



# Arizona Department of Agriculture

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## **FACT SHEET**

### **COMPLIANCE WITH ARIZONA POULTRY HUSBANDRY AND SANITARY EGG PROCESSING STANDARDS**

**July 2009**

To: Arizona licensed egg dealers;  
Arizona retailers of shell eggs, including foodservice and other vendors; and  
Arizona registered producers of nest run (unwashed and ungraded) eggs.

Re: Changes to Arizona law pertaining to the production of eggs sold in Arizona and  
the processing of shell eggs.

## **WHAT HAS CHANGED**

In 2008, the Arizona Legislature added the following provisions to the statutes enforced by the Arizona Department of Agriculture (ADA):

### A.R.S. § 3-710. Powers and duties; preemption

I. The department may prescribe minimum standards for egg processing plants and sanitary standards for the processing of shell eggs. The department shall establish these standards by rule. Chemicals used in egg processing plants, sanitizers used in egg processing, egg soaps, egg oil and other substances used in processing shell eggs are subject to the approval of the director.

J. The director shall adopt rules for poultry husbandry and the production of eggs sold in this state. This subsection does not apply to egg producers operating or controlling the operation of one or more egg ranches each having fewer than twenty thousand egg-laying hens producing eggs.

K. Consistency of poultry husbandry practices for the production of eggs is a statewide matter. The regulation of poultry husbandry practices related to the

production of eggs is not subject to further regulation by a county, city, town or other political subdivision of this state.

As directed by this new law, ADA has adopted rules concerning poultry husbandry and egg processing. These rules take effect October 1, 2009. A copy of the Notice of Final Rulemaking is available on ADA's website: <http://www.azda.gov>.

Text of new rules:

### **A.A.C. R3-2-907. Poultry Husbandry; Standards for Production of Eggs**

A. All egg-laying hens in this state shall be raised according to United Egg Producers Animal Husbandry Guidelines.

B. All eggs sold in this state produced by hens shall be from hens raised according to the United Egg Producers Animal Husbandry Guidelines. All eggs shall display the United Egg Producers Certified logo on their cases, cartons, and containers, or the egg dealer shall annually provide the Department with a copy of a current independent third-party audit that demonstrates that the eggs were produced by hens raised according to UEP Animal Husbandry Guidelines.

C. This rule does not apply to egg producers operating or controlling the operation of one or more egg ranches each having fewer than 20,000 egg-laying hens producing eggs and also does not apply to any hens that are raised cage-free or any eggs produced by hens that are raised cage-free.

### **R3-2-908. Sanitary Standards; Egg Processing**

All egg producers in this state shall meet the facility and sanitary operation requirements prescribed by the Regulations Governing the Voluntary Grading of Shell Eggs, 7 CFR 56, effective March 30, 2008. This material is incorporated by reference, does not include any later editions, and is available for inspection at the Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007, or at the [azda.gov](http://www.azda.gov) website.

## **HOW DO THESE CHANGES AFFECT ME?**

### **Poultry Husbandry**

Egg producers and licensed Arizona egg dealers must sell eggs in Arizona only from flocks that have been raised according to the 2008 United Egg Producers (UEP) Animal

Husbandry Guidelines for U.S. Egg Laying Flocks (Guidelines).<sup>1</sup> A producer or dealer may establish that the flocks were raised according to the Guidelines by either using the UEP Certified logo on the eggs' packaging or submitting to ADA annually an independent third-party audit demonstrating that the flocks were raised at standards meeting or exceeding all criteria in the Guidelines. For non-UEP certified companies, ADA will determine the equivalency of any alternative animal husbandry standards, by means of a written matrix, and notify it in writing of the findings. Flocks in Arizona must be raised according to the Guidelines whether or not their eggs are sold in this state.

Examples of alternative animal husbandry standards that will be compared to the Guidelines are beak trimming, molting, catching & transport, euthanasia & depopulation of houses, biosecurity, animal health, housing and space guidelines, backfilling, and feed & water access.

**These requirements do not apply to:** (1) Caged hens and eggs from flocks of less than 20,000 birds or (2) cage-free hens and their eggs.

### **Egg Processing**

Arizona egg producers must meet the facility and sanitary operation requirements for egg processing prescribed by federal regulation at 7 C.F.R. Part 56. Egg soaps, mineral oils and egg shell sanitizers used in egg processing and which come into contact with eggs are subject to ADA approval for fitness of use.

This requirement does not apply to out-of-state producers or to nest run eggs that are produced in Arizona and that are unwashed and ungraded.

