



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE
OFFICE OF THE COMMISSIONER



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The Connecticut General Assembly
By the Connecticut Department of Agriculture**

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S.B. 802 - AN ACT CONCERNING CONNECTICUT'S EGG STATUTES

Chairmen Meyer and Gentile, Vice Chairs Maynard and Albis, Ranking Members Chapin and Shaban and members of the Environment Committee, thank you for the opportunity to testify today.

This proposal modifies CGS Sections 22-40 through 22-49, which concern eggs. The act is intended to clarify the roles of the Connecticut Department of Agriculture (DoAg) and the Connecticut Department of Consumer Protection (DCP) when it comes to regulating the sale, distribution, and grading of eggs, and to expand registration requirements to include both egg grading and distributing facilities.

This proposal has been reviewed by DCP, which has not expressed any concerns.

The United States Department of Agriculture (USDA) regulates egg grading at facilities and egg producers with flocks that exceed 3,000 birds. DoAg has the responsibility to provide regulatory oversight of producers with flocks of fewer than 3,000 birds in order to facilitate the ability of small egg producers to sell eggs through retail establishments, through distributors, or to foodservice establishments.

There are numerous hobbyists and small farmers who sell eggs in this state. DoAg has a shell egg grading program for non-USDA-inspected egg grading operations. Typically these are very small operations that wish to qualify their eggs for sale into foodservice establishments such as restaurants. (Sale of eggs directly to consumers, either at the farm or at a farmers' market, is largely exempt from regulatory oversight, except upon complaint.)

Current Connecticut law assigns the responsibility for enforcement to DCP, even though it has been DoAg's responsibility to oversee egg production and egg grading operations in this state. DCP has historically concurred that DoAg is the agency best suited for overseeing the production of eggs.

This proposal clearly defines the roles of the DoAg and the DCP regarding eggs, with DoAg responsible for those operations that produce and/or grade eggs, and DCP taking on responsibility for those establishments that distribute and retail eggs.

Egg grading at its most basic level involves examining the eggs under certain lighting—called candling—to determine the condition of the egg. Candling reveals conditions such as excessive debris on the shell, cracks, leaks, blood spots, or mold growth within the shell. During candling, the examiner (candler) rejects eggs which do not meet standards based on his or her observations. In large operations this examination is done by machine; in small operations it is done by hand.

The DoAg's current program largely mimics USDA's program, but the state regulations are outdated. The DoAg proposes to adopt current USDA shell egg, grade, and weight standards for chicken eggs offered for sale in this state. This would provide uniformity between states, provide the DCP with the appropriate standards they would apply at retail and wholesale establishments, and provide the DoAg with the appropriate standards to apply to producers who grade eggs.

Since the USDA standards are slightly different for eggs in the distribution chain versus eggs at the farm or grading facility, we believe this is prudent. This proposal also provides for better oversight of the entire egg distribution chain, enhancing both the DoAg's and the DCPs food safety missions.

This proposal also expands state registration requirements to include both egg grading and distributing facilities of all sizes. Currently only facilities that grade eggs are required to be registered, and only chicken eggs are graded (other bird eggs must simply be clean, unadulterated, stored at the proper temperatures, and properly labeled). Connecticut presently has four registered egg grading facilities.

This proposal establishes minimal standards for bird eggs other than chicken eggs that are sold for human consumption (duck, quail etc.). These standards ensure adherence to minimum food safety measures such as storage temperatures and a mechanism for action when these eggs are suspected of adulteration.

Currently there is no fee for registering an egg grading or distribution facility. The proposal includes a graduated fee system starting with a \$20/year fee for the smallest operations. The proposed annual permit fee structure for a facility grading, processing or handling eggs is as follows:

- \$20/year for fewer than 6,000 dozen eggs per year
(roughly equates to a maximum flock size of between 200-250 birds)
- \$100/year for between 6,000 dozen and 30,000 dozen eggs per year.
(roughly equates to between 250 and 1,000 birds)

- \$300/year for between 30,000 dozen and 150,000 dozen eggs per year (roughly equates to between ~1,000 and ~5,000 birds)
- \$400/year for more than 150,000 dozen eggs per year.

