

## DEPARTMENT OF FOOD AND AGRICULTURE

Meat, Poultry and Egg Safety Branch

### PROPOSED REGULATIONS

#### Repacking and Regrading Eggs

The Department of Food and Agriculture, Meat, Poultry and Egg Safety Branch, proposes to amend sections 1351 and 1358.4, and adopt new section 1352.4 of Subchapter 3, Chapter 1, Division 3 of Title 3 of the California Code of Regulations, to read as follows:

#### 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 egg, or egg meat, as unfit for human consumption.

(d) "Inedible." Any eggs of any of the following descriptions: black rots; yellow rots; white rots; mixed rots; sour eggs; green whites, stuck yolks; moldy eggs; and eggs showing embryo development at blood ring stage or beyond.

(e) "Loss." Any egg classed as "inedible"; also eggs with contents leaking, frozen, cooked, contaminated or which contain bloody whites, large blood/meat spots, or other foreign matter.

(f) "Lot." Any number of containers labeled with one size, grade, brand and code date and in one location.

(g) "Origin Grade." Standards applicable to eggs at the plant where ~~graded and packed~~ processed.

(h) "Processed." Shell eggs that have been cleaned, candled, graded, sized, and placed in containers.

(i) "Regraded." Shell eggs that have been previously processed.

(j) "Repacked." Shell eggs that are visually damaged or dirty, and removed and replaced with clean, non-damaged eggs from the same lot.

~~(h)~~ (k) "Restricted eggs." Shell eggs classed as ~~D~~dirtyies, checks, leakers, loss, inedibles, and incubator rejects.

NOTE: Authority cited: Sections 44, 407 and 27531, Food and Agricultural Code. Reference: Sections 27521 and 27531, Food and Agricultural Code.

#### Section 1352.4. Regraded and Repacked Eggs.

(a) Processing plants may regrade previously processed eggs, and use new containers and apply new Julian pack and sell-by dates. The identification number of the processing plant engaged in the regrading of eggs shall be identified on the containers.

(b) Producers and wholesalers may repack eggs into overwraps, flats, or hand sort into new containers. New containers shall be labeled with original Julian pack and sell-by dates, and the original plant identification number.

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

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

#### Section 1358.4. Records/Invoices.

(a) 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.

(b) 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.

(c) When regrading eggs, 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.

NOTE: Authority cited: Sections 407 and 27531, Food and Agricultural Code. Reference: Sections 27631, Food and Agricultural Code.