

CHAPTER 88. EGG REFRIGERATION REQUIREMENTS

- Sec.
 88.1. Definitions.
 88.2. Temperature requirements.
 88.3. Thermometers.
 88.4. Labeling.
 88.5. Labeling for certain small egg processors.
 88.6. Recordkeeping requirements.
 88.7. Unlawful conduct—penalties.

Authority

The provisions of this Chapter 88 issued under the Egg Refrigeration Law (31 P. S. §§ 300.1—300.9), unless otherwise noted.

Source

The provisions of this Chapter 88 adopted September 24, 1993, effective September 25, 1993, 23 Pa.B. 4500, unless otherwise noted.

§ 88.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Egg Refrigeration Law (31 P. S. §§ 300.1—300.9).

Ambient temperature—The temperature of the air surrounding an egg on all sides.

Case or case of consumer receptacles—A container used to carry, transport, store or segregate two or more consumer receptacles; or the standard 30, 24 or 15-dozen egg case as used in commercial practice in this Commonwealth.

Consumer receptacle—A container used for the sale of shell eggs at retail, including a paper bag, a cardboard box, a shoe box, an egg case or an egg carton.

Date of lay—The Julian date on which the eggs were produced by the domesticated fowl.

Date of process—The Julian date on which the eggs were washed and packed in containers, cases or consumer receptacles.

Distributor—A person or business entity which sells or provides food or food products to a food establishment.

Egg or shell egg—The product of domesticated fowl, enclosed in a shell, to be used for human consumption.

Egg processor or processor—A person who collects, washes or packs shell eggs for commercial sale or distribution.

Egg producer or producer—A person who owns a laying flock of domesticated fowl which produces eggs for marketing or use within this Commonwealth.

Food establishment—A food distributor, food processor, food service establishment, public eating or drinking establishment, retail food store or another person or business entity which sells, distributes, holds for distribution or prepares or packages for distribution food or food products.

Food processor—A person or business entity which manufactures or packages food products.

House of origin—The particular building, chicken house or structure at which an egg is laid.

Internal temperature—The temperature of the interior of an egg.

Julian date—The sequential number of each day of a calendar year.

Person—An individual, firm, corporation, association or another form of business entity.

Retail food store—An establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption.

§ 88.2. Temperature requirements.

(a) *Initial requirement.* Within 24 hours of being laid, an egg sold or produced within this Commonwealth shall be subjected to and maintained at an ambient temperature not to exceed 55°F. This temperature requirement shall be maintained during transport and until the egg has been washed and packed, regardless of whether the egg is in the physical possession of the flock owner, a transporter, a processor or another person.

(b) *Requirement after washing and packing.* An egg sold or produced within this Commonwealth shall be subjected to and maintained at an ambient temperature not to exceed 45°F immediately after it has been washed and packed. This temperature requirement shall remain applicable during storage or transport, and until delivery to a food establishment.

(c) *Requirements preceding use or purchase.*

(1) An egg at a food processor, retail food store, distributor or other food establishment shall be maintained at an internal temperature not to exceed 45°F until use, preparation or purchase by a consumer.

(2) Notwithstanding the 45°F internal temperature requirement described in paragraph (1), an egg to be used for food processing may be removed from refrigeration and kept in the processing area if the following conditions are met:

(i) The total time between removal of the egg from refrigeration and completion of food processing utilizing the egg does not exceed 4 hours.

(ii) The processed food reaches a minimum internal temperature of 140°F (60°C) during processing.

(d) *Exception.* The temperature requirements described in subsections (a)—(c) do not apply to a small egg processor who meets all of the following requirements. The egg processor:

- (1) Has maintained a flock of laying hens at all times during the prior 12 months, with the aggregate number of those laying hens not exceeding 3,200.
- (2) Sells or markets greater than 50% of the eggs which he produces and processes for sale or distribution within a 100-mile radius of the facility at which eggs are produced and processed.
- (3) Sells or markets eggs within 5 days of the date of lay.
- (4) Maintains each egg at an ambient temperature of 60°F or less within 24 hours of being laid, and maintains the egg at this ambient temperature until sale.
- (e) *Enforcement of certain requirements by the Department of Environmental Resources.* The Department of Environmental Resources will enforce the act with regard to public eating or drinking establishments under section 9 of the act (31 P. S. § 300.9) and at 7 Pa. Code § 78.23 (Reserved) and other applicable authority.

Cross References

This section cited in 7 Pa. Code § 88.4 (relating to labeling); 7 Pa. Code § 88.5 (relating to labeling for certain small egg processors); and 7 Pa. Code § 88.6 (relating to recordkeeping requirements).

§ 88.3. Thermometers.

Each cooler, transport vehicle, display case or other egg storage facility shall have therein an indicating thermometer accurate to plus or minus 2°F. The thermometer shall be located at the warmest point in the facility.