The volume of eggs would be self-reported at the time of registration and would apply to distributors and producers who grade eggs.

Egg producers who sell directly to consumers (from the farm or a farmers' market) are exempt from all the provisions of CGS Sections 22-40 through 22-49 provided they meet the conditions of CGS Section 22-47, and that the eggs are unadulterated, clean, and meet minimal labeling and storage temperature requirements. Both the DCP and the DoAg have agreed these requirements apply in the rare instance a complaint is made involving eggs sold directly to consumers by a producer.

This proposal continues the existing registration and inspection exemption for egg producers who sell directly to consumers (CGS Section 22-47), but adds language to make it clear they still must meet minimal food safety requirements.

Some additional language that was worked out between agencies has been inadvertently omitted in the transmission of the Department's proposal and we will continue to work with the Committee to further refine the proposal.

Sec. 22-48a. [Egg-grading plants. Registration. Permit. Each person, firm or corporation operating an egg-grading plant in Connecticut, which engages in receiving eggs from Connecticut producers for processing, distribution or sale, shall register with the Commissioner of Agriculture in a manner and on forms prescribed and furnished by the commissioner. Such registration shall be renewed annually during the month of October. Such registered person, firm or corporation shall not receive eggs for processing without a permit from the commissioner. Each person, firm or corporation so registered shall keep on file a list of all producers from which eggs are received.]

(a) For the purposes of this part (1) "Egg-grading plant" means a person, firm or corporation who engages in grading, washing or packing eggs in this state; (2) "Egg distributor" means a person firm or corporation in this state who receives packaged eggs and distributes them in the original packaging to institutional, wholesale or retail establishments; (3) "Shell egg" means an egg still in the shell; and (4) "Egg" means a shell egg.

(b) Each person, firm or corporation operating an egg grading plant in this state shall register with the Commissioner of Agriculture in a manner and on forms prescribed and furnished by the Commissioner of Agriculture. Such registration shall be renewed annually during the month of October. Each location where eggs are washed, graded or packed in the final container shall be registered separately. Such registered person, firm or corporation shall not receive, distribute, process or offer eggs for sale without a permit.

(c) Each person, firm or corporation distributing eggs in this state shall register with the Commissioner of Consumer Protection in a manner and on forms prescribed and furnished by the Commissioner of

Consumer Protection. Each location where eggs are stored shall be registered separately. Such registered person, firm or corporation shall not receive, distribute, process or offer for sale shell eggs without a permit.

(d) Registrations of egg grading plants and egg distributors shall be renewed annually during the month of October. The registration and renewal fee for an egg-grading plant or egg distributor shall be one hundred dollars for firms processing or handling less than thirty thousand dozen eggs a year, two hundred dollars for firms processing or handling between thirty thousand and less than ninety thousand dozen eggs a year and three hundred dollars for firms processing or handling ninety thousand dozen eggs a year or more.

(e) Each person, firm or corporation registered pursuant to this section shall at all times keep on file a list of all sources from which eggs are received and a list of all accounts to which eggs are sold. Such list of the sources and destination of eggs shall be subject to inspection and shall be provided to the commissioner or the commissioner's designated agent upon request.

(d) Any application for registration or registration issued pursuant to this section may be refused, suspended or revoked for cause. In refusing to register or, suspending or revoking any registration issued, the Commissioner of Agriculture or the Commissioner of Consumer Protection as is applicable, shall give due consideration to compliance with any written notices of violation of this part or for any violation of the Connecticut General Statutes or the Regulations of Connecticut State Agencies concerning food storage, food handling, food sanitation, food safety, egg room sanitation, egg disinfection, egg holding, egg packing, egg storage or egg cooling requirements. No registration issued pursuant to this section shall be transferred. Any person aggrieved by an order or decision of the commissioner or the commissioner's designated agent may appeal such order or decision and request an administrative hearing, provided such appeal is in writing and received by the commissioner within ten days of the date the order or decision was received. Such administrative hearing if requested shall be held within thirty days of the date of the request. Any appeal made pursuant to this section shall be limited to whether or not the conditions or violations cited in the order existed at the time of inspection or at the time of the order.

Thank you for your time today and for your thoughtful consideration of this testimony. Please let us know if we can provide any additional information that would be helpful.