Selling Your Minnesota Shell Eggs

# Definitions

**Food facilities**: restaurants, caterers, school food service, institutions, day cares, community centers, churches, hospitals, health care facilities, food shelves and food banks, grocery stores, food markets, cooperatives, bakeries, convenience stores, food stands, mobile food units, warehouses, and wholesale food processors and manufacturers.
*Minnesota Rules 4626.0020 Subparts 35 and 36,* [*https://www.revisor.leg.state.mn.us/rules/?id=4626.0020*](https://www.revisor.leg.state.mn.us/rules/?id=4626.0020)

**MDA** = Minnesota Department of Agriculture

**Product of the farm**: Farm products that you grow or raise on land that you “occupy and cultivate.” Land that you “occupy and cultivate” includes land that you rent or lease, so long as you have control over the production on that land.
*Constitution of the State of Minnesota, Article 13, Section 7,* [*https://www.revisor.mn.gov/constitution/#article\_13*](https://www.revisor.mn.gov/constitution/#article_13) *.
Minnesota Statute 28A.15 Subd. 2,* [*https://www.revisor.leg.state.mn.us/statutes/?id=28A.15*](https://www.revisor.leg.state.mn.us/statutes/?id=28A.15)

**Sell; sale =** "Sell" and "sale" mean keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchanging food; having in possession with intent to sell, use, transport, negotiate, solicit, or exchange food; storing, manufacturing, producing, processing, packing, and holding of food for sale; dispensing or giving food; or supplying or applying food in the conduct of any food operation or carrying food in aid of traffic in food whether done or permitted in person or through others. *Minnesota Statute 34A.01 Subd. 12 (*[*https://www.revisor.mn.gov/statutes/?id=34A.01*](https://www.revisor.mn.gov/statutes/?id=34A.01)

# Types of Operations, Sales Locations and Customers

## Two operation sizes

1. Fewer than 3,000 laying hens. Operations of this size are exempt from registering with USDA Ag Marketing Service (AMS).
2. More than 3,000 laying hens. Operations of this size are subject to USDA AMS requirements and must register as a Producer/Packer. Contact the MDA Dairy & Food Inspection Division for more information: 651-201-6300

The remainder of this fact sheet deals with flocks of fewer than 3,000 laying hens.

## Two types of locations for sale of eggs

1. Your farm premises.

**“Farm Premises”** do not include your vehicle, a farmers’ market booth, or a farm stand if these are located away from your farm.

1. Anywhere else.

## Two types of customers

1. **Individuals**: These are consumers who will serve the product to members of their household and/or non-paying guests.
2. **Food Facilities**: Any entity receiving your product that is not an individual consumer buying food to serve to their household, is a food facility.

Regulations for sale of eggs from your farm depend on how many laying hens you have, who your customers are, and where your sales will take place.

# Licensing:

Usually, licensing and inspection go together. In the case of *product of the farm*, you are excluded from the requirement to have a license -- BUT you may still need an inspection of your facilities.

* *Product of the farm* is excluded from licensing. If you raise the hens yourself on land that you control (through ownership or rental or lease agreement), you are not required to have an MDA license in order to sell eggs.
* If you purchase or obtain eggs from other farmers to sell or offer to customers under your own label – even if you are donating your distribution efforts – you must have an MDA food handlers license. Minnesota’s definition of “sell” includes any time a product changes hands in any way.
	+ Exception: If eggs are candled, graded, packaged and labeled by another entity, you can distribute the eggs for that entity without having an MDA food handlers license.

*Minnesota Statutes 29.235,* [*https://www.revisor.leg.state.mn.us/statutes/?id=29.235*](https://www.revisor.leg.state.mn.us/statutes/?id=29.235) *Minnesota Statutes 29.26,* [*https://www.revisor.leg.state.mn.us/statutes/?id=29.26*](https://www.revisor.leg.state.mn.us/statutes/?id=29.26)

* The license required for egg collection and distribution is most often an MDA food handlers license plus an extra fee for inspection as an egg handler.

