

ARTICLE 7-11 EGG REGULATIONS

Chapter
7-11-01 Farm Flock Egg Handling Requirements

CHAPTER 7-11-01 FARM FLOCK EGG HANDLING REQUIREMENTS

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7-11-01-01. Definitions.

1. "Check" means any crack in the exterior shell of an egg. Sometimes called cracked eggs.
2. "Department" means the department of agriculture.
3. "Destination" means the point other than the place of origin where eggs are offered for sale.
4. "Dirties" means eggs that have an unbroken shell with adhering dirt or other foreign material.
5. "Egg inspector" means an employee of the state of North Dakota authorized by the commissioner of agriculture, responsible for performing inspections pursuant to these rules.
6. "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent the egg contents are exposed or are exuding or free to exude through the shell.
7. "Small commercial flock" means a flock of up to three thousand laying hens.
8. "Washed eggs" means eggs which are washed and candled but are not graded to size. Grade B tolerances for checks will be allowed on these eggs.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-02. Licenses - Application for licenses.

Application for licenses must be made on forms provided by the commissioner of agriculture.

1. **Egg dealer's license.** Every person who wants access to commercial egg markets, engaged in the business of producing eggs shall first apply to and obtain from the department of agriculture an egg dealer's license. Licenses must be issued by the department upon receipt of proper application after inspection and approval of premises and equipment by an egg inspector pursuant to the rules of this article.
2. **Candler license.**

Egg dealer licenses are not transferable. New egg dealers must possess a license. License fees are ten dollars annually and must be renewed by June first of each year.

History: Effective January 1, 1993; amended effective July 1, 2019; July 1, 2024.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-03. Labeling and sales requirements.

1. **Farm flock egg handling requirements.** The farm flock egg handling requirements for egg production is a voluntary program.
2. **Temperature.** All eggs held or offered for sale must be stored in refrigerated compartments. The temperature cannot exceed forty-five degrees Fahrenheit [7.22 degrees Celsius]. This also includes temporary storage.
3. **Cartons.** Farm flock eggs offered for sale must be identified with the producer's name and address. Either blank cartons can be used or a carton with the individual farm name can be made up. Federal regulations also require the following label on all shell eggs.

SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.

4. **Pack dates.** All cartons must display a code indicating the date the eggs were packed. In addition to the pack date, the package may display a "use before" or "best before" date, but those dates may not exceed forty-five days from the pack date.

History: Effective January 1, 1993; amended effective July 1, 2019; July 1, 2024.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-04. Candling.

All eggs being offered for sale must be candled. The equipment must be of a design allowed by the department of agriculture. Hand candling is permissible.

History: Effective January 1, 1993.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-05. Egg handling.

Eggs being stored before sale must be kept in an area away from objectionable odors. The storage area must be capable of maintaining a temperature of between thirty-three and forty-five degrees Fahrenheit [.55 and 7.22 degrees Celsius].

Egg packing materials must be cleaned and well constructed. Only clean, sound, dry flats and cartons must be used. Any carton or flat that is reused must be made of washable material and shall be sanitized before being reused.

Transportation of all eggs to the point of sale must be done in a covered container.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-06. Egg cleaning.

Eggs must be washed either manually or with the aid of automatic cleaning equipment. The entire shell of all eggs may not be submerged. After washing the egg, it must be treated with a sanitizing solution and allowed to dry before packing. Clean potable water must be used in the egg-cleaning and

sanitizing process. When manually washing eggs, a wash vat can be used with the detergent. Eggs should not be allowed to soak in water. The strength of the sanitizing spray must be no less than fifty parts per million nor more than two hundred parts per million of available chlorine or its equivalent. Other sanitizers formulated in compliance with 21 Code of Federal Regulations, section 178.1010 are acceptable for use in sanitizing shell eggs provided the sanitizers are registered with the federal environmental protection agency and labeled for use on shell eggs.

History: Effective January 1, 1993; amended effective July 1, 2019; July 1, 2024.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-07. General requirements.

1. Farms selling eggs to retailers or other business establishments will need an annual water sample, if supplied by well water.
2. Inspections of farm shell egg producers must be annually unless the commissioner of agriculture determines more inspections are necessary.
3. Failure to comply with farm shell rules may result in revocation of a permit.
4. Farm shell egg producers have the right to appeal or request a hearing to reinstate an egg producer permit. The appeal process must be started within fifteen business days after permit suspension.
5. Farm shell egg producers and custom processors, custom hatcheries, and any other persons not directly buying or selling live poultry are exempt from North Dakota Century Code section 4.1-19-04.
6. Training for egg candling and grading will be provided by the department of agriculture.
7. Buildings housing egg grading and packing equipment must meet the following requirements:
 - a. Be of sound construction to prevent the entrance or harborage of vermin.
 - b. Be kept clean during grading and packing operations.
 - c. Be kept sanitary to prevent contamination of eggs during handling.
8. North Dakota shell egg production guidelines must be the same as the standards that govern the United States department of agriculture shell egg program.
9. The North Dakota department of agriculture may inspect out-of-state eggs at the retail level to assure compliance with North Dakota shell egg regulations.

History: Effective January 1, 1993; amended effective July 1, 2024.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06

7-11-01-08. Consumer grades.

1. **North Dakota consumer Grade AA at origin.** Grade AA eggs at origin must consist of eggs which are at least eighty-seven percent AA quality. The thirteen percent below AA quality may be in any combination of A or B quality. Not more than five percent checks are permitted. Not more than one-half of one percent leakers, dirties, or loss due to blood or meat spots in any combination are permitted except the loss may not exceed three-tenths of one percent. Other types of loss are not permitted. Grade AA eggs at destination may not exceed seven percent checks.

2. **North Dakota consumer Grade A at origin.** Grade A eggs at origin must consist of eggs which are at least eighty-seven percent A quality or better. Within the thirteen percent which may be below A quality, not more than one percent may be B quality due to blood spots or serious yolk defects. Grade A eggs must have no more than five percent checks. Not more than one-half of one percent may be leakers, dirties, or loss due to blood or meat spots in any combination, except that the loss may not exceed three-tenths of one percent. Other types of loss are not permitted. Grade A eggs at destination may not exceed seven percent checks.
3. **North Dakota consumer Grade B at origin.** Grade B eggs at origin must consist of eggs which are ninety percent B quality or better. Within the maximum tolerance of ten percent which may be below B quality, not more than ten percent may be checks. Not more than one-half of one percent may be leakers, dirties, or loss due to blood or meat spots in any combination, except that the loss shall not exceed three-tenths of one percent. Other types of loss are not permitted. Grade B eggs at destination cannot exceed quality factors set at the place of origin.

History: Effective January 1, 1993; amended effective July 1, 2019.

General Authority: NDCC 4.1-19-06

Law Implemented: NDCC 4.1-19-06