |
|          |                   | Or State Handler Code (CA 1234)             |
|          |                   | Or USDA Federal Surveillance Code (06-1234) |

#### VIEW AT END OF CARTON

SELL-BY: June 30 or 6/30  
151  
P 1234 or CA 1234 or 06-1234  
Shell Egg Food Safety  
Compliant ( 1/01/2015)

KEEP REFRIGERATED



Dan Dairy and Poultry  
Half Moon Bay, CA 94720  
Shell Egg Food Safety Compliant ( 1/01/2015)  
Shell be present on principle Display Panel

LARGE GRADE AA

# CARTON/OVERWRAPS INTERSTATE AND MILITARY

## THE FOLLOWING INFORMATION IS REQUIRED

**(MEASUREMENT STANDARDS REQUIRES IRQ)  
(Sell-by date NOT required)**

Keep refrigerated

Julian Date of Pack

Plant of Origin Code Number

USDA Plant Number (P 1234)

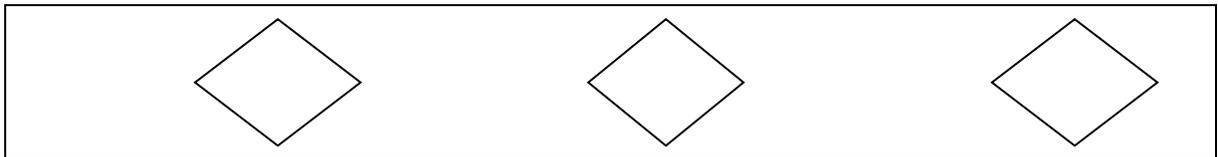
Or State Handler Code Number (CA 1234)

Or USDA Federal Surveillance Code (06-1234)

### VIEW AT END OF CARTON

151  
P 1234 or CA 1234 or 06-1234

KEEP REFRIGERATED



**CASES OR HALF-CASES CONTAINING  
LOOSE PACKED EGGS  
INTERSTATE AND MILITARY SHIPMENTS**

**THE FOLLOWING INFORMATION IS REQUIRED**

**(MEASUREMENT STANDARDS REQUIRES IRQ)  
(Sell-By Date NOT Required)**

Keep Refrigerated

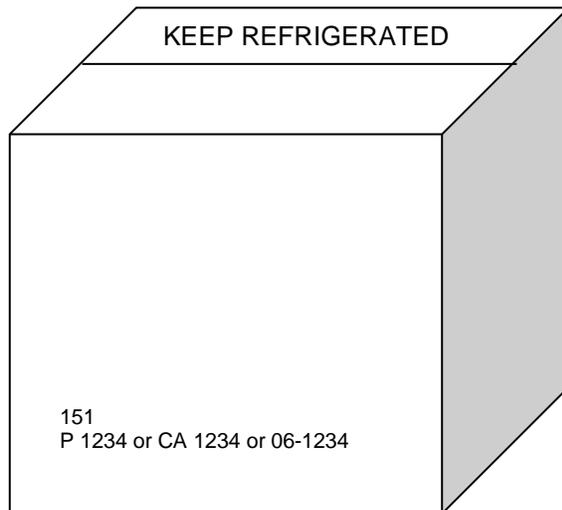
Julian Date of Pack

Plant of Origin Code Number

USDA Plant Number (P 1234)

Or State Handler Code (CA 1234)

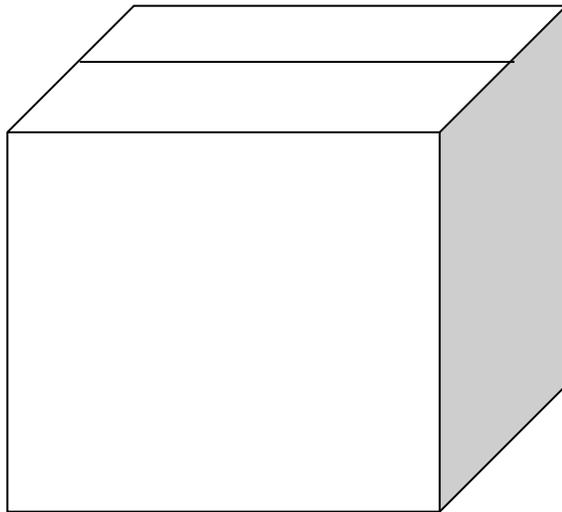
Or USDA Federal Surveillance Code (06-1234)



**CASES OR HALF-CASES CONTAINING  
CARTONS OR OVERWRAPS  
EXPORT AND MILITARY SHIPMENTS**

**NO MARKING REQUIREMENTS**

**(MEASUREMENT STANDARDS REQUIRES IRQ)**

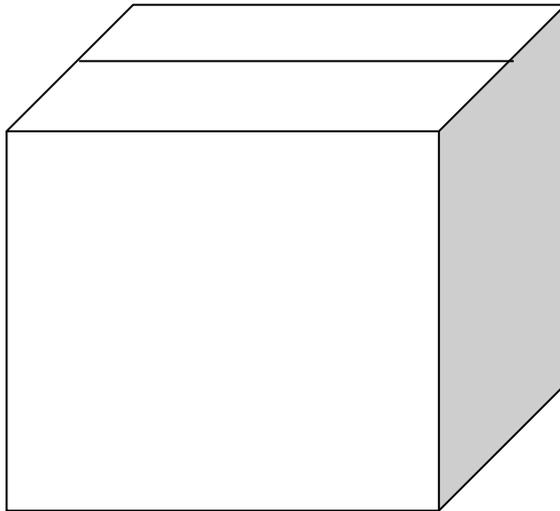


**CASES OR HALF-CASES CONTAINING  
CARTONS OR OVERWRAPS FOR  
MILITARY AND EXPORT SHIPMENTS  
OUTSIDE THE UNITED STATES**

**NO MARKING REQUIREMENTS**

**(MEASUREMENT STANDARDS REQUIRES IRQ)**

**LABELING ALSO TO COMPLY  
WITH DESTINATION COUNTRY'S  
REQUIREMENTS**



# JULIAN DATE CALENDAR

## PERPETUAL

| Day | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1   | 001 | 032 | 060 | 091 | 121 | 152 | 182 | 213 | 244 | 274 | 305 | 335 |
| 2   | 002 | 033 | 061 | 092 | 122 | 153 | 183 | 214 | 245 | 275 | 306 | 336 |
| 3   | 003 | 034 | 062 | 093 | 123 | 154 | 184 | 215 | 246 | 276 | 307 | 337 |
| 4   | 004 | 035 | 063 | 094 | 124 | 155 | 185 | 216 | 247 | 277 | 308 | 338 |
| 5   | 005 | 036 | 064 | 095 | 125 | 156 | 186 | 217 | 248 | 278 | 309 | 339 |
| 6   | 006 | 037 | 065 | 096 | 126 | 157 | 187 | 218 | 249 | 279 | 310 | 340 |
| 7   | 007 | 038 | 066 | 097 | 127 | 158 | 188 | 219 | 250 | 280 | 311 | 341 |
| 8   | 008 | 039 | 067 | 098 | 128 | 159 | 189 | 220 | 251 | 281 | 312 | 342 |
| 9   | 009 | 040 | 068 | 099 | 129 | 160 | 190 | 221 | 252 | 282 | 313 | 343 |
| 10  | 010 | 041 | 069 | 100 | 130 | 161 | 191 | 222 | 253 | 283 | 314 | 344 |
| 11  | 011 | 042 | 070 | 101 | 131 | 162 | 192 | 223 | 254 | 284 | 315 | 345 |
| 12  | 012 | 043 | 071 | 102 | 132 | 163 | 193 | 224 | 255 | 285 | 316 | 346 |
| 13  | 013 | 044 | 072 | 103 | 133 | 164 | 194 | 225 | 256 | 286 | 317 | 347 |
| 14  | 014 | 045 | 073 | 104 | 134 | 165 | 195 | 226 | 257 | 287 | 318 | 348 |
| 15  | 015 | 046 | 074 | 105 | 135 | 166 | 196 | 227 | 258 | 288 | 319 | 349 |
| 16  | 016 | 047 | 075 | 106 | 136 | 167 | 197 | 228 | 259 | 289 | 320 | 350 |
| 17  | 017 | 048 | 076 | 107 | 137 | 168 | 198 | 229 | 260 | 290 | 321 | 351 |
| 18  | 018 | 049 | 077 | 108 | 138 | 169 | 199 | 230 | 261 | 291 | 322 | 352 |
| 19  | 019 | 050 | 078 | 109 | 139 | 170 | 200 | 231 | 262 | 292 | 323 | 353 |
| 20  | 020 | 051 | 079 | 110 | 140 | 171 | 201 | 232 | 263 | 293 | 324 | 354 |
| 21  | 021 | 052 | 080 | 111 | 141 | 172 | 202 | 233 | 264 | 294 | 325 | 355 |
| 22  | 022 | 053 | 081 | 112 | 142 | 173 | 203 | 234 | 265 | 295 | 326 | 356 |
| 23  | 023 | 054 | 082 | 113 | 143 | 174 | 204 | 235 | 266 | 296 | 327 | 357 |
| 24  | 024 | 055 | 083 | 114 | 144 | 175 | 205 | 236 | 267 | 297 | 328 | 358 |
| 25  | 025 | 056 | 084 | 115 | 145 | 176 | 206 | 237 | 268 | 298 | 329 | 359 |
| 26  | 026 | 057 | 085 | 116 | 146 | 177 | 207 | 238 | 269 | 299 | 330 | 360 |
| 27  | 027 | 058 | 086 | 117 | 147 | 178 | 208 | 239 | 270 | 300 | 331 | 361 |
| 28  | 028 | 059 | 087 | 118 | 148 | 179 | 209 | 240 | 271 | 301 | 332 | 362 |
| 29  | 029 |     | 088 | 119 | 149 | 180 | 210 | 241 | 272 | 302 | 333 | 363 |
| 30  | 030 |     | 089 | 120 | 150 | 181 | 211 | 242 | 273 | 303 | 334 | 364 |
| 31  | 031 |     | 090 |     | 151 |     | 212 | 243 |     | 304 |     | 365 |

## FOR LEAP YEARS ONLY

| Day | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 1   | 001 | 032 | 061 | 092 | 122 | 153 | 183 | 214 | 245 | 275 | 306 | 336 |
| 2   | 002 | 033 | 062 | 093 | 123 | 154 | 184 | 215 | 246 | 276 | 307 | 337 |
| 3   | 003 | 034 | 063 | 094 | 124 | 155 | 185 | 216 | 247 | 277 | 308 | 338 |
| 4   | 004 | 035 | 064 | 095 | 125 | 156 | 186 | 217 | 248 | 278 | 309 | 339 |
| 5   | 005 | 036 | 065 | 096 | 126 | 157 | 187 | 218 | 249 | 279 | 310 | 340 |
| 6   | 006 | 037 | 066 | 097 | 127 | 158 | 188 | 219 | 250 | 280 | 311 | 341 |
| 7   | 007 | 038 | 067 | 098 | 128 | 159 | 189 | 220 | 251 | 281 | 312 | 342 |
| 8   | 008 | 039 | 068 | 099 | 129 | 160 | 190 | 221 | 252 | 282 | 313 | 343 |
| 9   | 009 | 040 | 069 | 100 | 130 | 161 | 191 | 222 | 253 | 283 | 314 | 344 |
| 10  | 010 | 041 | 070 | 101 | 131 | 162 | 192 | 223 | 254 | 284 | 315 | 345 |
| 11  | 011 | 042 | 071 | 102 | 132 | 163 | 193 | 224 | 255 | 285 | 316 | 346 |
| 12  | 012 | 043 | 072 | 103 | 133 | 164 | 194 | 225 | 256 | 286 | 317 | 347 |
| 13  | 013 | 044 | 073 | 104 | 134 | 165 | 195 | 226 | 257 | 287 | 318 | 348 |
| 14  | 014 | 045 | 074 | 105 | 135 | 166 | 196 | 227 | 258 | 288 | 319 | 349 |
| 15  | 015 | 046 | 075 | 106 | 136 | 167 | 197 | 228 | 259 | 289 | 320 | 350 |
| 16  | 016 | 047 | 076 | 107 | 137 | 168 | 198 | 229 | 260 | 290 | 321 | 351 |
| 17  | 017 | 048 | 077 | 108 | 138 | 169 | 199 | 230 | 261 | 291 | 322 | 352 |
| 18  | 018 | 049 | 078 | 109 | 139 | 170 | 200 | 231 | 262 | 292 | 323 | 353 |
| 19  | 019 | 050 | 079 | 110 | 140 | 171 | 201 | 232 | 263 | 293 | 324 | 354 |
| 20  | 020 | 051 | 080 | 111 | 141 | 172 | 202 | 233 | 264 | 294 | 325 | 355 |
| 21  | 021 | 052 | 081 | 112 | 142 | 173 | 203 | 234 | 265 | 295 | 326 | 356 |
| 22  | 022 | 053 | 082 | 113 | 143 | 174 | 204 | 235 | 266 | 296 | 327 | 357 |
| 23  | 023 | 054 | 083 | 114 | 144 | 175 | 205 | 236 | 267 | 297 | 328 | 358 |
| 24  | 024 | 055 | 084 | 115 | 145 | 176 | 206 | 237 | 268 | 298 | 329 | 359 |
| 25  | 025 | 056 | 085 | 116 | 146 | 177 | 207 | 238 | 269 | 299 | 330 | 360 |
| 26  | 026 | 057 | 086 | 117 | 147 | 178 | 208 | 239 | 270 | 300 | 331 | 361 |
| 27  | 027 | 058 | 087 | 118 | 148 | 179 | 209 | 240 | 271 | 301 | 332 | 362 |
| 28  | 028 | 059 | 088 | 119 | 149 | 180 | 210 | 241 | 272 | 302 | 333 | 363 |
| 29  | 029 | 060 | 089 | 120 | 150 | 181 | 211 | 242 | 273 | 303 | 334 | 364 |
| 30  | 030 |     | 090 |     | 151 | 182 | 212 | 243 | 274 | 304 | 335 | 365 |
| 31  | 031 |     | 091 |     | 152 |     | 213 | 244 |     | 305 |     | 366 |

**USE IN 2012, 2016, 2020, 2024, 2028, ET**

## COMPLIANCE AND RISK BASE INSPECTIONS

### WHOLESALE/PRODUCTION MONTHLY INSPECTIONS

1. Fill out top Egg Inspection Worksheet i.e. name of business, egg handler number, address, time and miles.
2. Introduce yourself to the manager.
3. Let the manager know that you will be inspecting the eggs today.
4. Take five temperature readings in each cooler. Check transport vehicles if available.
5. Check all eggs in cooler(s) for markings, and size, grade, Julian date, sell-by date, valid USDA number or CA- number and address name and city, state and zip code.
6. Count how many lots were examined in cooler(s), please note in comment section.
7. Check CRBI Spread Sheet for the number of cases to be inspected monthly.
8. Determine number of lots to be inspected, please note in comments section.
9. Select lots to be sampled of eggs from the inventory and conduct 100-egg samples using air cell gauge to determine sample size.
10. Sample size may vary based on number of lots inspected.
11. Lots to be inspected will be recorded in dozens.
12. Candle for internal egg defects, inedible, loss, leakers, blood/meat spots stains and dirt.
13. Record your findings in dozens on the Egg Inspection Worksheet (517-015).
14. Write non-compliance if needed and use your manual and air cell gauges for code violations.
15. Record percentage of the compliance rate achieved on CRBI Spreadsheet.
16. Be ready to explain code violation to management,
17. Ask management to sign Egg Inspection Worksheet, and if needed the non- compliance form.
18. Thank management for their time.

