

SELLING MINNESOTA SHELL EGGS



This fact sheet is for Minnesota farmers, small-flock owners, and local food entrepreneurs who want to sell eggs. The fact sheet covers regulations for sales of eggs from your own flock of any size, as well as for sales or distribution of eggs collected from other flocks than your own.

Definitions

Eggs: Eggs from any species defined as “poultry” in Minnesota. “Poultry” means domesticated fowl; including chickens, waterfowl, and game birds, except doves and pigeons; which are bred for the primary purpose of producing eggs or meat.

Minnesota Rules 1520.5200 Subpart 21, <https://www.revisor.mn.gov/rules/1520.5200>

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.mn.gov/rules/4626.0020>

MDA: Minnesota Department of Agriculture, <https://www.mda.state.mn.us>

Product of the farm: Farm products that you grow or raise on property that you “occupy and cultivate.” Property that you “occupy and cultivate” includes property that you rent or lease, so long as you have control over the production on that property.

Constitution of the State of Minnesota, Article 13, Section 7, https://www.revisor.mn.gov/constitution/#article_13

Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.mn.gov/statutes/cite/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/cite/34A.01>

USDA-AMS: United States Department of Agriculture, Agricultural Marketing Service, <https://www.ams.usda.gov>

What Regulations? It Depends.

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

Two types of locations for sale of eggs

1. Your premises
2. Anywhere else

“Your premises” refers to your own property where you produce eggs. Any booth, stand, or vehicle set up away from your property is *not* your premises.

Two types of customers

Individuals: These are consumers who will serve the product to members of their own household and/or non-paying guests.

Food Facilities: Any entity receiving your product that is not an individual consumer buying food to serve to their own household, is a food facility.

Four operation types

Your farm might have more than one of these types of operations. You must follow the registration or licensing requirements that apply to each type of operation that you have.

1. **Fewer than 3,000 laying hens that you own:** Operations of this type are exempt from the USDA-AMS Shell Egg Surveillance program; however they are encouraged to **register** with the MDA.
2. **More than 3,000 laying hens that you own:** Operations of this type are subject to USDA-AMS requirements and must register with the USDA-AMS as a Producer/Packer.
3. **You collect, grade, pack, label and distribute eggs from other farms:** An operation of this type is subject to USDA-AMS requirements and must **register** with the USDA-AMS as a Grading Station. This type of operation must also be **licensed** by the MDA as a food handler, and will be charged the additional egg handler inspection fee.
4. **You sell or distribute eggs from other farms that have already been graded, packed and labeled by those other farms:** An operation of this type must be **licensed** by the MDA as a food handler. If the sales are retail, a food handler license is all that is needed. If sales are wholesale, there may be an additional egg handler inspection fee. Consult your inspector.

Registration

- If you sell eggs that were produced on your premises only to individuals AND only directly from your premises, you do not need to register with either the MDA or the USDA.
- If you sell eggs that were produced on your premises to food facilities, OR if you sell only to individuals but at locations other than your 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 with the MDA as an exempt egg producer can be found on the Sale of Eggs in Minnesota webpage:

<https://www.mda.state.mn.us/food-feed/sale-eggs-minnesota>

- If you sell eggs from your own flock of more than 3,000 hens; OR if you sell eggs from other farmers that you grade and pack; then you must register with the USDA.

Complying with Shell Egg Surveillance. USDA-AMS.

<https://www.ams.usda.gov/grades-standards/eggs>

USDA Shell Egg Handlers Registration Form:

<https://www.ams.usda.gov/sites/default/files/media/ShellEggHandlersForm.pdf>

Licensing

Usually, licensing and inspections 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 inspection of your facilities.

- Product of the farm is excluded from licensing. If you raise the laying flock yourself on property that you control (through ownership or rental or lease agreement), you are not required to have an MDA food handler's license in order to sell eggs.
- If you purchase or obtain eggs from other egg producers to sell or offer to customers – even if you are donating your distribution efforts – you must have an MDA food handler's license. Minnesota's definition of "sell" includes any time a product changes hands in any way.
 - If you candle, grade, package and label eggs from other egg producers, you must have an MDA food handler's license AND you must also register with USDA-AMS as an egg grading station (see the Registration section).
 - If you sell eggs from other egg producers that the other producers have already candled, graded, packaged and labeled; then you need an MDA food handler's license, but you do not need to register with the USDA-AMS.

