

# 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.leg.state.mn.us/rules/?id=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.leg.state.mn.us/rules/?id=4626.0020>*

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

**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>*

**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>)*

**USDA-AMS:** United States Department of Agriculture, Agricultural Marketing Service

## What Regulations? It Depends.

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.

## Two types of locations for sale of eggs

1. Your farm premises
2. Anywhere else

“Farm Premises” refers to your own acreage that you farm. Any booth, stand, or vehicle set up away from your farm acreage is *not* your farm premises.

## Two types of customers

**Individuals:** These are consumers who will serve the product to members of their 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 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.

**Fewer than 3,000 laying hens that you own:** Operations of this type are exempt from registering with USDA-AMS, but are requested to **register** with MDA as an exempt egg producer.

**More than 3,000 laying hens that you own:** Operations of this type are subject to USDA-AMS requirements and must register with USDA-AMS as a Producer/Packer.

**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.

**You distribute eggs from other farms that have been graded, packed and labeled by those other farms:** An operation of this type must be **licensed** by the MDA as a food handler, and will be charged the additional egg handler inspection fee.

## 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 either the MDA or the USDA.
- If you sell eggs that were produced on your farm to food facilities, OR if you sell only 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 with the MDA as an exempt egg producer:*  
<http://www.mda.state.mn.us/~media/Files/licensing/forms/ag02433eggx.pdf>

- 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/rules-regulations/eggs/complying>

*USDA Shell Egg Handlers Registration Form:* <https://www.ams.usda.gov/sites/default/files/media/ShellEggHandlersForm.pdf>

## 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 food handlers license in order to sell eggs.
- If you purchase or obtain eggs from other farmers to sell or offer to customers – 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.
  - o If you candle, grade, package and label eggs from other farmers, you must have an MDA food handlers license AND you must also register with USDA-AMS as an egg grading station (see the Registration section).
  - o If you sell eggs from other farmers that the other farmers have already candled, graded, packaged and labeled; then you need an MDA food handlers license but you do not need to register with USDA-AMS.

*Minnesota Statute 28A.04, License Required.* <https://www.revisor.leg.state.mn.us/statutes/?id=28A.04>

*Minnesota Statutes 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>

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

*Minnesota Statute 28A.05, Classification [of licenses]* <https://www.revisor.leg.state.mn.us/statutes/?id=28A.05>

*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 download and print this fact sheet from the MDA website, and use it to help educate your buyers:

Sale of Locally Raised Eggs to Food Facilities.

2016. Minnesota Department of Agriculture and University of Minnesota Extension.

<http://www.mda.state.mn.us/licensing/inspections/~media/Files/food/foodsafety/eggssales.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.
  - o 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 USDA-AMS if you have more than 3,000 hens.

- o 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.

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

### Search the MDA website for fact sheets:

- Go to <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.

## Sale of Eggs at Locations Away from the Farm Premises

- The MDA requests that you register with them as an exempt egg producer if you have fewer than 3,000 hens. You must 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 farm premises as a point of sale for eggs from your own farm, 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> (See "Safe Egg Handling Requirements," below.)

- Get an MDA food handlers license if you want to sell eggs from other farms than your own, and follow the safe egg handling regulations as well as other regulations that may apply to your license (check with your MDA inspector).

*Minnesota Statutes 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>*

- If you have an MDA retail food handlers license, you must hold eggs for sale at 41°F.

*Minnesota Statutes 29.23, <https://www.revisor.leg.state.mn.us/statutes/?id=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 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 at locations other than your own farm premises.
- *If you are buying and selling eggs from other farmers, 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/?id=1520&view=chapter>

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.

## **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

### **What are "Processed" Eggs?**

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

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.

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	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17

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

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.

# 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 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 License	NO	NO	NO	YES	YES
Inspection	NO	NO	YES	YES	YES
Register with MDA	NO	REQUESTED	NO	NO	NO
Register with USDA-AMS	NO	NO	YES	YES	NO
Candle	SHOULD	YES	YES	YES	YES
Grade	SHOULD	YES	YES	YES	YES
Pack	SHOULD	YES	YES	YES	YES
Label	SHOULD	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
Refrigerate at 41o F for retail sales	NO	NO	NO	YES, if MDA retail food handlers license	YES, if MDA retail food handlers license
Charge sales tax	NO	NO	NO	NO	NO
Sampling & demo	NO	YES. <i>See the sampling exemption, M.S. 28A.151. <a href="https://www.revisor.leg.state.mn.us/stautes/?id=28A.151">https://www.revisor.leg.state.mn.us/stautes/?id=28A.151</a> 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.** <http://www.mda.state.mn.us/licensing/inspections/meatpoultryegg.aspx>, 651-201-6300. Contact MDA for help with any regulatory questions about eggs sales, to request registration as an exempt egg producer, or to request inspection and licensing.