## Compliance and Risk Based Inspection

### Inspection based on 1% of Annual Cases Available

| County     | Company       | Production/<br>Wholesale | Annual Cases<br>Available<br>(ACA) | 1% of ACA | Cases to<br>Inspect Per<br>Month |
|------------|---------------|--------------------------|------------------------------------|-----------|----------------------------------|
| Stanislaus | Rainbow Farms | Production               | 882,076                            | 8,821     | 735                              |

- ◊ Inspections are based on company's Annual Cases Available (ACA) .
- ◊ Record time and mileage accurately to include driving time from each inspection. (Inspection worksheet)
- ◊ Inspections are based on a 90% compliance rate based on dozen inspected and rejected.

|              | Dozen<br>Inspected | Dozen<br>Rejected | Compliance<br>Rate | *Monthly Food Safety Violations: |            |            |            |
|--------------|--------------------|-------------------|--------------------|----------------------------------|------------|------------|------------|
|              |                    |                   |                    | Category 1                       | Category 2 | Category 3 | Category 4 |
| Month 1      | 22050              | 3307              | 85%                | 0                                | 1          | 0          | 0          |
| Month 2      | 22050              | 0                 | 100%               | 0                                | 0          | 0          | 0          |
| Month 3      | 22050              | 7056              | 68%                | 0                                | 1          | 1          | 0          |
| <b>Total</b> | N/A                | N/A               | 84%                | 0                                | 2          | 1          | 0          |

**\*Food Safety (Risk Based) categorize as follows:**

- ◊ **Category 1** - Refrigeration issues (cold room and transport vehicles).
  - 2 infractions allowed. (Per 3 month period)
- ◊ **Category 2** - Dirts (fecal), leakers, rots.
  - 3 infractions allowed. (Per 3 month period)
- ◊ **Category 3** - Checks, dirts (non-fecal), blood spots, meat spots, bloody whites, moldy, frozen or cooked.
  - 4 infractions allowed. (Per 3 month period)
- ◊ **Category 4** - Labeling issues, under-weights, under-grades.
  - 5 infractions allowed. (Per 3 month period)
- ◊ No more than seven over all combined risk based violations allowed. (Per 3 month period)

| Analysis            | PASSED | FAILED |
|---------------------|--------|--------|
| Compliance Rate     |        | 84.3%  |
| Category 1          | 0      |        |
| Category 2          | 2      |        |
| Category 3          | 1      |        |
| Category 4          | 0      |        |
| Combined Violations | 3      |        |

Note: This facility either failed to maintain a 90% compliance rate, exceeded the allowable food safety infractions/overall combined violations, OR did not meet contractual obligation. The inspection for this company per month will remain at 1% of



## **EXCEEDS TOLERANCE EXAMPLE**

### **No Further Sampling Needed**

**Lot size – 900 cases (2700 dozen)**

1. Official sample size is 4-100 egg samples.
2. Initial sample size is 2-100 egg samples.
3. The first sample has 1 leaker and 3 checks.
4. The second sample has 3 leakers and 4 checks.
5. Initial sample fails. Proceed to official sample.
6. The third sample has 3 leakers and 5 checks.
7. The lot now exceeds the tolerance for an official sample.
8. 3-100 egg samples 7 leakers= 1.75% and 12 checks= 4.0%.
9. (No Further Sampling Needed) Lot Fails.

## RETAIL SURVEILLANCE INSPECTIONS

### INSPECTION PROCEDURES

- A. Fill out top Egg Inspection Worksheet i.e. name, business, address, time and miles.
- B. Check the back of retail stores to see if wire basket is being stored inside. If not, make comment to store manager.
- C. Introduce yourself to the manager.
- D. Let the manager know that you will be inspecting the eggs today.
- E. Check all eggs in display for any marking and signing/advertising non-compliances. Size, grade, Julian date, sell by date, valid P-number or CA- number and name and city, state and zip code.
- F. Record number of lots examined in the display, note in comments section.
- G. Select one lot of eggs from the display to be visually examined and conduct a 100 egg sample.
- H. Visually check eggs for leakers, stains, dirt and obvious checks.
- I. Record your findings on the Egg Inspection Worksheet.
- J. Proceed to storage cooler, and check for damaged and expired eggs.
- K. Count number of egg lots in cooler, note in comments section.
- L. Record your findings on the Egg Inspection Worksheet.
- M. Write non-compliance if needed and use your manual and air cell gauges for code violations.
- N. Be ready to explain code violation to management.
- O. Ask Management to sign Egg Inspection Worksheet and if needed the non-compliance. Leave a copy.
- P. Thank management for their time.
- Q. Proceed to the next retail inspection.

# INSPECTION WORKSHEET

## Retail Inspection Example

### EGG INSPECTION WORKSHEET

|  |  |   |  |   |  |  |  |  |  |   |  |
|--|--|---|--|---|--|--|--|--|--|---|--|
| Date: <b>Nov. 6, 2013</b>                                      |  | County: <b>Merced</b>                           |  | Loss Symbols<br>LK = Leaker<br>LS = Large Spot<br>DA = Dirty Adhering<br>CK = Check |  | Inedible Symbols<br>BW = Bloody White<br>SY = Stuck Yolk<br>MR = Mix Rot<br>BLRT = Black Rot |  | Time Started: <b>9:00 am</b>   |  | Time Completed: <b>10:00 am</b>             |  |
| USDA # 06-   |  | P G H   |  | Other Defects   |  | TYPE OF VISIT  |  | Mileage: <b>5</b>  |  | Page: <b>1</b> of <b>1</b>                  |  |
| Handler Name: <b>Any Market</b>                                |  | Location: <b>Hilmar</b>                         |  | Initial <input type="radio"/> Release <input type="radio"/>                         |  | Follow Up <input type="radio"/> Other <input type="radio"/>                                  |  | Cold Storage <input type="radio"/>   |  | Transport Vehicle <input type="radio"/>     |  |
| Inspector(s) Name(s): <b>Inspector's Name</b>                  |  | Sign: <b>Inspector's Signature</b>              |  | STATE GRADE TOLERANCES  |  | ID #   |  | Cold Storage <input type="radio"/>   |  | Transport Vehicle <input type="radio"/>     |  |
| USDA Retention #   |  | Quantity Retained:                              |  | Origin:   |  | ID #   |  | Cold Storage <input type="radio"/>   |  | Transport Vehicle <input type="radio"/>     |  |
| CDFA Non Compliance #  |  | Quantity Held Off Sale:                         |  | Destination <input checked="" type="checkbox"/>                                     |  | ID #   |  | Cold Storage <input type="radio"/>   |  | Transport Vehicle <input type="radio"/>     |  |
| <b>We do not regulate refrigeration requirements at retail</b> |  |   |  |   |  |  |  |  |  |   |  |
| Size - Grade - Brand - Code                                    |  | <input checked="" type="checkbox"/> CS Lot Size |  | Sample Size   |  | GRADE  |  | Inedible Defects   |  | Loss Defects                                |  |
| <b>Large AA Becky 036 P1292 May 5 18 ct</b>                    |  | <b>900</b>                                      |  | <b>1/100</b>  |  | A B C  |  | <b>1-LK</b>  |  | <b>3-cks</b>                                |  |
|  |  |   |  | <b>2/100</b>  |  |  |  | <b>3-LK</b>  |  | <b>4-cks</b>                                |  |
|  |  |   |  | <b>3/100</b>  |  |  |  |  |  | <b>5-cks</b>                                |  |
|  |  |   |  | <b>4/100</b>  |  |  |  |  |  | <b>9-cks</b>                                |  |
| Initial samples Leakers at 2%                                  |  |   |  |   |  |  |  |  |  |   |  |
| Lot size- 30 cases, official sample size 4-100 egg samples     |  |   |  |   |  |  |  |  |  |   |  |
| Initial sample 2-100 egg samples.                              |  |   |  |   |  |  |  |  |  |   |  |
| Exceeded tolerance on initial samples, proceed to official.    |  |   |  |   |  |  |  |  |  |   |  |
|  |  |   |  | <b>400</b>  |  |  |  | <b>4-Lk = 1.0% 21 = 5.25%</b>  |  |   |  |
|  |  |   |  |   |  |  |  | Destination tolerance<br>7% Checks<br>1% Leakers, dirties or loss<br>(of this 1%, not over .5% loss due to blood or meat spot) |  |   |  |
|  |  |   |  |   |  |  |  |  |  | <b>Within tolerance on official sample.</b> |  |

Signature of Owner/ Manager Store Manager Date Nov. 6, 2013 Dozens Inspected \_\_\_\_\_ Dozens Rejected \_\_\_\_\_ Dozens Inspected \_\_\_\_\_ Compliance Rate \_\_\_\_\_ %

ORIGINAL COPY-COUNTY YELLOW COPY-EGG PRODUCER/HANDLER PINK COPY-STATE OSP 13 130637 CDFA Egg Safety and Quality Management Program 517-015 (rev 5/2013)

## COMPLETING THE NONCOMPLIANCE FORM

1. County name
2. Current date
3. Time noncompliance was issued. Check AM or PM, whichever applies.
4. The person in possession and their address.
5. Name and address of other financially interested party.
6. Name of commodity. If shell eggs, indicate type of packing: carton type or loose.
7. Show quantity of eggs in dozens or number of units for containers.
8. Give details of labeling or markings e.g. size, grade, brand, packer or distributor, sell-by date, Julian pack date, identification number of the plant of origin and if USDA certified. For containers, show brand name, acronym or symbol.
9. Location: Truck, cooler, etc.
10. Always check box and show 27631 or other specific code sections.
11. Check appropriate box and briefly state nature of violation, e.g.:

For Substandard Product - "Shell eggs exceeding tolerance for undergrades and underweights or specific major defect, and show the percentage of each rejectable defect.

For Markings - "Shell eggs mislabeled as to size or grade," "required markings missing (or incomplete)," "deceptive labeling terms."

For Registered Container Violation - "Registered egg containers used without consent of registrant."

12. Date and time must be filled out. Always allow at least 72 hours for reconditioning. For registered containers violations, allow 30 days.
13. Name of person making rejection.
14. Always show phone number and include address, if necessary.
15. Check appropriate compliance action to be taken.
16. If movement is necessary to correct defect, check box "Transport Lot To:" and state destination name and location.
17. After the word "For:" check the appropriate comment, e.g., "Re-inspection", "Release", "Final Disposition", or "Other". This section is also used for return of containers to rightful owner (even if via an egg container exchange operator).
18. Enter Agricultural Commissioner and telephone number of the destination county or State District Supervisor.
19. Obtain signature of person in possession. Note if the signature was refused or not obtained.

# NONCOMPLIANCE FORM

State of California  
Department of Food and Agriculture  
Egg Quality Control  
51-003A (01-08)

Production  Wholesale  Retail

County (1)

No. \_\_\_\_\_

Date (2) Time (3) AM PM

1. TO: (4)  
Person in Possession or Owner

Address: \_\_\_\_\_

2. (5)  
Other Financially Interested Party or Shipper

Address: \_\_\_\_\_

You are hereby notified that the following described product fails to conform with the provisions of the Food and Agricultural Code or the California Code of Regulations.

Shell Eggs  Other (6) Dozens / Quantity (7)

Identification Marks (8)

Located At/On:  Cooler  Truck/Trailer License # (9)  Other \_\_\_\_\_

NOTICE OF NONCOMPLIANCE: Section Violated  27631  Other (10)

DISPOSAL ORDER: Section Violated  27595  
VIOLATION:  Having in Possession  Offering for Sale  Transporting

(11)

NOTICE: (1) The above described lot, including the containers thereof, is a public nuisance. It is unlawful to remove the lot from its present location except under the written permission of an authorized enforcing officer. Unless such lot held by the enforcing officer is reconditioned or otherwise brought into compliance by not later than **(Date)** (12) day \_\_\_\_\_ mo. \_\_\_\_\_ yr. **(Time)** \_\_\_\_\_ am/pm or written consent to destroy or otherwise dispose of said lot shall have been given to the enforcing officer by the persons served with notice of noncompliance, the commodity or commodities are subject to the order of any court of competent jurisdiction to destroy such lot or otherwise abate the nuisance.

Enforcing Officer (13)

Signature

(14)

Address or Phone Number

You are hereby notified that the above described lot shall be delivered only to the person and at the destination stated below, and shall not be disposed of except to unload and store at destination, until released in writing by an enforcing officer at destination. No other disposition is permitted unless first authorized in writing by an enforcing officer.