Minnesota Statute 28A.04, License Required.

<https://www.revisor.mn.gov/statutes/cite/28A.04>

Minnesota Statutes 29.235, <https://www.revisor.mn.gov/statutes/cite/29.235>

Minnesota Statutes 29.26, <https://www.revisor.mn.gov/statutes/cite/29.26>

- The license required for egg collection, packing, and distribution is an MDA food handler license plus an extra fee for inspection as an egg handler.

Minnesota Statute 28A.05, Classification [of licenses]

<https://www.revisor.mn.gov/statutes/cite/28A.05>

Minnesota Statute 29.22, Egg Handlers Annual Inspection Fee; Disposition of Fees.

<https://www.revisor.mn.gov/statutes/cite/29.22>

- Some potential buyers may not be aware of what the regulations are for producers selling eggs and may assume that you need a license to sell eggs from your own flock. You can download and print the Safely Selling or Buying Locally Produced Eggs fact sheet from the MDA website, and use it to help educate your buyers:

2020. Minnesota Department of Agriculture. Safely Selling or Buying Locally Produced Eggs.

<https://www.mda.state.mn.us/food-feed/sale-eggs-minnesota>

- Some food facilities are not comfortable buying from an unlicensed individual. If you are selling eggs that are product of the farm, you are excluded from a food handler's license.

You can show the buyer a copy of your registration with the MDA as an exempt egg producer if you have fewer than 3,000 hens, or a copy of your registration with the USDA-AMS if you have more than 3,000 hens.

Call the MDA Dairy & Meat Inspection Program to learn more about egg grading, candling, or labeling: 651-201-6300

Sale of Eggs at Locations Away from Your Premises

- The MDA requests that you register with them as an exempt egg producer if you have fewer than 3,000 hens. You are required to register with the USDA-AMS if you have more than 3,000 hens (see "Registration" section above).
- If you are using any location away from your premises as a point of sale for eggs from your own flock, 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/1520> (See "Safe Egg Handling Requirements," below.)
- Obtain an MDA food handler's license if you want to sell eggs from other egg producers besides your own, and follow the safe egg handling regulations as well as other regulations that may apply to your license (visit the MDA Food Licensing webpage to get started: <https://www.mda.state.mn.us/food-feed/food-licenses>).

Minnesota Statutes 29.235, <https://www.revisor.mn.gov/statutes/cite/29.235>

Minnesota Statutes 29.26, <https://www.revisor.mn.gov/statutes/cite/29.26>

- Eggs must be held at 45°F or less.

Minnesota Statutes 29.23, <https://www.revisor.mn.gov/statutes/cite/29.23>

Selling Eggs Across State Lines

You can sell eggs across state lines if you meet all of the egg handling, licensing and/or registration requirements that apply to your operation in the state where you sell the eggs.

- Egg producers from other states selling into Minnesota must follow Minnesota's

requirements for egg sales.

- If you are an egg producer in Minnesota and want to sell eggs into a different state, check with the Department of Agriculture in that state for their requirements.

Safe Egg Handling Requirements:

- If you are only selling eggs that were produced on your own property, to individuals, **and from your 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 at locations other than your own premises.
- *If you are buying and selling eggs from other egg producers, there are additional documentation requirements listed in Minnesota Rules chapter 1520.*

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

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 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.

What are “Processed” Eggs?

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

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.

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.

- A. Egg equipment and the surrounding area must be constructed so as to permit thorough cleaning.
- B. Egg equipment and the surrounding area must be maintained in a sanitary condition.
- C. Water used for washing eggs must be potable (drinkable) and contain less than two parts per million of iron.
- D. Water temperature for both washing and rinsing must be thermostatically controlled.
- E. 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.
- F. Cleaning and sanitizing compounds or chemicals must be guaranteed in writing by the manufacturer as acceptable for egg washing or sanitizing.
- G. 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.

- H. Washed eggs must be dry prior to cartoning or casing.
- I. Immersion type washers may not be used.
- J. 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 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 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 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 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. 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 LABELING.

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

- A. 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.
- B. Eggs offered for sale in bulk must be sold under a placard which states all the information in item A.
- C. Grade and size designations may not be abbreviated.

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 to 1520.1400.

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 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 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.