*Minnesota Statute 29.22, Egg Handlers Annual Inspection Fee; Disposition of Fees.* <https://www.revisor.leg.state.mn.us/statutes/?id=29.22>
* Some potential buyers may not be aware of what the regulations are for farmers selling eggs, and may just assume that you need a license to sell eggs from your farm. You can copy and use this fact sheet to help educate your buyers:

**Sale of Locally Raised Eggs to Food Facilities**. 2012. Minnesota Department of Agriculture, Minnesota Department of Health, University of Minnesota Extension.
[http://www.mda.state.mn.us/licensing/inspections/media/Files/food/foodsafety/eggsales.ashx](http://www.mda.state.mn.us/licensing/inspections/~/media/Files/food/foodsafety/eggsales.ashx)

* Some food facilities are not comfortable with buying from an unlicensed individual. If you are selling eggs that are product of your farm, you are excluded from licensing. You can request an inspection and inspection report from the MDA to verify that your operation is approved, and show that report to the buyer.

**Search the MDA website
for fact sheets:**

* Go to [www.mda.state.mn.us](http://www.mda.state.mn.us)
* Find the “Search” button in the upper left corner of the web page, right underneath the MDA logo.
* Type a few words of the fact sheet title into the box to the left of the “Search” button.
* Click on the “Search” button.
* The fact sheet you want should be near the top of the list of items that comes up on the web page.

Call the MDA Dairy & Meat Inspection Program to find your MDA inspector: 651-201-6300

# Registration

* If you sell eggs that were produced on your farm only to individuals and only from your farm premises, you do not need to register with the MDA.
* If you sell eggs that were produced on your farm to food facilities, OR if you sell to individuals but at locations other than your farm premises (such as at a farmers’ market), the MDA requests registration by egg producers with fewer than 3,000 laying hens. There is no fee for this registration.

Form to register as an exempt egg producer:
<http://www.mda.state.mn.us/~/media/Files/licensing/forms/ag02433eggx.pdf>

# Sale of Eggs at Locations Away from the Farm Premises

* Register with the MDA as an exempt egg producer (see “Registration” section above).
* If you are using the farmers’ market or any other location away from your farm premises as a point of sale for eggs, then you must follow the safe egg handling regulations. Eggs must be cleaned by an approved method, candled, graded, packed, labeled, stored, and transported according to the requirements in Minnesota Rules chapter 1520,
<https://www.revisor.mn.gov/rules/?id=1520&view=chapter>

*Minnesota Statutes 29.235,* [*https://www.revisor.leg.state.mn.us/statutes/?id=29.235*](https://www.revisor.leg.state.mn.us/statutes/?id=29.235) *Minnesota Statutes 29.26,* [*https://www.revisor.leg.state.mn.us/statutes/?id=29.26*](https://www.revisor.leg.state.mn.us/statutes/?id=29.26)

# Egg Handling Requirements:

* If you are only selling eggs that were produced on your own farm, to individuals, and from your farm premises; then you are exempt from the egg handling regulations listed below. HOWEVER, following these safe egg handling regulations voluntarily is a good food safety practice that will reduce your risk of selling unsafe eggs to your customers.
* You must follow the egg handling regulations in Minnesota Rules chapter 1520 for any sale of eggs to food facilities, or for any sale of eggs from locations other than your own farm premises – including farmers’ markets.
* If you have an MDA food handlers license for any reason (for example, if you also sell packaged meat with added ingredients) then you must follow the Minnesota Food Code regulations for eggs, which means you must keep the eggs at 41oF after they are candled, graded, packed and labeled.
* If you are buying and selling eggs from other farmers, there are additional documentation requirements listed in Minnesota Rules chapter 1520. You must read and follow that entire chapter, not just the excerpts shown below.

The requirements for safe handling of eggs are described in Minnesota Rules chapter 1520:
<https://www.revisor.mn.gov/rules/?id=1520&view=chapter>

These excerpts from the chapter describe the requirements for safe egg handling that a farmer must follow if selling eggs in any manner other than to individual consumers who come to the farm premises. Following these guidelines is a good practice even if you are not required to. They will help you ensure the safety of the eggs you sell.

If you are subject to these requirements, you must follow all of the requirements in Minnesota Rules chapter 1520; not just the excerpts shown below.

# [1520.0300](https://www.revisor.mn.gov/rules/?id=1520.0300)CANDLING.

Egg handlers must have equipment, adequate space, and a sanitary room darkened sufficiently to make accurate quality determinations of candled eggs. Processing operations, except when candling, must be well lighted to detect dirties, stains, and the condition of packing material.