I hereby agree to bring into compliance by: (15)

Marking Properly  Reconditioning  Transport Lot To: (16)

For:  Reinspection  Release  Final Disposition  Other (17)

Report To: County Agricultural Commissioners Office of (18)

Signed (19)

You have the right to appeal this notice. You must do so within 72 hours by email (ESQM@cdfa.ca.gov) or phone (916-900-5060).

**COUNTY DEPT. OF AGRICULTURE**

## **NONCOMPLIANCES**

A Notice of Noncompliance is a legal form and its value depends upon the legibility, completeness, accuracy, and validity of the information appearing on it. The form shall be issued on any eggs examined which fail to comply with provisions of the CDFA Code and its regulations, or on registered egg containers (three or more) when illegally used or possessed, or any other violation of the code or regulations.

Should more than one defect be scored in amounts great enough to cause rejection of a lot, list them in the relative order above with their percentages on the noncompliance form.

The notice of Noncompliance has five parts, differently colored, with distribution indicated on each page. The "extra copy" is used to alert the county of destination, if different, when eggs are moved under a hold tag. Ensure that the information precedes delivery of the rejected eggs, notifying the destination county by telephone when appropriate.

The hold tag portion of the Notice of Noncompliance serves to identify an egg lot, or containers, not in compliance with CDFA regulations, and also as movement authorization. Attach it securely and conspicuously so that all entries thereon are visible. To complete the records of the originating county, it is important the hold tag be returned by the county clearing the noncompliance.

## **Appeals Process**

You have the right to appeal this notice. You must do so within 72 hours by email ([ESQM@cdfa.ca.gov](mailto:ESQM@cdfa.ca.gov)) or phone (916-900-5060)

## COMPLETING THE HOLD TAG

1. For shell eggs, enter the size of lot in dozens; if registered containers, give the number of wire baskets.
2. Show total number of 100 egg samples examined. Not applicable for wire basket violations.
3. For shell egg violations, list the defects found in amounts sufficient to cause rejection. For loss eggs, give the specific type of defect. Show percentages, expressed decimally.
4. Write enforcement officers' name and associated county agriculture commissioner or CDFA state district supervisor and address.
5. Enforcement officer at destination county completes numbers 5 and 6 if defect is corrected, and returns hold tag to county shown at number 4.
6. If defect is not corrected at initial destination, inspector may permit further movement by signing at number 7 and entering name of final destination and county (if different).

## HOLD TAG

|   |  |
|---|--|
| <p>DEPARTMENT OF FOOD AND AGRICULTURE<br/>EGG QUALITY CONTROL PROGRAM</p> <h1 style="margin: 0;">HOLD</h1> <p style="text-align: center;">NONCOMPLIANCE WARNING TAG</p> <div style="border: 1px solid black; padding: 5px; font-size: small;"> <p>The load or lot described heron, including containers, fails to comply with provisions of Food and Agricultural Code, and is a public nuisance. Until properly reconditioned or otherwise brought into compliance, the transportation or sale of such lot is illegal. All persons are hereby warned not to sell or transport said lot, remove or dispose of any part of the load or lot described heron, or to remove this Noncompliance Warning Tag without first obtaining specific instructions from the proper enforcing officer. Violation of the terms of this Noncompliance Warning Tag is punishable by a maximum fine of \$1,000 or 6 months in jail or both.</p> </div> <p>PRODUCTS DESCRIBED ON REVERSE SIDE RECEIVED AND DISPOSED AS DIRECTED</p> <p>INSPECTOR (5) _____ COUNTY (6) _____</p> <p>DISPOSITION OR PERMISSION TO MOVE _____</p> <p style="text-align: center;">_____<br/>INSPECTOR SIGNATURE</p> | <p>LOT SIZE: <input type="checkbox"/> DZ <input type="checkbox"/> WB <input type="checkbox"/> CT<br/>(1)</p> <p>NUMBER OF EGGS SAMPLED<br/>(2)</p> <p>DEFECTS (3)<br/>_____<br/>_____<br/>_____<br/>_____</p> <p>INSPECTED BY AND<br/>RETURN TO COUNTY<br/>(4)<br/>_____<br/>_____</p> |
|---|--|

## WRITING A DISPOSAL ORDER

Disposal orders may be used on eggs that were not previously available for inspection in California, unless they are accompanied by a USDA certificate of grade. The inspector issuing the disposal order must notify the destination county commissioner's office or State District Supervisor and give the approximate time that the shipment will arrive.

### COMPLETING THE DISPOSAL ORDER FORM

1. Name of your county.
2. Current date.
3. Current time.
4. Line #1: (Person in possession) Enter name & address of truck driver, railroad company, etc.
5. Line #2: (Other financially interested party) Enter the name and address of the applicant (shipper, producer, owner or other financially interested person).
6. (Commodity) are in cartons, flats, or bulk. Shell egg pack type.
7. Amount - Enter quantity in dozens.
8. (Identification Marks) - List the size, grade, brand, code, and other information necessary to identify the lot.
9. (Located at/on) - Write the state and license number of the truck or trailer (not tractor).
10. Other location.
11. Leave every item blank from "Located at/on" to "Enforcing Officer."
12. Leave blank.
13. Leave blank.
14. Sign your name on all disposal orders. Write your office address and phone number on the line below your signature.
15. Check "Transport Lot to:" box and write the destination name and address.
16. Check "Other" and write "Destination Inspection".
17. Report to receiving district ESQM supervisor. Include name and number.
18. Obtain signature of the person in possession.

# DISPOSAL ORDER FORM

State of California  Production  Wholesale  Retail  
Department of Food and Agriculture  
Egg Quality Control  
51-003A (01-08)

County (1) No. \_\_\_\_\_

Date (2) Time (3) AM PM

1. TO: (4) \_\_\_\_\_  
Person in Possession or Owner

Address: \_\_\_\_\_

2. (5) \_\_\_\_\_  
Other Financially Interested Party or Shipper

Address: (6) \_\_\_\_\_

You are hereby notified that the following described product fails to conform with the provisions of the Food and Agricultural Code or the California Code of Regulations.

Shell Eggs  Other \_\_\_\_\_ Dozens / Quantity (7)

Identification Marks (8) \_\_\_\_\_

Located At/On:  Cooler  Truck/Trailer License # (9)  Other (10)

NOTICE OF NONCOMPLIANCE: Section Violated  27631  Other \_\_\_\_\_

DISPOSAL ORDER: Section Violated  27595

VIOLATION:  Having in Possession  Offering for Sale  Transporting

(11) \_\_\_\_\_

(12) \_\_\_\_\_

NOTICE: (1) The above described lot, including the containers thereof, is a public nuisance. It is unlawful to remove the lot from its present location except under the written permission of an authorized enforcing officer. Unless such lot held by the enforcing officer is reconditioned or otherwise brought into compliance by not later than (Date) (13) day \_\_\_\_\_ mo. \_\_\_\_\_ yr. (Time) \_\_\_\_\_ am/pm or written consent to destroy or otherwise dispose of said lot shall have been given to the enforcing officer by the persons served with notice of noncompliance, the commodity or commodities are subject to the order of any court of competent jurisdiction to destroy such lot or otherwise abate the nuisance.

Enforcing Officer (14) \_\_\_\_\_  
Signature

Address or Phone Number \_\_\_\_\_

You are hereby notified that the above described lot shall be delivered only to the person and at the destination stated below, and shall not be disposed of except to unload and store at destination, until released in writing by an enforcing officer at destination. No other disposition is permitted unless first authorized in writing by an enforcing officer.

I hereby agree to bring into compliance by:  
 Marking Properly  Reconditioning  Transport Lot To: (15)

For:  Reinspection  Release  Final Disposition  Other (16)

Report To: County Agricultural Commissioners Office of (17)

Signed \_\_\_\_\_

You have the right to appeal this notice. You must do so within 72 hours by email (ESQM@cdfa.ca.gov) or phone (916-900-5060).

**COUNTY DEPT. OF AGRICULTURE**

## **DISTRIBUTION OF DISPOSAL ORDER**

Distribute the Disposal Order as indicated in the noncompliance book.

### **COMPLETING THE DISPOSAL ORDER HOLD TAG**

1. "Number of Containers" - write the total number of dozens.
2. Leave "Containers Inspected" and "Defects" blank.
3. After "Return to" indicate the county issuing disposal order.
4. Do not complete "Disposition or Permission to Move" unless the lot is to be diverted from the original destination stated on the disposal order. This section is filled out by the county receiving a disposal order and sending it on to another destination for disposition.

If the lot is to be diverted:

- a. Phone the new destination agricultural commissioner and give the information that the shipment is being diverted, where it will be received, and the approximate time of arrival. Forward the goldenrod copy of the disposal order to the final destination commissioner after obtaining approval to divert the lot.
- b. Indicate the name and address of the new destination after "disposition or permission to move."
- c. Sign your name above "Inspector."
- d. When the lot moving under a disposal order reaches the county of final destination, the inspector should sign his/her name after "Inspector" and enter his/her county after "County." Return the completed hold tag to the county issuing the disposal order.

A noncompliance warning tag (hold tag) should always be firmly attached to exterior side of one of the containers being returned.

**DISPOSAL ORDER HOLD TAG**

DEPARTMENT OF FOOD AND AGRICULTURE  
EGG QUALITY CONTROL PROGRAM

**HOLD**

NONCOMPLIANCE WARNING TAG

The load or lot described hereon, including containers, fails to comply with provisions of Food and Agricultural Code, and is a public nuisance. Until properly reconditioned or otherwise brought into compliance, the transportation or sale of such lot is illegal. All persons are hereby warned not to sell or transport said lot, remove or dispose of any part of the load or lot described hereon, or to remove this Noncompliance Warning Tag without first obtaining specific instructions from the proper enforcing officer. **Violation of the terms of this Noncompliance Warning Tag is punishable by a maximum fine of \$1,000 or 6 months in jail or both.**

PRODUCTS DESCRIBED ON REVERSE SIDE RECEIVED AND DISPOSED AS DIRECTED

INSPECTOR \_\_\_\_\_ COUNTY \_\_\_\_\_

DISPOSITION OR PERMISSION TO MOVE \_\_\_\_\_

\_\_\_\_\_  
INSPECTOR SIGNATURE

LOT SIZE:  DZ  WB  CT

*900*

NUMBER OF EGGS SAMPLED

*4-100*

DEFECTS *3% Dirts*

INSPECTED BY AND  
RETURN TO COUNTY

*"Your Name"*

*"Your County"*

The releasing inspector fills out the left side of the hold tag

## GUIDELINES FOR REJECTED LOTS

The Food and Agricultural Code (FAC), Section 27644, (B), (1), (C), states if the eggs are repacked but not regraded, the original sell-by date shall apply.

1. Lots rejected for quality at a “store warehouse” vs. a regular warehouse **production** and **wholesale** can be reprocessed only under certain guidelines. Reprocessing is defined as removing the eggs from the container and reprocessing them. Reprocessing includes re-washing, re-candling, re-sizing, regrading and replacing in clean containers.
  - a. Lot must be within the 30-day sell-by date
  - b. Lot must be re-graded separately. Blending with un-graded lots is not permitted.
  - c. Defects and carton material lost while re-grading must be accounted for.
  - d. If all criteria are met, the original sell-by and Julian date of pack may be replaced with current date.
2. Lots rejected for labeling at **production**, **wholesale**, and **retail** may be brought into compliance.
  - a. When violations are written for omissions of Julian pack dates, sell-by dates, or handler I.D. number etc., the person in possession must provide written verification to ensure accuracy when bringing the lot into compliance.
  - b. When labeling is incorrect, the lot must be brought into compliance by obliterating the incorrect information and replacing it with correct information.
3. Lots rejected for quality at retail stores, store warehouses, and institutions **shall not be reprocessed. They can be sent for further processing such as a Boiling Plant, Liquid Egg Plant or pet food manufacturing.**
  - a. Lot must be within 30-day sell-by date.
  - b. Rejected lots must be sent to a breaking plant under hold tag or destroyed.
  - c. Re-grading or repacking is not permitted at the retail store, retail warehouse, or institution. It is permissible for rejections of 15-dozen or less to be reconditioned by the biologist. Non-compliance is still written for documentation purposes.
  - d. Rejected lots for quality shall not be donated to charities or sent to retail store bakeries.
4. Rejected lots for labeling violations.
  - a. May be returned to the handler (under hold tag) to be brought into compliance.
  - b. The sell-by date must be within the 30-day period.
  - c. The lot must meet all quality requirements.
  - d. The lots **shall not** be sold, donated to charities or sent to retail bakeries until the violation is brought into compliance.
  - e. May be sent to breakers or destroyed.
5. Retail store personnel may replace defective eggs (checks, leakers, etc.) from cartons returned from check stands or when performing visual quality control only under the following conditions:
  - a. The replacement eggs must be from the same lot. (Handler code, sell-by date and Julian date of pack, size and grade).
  - b. Sell-by date and Julian date of pack must remain the same.
  - c. Cartons shall be clean.

## SECTION 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.

### **RECONDITIONING AND RELEASE OF REJECTED LOTS**

Correction of the condition(s) which resulted in the rejection of a lot must be by positive action applied to the entire lot of eggs. The nature of the defects and circumstances will dictate the course followed. Machine reworking is necessary if internal disqualifying defects are to be removed, but many corrections may be made by visual reworking or labeling. Removing one case or carton, or blending the defective lot with other lots does not constitute reconditioning. Integrity and identity of the lot must be maintained until the noncompliance is removed as a result of reworking or labeling. Before being released, the enforcement officer shall inspect a **full official sample** to ensure compliance.

Upon re-inspection, should a reconditioned lot fail again for the original cause, the original rejection stands, although credit may be taken for the dozens/cases inspected. If different disqualifying defects are discovered on re-inspection, the original noncompliance is to be cleared and a new one written, with credit taken for the quantity inspected, rejected, and issuance for noncompliance. Origin tolerances will apply on any re-inspection.