Small-Scale Egg Washing Protocol

- Use a colander or a plastic bucket with holes cut in the bottom and sides to allow water to drain out quickly. Eggs must not be immersed in water.
- Run warm water, at least 90°F. Use an instant-read thermometer to check temperature of running water.
- Place colander or bucket of eggs under the warm running water. Use your (clean) fingers to gently loosen and rub off any soil.
- Spray each clean egg with a 100 ppm solution of chlorine bleach in water. The recipe is 1 tablespoon of bleach to 25 fluid ounces of water. Use a test strip to verify the chlorine concentration.
 - Test strips are available online for less than \$6 per 100 strips. Order the restaurant or food service grade; those will have the correct range of ppm.
 - Use plain chlorine bleach – not scented.
- Set the eggs on a sanitized drying rack to air dry; or set eggs on clean cloth towels and change towels between each batch.
- Candle and grade the eggs.

- Grade is hard to see with brown shells. If you are cleaning and packing eggs within a day or two of collecting the eggs, you are unlikely to see a decline in grade.
 - Discard any eggs with cracks or UFOs (unidentified floating objects).
- Pack the eggs into cartons, keeping sizes as even as possible within a carton. Weigh the cartons. The cartons must be identified as to small, medium, large, extra-large, or jumbo eggs; and the carton weights must fall into the allowed range for that size.
- Label the cartons. The label must include the grade and size, the pack date in Julian date format, and the “Use by:” date 30 days out from the pack date.
 - Julian date table: download from this web page, which also includes instructions on how to use the table:
<https://www.misa.umn.edu/resources/local-food-sales-resources/eggs>
- Refrigerate the eggs. The maximum storage temperature is 45°F, but the eggs will keep in better condition for longer if you store them at 41°F or lower.

Summary Table for Egg Sales Scenarios

	Sales of eggs from own farm with <3,000 hens, to individuals from your premises	Sales of eggs from own farm with <3,000 hens, to food facilities or to individuals at off-farm location	Sales of eggs from own farm with >3,000 hens	Sale or distribution of eggs from other farms; you grade, pack & label	Sale or distribution of eggs from other farms; they grade, pack & label
MDA Food Handler's License	NO	NO	NO	YES	YES
MDA Egg Inspection Fee	NO	NO	NO	YES	NO if retail YES if wholesale
Inspection	NO	NO	YES	YES	YES
Register with MDA	NO	REQUESTED	NO	NO	NO
Register with USDA-AMS	NO	NO	YES	YES	NO
Candle	RECOMMENDED	YES	YES	YES	YES
Grade	RECOMMENDED	YES	YES	YES	YES
Pack	RECOMMENDED	YES	YES	YES	YES
Label	RECOMMENDED	YES	YES	YES	YES
Refrigerate at 50o F before processing	RECOMMENDED	YES	YES	YES	YES
Refrigerate at 45o F after processing	RECOMMENDED	YES	YES	YES	YES
Charge sales tax	NO	NO	NO	NO	NO
Sampling & demo	NO	YES. <i>See the sampling exemption, M.S. 28A.151. https://www.revisor.mn.gov/statutes/cite/28A.151 You must have an adequate system for cooking and sanitation in order to protect public health.</i>			

MDA jurisdiction	YES	YES	YES** (**USDA AMS)	YES** (**USDA AMS)	YES
MDH jurisdiction	NO	NO	NO	NO	NO

Resources for More Information and Help

Minnesota Department of Agriculture; Meat, Poultry & Egg Inspection. Contact the MDA for help with any regulatory questions about eggs sales, to request registration as an exempt egg producer, or to request inspection and licensing. 651-201-6300.

<https://www.mda.state.mn.us/food-feed/meat-poultry-and-egg-inspection>

Minnesota Department of Agriculture Website.

<https://www.mda.state.mn.us/>

Minnesota Farmers Market Association. Contact MFMA for help with questions relating to sale of eggs at farmers' markets. (507) 664-9446.

<https://www.mfma.org>

Minnesota Institute for Sustainable Agriculture. Contact MISA for help with questions relating to local or regional food systems. 612-625-8235, misamail@umn.edu.

<https://www.misa.umn.edu>

University of Minnesota Extension; Animals and Livestock. Contact Wayne Martin with questions about production and marketing of eggs. 612-625-6224, marti067@umn.edu.

<https://extension.umn.edu/animals-and-livestock>