

**DEPARTMENT OF FOOD AND AGRICULTURE
MEAT, POULTRY AND EGG SAFETY BRANCH
EGG SAFETY AND QUALITY MANAGEMENT PROGRAM
PROPOSED REGULATIONS
ADMINISTRATIVE PENALTIES FOR EGG QUALITY CONTROL**

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, Egg Safety and Quality Management Program, proposes to adopt section 1358.6 of Subchapter 3, Chapter 1, Division 3 of Title 3 of the California Code of Regulations, to read as follows:

Section 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,” and “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 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; and/or unregistered persons marketing shell eggs in California.

(2) “Moderate.” Violations in which there is a potential for harm to the public if unregistered persons are marketing shell eggs in California or actions that could cause a threat to shell egg food safety for shell eggs marketed in California and intended for human consumption.

(3) “Minor.” Violations that are unintentional and have minimal impact upon shell egg food safety. 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.

See attached image Table A

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