### **APPEALED REINSPECTION**

Official re-inspection of a rejected lot may be authorized for valid reason upon request from the owner or person-in-possession, provided the lot is intact and positively identified as the one rejected.

The official re-inspection may be authorized only by the Sacramento office of ESQM and will be performed by personnel designated by that office. A new official sample will be selected, upon which the re-inspection will be made. Commissioners of the counties involved will be notified and the inspector who issued the noncompliance may be invited to attend the re-inspection.

## **REFRIGERATION REQUIREMENTS**

The Shell Egg Refrigeration Law was enacted specifically to address food safety concerns and Salmonella Enteritidis. The research supporting the 45-degree Fahrenheit ambient temperature requirement and its effect on microbial growth is well documented on a nationwide basis.

The California Food and Agricultural Code refrigeration regulations apply only at production, wholesale and transportation vehicles levels. Retail stores are exempt from this law, however, must meet the requirements of the California Uniform Retail Food Facilities Laws (CURFFL) and are enforced by the Department of Environmental Health and Safety.

### **CERTIFIED FARMERS MARKET**

Certified Farmers Markets are retail. Refrigeration requirements fall under the jurisdiction of the Department of Environmental Health and Safety and must comply with Section 113997 of the Health and Safety Code. The Department of Health and Safety is responsible for enforcement of their refrigeration regulations.

### **EQUIPMENT**

Temperatures will be determined by the use of an ambient air thermometer having a temperature graduation of one-half degree Celsius or one degree Fahrenheit and an accuracy of plus or minus two degrees Fahrenheit or one degree Celsius. The accuracy of the ambient air thermometers must be verified at least once a year by comparing the temperature readings with a certified test thermometer. The verification frequency is to be increased when repeated temperature noncompliances are encountered, which may result in legal proceedings being initiated against a registrant. To verify accuracy, place each thermometer in a cold bath at approximately 45 degrees Fahrenheit. While agitating the water, read both thermometers for comparison. If thermometers are within one degree Fahrenheit of each other, the digital thermometer is considered accurate. Do not use infrared thermometers.

### **DETERMINING AVERAGE AMBIENT TEMPERATURES FOR COLD STORAGE AND REFRIGERATED DISPLAY UNITS AT THE PRODUCTION/ WHOLESALE LEVEL**

The enforcing officer will use an accurate thermometer to determine temperature compliance. Prior to taking initial temperature readings, always bring the thermometer into equilibrium within the location where the temperatures are to be taken. Allow a minimum of 10 minutes to bring the thermometer into equilibrium.

Take all readings at approximately shoulder-height (4 to 5 feet) in various locations of each cooler room, excluding areas around doorways or directly in front of the cooling units and away from warm eggs. Five readings must be taken to establish an overall average ambient temperature for each cooler. For example, if the air temperature readings are: 42 F, 42 F, 45 F, 46 F, and 46 F, the average ambient temperature is 44.2 F. For each cooler, record individual air temperatures and average temperature. The ambient temperature of each individual cold room must average 7 degrees Celsius (45 degrees Fahrenheit) independently. A Tolerance of one degree Celsius (two degrees Fahrenheit) shall be allowed. See CCR section 1358.5 (h). The cut-off point for the average temperature findings is 47.4 and below shall pass, while 47.5 and above shall fail temperature compliance. Identify each cooler location when coolers are not in compliance. If a cold room does not average 7 degrees Celsius (45 degrees Fahrenheit) a noncompliance will be written for the facility. At this point the company must repair the unit to bring the storage into compliance or remove the eggs to a facility that meets the refrigeration requirements. The time frame to repair the refrigeration unit is 24 hours from the time of rejection.

However, common sense enters into your decision when ambient temperature is excessively high. For example, if the ambient temperature was 85+ degrees Fahrenheit, obviously, something must be done sooner to ensure the eggs that are being stored in the defective cold room will not become a health hazard. In these extreme cases, repairs should be made immediately, or every effort should be made to ensure that the product be moved to another facility that is in compliance.

## **DETERMINING AVERAGE AMBIENT TEMPERATURES FOR TRANSPORT VEHICLES**

When a transport vehicle is equipped with a thermometer or recording device that has been verified for accuracy, enforcing officers may use the readings to determine compliance for temperature requirements. Transport vehicles are in compliance with the refrigeration regulations when equipped with an operational refrigeration unit capable of delivering air at a temperature of 7 degrees Celsius (45 degrees Fahrenheit) or lower. If at the time temperatures are taken, the airflow is 7 degrees Celsius (45 degrees Fahrenheit) or lower, the unit is in compliance. If temperature readings are taken with an approved thermometer, two temperature readings shall be taken to determine compliance. The readings shall be taken in the airflow discharge at the refrigeration unit, one reading on the left side and one reading on the right side of the unit. The vehicle will be accepted or rejected on the basis of the average of such readings. If the refrigeration unit is not accessible, the readings shall be taken in the airflow as near to the refrigeration unit as possible, one reading on the left side and one reading on the right side of the van. The vehicle will be accepted or rejected on the basis of the average of such readings. If the average airflow 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 averaged to determine compliance. When the airflow exceeds 7 degrees Celsius (45 degrees Fahrenheit), the transport vehicle must be brought into compliance within four hours from the time of rejection.

If the transport vehicle cannot be brought into compliance within the four-hour time frame, the transport vehicle shall not be used, and the eggs will be removed and placed into another transport vehicle or storage facility that meets the refrigeration requirements. The noncompliance will be written to the transit vehicle using the license number or trailer number as identification (see example on page 29 – 30). Again, common sense enters into the time frame allowed for compliance, for example if the ambient temperature is 85+ degrees Fahrenheit, the four-hour time frame may be too long. Every effort should be made to move the eggs to a facility that is in compliance to ensure that the eggs will not become a health hazard.

### **ENFORCEMENT ACTION POINT**

Because the accuracy level of the thermometer is plus or minus one degree Celsius (two degrees Fahrenheit) the action point for refrigeration enforcement begins when the average temperature exceeds 47.5 degrees Fahrenheit.

### **REPAIR DOCUMENTATION (TRANSPORT VEHICLES)**

When the refrigeration unit of the transport vehicle cannot meet the 7 degrees Celsius (45 degrees Fahrenheit) temperature requirement, it shall not be used to transport or store shell eggs until the unit is repaired and meets all temperature requirements. Upon completion of the repair, the responsible party must submit a copy of the repair tag to the Agricultural Commissioner. The repair tag shall include the following information:

- The name, address and telephone number of the person or company that made the repairs.
- The date and time of repair.
- The refrigeration units discharge air temperature taken by the repair person after the repair is completed.

All information, including the repair tag and original noncompliance number may be faxed, mailed or hand carried to the Agricultural Commissioner's office. Upon receipt of the repair tag indicating compliance with the temperature requirements, the county Agricultural Commissioner's office may approve the use of the transport vehicle verbally, in writing or by fax.

### **REPAIR DOCUMENTATION (COLD STORAGE)**

The same documentation procedures will be followed for cold storage facilities. However, upon correction of the refrigeration problem, the responsible party shall notify the Agricultural Commissioner's office. The Agricultural Commissioner's office must personally attest to the compliance of the cold storage ambient temperature.

## **VIOLATIONS AND ENFORCEMENT**

Refer to Section 27643

## INSPECTION PROCEDURES

### RANDOM SAMPLING

Occasionally, a packer will receive a large number of non-compliances, and additional action may be warranted. To determine a noncompliance rate, the process begins by conducting a 30 lot random sampling survey. Management is to be informed when this process is started, and is to be given the results of each inspection as it is completed.

A noncompliance rate of 80% or lower is the established point where additional action will be taken. To determine a packer's noncompliance rate, **random** samples must be taken. Each time you visit the packer, number the lots **available** for inspection. Then determine **how many** lots will be inspected. Using the random number chart (page 53 - 54), determine **which** lots you will inspect and select your samples.

After inspecting each random lot, record the results of the inspection on the Random Lot Inspection Record (page 54). Each time you return to this packer, sample random lots and record the results on this form. When you have inspected at least 30 lots, compute the noncompliance rate (number of rejected lots divided by total lots inspected).

If the noncompliance rate is below 80%, you may begin random sampling again for another 30 lots and make another determination. If the noncompliance rate is low, you may wish to discontinue random sampling and continue with initial sampling.

If the noncompliance rate is 80% or below, send a copy of the form to your District Supervisor. Complete a case file and notify management of an office hearing (see the sample letter on page 64) with a copy to the State District Supervisor. The statute of limitations for prosecution of a violation of these laws and regulations is three years. The State District Supervisor is to receive all notices of hearings and will attend all hearings.

### RANDOM SELECTION OF INSPECTION LOTS

1. Determine how many lots are available for inspection. A lot is defined as "Any number of containers labeled with one size, grade, brand, and code date and in one location."
2. Assign numbers to each of the lot. If there are 10 or more lots, be sure to use a "0" before single numbers (01, 02, 03, etc.).
3. Decide how many lots you can inspect on this visit.
4. Decide on an arbitrary way of selecting numbers from the Random Number Table.
5. Using the Random Number Table, determine which lots you will inspect.
6. Sample and inspect the random lots.
7. Record the inspection results on the Random Lot Inspection Record

**Example A:** 18 lots are available for inspection, 4 lots will be inspected. For this example, we choose to go down Column "D" looking at the 3rd and 4th digits since two numbers are needed (using a paper or ruler to cover the first two digits helps). Going down you find the first number is 78. This is higher than 18 and is skipped. Continue down until you come to a number between 00 and 19 (if a number repeats, skip it also). Going down we find 14, 03, 06, and 02. These are the lots to inspect and record.

**Example B:** 29 lots are available for inspection, 6 lots will be inspected. For this example, we choose to start with Column "H," beginning with row 26. We will go down, looking at the first two digits in the column. The first number in Column "H," row 26 is 70, which is too high and is skipped. Moving down we find number 01, 26, 15, 11, and 14. We still need a sixth number so we begin again at the top of Column "I" and find number 19. These are the six lots to inspect and record.

**TABLE OF RANDOM NUMBERS**

|           | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> | <b>I</b> | <b>J</b> |
|-----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| <b>1</b>  | 39691    | 66082    | 48626    | 95780    | 55228    | 87189    | 75717    | 97042    | 19696    | 48613    |
| <b>2</b>  | 46304    | 97377    | 43462    | 21739    | 14566    | 72533    | 60171    | 29024    | 77581    | 72760    |
| <b>3</b>  | 99574    | 60779    | 22734    | 23678    | 44895    | 89767    | 18249    | 41702    | 35850    | 40534    |
| <b>4</b>  | 06743    | 63537    | 24553    | 77225    | 94743    | 79448    | 12753    | 95986    | 78088    | 48019    |
|           | 69568    | 65496    | 49033    | 88577    | 98606    | 92156    | 08846    | 54912    | 12691    | 13170    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>6</b>  | 68198    | 69571    | 34349    | 73141    | 42640    | 44721    | 30462    | 35075    | 33475    | 47407    |
| <b>7</b>  | 27974    | 12809    | 77428    | 64441    | 49008    | 60489    | 66780    | 55499    | 80842    | 57706    |
| <b>8</b>  | 50552    | 20688    | 02769    | 63037    | 15494    | 71784    | 70559    | 58158    | 53437    | 46216    |
| <b>9</b>  | 74687    | 2033     | 98290    | 62635    | 88877    | 28599    | 63682    | 35566    | 03271    | 05651    |
|           | 49303    | 78629    | 71897    | 30990    | 62923    | 36686    | 96167    | 11492    | 90333    | 84501    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>11</b> | 89734    | 39183    | 52026    | 14997    | 15140    | 18250    | 62831    | 51236    | 61236    | 09179    |
| <b>12</b> | 74042    | 40747    | 02617    | 11346    | 01884    | 82066    | 55913    | 72422    | 13971    | 64209    |
| <b>13</b> | 84706    | 31375    | 67053    | 73367    | 95349    | 31047    | 36908    | 42782    | 89690    | 48002    |
| <b>14</b> | 83664    | 21365    | 28882    | 48926    | 45435    | 60577    | 85270    | 02777    | 06878    | 27561    |
|           | 47813    | 74854    | 73388    | 11385    | 99108    | 97878    | 32858    | 17473    | 07682    | 20166    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>16</b> | 00371    | 56525    | 38880    | 53702    | 09517    | 47281    | 15995    | 98350    | 25233    | 79718    |
| <b>17</b> | 81182    | 48434    | 27431    | 55806    | 25389    | 40774    | 72978    | 16835    | 65066    | 28732    |
| <b>18</b> | 75242    | 35904    | 73077    | 24537    | 81354    | 48902    | 03478    | 42867    | 04552    | 86034    |
| <b>19</b> | 96239    | 80246    | 07000    | 09555    | 55051    | 49596    | 44629    | 88225    | 28195    | 44598    |
|           | 82988    | 17440    | 85311    | 03360    | 38176    | 51461    | 86070    | 03924    | 84413    | 92363    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>21</b> | 77599    | 29143    | 89088    | 57593    | 60036    | 17297    | 30293    | 36224    | 46327    | 96266    |
| <b>22</b> | 61443    | 33118    | 53488    | 82981    | 44706    | 63655    | 64388    | 00498    | 14135    | 57514    |
| <b>23</b> | 76008    | 15045    | 45440    | 84062    | 52363    | 18079    | 33726    | 44301    | 86246    | 99729    |
| <b>24</b> | 26494    | 76598    | 85834    | 10844    | 56300    | 02244    | 72118    | 96510    | 98388    | 80161    |
|           | 46570    | 88558    | 77533    | 33359    | 07830    | 84752    | 53260    | 45655    | 36881    | 98535    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>26</b> | 73955    | 41532    | 87933    | 79930    | 14310    | 64833    | 49020    | 70067    | 99726    | 97007    |
| <b>27</b> | 93901    | 38276    | 75544    | 19679    | 82899    | 11365    | 22896    | 42118    | 77165    | 08743    |
| <b>28</b> | 41925    | 28215    | 40866    | 93501    | 45446    | 27931    | 21708    | 01788    | 81404    | 15119    |
| <b>29</b> | 80720    | 02782    | 24326    | 41328    | 10357    | 86883    | 80086    | 77138    | 57072    | 12100    |
|           | 92596    | 39416    | 50362    | 04423    | 04561    | 58179    | 54118    | 44978    | 14322    | 97056    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>31</b> | 39693    | 58559    | 45839    | 38885    | 38548    | 38885    | 19875    | 26829    | 86711    | 57005    |
| <b>32</b> | 86923    | 37863    | 14340    | 65274    | 04079    | 65274    | 03030    | 15106    | 09382    | 82972    |
| <b>33</b> | 99700    | 79237    | 18177    | 65644    | 56221    | 65644    | 33331    | 87502    | 32961    | 40996    |
| <b>34</b> | 60248    | 21953    | 52321    | 90433    | 03253    | 90433    | 97304    | 50181    | 71026    | 01946    |
|           | 29136    | 71987    | 03992    | 78348    | 31070    | 78348    | 47823    | 11033    | 13037    | 47732    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>36</b> | 57471    | 42913    | 85212    | 97727    | 92901    | 97727    | 04775    | 94396    | 38154    | 25238    |
| <b>37</b> | 57324    | 93847    | 03269    | 14039    | 95028    | 14039    | 76128    | 63747    | 27301    | 65529    |
| <b>38</b> | 56768    | 71694    | 63361    | 71875    | 30841    | 71875    | 40944    | 54827    | 01887    | 54822    |
| <b>39</b> | 70400    | 81534    | 02148    | 27481    | 26582    | 27481    | 84262    | 14084    | 42409    | 62950    |
|           | 05454    | 88418    | 48646    | 85496    | 36635    | 85496    | 18894    | 77271    | 26894    | 00889    |
|           |          |          |          |          |          |          |          |          |          |          |
| <b>41</b> | 80934    | 56136    | 47063    | 59790    | 19067    | 59790    | 08752    | 68050    | 85685    | 83076    |
| <b>42</b> | 06919    | 46237    | 50676    | 43086    | 75637    | 43086    | 95323    | 52867    | 06891    | 32089    |
| <b>43</b> | 00152    | 23997    | 41751    | 75365    | 50975    | 75365    | 70158    | 67663    | 51431    | 46375    |
| <b>44</b> | 88505    | 74625    | 71783    | 63178    | 13661    | 63178    | 39291    | 76796    | 74736    | 10980    |
|           | 64514    | 80967    | 33545    | 58152    | 86329    | 58152    | 05931    | 35961    | 70069    | 12142    |