§ 88.4. Labeling.

- (a) *Identifying information.* Each consumer receptacle and case of consumer receptacles shall be labeled by the processor with the following information regarding the eggs contained therein:
 - (1) The plant at which the eggs were processed.
 - (2) The date of process.
 - (3) The flock of origin of the eggs.
- (b) *Coding system.* The processor may meet the requirements of subsection (a) by using a coding system, if the following conditions are met:
 - (1) A written explanation of the coding system has been submitted to the Bureau of Food Safety and Laboratory Services of the Department of Agriculture.
 - (2) The Department has issued written approval of the use of the coding system.
- (c) *Refrigeration information.*
 - (1) A consumer receptacle shall be marked in a plain and conspicuous manner on the top front panel with the words "KEEP REFRIGERATED" in letters at least 3/16 inches in height.

(2) A case of consumer receptacles shall be marked in a plain and conspicuous manner on the top and two side panels with the words "KEEP REFRIGERATED" in letters at least 2 inches in height.

(d) *Exception.* This section does not apply to a small processor who meets the criteria in § 88.2(d) (relating to temperature requirements).

§ 88.5. Labeling for certain small egg processors.

(a) *General rule.* A small egg processor who meets the criteria in § 88.2(d) (relating to temperature requirements) shall print upon each consumer receptacle and case of consumer receptacles in a clear and conspicuous manner the date of lay of the eggs contained therein. Eggs which are offered for sale from a retail bulk display shall have the date of lay and the identity of the small egg processor posted at the display in a clear and conspicuous manner.

(b) *Different dates of lay.* If eggs in a consumer receptacle, case of consumer receptacles or retail bulk display have different dates of lay, the earliest date of lay shall be used for labeling or posting purposes.

§ 88.6. Recordkeeping requirements.

(a) *Eggs processed by persons other than their producer.*

(1) An egg producer who sells or transfers eggs to a processor before washing and packing shall maintain the following records for at least 6 months from the date of lay with respect to the eggs:

- (i) The date of lay of the eggs.
- (ii) The house of origin from which the eggs were collected.
- (iii) The date and time at which the eggs were initially subjected to an ambient temperature of 55°F.
- (iv) Daily temperature records from the egg cooler for the period during which the eggs were in the possession or control of the egg producer.
- (v) The identity of the person to whom the eggs were transferred or sold for processing.

(2) An egg processor who washes and packs eggs not produced by the egg processor shall maintain the following records for at least 6 months from the date of lay with respect to the eggs:

- (i) The date of lay of the eggs.
- (ii) The flock of origin of the eggs.
- (iii) The date upon which the processor took possession of the eggs.
- (iv) The date upon which the eggs were washed and packed.
- (v) Daily temperature records from the egg cooler for the period during which the eggs were in the possession or control of the egg processor.
- (vi) The identity of the persons to whom the eggs were transferred, sold or delivered.

(b) *Eggs processed by their producer.* An egg producer who processes eggs which originate from laying flocks owned by the producer shall maintain the following records for at least 6 months from the date of lay of the eggs:

- (1) The date of lay of the eggs.
- (2) The flock of origin of the eggs.
- (3) The house of origin from which the eggs were collected.
- (4) The date and time at which the eggs were initially subjected to an ambient temperature of 55°F.
- (5) The date upon which the eggs were washed and packed.
- (6) Daily temperature records from the egg cooler for the period during which the eggs were in the possession or control of the egg processor.
- (7) The identity of the persons to whom the eggs were transferred, sold or delivered.

(c) *Availability of records.*

(1) Egg producers and egg processors who are required to keep records under this section shall make these records immediately available, upon request, to a representative of the Department or the Department of Environmental Resources.

(2) Egg producers and egg processors who are located outside of this Commonwealth and who produce or process eggs for use, marketing or sale within this Commonwealth shall maintain records in accordance with this section and shall forward the records upon request of the Department or the Department of Environmental Resources.

(d) *Small egg producers and small egg processors.* Subsections (a) and (b) do not apply to a small egg producer or egg processor who meets the criteria in § 88.2(d) (relating to temperature requirements). The small egg producers and small egg processors shall maintain documentation to evidence that they meet the criteria in § 88.2(d); and shall make this documentation available in accordance with subsection (c).

§ 88.7. Unlawful conduct—penalties.

(a) *Unlawful conduct.* A person may not sell, distribute, use or store an egg that was not at all times in conformance with the act or this chapter. Each business day during which a violation of this section occurs shall constitute a separate offense.

(b) *Penalties.* Violations of the act or this chapter are punishable under section 5 or 6(a) of the act (31 P. S. §§ 300.5 and 300.6(a)).

[Next page is 93-1.]

88-6

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