# [1520.0400](https://www.revisor.mn.gov/rules/?id=1520.0400)STORAGE AND REFRIGERATION.

Egg handlers must have adequate space and storage facilities capable of maintaining processed eggs at a temperature of 45 degrees Fahrenheit (seven degrees centigrade) or less; or 50 degrees Fahrenheit (ten degrees centigrade) or less for unprocessed eggs. All storage and transportation facilities must be maintained in a sanitary condition. Egg handlers must transport eggs in enclosed trucks that are sanitary and capable of maintaining eggs at an ambient air temperature of 45 degrees Fahrenheit (seven degrees centigrade) or less.

**What are “Processed” Eggs?**

“Processed” in this context means unbroken shell eggs that have been cleaned, candled, graded, packed and labeled.

# [1520.0500](https://www.revisor.mn.gov/rules/?id=1520.0500)EGG CLEANING.

## Subpart 1. Protection of eggs.

Eggs must be protected from contamination through all stages of production, transportation, and processing.

## Subp. 2. Wet cleaning.

Wet cleaning of eggs using rags, sponges, or other devices to scrub or wipe the eggs by hand is prohibited.

## Subp. 3. Dry cleaning.

Dry cleaning with abrasive material reasonably free of bacterial contamination is permitted.

Subp. 4. **Washing equipment and procedures.**

Egg washing is subject to items A to J.

### Egg equipment and the surrounding area must be constructed so as to permit thorough cleaning.

### Egg equipment and the surrounding area must be maintained in a sanitary condition.

### Water used for washing eggs must be potable (drinkable) and contain less than two parts per million of iron.

### Water temperature for both washing and rinsing must be thermostatically controlled.

### The temperature of the wash water must be maintained at 90 degrees Fahrenheit (32 degrees centigrade) or above and must be at least 20 degrees Fahrenheit (11 degrees centigrade) warmer than the temperature of the eggs. The rinse water temperature must exceed the wash water temperature by at least ten degrees Fahrenheit (six degrees centigrade). Prewetting must be accomplished by spraying a continuous flow of water over the eggs in a manner that permits the water to drain away.

### Cleaning and sanitizing compounds or chemicals must be guaranteed in writing by the manufacturer as acceptable for egg washing or sanitizing.

### Washed eggs must be spray-rinsed with a sanitizing agent. The rinse must contain not less than 50 parts per million and not more than 200 parts per million of available chlorine or its equivalent.

### Washed eggs must be dry prior to cartoning or casing.

### Immersion type washers may not be used.

1. Eggs must be removed from the washing and rinsing area of the egg washer and the scanning area when there is a buildup of heat.

# [1520.0900](https://www.revisor.mn.gov/rules/?id=1520.0900)CONTAINERS AND PACKAGING MATERIAL USED IN MARKETING EGGS.

Containers, including packaging material inside the containers, must be maintained in a clean, sanitary condition.

# [1520.1300](https://www.revisor.mn.gov/rules/?id=1520.1300)QUALITY STANDARDS.

Standards of quality for shell eggs must be in accordance with the United States Department of Agriculture Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, Agricultural Marketing Service (AMS 56.200 et seq.) effective April 6, 1995.

# [1520.1400](https://www.revisor.mn.gov/rules/?id=1520.1400)WEIGHT CLASSES FOR SHELL EGG GRADES.

Weight classes for shell egg grades are set by the following table:

|  |  |  |  |
| --- | --- | --- | --- |
| Size or Weight Class | Minimum Net Weight per dozen, in ounces | Minimum Net Weight per 30 dozen, in pounds | Minimum Weight for Individual Eggs at Rate per dozen, in ounces |
|  |  |  |  |
| Jumbo | 30 | 56 | 29 |
| Extra Large | 27 | 50-1/2 | 26 |
| Large | 24 | 45 | 23 |
| Medium | 21 | 39-1/2 | 20 |
| Small | 18 | 34 | 17 |

A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds five percent.

# [1520.1500](https://www.revisor.mn.gov/rules/?id=1520.1500)INVOICES.

Every egg handler selling eggs to a retailer must give the retailer an invoice showing the grade of the eggs under part [1520.1200](https://www.revisor.mn.gov/rules/?id=1520.1200). A copy of each invoice must be maintained on file by the seller and the retailer at their places of business for 30 days and must be available for official review upon request by the commissioner.