**RANDOM LOT INSPECTION RECORD**  
 (To be used with the Noncompliance Additional Action Plan)

| <b>Date</b> | <b>Grade &amp; Size</b> | <b>Lot Size</b> | <b>Samples Inspected</b> | <b>Acc.</b> | <b>Rejects.</b> | <b>Remarks (Reason for Rejection)</b> |
|-------------|-------------------------|-----------------|--------------------------|-------------|-----------------|---------------------------------------|
| 1           |                         |                 |                          |             |                 |                                       |
| 2           |                         |                 |                          |             |                 |                                       |
| 3           |                         |                 |                          |             |                 |                                       |
| 4           |                         |                 |                          |             |                 |                                       |
| 5           |                         |                 |                          |             |                 |                                       |
| 6           |                         |                 |                          |             |                 |                                       |
| 7           |                         |                 |                          |             |                 |                                       |
| 8           |                         |                 |                          |             |                 |                                       |
| 9           |                         |                 |                          |             |                 |                                       |
| 10          |                         |                 |                          |             |                 |                                       |
| 11          |                         |                 |                          |             |                 |                                       |
| 12          |                         |                 |                          |             |                 |                                       |
| 13          |                         |                 |                          |             |                 |                                       |
| 14          |                         |                 |                          |             |                 |                                       |
| 15          |                         |                 |                          |             |                 |                                       |
| 16          |                         |                 |                          |             |                 |                                       |
| 17          |                         |                 |                          |             |                 |                                       |
| 18          |                         |                 |                          |             |                 |                                       |
| 19          |                         |                 |                          |             |                 |                                       |
| 20          |                         |                 |                          |             |                 |                                       |
| 21          |                         |                 |                          |             |                 |                                       |
| 22          |                         |                 |                          |             |                 |                                       |
| 23          |                         |                 |                          |             |                 |                                       |
| 24          |                         |                 |                          |             |                 |                                       |
| 25          |                         |                 |                          |             |                 |                                       |
| 26          |                         |                 |                          |             |                 |                                       |
| 27          |                         |                 |                          |             |                 |                                       |
| 28          |                         |                 |                          |             |                 |                                       |
| 29          |                         |                 |                          |             |                 |                                       |
| 30          |                         |                 |                          |             |                 |                                       |

## STATE AND FEDERAL EGG SUPERVISORS CONTACT LIST

### **FEDERAL**

USDA Modesto Regional Office  
Agricultural Marketing Service  
Poultry Division, Grading Branch  
313 Banner Court, Suite B  
Modesto, CA 95356  
Phone: (209) 522-5253  
Fax: (209) 522-7260

### **STATE**

Egg Safety and Quality Management Headquarters  
California Department of Food and Agriculture  
Egg Safety and Quality Management Program  
1220 N Street  
Sacramento, CA 95814  
E-mail: [CDFA.ESQM\\_Inquiries@cdfa.ca.gov](mailto:CDFA.ESQM_Inquiries@cdfa.ca.gov)

Anthony Herrera, Egg Quality Manager  
Phone: (916) 900-5062

Statewide: Shell Egg Food Safety Coordinator  
Dr. Ken Takeshita, DVM  
1450 Abojo Drive  
Monterey Park, CA 91754  
Fax: (209) 391-2201  
Cell: (209) 923-3351  
E-mail: [Ken.Takeshita@cdfa.ca.gov](mailto:Ken.Takeshita@cdfa.ca.gov)

Northern /Coastal District Office  
Jenna Celigija, Agriculture Program Supervisor I  
Phone: (916) 900-5057  
Cell: (916) 216-8621  
Fax: (916) 900-5359  
E-mail: [Jenna.Celigija@cdfa.ca.gov](mailto:Jenna.Celigija@cdfa.ca.gov)

Southern District Office  
William (Bill) Rohner, Agriculture Program Supervisor I  
8144 Lemon Grove Way #E  
Lemon Grove, CA 91945  
Phone/Fax: (619) 640-0335  
Cell: (619) 481-0247  
E-mail: [William.Rohner@cdfa.ca.gov](mailto:William.Rohner@cdfa.ca.gov)

## CALIFORNIA'S COUNTY AGRICULTURE COMMISSIONERS

Updated: 1/6/2014

| COUNTY       | COMMISSIONER      | TELEPHONE                 | DISTRICT              |
|--------------|-------------------|---------------------------|-----------------------|
| Alameda      | Dennis Bray       | (510) 670-5232            | Northern/Coastal      |
| Alpine       | Charlene Carveth  | (530) 621-5520            | Central               |
| Amador       | Mike Boitano      | (209)223-6487             | Northern/Coastal      |
| Butte        | Richard Price     | (530) 538-7381            | Northern/Coastal      |
| Calaveras    | Kevin Wright      | (209) 754-6504, Ext. 3    | Central               |
| Colusa       | Joseph Damiano    | (530) 458-0580            | Northern/Coastal      |
| Contra Costa | Vince Guise       | (925) 646-5250            | Northern/Coastal      |
| Del Norte    | Ken Smith         | (707) 464-7235            | Northern/Coastal      |
| El Dorado    | Charlene Carveth  | (530) 621-5520            | Northern/Coastal      |
| Fresno       | Les Wright        | (559) 600-7510            | Central               |
| Glenn        | Jim Donnelly      | (530) 934-6501            | Northern/Coastal      |
| Humboldt     | Jeff Dolf         | (707) 445-7223            | Northern/Coastal      |
| Imperial     | Connie Valenzuela | (760) 482-4314            | Southern (South Area) |
| Inyo/Mono    | Nathan Reade      | (760) 873-7860            | Central               |
| Kern         | Ruben Arroyo      | (661) 868-6300            | Central               |
| Kings        | Tim Niswander     | (559) 582-3211, Ext. 2830 | Central               |
| Lake         | Stave Hajik       | (707) 263-0217            | Northern/Coastal      |
| Lassen       | Joe Moreo         | (530) 251-8110            | Northern/Coastal      |
| Los Angeles  | Kurt Floren       | (626) 575-5451            | Southern (North Area) |
| Madera       | Stevie McNeill    | (559) 675-7876            | Central               |
| Marin        | Stacy Carlsen     | (415) 473-6700            | Northern/Coastal      |
| Mariposa     | Cathi Boze        | (209) 966-2075            | Central               |
| Mendocino    | Chuck Morse       | (707) 463-4208            | Northern/Coastal      |
| Merced       | Dave Robinson     | (209) 385-7431            | Central               |
| Modoc        | Joe Moreo         | (530) 233-6401            | Northern/Coastal      |
| Mono         | Nathan Reade      | (760) 873-7860            | Central               |
| Monterey     | Eric Lauritzen    | (831) 759-7325            | Northern/Coastal      |
| Napa         | David Whitmer     | (707) 253-4357            | Northern/Coastal      |
| Nevada       | Jeffrey Pylman    | (530) 273-2648            | Northern/Coastal      |
| Orange       | Richard LeFeuvre  | (714) 955-0100            | Southern (South Area) |

**California's County Agricultural Commissioners**

| <b>COUNTY</b>   | <b>COMMISSIONER</b>  | <b>TELEPHONE</b> | <b>DISTRICT</b>       |
|-----------------|----------------------|------------------|-----------------------|
| Placer          | Josh Huntsinger      | (530) 889-7372   | Northern/Coastal      |
| Plumas/Sierra   | Tim Gibson           | (530) 283-6365   | Northern/Coastal      |
| Riverside       | John Snyder          | (951) 955-3011   | Southern (South Area) |
| Sacramento      | Juli Jensen          | (916) 875-6603   | Northern/Coastal      |
| San Benito      | Ron Ross             | (831) 637-5344   | Northern/Coastal      |
| San Bernardino  | John Gardner         | (909) 387-2115   | Southern (North Area) |
| San Diego       | Ha Dang              | (858) 694-2741   | Southern (South Area) |
| San Francisco   | Miguel Monroy        | (415) 252-3830   | Northern/Coastal      |
| San Joaquin     | Scott Hudson         | (209) 953-6000   | Northern/Coastal      |
| San Luis Obispo | Martin Settevendemie | (805) 781-5910   | Central               |
| San Mateo       | Fred Crowder         | (650) 363-4700   | Northern/Coastal      |
| Santa Barbara   | Cathleen Fisher      | (805) 681-5600   | Southern (North Area) |
| Santa Clara     | Joseph Deviney       | (408) 918-4600   | Northern/Coastal      |
| Santa Cruz      | Mary Lou Nicoletti   | (831) 763-8080   | Northern/Coastal      |
| Shasta          | Mary Pfeiffer        | (530) 224-4949   | Northern/Coastal      |
| Sierra          | Tim Gibson           | (530) 283-6365   | Northern/Coastal      |
| Siskiyou        | Pat Griffin          | (530) 841-4033   | Northern/Coastal      |
| Solano          | Jim Allan            | (707) 784-1310   | Northern/Coastal      |
| Sonoma          | Tony Linegar         | (707) 565-2371   | Northern/Coastal      |
| Stanislaus      | Milton O'Haire       | (209) 525-4730   | Central               |
| Sutter          | Mark Quisenberry     | (530) 822-7500   | Northern/Coastal      |
| Tehama          | Rick Gurrola         | (530) 527-4504   | Northern/Coastal      |
| Trinity         | Jeff Dolf            | (530) 623-1356   | Northern/Coastal      |
| Tulare          | Marilyn Kinoshita    | (559) 684-3350   | Central               |
| Tuolumne        | Vicki Helmar         | (209) 533-5691   | Central               |
| Ventura         | Henry Gonzales       | (805) 477-1620   | Southern (North Area) |
| Yolo            | John Young           | (530) 666-8140   | Northern/Coastal      |
| Yuba            | Louie B. Mendoza Jr. | (530) 749-5400   | Northern/Coastal      |



## OUT-OF-STATE AND SPECIAL EGG HANDLING PROCEDURES

### ARIZONA REJECTION OF CALIFORNIA EGGS

When the eggs are returned to California after failing inspection by Arizona, the receiving county will be alerted by the Egg Safety and Quality Management District Office. Disposition of product is verified by receiving county inspector, who completes the Arizona Inspection Notice (not the envelope which serves as the hold tag) and returns only the notice to:

Arizona Department of Agriculture  
1688 West Adams Street  
Phoenix, AZ 85007  
Phone: (602) 542-4373  
Fax: (602) 542-3244

### CALIFORNIA REJECTION OF EGGS DISTRIBUTED BY NEVADA

Eggs distributed by Nevada sources which fail inspection in California are to be returned to the Nevada distributor for further disposition.

Instructions entered in the lower portion of the noncompliance should permit movement of the lot to a designated distributor for "further disposition." Also include the telephone number of Nevada's Department of Agriculture: (775) 353-3600. By means of the noncompliance goldenrod copy, notify:

Nevada Department of Agriculture  
Jim R. Barbee, Director  
405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431  
Phone: (775) 353-3601  
Fax: (775) 353-3661

*\*Upon receipt of the "Hold Tagged" eggs, the inspector at destination will indicate the dozens received, and return the "Hold" card to the county of origin.*

Receipt of the hold tag, by the county of origin, will verify that the correction of defects was made in Nevada. Other disposition of the held lot is also possible, wherein Nevada inspection personnel may authorize movement to a California destination for final disposition. In this case, the noncompliance goldenrod copy would be forwarded to the receiving California County by Nevada.

