Arizona Department of Agriculture

1688 West Adams Street, Phoenix, Arizona 85007
Environmental Services Division – Central Licensing
FAX (602) 542-4194

NEST RUN EGG PRODUCER INFORMATION SHEET

This information is provided to assist persons wishing to produce nest run eggs in the State of Arizona. ***"Nest run eggs" are eggs which are unwashed, ungraded and unmarked as to grade and size.*** *There are no license or inspection fees to be enrolled as an nest run producer. Sales of nest run eggs may not exceed 750 dozens each calendar year, by a firm or individual. In order for eggs to be advertised as "fresh" or "local", they must be produced under inspection by the Department of Agriculture and be graded to Grade AA or Grade A standards.*

If the amount of 750 dozens produced in a calendar year is exceeded, the nest run producer must covert to a "fee paying producer". This requires packing graded eggs in the proper weight classes. It also requires a quarterly inspection fee payment to the department of agriculture. This "mill fee" is currently 3.0 mills per dozen, 9 cents for each 30 dozen case of eggs produced. This funds the inspection program.

Contact our Phoenix office Eric DeVera, Program manager at (602) 466-0086 or Roland Mader Program Administrator 602-542-0884 for more information.

Registering as a nest run producer is required by Arizona law. Although there is no license required, or payment of any fees, registering as a nest run producer allows the department and/or public health agencies to trace eggs back to the producer, in the event of an egg borne disease outbreak.

You can go online at these two locations to see the entire Arizona Egg law:

Arizona Revised Statutes, under Title 3, Chapter 5, Article 1:

http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=3

Arizona Administrative Code (Rules) under Title 3, Chapter 2, Article 9:

http://www.azsos.gov/public_services/Title_03/3-02.htm#ARTICLE%209.%20EGG%20AND%20EGG%20PRODUCTS%20CONTROL

Regulations pertaining to nest run egg producers

A.R.S. § 3-715 . Unlawful sales; unlawful designations

A. It is unlawful to sell to retailers or consumers eggs which are nest run, except that a person may sell to retailers or consumers twenty-five cases of such eggs from his own production each calendar year. Retailers may sell such eggs to consumers only if such eggs when on hand, offered for sale or placed on sale are clearly marked "**NEST RUN**". Each placard for cases, half-cases, cartons or containers of such eggs and all advertising, invoices and egg purchase tickets relating to such eggs shall likewise be clearly marked "nest run" as prescribed in this article. The total quantity of nest run eggs on hand or on sale at any time shall not exceed the total quantity of such eggs as shown on invoices or egg purchase tickets Any person who sells nest run eggs shall keep an invoice or egg purchase ticket as prescribed in section 3-718.

B. Any person proposing to sell nest run eggs shall, prior to any such sales, notify the department in writing of his intent to sell such eggs and specify his location, the number of laying hens he owns or which are or in his possession, the place of production and the general area of the state in which such eggs are to be sold.

C. It is unlawful for any person selling any portion of his daily production as graded eggs to sell any portion thereof as nest run eggs, except that any person may change his sales from graded to nest run if he notifies the department in writing prior to such change.

D. It is unlawful for any person selling any portion of his daily production as nest run eggs to sell any portion thereof as graded eggs, except that any person may change his sales from nest run eggs to graded eggs if he notifies the department in writing within five days from the date of change.

E. Any person selling nest run eggs as provided in this section shall notify the department in writing within five days from the date each calendar year his total sales of such eggs amount to twenty-five cases (*750 dozens*).

F. The department shall keep a record of all notifications made under this section.

G. It is unlawful to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese or any species of fowl other than chickens without marking the cases, half-cases, containers and subcontainers of such eggs and indicating fully by sign or placard for bulk lots the species of fowl from which such eggs were produced.
H. It is unlawful to place on open display in retail stores cases with markings or any designation of brand, size, grade or other matter which does not properly and accurately apply to the eggs placed or packed therein unless all of such markings have been removed, erased or obliterated.

3-718. Sale of eggs; invoice; deterioration of eggs below grade; exceptions

A. Every person selling eggs or egg products to a producer-dealer, dealer, retailer, manufacturer, hotel, hospital, bakery, restaurant or other eating place, or consumer shall furnish an invoice showing the date of sale, the exact quantity of eggs or egg products, size and grade of the eggs, or nest run, according to the standards prescribed pursuant to this chapter, together with the name and address of the person buying and selling the eggs. An egg purchase ticket given by a dealer or producer-dealer to a producer when the producer sells nest run eggs to such dealer or producer-dealer complies with this section. A copy of the invoice or egg purchase ticket shall be kept on file by the seller and the buyer at their respective places of business for a period of thirty days and shall be open at all reasonable times to inspection by an inspector.
B. A person having eggs marked in accordance with the invoice who keeps the eggs for such time after they are purchased as to cause them to deteriorate to a lower grade or size and then offers or exposes them for sale under the mark of the invoice grade or size violates this article.
C. No invoice shall be required on eggs when sales are made by the producer from eggs produced on the producer's premises and sold direct to the consumer.
D. No invoice shall be required on eggs sold or delivered by a retailer when selling eggs from the retailer's establishment to consumers.

***NOTE**: Nest run eggs may not be advertised or sold as "fresh eggs" or "local eggs" because **A.R.S. § 3-724** requires that eggs marked as fresh or local meet the requirement for Grade A or higher. Nest run eggs cannot meet this requirement, because they are not graded for quality.*

A.R.S. § 3-724. Misrepresentation of quality3

A. No person shall advertise or sell eggs as fresh eggs or represent them to be fresh eggs unless they meet the requirements for grade A or better.
B. No person shall advertise, represent or sell eggs as local eggs unless the eggs have been produced within this state and meet the requirements for grade A or better.

ARIZONA DEPARTMENT OF AGRICULTURE

Central Licensing
1688 W. ADAMS
PHOENIX, ARIZONA 85007
(602) 542-6408

Notice of Intent to register as an Nest run Egg Producer

I am a resident of the State of Arizona producing eggs within the State. I hereby serve notice of intention to sell my production of eggs as "nest run" eggs until such time I change my operation or exceed the exemption of 25 cases (750 dozen) per calendar year. I understand that ARS 3-715 E. requires me to notify the Department of Agriculture within 5 days of egg sales that exceed 25 cases (750 dozens) per year.

I understand that "nest run" means eggs that are unwashed and ungraded as to quality and size, and that containers of such eggs when sold to retailers shall be clearly marked "NEST RUN". An invoice or egg purchase ticket showing the date, the quantity of "nest run eggs" and the name and the address of the retailer buying and the person selling the eggs shall be left with the retailer. A copy of the invoice shall be kept on file by the seller and the buyer at their respective places of business for a period of 30 days and shall be open to inspection by the Department at all reasonable times.

I also understand that the reuse of any cartons for eggs which bears a name, a trade-mark, or a trade name, except where the user is entitled to use the name, trade-mark or trade name, is PROHIBITED and that the words "FRESH" or "LOCAL" shall not be used to advertise or sell the "nest run eggs".

_____

At the present time I own or have in my possession_____hens.

I plan to market the eggs to Retailers ( ) Consumers ( ) in the general area of _____.

_____ _____

signature date

Please type or print complete name and address:

Name:_____

Address:_____

_____

Phone No._____

If this is a rural address, please provide directions for locating.

_____

_____

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Address:_____

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Phone No._____

If this is a rural address, please provide directions for locating.

_____

_____

RETAIN ONE COPY FOR YOUR RECORDS
RETURN ONE COPY TO THE DEPARTMENT AT THE ABOVE ADDRESS