**Minnesota Department of Agriculture Website.** <http://www.mda.state.mn.us>. All fact sheets and other documents are searchable using titles; see sidebar on page 3 for instructions on searching the site.

**Minnesota Farmers Market Association.** <http://www.mfma.org>, (320) 250-5087. Contact MFMA for help with questions relating to sale of eggs at farmers' markets.

**Minnesota Institute for Sustainable Agriculture.** <http://www.misa.umn.edu>, 612-625-8235, misamail@umn.edu. Contact MISA for help with questions relating to local or regional food systems.

**University of Minnesota Extension; Alternative Livestock Systems.** <http://www.extension.umn.edu/food/small-farms/livestock/poultry/>. Contact Wayne Martin (612-625-6224, marti067@umn.edu) with questions about production and marketing of eggs.

### Minnesota Local Foods Advisory Committee

This fact sheet was created with input and oversight from the Local Food Advisory Committee (LFAC). LFAC is a forum where issues relating to local food are raised and discussed, information is shared and problem-solving between Minnesota Department of Agriculture, Minnesota Department of Health, and the local food community takes place. Contact: misamail@umn.edu, 612-625-8235. <https://www.misa.umn.edu/resources/local-food-advisory-committee>

# Wholesale Produce Dealer License

The Wholesale Produce Dealer license is handled by the Minnesota Department of Agriculture, but is a separate license from the food handler licenses. Wholesale Produce Dealer licenses provide protection to farmers in the event they go unpaid for their produce.

M.S. 27. Wholesale Produce Dealers. <https://www.revisor.leg.state.mn.us/statutes/?id=27.01>

“Produce” in the context of a Wholesale Produce Dealer license means fresh fruits and vegetables, milk, cream, perishable products made with milk or cream, poultry, and poultry products including eggs.

Certain businesses dealing with local food may need **both** a food handler license and a Wholesale Produce Dealer license.

- Generally, wholesale businesses that buy produce directly from farmers and re-sell it, or that distribute farmers’ produce for a fee or commission, need a Wholesale Produce Dealer license if they handle more than \$1,000 per month of farmers’ produce.
- Retail grocery stores that buy produce directly from farmers and re-sell it need a Wholesale Produce Dealer license if they purchase more than \$500 per month of farmers’ produce.

Multi-farm CSAs, farmers’ collaborative marketing arrangements, and farmers’ markets that distribute produce are generally not required to have a Wholesale Produce Dealer license if no commission or handling fees are charged for the distribution services. These types of arrangements are viewed by the Wholesale Produce Dealer licensing unit as partnership agreements rather than sales.

However, the MDA’s Food & Feed licensing unit defines a “sale” more broadly as any time a food item changes hands, or is stored or transported as part of the process of it changing hands, whether money is exchanged or not. This means a multi-farm collaborative marketing arrangement may still need a food handler license, even if it does not need a Wholesale Produce Dealer license.

If you might need a Wholesale Produce Dealer license, contact MDA Wholesale Produce Dealers Licensing: 651-201-6620

<https://www.mda.state.mn.us/licensing/licensetypes/wholproddealer.aspx>



Summary of differences between food handler licenses and Wholesale Produce Dealer licenses:

<b>Type of license</b>	<b>Purpose of license</b>	<b>Meaning of "Produce"</b>	<b>Meaning of "Sale"</b>
Wholesale Produce Dealer	Protect commerce: Ensure that farmers are protected in the event of non-payment for their produce.	"Produce" is defined in M.S. 27.01 Subdivision 2* as:  (1) perishable fresh fruits and vegetables; (2) milk and cream and products manufactured from milk and cream; and (3) poultry and poultry products.	A sale is when money is exchanged. A Wholesale Produce Dealer license is not required for collaborative marketing agreements in which distribution of products is done by an entity that doesn't charge a fee for the service.
Food handler	Protect food safety: Ensure that persons selling food are operating with approved facilities and according to safe food handling practices.	"Produce" refers to fruits, vegetables, edible mushrooms, herbs, and nuts. §	A "sale," according to the definition in M.S. 34.01 Subdivision 12 ‡: "... 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."
<p>* Minnesota Statute 27.01 Subd. 2. <a href="https://www.revisor.leg.state.mn.us/statutes/?id=27.01">https://www.revisor.leg.state.mn.us/statutes/?id=27.01</a>                  ‡ Minnesota Statute 34A.01 Subd. 12 <a href="https://www.revisor.mn.gov/statutes/?id=34A.01">https://www.revisor.mn.gov/statutes/?id=34A.01</a>                  § Food Safety Modernization Act – Produce Safety Rule, 21 Code of Federal Regulations 112. <a href="https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070">https://www.federalregister.gov/documents/2015/11/27/2015-28159/standards-for-the-growing-harvesting-packing-and-holding-of-produce-for-human-consumption#p-2070</a></p>			