### OREGON REJECTIONS

| BRAND NAMES    | DISPOSITION OF EGGS   |
|----------------|-----------------------|
| Willamette Egg | Willamette Egg Farm   |
| Western Family | P.O. Box 1044         |
| Goodin Eggs    | Eagle Point, OR 97524 |
| Good-N-Fresh   |                       |

Send an additional copy to:

Vance Bybee, Director  
Food and Dairy Division  
State Department of Agriculture  
Agriculture Building  
Salem, OR 97310  
(503) 986-4720

## **USDA PLANTS**

When rejecting USDA Shield packs, the eggs should be returned to the plant of origin. Many of these plants are only identified by the plant number, usually with the letter "P" preceding it. Please refer to the Registered Egg Handler List on page 75 for help in locating these production facilities.

**When rejecting Shield pack eggs, be sure to notify your State District Supervisor.**

## **BRAND REGISTRATION**

Part of the registration process is to supply the CDFA ESQM with a list of other persons authorized to use registered brands. Due to the nature of the shell egg business, this authorization may change overnight, making it difficult to maintain a current list of companies authorized to use these registered containers.

When registered brand containers are found in possession of an egg handler who is not on the list of companies authorized to use such brands, question their authority to use these containers.

If the person-in-possession cannot produce evidence showing authorization, and is not willing to contact the registered owner by telephone to verify the authorization, a notice of noncompliance should be issued and the containers returned to the legal owner.

## **CONTAINER VIOLATIONS (By Complaint Only)**

Except for a retail store operator who is not otherwise an egg handler, it is unlawful to have in possession master egg containers registered to another handler unless authorized by the owner.

A fair exercise of this law is to write a noncompliance on three or more unauthorized registered containers, not necessarily the same brand, whether empty or packed with eggs.

If scattered throughout a lot, the entire lot is to be retained under a noncompliance notice, unless the person-in-possession complies by separating the unauthorized containers from the lot. The unauthorized containers are then placed under a noncompliance notice and must be returned to the legal owner or his authorized handler at the expense of the person-in-possession.

**REGISTERED BRANDS/ REGISTERED OWNERS**

**WIREBASKET BRAND REGISTRATION LIST**

Updated 4/30/10

| <b>REGISTERED OWNERS</b>   | <b>BRAND</b>   | <b>AUTHORIZED TO USE (DEALERS)</b>  |
|--|--|---|
| <p><b><i>Cotati Brand Eggs, Inc.<br/>441 Houser St.<br/>Cotati, CA 94931<br/>(707) 795-4489</i></b></p>                                | <p><b><i>Cotati Brand Eggs</i></b></p>   | <p><b><i>Golden Bear Produce<br/>Holsum Egg Co.<br/>S&amp;R Egg Ranch<br/>SKS<br/>Petaluma Farms<br/>Ripon Poultry Farm</i></b></p> |
| <p><b><i>Country Egg Inc<br/>333 No. Mission Road<br/>Los Angeles, CA 90033</i></b></p>  | <p><b><i>Country Egg<br/>Rosemary Farms<br/>Drake Farm</i></b></p>               | <p><b><i>None</i></b></p>   |
| <p><b><i>Den Dulk Poultry Farms<br/>10858 W. Ripon Road<br/>Ripon, CA 95366<br/>(209) 599-4269</i></b></p>                             | <p><b><i>Den Dulk Poultry Farm</i></b></p>                                       | <p><b><i>None</i></b></p>   |
| <p><b><i>Farmer John Egg Ent., Inc.<br/>5110 E. Panama Ln.<br/>Bakersfield, CA 93307<br/>(661) 845-9441<br/>(209) 599-4267</i></b></p> | <p><b><i>Farmer John<br/>Andrade Egg</i></b></p>                                 | <p><b><i>Andrade Egg Ranch</i></b></p>  |
| <p><b><i>Golden Fresh Eggs Co.<br/>(Stramisky Egg Ranch)<br/>8332 Live Oak<br/>Fontana, CA 92335<br/>(559) 584-8362</i></b></p>        | <p><b><i>Golden Fresh Egg Co.<br/>Phil Stramisky<br/>Golden Fresh</i></b></p>    | <p><b><i>None</i></b></p>   |
| <p><b><i>Hidden Villa Ranch<br/>P.O. Box 34001<br/>Fullerton, CA 92834<br/>(714) 680-3447</i></b></p>                                  | <p><b><i>Armstrong Egg Farms<br/>AZ Egg<br/>Brasher<br/>Cal Sunshine</i></b></p> | <p><b><i>Moark</i></b></p>  |

|  |   |   |
|--|---|---|
| <p><i>Hidden Villa Ranch (continued)</i></p>   | <p><i>California Finest<br/>Dairy Fresh<br/>Egg Central<br/>Egg City<br/>Embly Ranch<br/>Hickman Egg Ranch<br/>Hickman Family Farms<br/>Hidden Villa<br/>Hidden Villa Ranch<br/>HVR<br/>Illy<br/>Illy Sunnyslope Farm<br/>Mahard<br/>Malquist B &amp; E<br/>Nest Fresh<br/>Olson<br/>Olson Bros.<br/>Perfectly Fresh<br/>Pilgrim Pride<br/>Poultry Pride<br/>Royal Farm<br/>Safeway<br/>S.B. Valley Egg<br/>SBV Egg<br/>S.B.V.E<br/>SBVEP<br/>SBVEP Assn.<br/>SBVEPA<br/>Sun Crest<br/>Sunnyslope<br/>Sunnyslope Farms<br/>Sunshine Eggs<br/>Ward</i></p> |   |
| <p><i>Hoover Egg<br/>33700 Wild Wood Canyon Rd.<br/>Medeiros Farms<br/>13954 S. Carpenter Rd.<br/>Crows Landing, CA 95313<br/>(209) 668-1988</i></p> | <p><i>Hoover<br/>Marlow<br/>Medeiros</i></p>  | <p><i>None<br/><br/>J. Medeiros Farms</i></p> |
| <p><i>Maust's California Farms<br/>9490 Edison Ave.<br/>Chino, CA 91710</i></p>  | <p><i>Maust California Farms<br/>Jim's Poultry</i></p>  | <p><i>None</i></p>                            |
|  |   |   |

|   |   |  |
|---|---|--|
| <b>Melody Hill Ranch</b><br>1975 Cox Rd.<br>Aptos, CA 96003<br>(408) 688-0394             | <b>Melody Hill Ranch</b>  | <b>Glaum Egg Ranchers</b>                              |
| <b>Mike &amp; Sons Egg Ranch</b><br>2025 S. Fern<br>Ontario, CA 91762<br>(909) 986-2332   | <b>Mike &amp; Sons Egg Ranch</b>  | <b>None</b>  |
| <b>Moark LLC</b><br>P.O. Box 910<br>Norco, CA 92860<br>(909) 816-1980                     | <b>ABC Egg Company</b><br><b>Arizona Egg</b><br><b>Chic-a-dee</b><br><b>Lucar Naylor</b>  | <b>Norco</b><br><b>McAnally</b><br><b>Hidden Villa</b> |
| <b>DBA McAnally Enterprises</b><br><b>Norco</b>   | <b>McAnally Enterprise, Inc.</b><br><b>Mayfield Farms</b><br><b>Quality Farms</b><br><b>Quality Industries</b>  | <b>Eggs West</b>                                       |
| <b>Morning Fresh Egg Farm</b><br>1331 Sapphire St.<br>Mentone, CA 92359<br>(909) 794-1016 | <b>Egg Way</b><br><b>Lakeview</b><br><b>Morning Fresh Egg</b>   | <b>None</b>  |
| <b>Nest Best Egg Company</b><br>8539 Crosby NE<br>Woodburn, OR 97071<br>(530) 981-8487    | <b>Nest Best Egg Co.</b><br><b>Briarwood</b><br><b>Egg Company</b><br><b>Snow White</b><br><b>Carnation</b><br><b>Bigger N Better</b><br><b>Beck</b><br><b>Western Foods</b>                            | <b>None</b>  |
| <b>Nichols Egg Ranches</b><br>5611 Peck Road<br>Arcadia, CA 91006<br>(626) 652-0899       | <b>Nichols Egg Ranch</b><br><b>Chino Valley Ranchers</b><br><b>Pierce Egg Ranch</b><br><b>Sunny Cal Egg Ranch</b><br><b>AAA Egg Ranch</b><br><b>RW Sauder</b><br><b>NuCal Foods</b><br><b>Pennfield</b> | <b>None</b>  |

**NuCal Foods**  
**720 S. Stockton Ave.**  
**Ripon, CA 95366**  
**(209) 254-2200**

**NuCal Foods**  
**Alf's Good Egg**  
**Anchor Eggs**  
**Baker's Dairy**  
**Bauman Egg**  
**Bersh**  
**Bigger N' Better**  
**Blair Brown Cage Eggs**  
**Boldt**  
**Boomsma**  
**Bouton Egg Farm**  
**Burson Farms**  
**Cal Egg**  
**Cambria View**  
**The Egg People**  
**Chesterfield Farms**  
**Country Side Farms**  
**Cream of the Valley**  
**Del's Eggs**  
**Den Dulk Poultry Farms**  
**Duncan Egg Co.**  
**Earnest Poultry**  
**Empire Butter & Egg**  
**Farm Bureau Service**  
**Featherland Egg Farms**  
**Federated**  
**Four Winds**  
**Frey's Egg Corp.**  
**Gold Crown**  
**Golden Egg**  
**Golden Egg Ranch**  
**Grube, AM**  
**H. G. Liddle**  
**Halls**  
**Hoffman Eggs**  
**International Multifoods**  
**Jassen**  
**Johnson Creek Farms**  
**Jorgensen Farms**  
**Kakleberries**  
**Lambright**  
**M.G. Borerema & Sons**  
**MG Waldbaum**  
**MGW**  
**Mallquist**  
**Mallquist B&E Co.**  
**Merlin Stulz**

**Rainbow**  
**Dwight Bell**  
**Gemperle Ent.-August**  
**Gemperle Ent.-Schendel**  
**Gemperle Ent.-Channing**  
**Hilmar Processing**  
**Freitas Fresh Eggs**  
**Sunrise Farms**  
**Gemperle Schendel**  
  
**(Use when packed with**  
**NuCal Foods)**  
**Den Dulk**  
**SKS**  
**Olivera**

|  |   |                    |
|--|---|--------------------|
| <p><b>NuCal Foods (continued)</b></p>  | <p><b>Montgomery Egg &amp; Poultry</b><br/> <b>Northern Hatcheries</b><br/> <b>Nichols Egg Ranches</b><br/> <b>Nulaid</b><br/> <b>Ollvet Ranch</b><br/> <b>Oskaloosa Foods</b><br/> <b>Pacific Growers</b><br/> <b>Parrish</b><br/> <b>Pines Farms</b><br/> <b>Progressive OY</b><br/> <b>Prop Boldt Inc</b><br/> <b>Rochester Egg</b><br/> <b>Salms Poultry</b><br/> <b>Sylvester</b><br/> <b>Snow White</b><br/> <b>Spring Valley</b><br/> <b>Sunny Side Egg</b><br/> <b>Thayer Eg Company</b><br/> <b>The Egg Co.</b><br/> <b>Tri County Egg</b><br/> <b>Twin Pines Farm</b><br/> <b>Tyson's</b><br/> <b>Western Foods</b><br/> <b>Wichman Produce</b><br/> <b>Cal Eggs</b><br/> <b>Olson Farms</b><br/> <b>Rebecca Farms</b><br/> <b>Santa Rosa Eggs</b><br/> <b>Nulaid Foods</b></p> |                    |
| <p><b>Olivera Egg Ranch</b><br/> <b>3315 Sierra Road</b><br/> <b>San Jose, CA 95132</b><br/> <b>(408) 258-8074</b></p>                             | <p><b>Olivera Ranch Pak</b></p>   | <p><b>None</b></p> |
| <p><b>Petaluma Farms</b><br/> <b>7000 Cavanaugh Lane</b><br/> <b>Petaluma , CA 94952</b><br/> <b>(707) 763-0921</b><br/> <b>(209) 734-6297</b></p> | <p><b>O &amp; A Ranch</b><br/> <b>Empire Egg Co.</b><br/> <b>Petaluma Farms</b></p>   | <p><b>None</b></p> |
| <p><b>SKS Enterprises Inc.</b><br/> <b>111830 E. French Camp Road</b><br/> <b>Manteca, CA 95336</b><br/> <b>(209) 769-8615</b></p>                 | <p><b>Ripon Poultry Farms</b></p>   | <p><b>None</b></p> |

|   |  |   |
|---|--|---|
| <p><b>Tartaglia Farms</b><br/> <b>1195 S. Valante</b><br/> <b>Earlimart, CA 93219</b><br/> <b>(805) 849-2755</b></p>  | <p><b>Foster Farm</b></p>  | <p><b>Valley Fresh</b></p>  |
| <p><b>Valley Fresh Foods, Inc.</b><br/> <b>Rainbow Farms Division</b><br/> <b>P.O. Box 910</b><br/> <b>Turlock, CA 95381</b><br/> <b>(209) 669-5500</b></p> | <p><b>Nest Best</b><br/> <b>Carnation</b><br/> <b>Brianwood</b></p>  | <p><b>NuCal</b><br/> <b>Skylane Farms</b><br/> <b>Briarwood Farms</b></p> |
| <p><b>Willamette Egg Farms, LLC</b><br/> <b>31348 S. Hwy 170</b><br/> <b>Canby, OR 97013</b><br/> <b>(503) 651-2095</b></p>                                 | <p><b>Willamette Egg Farm</b><br/> <b>Gooding Egg</b><br/> <b>Miller Egg</b><br/> <b>Rex Farms</b><br/> <b>Shieldler</b><br/> <b>TC Eggs</b></p> | <p><b>Sunny Fresh</b></p>   |

**NuCal Foods**

**Carts**

**Agri-General**  
**Cal Eggs**  
**Cal Farms**  
**Golden Egg**  
**Golden Egg Ranches**  
**Kleinfield Farms**  
**NuCal Foods**  
**NuCal Foods, Inc**  
**Nulaid Foods**  
**Nulaid, Inc**  
**Olson Farms**  
**Rebecca Farms**  
**Santa Rosa Eggs**  
**Albertsons**