### **WHO WILL NOT BE AFFECTED BY THESE CHANGES?**

As stated above, the poultry husbandry requirements do not apply to: (1) hens and eggs from flocks of less than 20,000 laying hens or (2) cage-free animals and their eggs. The egg processing requirement does not apply to nest run eggs that are unwashed and ungraded.

There are no changes for dealers who sell liquid, frozen or dried egg products. The new laws affect only the sale, production and processing of shelled chicken eggs.

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<sup>1</sup> The Guidelines are available on ADA's website and may also be mailed upon request. A complete description of the UEP animal care program, including the Guidelines, may be obtained at <http://www.uepcertified.com>.

## **WHAT WILL HAPPEN FROM JULY 2009 TO SEPTEMBER 30, 2009?**

ADA will disseminate further information as necessary. Information will also be posted on its website. ADA will hold a public meeting in Phoenix August 18<sup>th</sup>, 2009 from 10:30 am to 12:00 pm concerning the requirements. The meeting will also be posted on ADA's website. The website will also contain contact information for questions for the new requirements.

## **HOW WILL I KNOW THAT I AM IN COMPLIANCE WITH THE POULTRY HUSBANDRY REQUIREMENTS PRIOR TO THE OCTOBER 1<sup>ST</sup> ENFORCEMENT DATE?**

- **SHELLED EGGS DISPLAYING THE UEP CERTIFIED LOGO ON THE CARTONS/CONTAINERS**

ADA will consider eggs displaying the UEP Certified logo on their cases, cartons or containers in compliance with the poultry husbandry standards, unless there is evidence the eggs in question were not actually produced under the Guidelines or that the producer is not in current compliance with UEP requirements for using the logo.

- **SHELLED EGGS PRODUCED BY A UEP CERTIFIED COMPANY, BUT NOT IDENTIFIED WITH THE UEP CERTIFIED LOGO**

This category applies to companies eligible to use the UEP Certified logo, but choose not to.

Licensed dealers must demonstrate to ADA that eggs not identified with the UEP Certified logo were produced by hens raised according to the UEP Guidelines. To meet this requirement, dealers must submit to ADA: (1) a copy of a current independent third-party (e.g. USDA) audit demonstrating the producer(s) is in compliance with the UEP Guidelines and (2) a complete listing of all brand names. To ensure that ADA staff can correctly identify eggs which may be sold in Arizona, dealers may also submit carton or packing material samples. A form to record and report this information is available on ADA's website.

It is the responsibility of licensed egg dealers to notify ADA of changes to packing materials and new brand names prior to their use in Arizona. Eggs that cannot be

readily identified as being eligible for sale may be temporarily held “off sale” by inspectors until compliance with the poultry husbandry standards can be verified.

- **SHELL EGGS PRODUCED UNDER ALTERNATIVE ANIMAL HUSBANDRY STANDARDS**

This category applies to companies raising their hens under alternative animal husbandry standards that meet or exceed the UEP Guidelines in all respects.

Licensed dealers must demonstrate to ADA that the alternative animal husbandry standards used to raise hens meet or exceed the UEP Guidelines. To satisfy this requirement, dealers must submit to ADA: (1) detailed information about the alternative animal husbandry standards so ADA may determine whether the alternative standards meet or exceed the UEP Guidelines, (2) a copy of a current independent third-party (e.g. USDA) audit demonstrating the producer(s) is in compliance with the alternative animal husbandry standards, and (3) a complete listing of all brand names. To ensure that ADA staff can correctly identify eggs which may be sold in Arizona, dealers may also submit carton or packing material samples. A form to record and report this information is available on ADA’s website.

\*All licensed dealers are strongly encouraged to submit details of their alternative animal husbandry programs to ADA for pre-approval as soon as possible. For comparison, dealers may download a copy of the UEP Guidelines from ADA’s or UEP’s website. ADA will also post on its website a listing of “essential elements” of alternative animal husbandry standards. Dealers may also request ADA to send copies of these documents by fax, email or mail.

It is the responsibility of licensed egg dealers to notify ADA of changes to packing materials and new brand names prior to their use in Arizona. Eggs that cannot be readily identified as being eligible for sale may be temporarily held “off sale” by inspectors until compliance with the poultry husbandry standards can be verified.

- **SUBMISSION DEADLINE**

Dealers should submit any required information prior to October 1, 2009 to avoid their eggs being held “off sale” for non-compliance with these new requirements.

For companies submitting alternative animal husbandry programs prior to October 1, 2009, ADA will not take enforcement action against those companies' eggs while ADA is still in the process of reviewing the alternative program.

### **WHAT WILL HAPPEN IF I AM SELLING EGGS NOT IN COMPLIANCE WITH THE POULTRY HUSBANDRY STANDARDS AFTER OCTOBER 1, 2009?**

Eggs subject to the new poultry husbandry standards and not in compliance with those standards are not eligible for sale in Arizona. Those eggs will receive a hold tag, and a civil fine will be levied against the dealer.