# [1520.1600](https://www.revisor.mn.gov/rules/?id=1520.1600)LABELING.

Egg handlers offering eggs for sale to a consumer must give the grade of eggs in a manner complying with this part.

### Eggs offered for sale in cartons, bags, containers, or other package form must be plainly and conspicuously labeled in printed letters not smaller than one-quarter inch in height or plainly and conspicuously stamped and marked in letters not smaller than one-half inch in height with the product identity; the grade and size; the name and address of the producer, processor, or distributor; the words "packed for" or "distributed by" or equivalent; the statement "Perishable. Keep Refrigerated"; and the pack date and quality assurance date.

### Eggs offered for sale in bulk must be sold under a placard which states all the information in item A.

### Grade and size designations may not be abbreviated.

# [1520.1700](https://www.revisor.mn.gov/rules/?id=1520.1700)ADVERTISING.

Any advertisement of eggs for a price must plainly and conspicuously indicate the grade and size. Grade and size designations may not be abbreviated.

All reference to grades of eggs in advertising or in any other manner, either for procurement or sale of eggs, must conform to the grade and size terminology for purchase and consumer grades set in parts [1520.1100](https://www.revisor.mn.gov/rules/?id=1520.1100) to[1520.1400](https://www.revisor.mn.gov/rules/?id=1520.1400).

# [1520.1800](https://www.revisor.mn.gov/rules/?id=1520.1800)MISLEADING STATEMENTS.

No egg handler may sell, offer for sale, or advertise for sale eggs for human consumption if the package containing them, the label on the package, or any advertising accompanying them bears any statement or device which is in any way false or misleading.

# [1520.1900](https://www.revisor.mn.gov/rules/?id=1520.1900)PACK AND QUALITY ASSURANCE DATE.

## Subpart 1. Pack date.

Consumer grades of eggs must be pack dated in type not smaller than one-quarter inch capitals to indicate the date of pack. All cartons and cases must bear a pack date. Retailers who carton eggs delivered in bulk cases must label the cartons with the identical pack date on the bulk case.

## Subp. 2. Quality assurance date.

All consumer grade eggs must carry a "quality assurance date" in addition to the pack date. The pack date must be a Julian date to not confuse it with the quality assurance date. The quality assurance date must be spelled out as the month or number of the month and day, for example, "2-1" or "Feb. 1." The quality assurance date must have an explanatory clause, such as "Sell by" or "Use by," the word "Expires," or the abbreviation "Exp."

# [1520.2000](https://www.revisor.mn.gov/rules/?id=1520.2000)USE OF WORD "FRESH."

The use of the word "Fresh" is limited to eggs of grades AA, A, and B quality which are not older than 30 days from the date of candling and grading. The term "Fresh" or a similar term is not a substitute for grade designation.

|  |  |
| --- | --- |
|  | **Summary Table for Egg Sales Scenarios** |
|  | **Sales of eggs from own farm with <3,000 hens, to individuals from farm premises** | **Sales of eggs from own farm with <3,000 hens, to individuals at off-farm location** | **Sales of eggs from own farm with <3,000 hens, to food facilities**  | **Sale or distribution of eggs from other farms; you grade, pack & label** | **Sale or distribution of eggs from other farms; they grade, pack & label** |
| License | NO | NO | NO | YES | NO |
| Inspection | NO | NO | NO | YES | YES |
| Register with MDA | NO | YES | YES | NO | NO |
| Candle | SHOULD | YES | YES | YES | YES |
| Grade | SHOULD | YES | YES | YES | YES |
| Label | SHOULD | YES | YES | YES | YES |
| Package | YES | YES | YES | YES | YES |
| Refrigerate at 50o F before processing | SHOULD | YES | YES | YES | YES |
| Refrigerate at 45o F after processing  | SHOULD | YES | YES | YES | YES |
| Charge sales tax | NO | NO | NO | NO | NO |
| Sampling & demo | NO | *YES. See the sampling exemption, M.S. 28A.151.https://www.revisor.leg.state.mn.us/statutes/?id=28A.151**You must have an adequate system for cooking and sanitation in order to protect public health.*  |
| MDA jurisdiction | YES | YES | YES | YES\*\*(\*\*USDA AMS) | YES\*\*(\*\*USDA AMS) |
| MDH jurisdiction | NO | NO | NO | NO | NO |