**Hidden Villa Ranch**

**Carts**

**HVR**  
**Hidden Villa Ranch**  
**Ward Egg**  
**Illy Sunnyslope Farms**

**REGISTERED BRAND INSPECTION REPORT**

**REGISTERED BRAND INSPECTION REPORT  
Egg Quality Control Program**

|                |  |  |                         |  |
|----------------|--|--|-------------------------|--|
| <b>County:</b> | <b>Type of Container:</b><br><input type="checkbox"/> Wire basket<br><input type="checkbox"/> Cart | <b>Facility Type:</b><br><input type="checkbox"/> Production<br><input type="checkbox"/> Other | <b>Inspection Date:</b> | <b>Start Time:</b><br><br><b>End Time:</b> |
|----------------|--|--|-------------------------|--|

**Inspection Location**

|                |              |                 |   |
|----------------|--------------|-----------------|---|
| <b>Name</b>    |              |                 | <b>Owner/ Manager Name<br/>Signature:</b> |
| <b>Address</b> |              |                 |   |
| <b>City</b>    | <b>State</b> | <b>Zip Code</b> |   |

**List Items Inspected**

| Wire basket Brand Names | Quantity | Registered Owner | Compliance (FAC Section 27631) |    |       |
|-------------------------|----------|------------------|--------------------------------|----|-------|
|                         |          |                  | Yes                            | No | N/C # |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |
|                         |          |                  |                                |    |       |

**List Items Inspected**

| Cart Brand Names | Quantity | Registered Owner | Compliance (FAC Section 27631) |    |       |
|------------------|----------|------------------|--------------------------------|----|-------|
|                  |          |                  | Yes                            | No | N/C # |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |
|                  |          |                  |                                |    |       |

**Comments:**

|                               |                         |
|-------------------------------|-------------------------|
| <b>Inspector's Signature:</b> | <b>Completion Date:</b> |
|-------------------------------|-------------------------|

## REGISTRATION FORM INSTRUCTION/ INFORMATION SHEET

Please read the following information and instructions prior to completing the application for an egg handler registration. We request that you either **type or print clearly in ink** in order to avoid any delay in the issuance of the registration for which you are applying. All applications for registration must be complete and include all required attachments. **INCOMPLETE APPLICATIONS WILL NOT BE.**

### APPLICATION FOR REGISTRATION:

**FAC Section 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.

**FAC Section 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.

### **1. APPLICANT INFORMATION**

#### **Business Name**

If you are applying as an individual/sole proprietorship, please enter your first, middle, and last name. If you are a partnership, please enter the name of the partnership as you wish it to appear on the license. Corporations need to identify themselves as they are registered with the California Secretary of State or the incorporating state if not a California based company. Subsidiaries are considered a separate entity from the corporation and must be licensed separately.

#### **Mailing Address**

This is the address where official business documents and information can be sent. If your mailing address changes at any time, you should notify the Egg Safety and Quality Management Program so we can update our records.

#### **Address of Business Operation**

This is the physical location where you conduct business. If you have more than one office, provide the address of the principal office location. If you conduct business from your residence, please list your complete home address, including zip code.

#### **Business Phone**

Enter the telephone number where you can be reached during normal business hours. Please include area code.

#### **Business Fax and Email**

Enter your fax telephone number and e-mail address where information can be sent.

### **2. EGG HANDLER BUSINESS INFORMATION**

#### **Egg Handler Business Type**

Check the appropriate box which identifies the type of business that you will be conducting. You may check all that is applicable.

#### **Egg Product Type**

Check the appropriate box which identifies the type of egg product you will be selling. **Only one box** can be checked, a new registration is required for multiple types.

### **3. FLOCK INFORMATION**

#### **Flock Size**

List the size of laying flock. If the flock(s) is not located at the registered facility, provide the address where they are located.

#### **Selling all Eggs to Consumer on Premises**

Answer yes *only* if *ALL* of the eggs are sold on the premises, otherwise answer no.

#### **Selling at Farmers Market**

If you are selling at a farmers market, please list the county where you will be selling your eggs. If you sell in more than one county, please list all. Each location must have a valid registration copy; contact Egg Safety and Quality Management for additional copies.

#### **Selling Organic Eggs**

If applicable, please provide the California Organic Registration number and USDA Certification number.

#### **Special Requirement Eggs**

Special Requirement Eggs Definition – Eggs which are labeled as containing a distinguishing quality or condition.

Examples: Higher omega, higher protein values, higher lutein values, etc.

### **4. MILL FEE RESPONSIBILITY**

**FAC Section 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 less are exempt from these fees.
- (f) The assessment provided for in this section shall only be paid once on any particular egg.

### **5. CALIFORNIA DESIGNEE INFORMATION (OUT-OF-STATE ONLY)**

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

### **SIGNATURE**

Application **must** be signed and dated by an authorized representative to be valid.

For any additional clarification or assistance, please contact the Egg Safety and Quality Management Program at (916) 900-5062.



| DEPARTMENTAL USE ONLY   |                      |
|---|----------------------|
| Handler Code  | Initials             |
| <input type="text"/>  | <input type="text"/> |
| Payment Type: Mo <input type="checkbox"/> An <input type="checkbox"/> Ex <input type="checkbox"/> |                      |

### EGG HANDLER AND PRODUCER REGISTRATION FORM

517-004a (Rev. 1/14)

#### Section 1: Applicant Information

|  |                                      |                                       |   |  |                                     |
|--|--------------------------------------|---------------------------------------|---|--|-------------------------------------|
| <b>Business Name:</b><br><input type="text"/>          |                                      |                                       | <b>Address of Business Operation: Street</b><br><input type="text"/>                                      |  |                                     |
| <b>Mailing Address: Street</b><br><input type="text"/> |                                      |                                       | <b>City</b><br><input type="text"/>   | <b>State</b><br><input type="text"/>     | <b>Zip</b><br><input type="text"/>  |
| <b>City</b><br><input type="text"/>                    | <b>State</b><br><input type="text"/> | <b>Zip</b><br><input type="text"/>    | <b>Business Phone:</b><br><input type="text"/>  |  | <b>Fax:</b><br><input type="text"/> |
| <b>Contact Person:</b><br><input type="text"/>         |                                      | <b>Phone:</b><br><input type="text"/> |   | <b>Web Page:</b><br><input type="text"/> |                                     |
| <b>Email:</b><br><input type="text"/>                  |                                      |                                       | <b>USDA Egg Grading Program?</b><br>Yes <input type="checkbox"/> , P- _____ ; No <input type="checkbox"/> |  |                                     |

#### Section 2: Business Information

**Business Type: (Check Applicable Boxes)**

|  |   |
|--|---|
| <input type="checkbox"/> 1. Producer Only          | <input type="checkbox"/> 5. Broker      |
| <input type="checkbox"/> 2. Packer Only            | <input type="checkbox"/> 6. Breaker     |
| <input type="checkbox"/> 3. Producer/ Packer       | <input type="checkbox"/> 7. Hatchery    |
| <input type="checkbox"/> 4. Distributor/ Wholesale | <input type="checkbox"/> 8. Other _____ |

**Egg Product Type: (Check Only One)**

|                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/> Shell Eggs | <input type="checkbox"/> Liquid and/or Dry Egg Products |
|-------------------------------------|---|

#### Section 3: Flock Information

**What is the size of laying flock? \_\_\_\_\_ . Is flock(s) located at business operation above? ....** Yes  No

If no, location:  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**How many cases of shell eggs graded/ produced/ handled monthly? \_\_\_\_\_** (1 case = 30 dozen shell eggs)

**How many cases of egg products processed/handled monthly? \_\_\_\_\_ Liquid \_\_\_\_\_ Dry** (1 case = 40 lbs. liquid, 9 lbs. dry)

**Do you sell ALL your eggs to consumers on your premises? .....** Yes  No

**Do you sell at Certified Farmers Markets? .....** Yes  No

If yes, list County(s): \_\_\_\_\_

**Do you sell organic eggs? .....** Yes  No

If yes, CA Organic Registration # \_\_\_\_\_, USDA Certification # \_\_\_\_\_

**Do you produce Special Requirement Eggs? .....** Yes  No

If yes, list type(s): \_\_\_\_\_

**Section 4: Mill Fee Responsibility** \*Refer to FAC Section 27551

Do you purchase eggs from out-of-state egg handlers? .....Yes  No   
 Do you sell eggs to retailers or distributors/ brokers? .....Yes  No   
 Do you import eggs into the State of California? .....Yes  No   
 Are you responsible for the mill fee assessment for eggs you handle? .....Yes  No   
 Do you purchase eggs from in-state producers?..... Y

Is another egg handler paying the mill fee for you? Yes  No

If yes, *please submit with your application, a letterhead proof from each payer.*

Fill out the name, location, and approximate number of cases each company is paying for monthly:

| Handler Code | Name | Approx. Cases |
|--------------|------|---------------|
|              |      |               |
|              |      |               |
|              |      |               |

Am I paying for someone's mill fee? Yes  No

If yes, provide the name of business, handler code, and approximate number of cases you will be paying for monthly:

| Handler Code | Name | Approx. Cases |
|--------------|------|---------------|
|              |      |               |
|              |      |               |
|              |      |               |

**Section 5: California Designee Information (Out-of-State Registrants)** \*Refer to FAC Section 27685

Resident Agent Name: \_\_\_\_\_  
 Resident Agent Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Registration fees:**

| Required Fees            |                            |    |
|--------------------------|----------------------------|----|
| <input type="checkbox"/> | Registration Fee: \$75.00  | \$ |
| Optional Materials       |                            |    |
| <input type="checkbox"/> | Inspection Manual: (15.00) | \$ |
| <b>Total Fees:</b>       |                            | \$ |

**Complete and make remittance payable to:**

Egg Safety and Quality Management  
 CASHIER, CDFA  
 P.O. Box 942872  
 Sacramento, CA 94271

**\*Check or money orders only**

If you need further information, please contact the Department of Food and Agriculture, Egg Safety and Quality Management Program (ESQM) at (916) 900-5062, or write to 1220 N Street, Sacramento, CA 95814. Visit our internet website at <http://www.cdfa.ca.gov/ahfss/mpes/esqm.html>.

\* By signing this registration form, I declare that I understand all laws and regulations relating to the preparation for market and marketing of shell eggs and/or egg products in the State of California and that all information is complete, accurate, and truthful.

Signature

Print Name

Date

# REGISTERED EGG HANDLERS LIST

The updated egg handler's list is available online at:

<http://www.cdfa.ca.gov/ahfss/mpes/esqm.html>

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE**

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## EGG SAFETY AND QUALITY MANAGEMENT PROGRAM

The Egg Safety and Quality Management Program (ESQM) is the regulatory authority for shell eggs and egg products produced, shipped, or sold in California. The mission of the program is to ensure that eggs sold in California are of known quality, origin, grade and size. They also must be properly handled, labeled, transported and refrigerated and are wholesome and safe to eat. Anyone engaged in the production, sales, or handling of shell eggs or egg products in California must register with CDFA.

**SOME OF THE REQUIREMENTS FOR EGG HANDLERS ARE:**

- LABELING:** Consumer-grade packages or containers of eggs must state all of the following: name, address, zip code, \*size, \*grade, quantity, the words "keep refrigerated," and either the USDA plant of origin code number, the USDA Shell Egg Surveillance number, (if applicable) or California state handler code, sell-by date, \*Shell Egg Food Safety Compliant (or "CA SEFS Compliant" for short), Julian date of pack (the consecutive day of the year that the eggs were packed, in Julian date format. Example - The Julian date for January 1 is 001, the Julian date for December 31 is 365).  
\*Must be printed in font ¼ inch or larger
- QUALITY:** All shell eggs shall be graded and sized. The established grades of eggs are: AA, A, and B. The established sizes of eggs are: pee-wee, small, medium, large, extra large, and jumbo.
- REFRIGERATION:** Shell eggs must be maintained at a temperature of 45° Fahrenheit or less.
- DEFECTS:** Shell eggs for human consumption must not exceed the tolerances for defects such as cracks, leaks, discoloration, and other defects.

**EGG RESOURCES**

- New Regulations for Marketing Eggs in California
- Complying with FDA Egg Safety Final Rule
- California Shell Egg Food Safety Regulation Guidance
- California Code of Regulation 1350 and January 1, 2015 Compliance
- New** - California Shell Egg Food Safety Compliant
- Code of Regulations
- CA Food & Agricultural Code
- U. S. Dept. of Agriculture (Poultry)
- American Egg Board
- National Egg Regulatory Officials
- ESQM District Map
- ESQM Program District Map
- Egg Handlers Registration Application
- Quick Reference Guide
- Shell Egg Handler Information
- Letter to Industry for Fee Change
- Current Registered Egg Handlers**

The list is updated on a weekly basis. If there is any discrepancy with the list, please notify ESQM.

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## 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.

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## **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.

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## **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.

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## **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 (\$.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.

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## **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.

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#### **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.

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## **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.

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## **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.

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## **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.

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### **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.

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### **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.

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### **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.

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## **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.
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## **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.

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## CALIFORNIA CODE OF REGULATIONS

### TITLE 3. FOOD AND AGRICULTURE DIVISION 3. ECONOMICS CHAPTER 1. FRUIT AND VEGETABLE STANDERDIZATION 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) Commencing January 1, 2015, 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 nine (9) or more egg-laying hens shall provide a minimum of 116 square inches of floor space per bird. Enclosures containing eight (8) or fewer birds shall provide a minimum amount of floor space per bird as follows, using formula  $322 + [(n-1) \times 87.3] / n$ , where "n" equals the number of birds:

| <i>Number of Birds</i> | <i>Square Inches Per Bird</i> |
|------------------------|-------------------------------|
| 1                      | 322                           |
| 2                      | 205                           |
| 3                      | 166                           |
| 4                      | 146                           |
| 5                      | 135                           |
| 6                      | 127                           |
| 7                      | 121                           |
| 8                      | 117                           |

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

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

#### HISTORY

1. New section filed 5-6-2013; operative 7-1-2013 (Register 2013, No. 19).

3 CCR § 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." Standards applicable to eggs at the plant where graded and packed.