Exception: Companies which have previously submitted alternative animal husbandry programs that are under review by ADA.

### **WHAT WILL HAPPEN TO EGGS PLACED UNDER A HOLD TAG FOR NON COMPLIANCE WITH THE POULTRY HUSBANDRY STANDARDS?**

Shell eggs retained for non-compliance with the poultry husbandry standards are not eligible to be sold in Arizona. The owner of such eggs may:

- a) Return the eggs to an out-of-state supplier.
- b) Offer the eggs for sale in another state, provided the eggs are not under a hold tag for another reason.
- c) Destroy the eggs, with the destruction verified by an ADA inspector.
- d) Send the eggs to a USDA-inspected breaking plant to convert them to any form of egg product. Shelled eggs not in compliance with the poultry husbandry requirements may not be sold to a breaking plant in Arizona.
- e) Use the eggs as animal feed.

### **Questions and answers...**

- 1) We participate in the UEP program. But some or all of the shell eggs we produce are not marked with the UEP Certified logo. Can we still sell these shell eggs in Arizona?

Yes. However, you must provide ADA with a copy of a current independent third-party audit that shows compliance with the UEP Guidelines and provide a list of brand

name(s) for which you are eligible to use the UEP Certified logo, but do not. It is also helpful to submit samples (or copies) of packing materials.

If ADA does not have documentation on file that the eggs were produced by hens raised according to the UEP Guidelines or are exempt from the poultry husbandry requirements, the eggs may be retained and held "off sale" until documentation acceptable to ADA is provided.

- 2) We sell some shell eggs with the UEP Certified logo and other shell eggs without the logo. For the eggs without the logo, the status regarding compliance with poultry husbandry standards is unknown. What about the egg brands without the logo?

Licensed dealers have the primary responsibility for insuring their products meet the poultry husbandry standards. Retailers depend upon licensed egg dealers to provide eggs that are in compliance with state law. Retailers include grocers, restaurants, food service and other companies that sell directly to consumers.

Shell eggs in Arizona, which ADA cannot verify as compliant with the poultry husbandry requirements, are subject to being removed from sale whether in the possession of a dealer or retailer. This is why it is important to have alternative animal husbandry programs and a listing of brand names you offer for sale in Arizona submitted to ADA for review before the eggs are in commerce in Arizona. It is strongly recommended that you work directly with producers or suppliers of shell eggs to your company prior to the start of enforcement on October 1, 2009.

- 3) Do "egg products" sold in Arizona have to be produced from shell eggs produced by hens raised according to the UEP Guidelines?

No. However, all (*non-exempt*) egg-laying hens in Arizona must be *raised according to the UEP Guidelines or equivalent poultry husbandry standards, so eggs supplied by Arizona producers for inclusion in egg products will necessarily be produced by hens raised according to the UEP Guidelines.*

- 4) What happens to materials we submit to ADA?

They will be maintained in ADA files as backup materials to show evidence of compliance. Only photocopies (and not original documents) should be sent to ADA. Materials submitted to ADA are *subject to disclosure to the public to the extent required under Arizona's public records law.*

5) We have shell eggs which have been retained and held "off sale" by the ADA. If we believe the eggs are in compliance with Arizona law, how can we appeal the retention?

*You should first contact Dart Easterday at 602-542-0884 or at [deasterday@azda.gov](mailto:deasterday@azda.gov) to see if the matter can be resolved quickly and informally. If that does not resolve the issue, you may submit a written request to ADA for a hearing identifying your company name and address, the action being appealed, and a concise statement of the reasons for the appeal.*

Be advised that you should not move product which has been red tagged without first notifying the ADA at 602-542-4189.

6) We submitted our alternative animal husbandry program for ADA review. How long will the review process take?

*The time it will take for ADA to complete its review of your alternative program will vary based on the amount of details you provide, how easily your program information is organized for comparison with the UEP Guidelines, how quickly you respond to questions from ADA staff concerning the program, and the number of other companies requesting review of their programs. ADA hopes to complete the review of each program within 30 days of submission.*

FOR MORE INFORMATION...

Arizona Dept of Agriculture website is located at: <http://www.azda.gov>

United Egg Producers website for certification located at: <http://www.uepcertified.com/>

Questions? Email Dart Easterday at: [deasterday@azda.gov](mailto:deasterday@azda.gov) or call at (602) 542-0884

Email Roger Ames at: [rames@azda.gov](mailto:rames@azda.gov) or call at (520) 399-5659