(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.

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).

### **§ 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.

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

### **§ 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.

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

### **§ 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 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.

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

### **§ 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.

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

### **§ 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 1/8 inch depth at origin, 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 3/16-inch depth at origin, 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 1/32 of the shell surface, when localized, or 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 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 3/8 inch in depth or small blood spots or clots aggregating no more than 1/8 inch in diameter.

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

## **§ 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.

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

## **§ 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.

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).

## **§ 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.

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

**§ 1353.2. Summary of Grades for Shell Eggs.**

**TABLE I  
ORIGIN GRADES**

These tolerances apply at point of pack and to all reconditioned lots.

| GRADE    | QUALITY REQUIRED | TOLERANCE PERMITTED    |   |
|----------|------------------|------------------------|---|
|          |                  | PERCENT                | QUALITY   |
| GRADE AA | 85% AA           | 15%                    | A,B   |
|          |                  | WITHIN THIS 15%<br>5%  | Checks<br>(7% Jumbo)  |
|          |                  | 1%                     | C   |
|          |                  | 0.5%                   | Leakers, Dirties, or<br>Loss (due to blood or<br>meat spots)* |
| GRADE A  | 85% A or better  | 15%                    | B   |
|          |                  | WITHIN THIS 15%<br>5%  | Checks<br>(7% Jumbo)  |
|          |                  | 1%                     | C   |
|          |                  | 0.5%                   | Leakers, Dirties, or<br>Loss (due to blood or<br>meat spots)* |
| GRADE B  | 85% B or better  | 15%                    | C   |
|          |                  | WITHIN THIS 15%<br>10% | Checks  |
|          |                  | 0.5%                   | Leakers, Dirties, or<br>Loss (due to blood or<br>meat spots)* |

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

**TABLE II  
DESTINATION GRADES**

These tolerances apply at locations other than point of pack.

| GRADE    | QUALITY REQUIRED | TOLERANCE PERMITTED |   |
|----------|------------------|---------------------|---|
|          |                  | PERCENT             | QUALITY   |
| GRADE AA | 80% AA           | 20%                 | A,B   |
|          |                  | WITHIN THIS 20%     | Checks<br>(9% Jumbo)  |
|          |                  | 7%                  |   |
|          |                  | 1%                  | C   |
| GRADE A  | 80% A or better  | 20%                 | B   |
|          |                  | WITHIN THIS 20%     | Checks<br>(9% Jumbo)  |
|          |                  | 7%                  |   |
|          |                  | 1%                  | C   |
| GRADE B  | 80% B or better  | 20%                 | C   |
|          |                  | WITHIN THIS 20%     | Checks  |
|          |                  | 10%                 |   |
|          |                  | 1%                  | Leakers, Dirties, or<br>Loss (of this 1%, not<br>over.5% loss due to<br>blood or meat spots)* |

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

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

**§ 1353.4. Size Standards for Individual Shell Eggs.**

The shell egg size standards for consumer grades are indicated in the following table. Tolerance for individual eggs at the next lower size is 4 percent.

| 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 |         |

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

**§ 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 cases  | 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.

Note: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27531, 27591 and 27611, Food and Agricultural Code.

**§ 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 1/4 inch in height, as follows:

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

(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.

(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 1/4 inch in height.

Note: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Section 27631, 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).

**§ 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.

Note: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Section 27631, 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).

### **§ 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.

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

### **§ 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 1/2 inch high, (2) the words "incubated fertile eggs" in letters no less than 1/4 inch high, and (3) the name and address of the producer.

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

## § 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."

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

### **§ 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.

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).

### **§ 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.

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).

### **§ 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.

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).

### **§ 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.

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).

3 CCR § 1358.3, 3 CA ADC § 1358.3

This database is current through 3/28/14 Register 2014, No. 13

#### **§ 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.

Note: Authority cited: Sections 407 and 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).

#### **§ 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.

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).

### **§ 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.

| <b>Table "A" Administrative Penalty Schedule for Egg Quality Control</b> |                                 |   |  |                               |                                 |
|--|---------------------------------|---|--|-------------------------------|---------------------------------|
| <b>Food and Agricultural Code</b>  | <b>Title 3, Cal. Code. Reg.</b> | <b>Description of Section Violated</b>  | <b>Minor \$50-\$400 or notice of warning</b> | <b>Moderate \$401-\$1,000</b> | <b>Serious \$1,001-\$10,000</b> |
| 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 <sup>st</sup> violation       |
| 27632  |                                 | Misrepresenting eggs to be product of this state.   |  | 1 <sup>st</sup> violation     | 2 <sup>nd</sup> violation       |
| 27633  | 1358.3                          | Acting as egg handler without registering   |  | 1 <sup>st</sup> violation     | 2 <sup>nd</sup> violation       |
| 27634  |                                 | Unauthorized use of name, trademark, or trade name.   | 1 <sup>st</sup> violation                    | 2 <sup>nd</sup> violation     | 3 <sup>rd</sup> 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 <sup>st</sup> violation     | 2 <sup>nd</sup> violation       |
| 27637  |                                 | False, deceptive, or misleading representation.   |  | 1 <sup>st</sup> violation     | 2 <sup>nd</sup> 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 <sup>st</sup> violation       |
| 27639  |                                 | Refusal to submit to inspections; Refusal to stop vehicle.  |  |                               | 1 <sup>st</sup> violation       |
| 27640  | 1355                            | Unauthorized moving of eggs or container having warning tag affixed; Removal of tag.  |  |                               | 1 <sup>st</sup> violation       |

|             |                                     |  |   |   |                           |
|-------------|-------------------------------------|--|---|---|---------------------------|
| 27641       | 1357;<br>1358.5                     | Preparation, delivery, or sale of nonconforming eggs or containers                 |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
|             | 1350                                | Failure to meet Shell Egg Food Safety requirements.                                |   |   | 1 <sup>st</sup> violation |
| 27643       | 1358.5                              | Temperature requirements for eggs.   |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
|             | 1352.4                              | Regraded and Repacked Eggs.  | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation                     | 3 <sup>rd</sup> violation |
| 27644       | 1352.4;<br>1354;<br>1356;<br>1356.2 | Signs and labels on eggs   |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
| 27644.5     |                                     | Signs and labels on pasteurized in-shell eggs.                                     | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation                     | 3 <sup>rd</sup> violation |
| 27651       | 1352;<br>1353;<br>1353.2;<br>1353.4 | Unlawful sale of ungraded eggs absence of finding and proclamation of emergency.   | 1 <sup>st</sup> and 2 <sup>nd</sup> violation | 3 <sup>rd</sup> violation                     | 4 <sup>th</sup> violation |
| 27652       |                                     | Authorized sale of ungraded eggs during emergency; Required marking of containers. |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
| 27661       | 1357                                | Brand name on master container; Registration requirement.                          | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation                     | 3 <sup>rd</sup> violation |
| 27662       | 1357                                | Misuse of Registered Brand at Production.  | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation                     | 3 <sup>rd</sup> violation |
| 27663       | 1357                                | Unauthorized possession of Registered Brand Master Containers.                     | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation                     | 3 <sup>rd</sup> violation |
| 27664       | 1357                                | Requirements to operate a Registered Brand Container Exchange.                     |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
| 27665       | 1357                                | Authorized licensing of Container Exchanges.                                       |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
| 27666       | 1357                                | Container Exchange service records.  | 1 <sup>st</sup> and 2 <sup>nd</sup> violation | 3 <sup>rd</sup> violation                     | 4 <sup>th</sup> violation |
| 27667       | 1357                                | Unauthorized transportation of master containers.                                  |   | 1 <sup>st</sup> violation                     | 2 <sup>nd</sup> violation |
| 27669       | 1357                                | Unlawful transportation of master containers.                                      |   | 1 <sup>st</sup> and 2 <sup>nd</sup> violation | 3 <sup>rd</sup> violation |
| 27671(a)(3) |                                     | Any person whose intentional violation of this chapter, or regulations adopted     |   |   | 1 <sup>st</sup> violation |

|       |        |   |  |                           |                           |
|-------|--------|---|--|---------------------------|---------------------------|
|       |        | 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. |  |                           |                           |
| 27680 | 1358.4 | Production records inspection.  |  | 1 <sup>st</sup> violation | 2 <sup>nd</sup> violation |
| 27684 |        | Failure to comply with audit request.   |  |                           | 1 <sup>st</sup> violation |
| 27686 |        | Refrigeration requirements for shipped eggs.  |  |                           | 1 <sup>st</sup> violation |
| 27687 |        | Shipping non-compliant eggs or failing to register before marketing.  |  | 1 <sup>st</sup> violation | 2 <sup>nd</sup> violation |
| 27688 |        | Failure to submit assessment reports as specified.  |  |                           | 1 <sup>st</sup> violation |
| 27690 |        | Itemization of all eggs brokered into California  |  |                           | 1 <sup>st</sup> 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.

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).

This database is current through 4/28/17 Register 2017, No. 17  
3 CCR § 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 purpose 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 may include, but are not limited to, causing a significant threat to shell egg food safety for shell eggs that are marketed in California and intended for human consumption; repetitive failure to comply with statutes and/or regulations for marketing shell eggs in California; mispresenting eggs not produced in California.

(2) "Moderate." Violations that may include, but are not limited to, actions that could cause a threat to shell egg food safety for eggs marketed in California and are intended for human consumption; failure to comply with statutes and/or regulations for the marketing of shell eggs in California.

(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) Any person 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 thirty (30) days of being served with notice of the Department's decision.

(e) Appellant shall submit the request for a hearing to the California Department of Food and Agriculture, Legal Office, 1220 "N" Street, Suite 400, Sacramento, California 95814.

(f) The Department shall conduct the hearing in accordance with the provisions of Title 3, California Code of Regulations, sections 1301.1 through 1301.3.

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

| <b>Table "A" Denial, Suspension or Revocation of an Egg Handler Registration Certificate</b> |                                 |   |                                  |                                     |
|--|---------------------------------|---|----------------------------------|-------------------------------------|
| <b>Food and Agricultural Code</b>  | <b>Title 3, Cal. Code. Reg.</b> | <b>Description of Violation</b>   | <b>Moderate [One year]</b>       | <b>Serious [Two or three years]</b> |
| 27541  | 1358.3                          | Egg handlers engaged in business in California and not registered with the Department.  | 2 <sup>nd</sup> violation        | 3 <sup>rd</sup> violation           |
| 27551  |                                 | Failure to pay assessment fees.   | 2 <sup>nd</sup> violation        | 3 <sup>rd</sup> violation           |
| 27553  |                                 | Failure to pay in full by established date, any fine, assessment or penalty levied by the Department.   | 2 <sup>nd</sup> violation        | 3 <sup>rd</sup> 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 <sup>nd</sup> violation        | 3 <sup>rd</sup> violation           |
| 27621  |                                 | Willful failure or refusal to stop the transportation of eggs after being notified by an enforcement officer that eggs are in violation of statutes and/or regulations relating to shell egg food safety and the marketing of shell eggs in California. |                                  | 1 <sup>st</sup> violation           |
| 27632  |                                 | Misrepresenting eggs not produced in California with a statement that they were "Produced in California".   |                                  | 1 <sup>st</sup> violation           |
| 27634  |                                 | Any person who sells eggs in containers using someone else's business, trademark, or brand name without the owner's permission.   | 2 violation in a 12-month period | 3 violations in a 12-month period   |
| 27635  |                                 | Representing or selling eggs from species other than chickens unless the containers or subcontainers of eggs are marked, as specified.  | 2 violation in a 12-month period | 3 violations in a 12-month period   |
| 27636  |                                 | Selling eggs as "fresh ranch" or "farm" when they are below Grade A quality and have been packed over 30 days.  | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> violation           |
| 27638  |                                 | Failure to comply with any lawful order of an enforcement officer or any court decision.  |                                  | 1 <sup>st</sup> violation           |

|             |        |  |                                  |                                   |
|-------------|--------|--|----------------------------------|-----------------------------------|
| 27639       |        | Refuse to submit eggs for inspection or refuse to stop for an enforcement officer when transporting eggs.  |                                  | 1 <sup>st</sup> violation         |
| 27640       |        | Removing any affixed warning tag, hold card, or notice affixed to eggs without permission upon the direction of an enforcement officer.  | 2 <sup>nd</sup> violation        | 3 <sup>rd</sup> violation         |
|             | 1350   | Failure to meet Shell Egg Food Safety Requirements.  |                                  | 1 <sup>st</sup> violation         |
| 27643       | 1358.5 | Failure to have eggs held, stored, transported, or displayed in an ambient temperature of 45 degrees or lower.   | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> violation         |
|             | 1352.4 | Nonregistered egg handlers, producers, and wholesalers, repacking eggs.  | 2 violation in a 12-month period | 3 violations in a 12-month period |
|             | 1356.2 | “Restricted eggs” are exempt from the size and quality standards as specified, and may only be sold directly to consumers subject to the limitations set forth in the regulation.  | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> violation         |
| 27644       |        | Requirements for egg handlers to sell, offer for sale, or expose for sale eggs that are packed or graded for human consumption unless certain conditions are met, as specified.  | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> violation         |
| 27651       |        | Selling eggs to any retailer, consumer or institution that have not been graded, except if an emergency has been proclaimed by the Secretary of the Department.  | 3 <sup>rd</sup> violation        | 4 <sup>th</sup> violation         |
|             | 1357   | Failure to meet Registered Brand requirements.   | 5 violations in a 3-month period | 6 violations in a 3-month period  |
|             | 1358.4 | Failure to meet records, invoices, and premises inspection requirements.   | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> 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 <sup>st</sup> violation        | 1 <sup>st</sup> violation         |
| 27690       |        | Registered brokers’ failure to meet requirements of this chapter.  | 1 <sup>st</sup> violation        | 2 <sup>nd</sup> violation         |