

ARIZONA DEPARTMENT OF AGRICULTURE

**SUBSTANTIVE POLICY STATEMENT**

ANIMAL SERVICES DIVISION

**Shell Egg Lot Consolidation At Retail**  
**A.R.S. § 3-701 et seq. and R3-2-901 et seq.**

**DIVISION/  
PROGRAM** ASD

SP 15-01

SIGNATURE

DATE

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

**1. BACKGROUND**

Department egg inspectors are required to enforce state laws related to egg and egg product control, including, but not limited to, the proper advertisement and sale of eggs in accordance with condition, quality, grade, and weight specifications. A.R.S. § 3-709(B).

Department statutes and rules establish requirements for egg and egg product control. See A.R.S. § 3-701 et seq. and R3-2-901 et seq.

Persons who violate state egg and egg product control regulations are subject to penalties as described in R3-2-906.

Eggs can be damaged at the retail level. Significant economic loss and food waste would occur if retailers were required to discard a whole carton when all the eggs in the carton are not damaged.

Repacking occurs when the identity of a lot of shell eggs is changed by removing them from the original container labeled by a packer and placing them into another container not labeled by the packer at the point of origin with the same grade, size, lot number, source, or brand. Repacking at the retail level has never been a satisfactory option to salvage undamaged eggs from cartons with damages eggs because the identity of the product (grade, size, source, expiration date, and pack date) are lost. Egg lots and types are intermingled and cross contamination and temperature abuse can occur. For these reasons, the Department discourages the practice of traditional repacking.

**2. PURPOSE**

The purpose is to advise the public of the Department's current interpretation of its laws regarding salvaging of undamaged eggs at the retail level and to advise the public how the Department intends to enforce egg and egg product control laws related to the salvaging of

undamaged eggs at the retail level.

### **3. POLICY**

Department laws and regulations do not expressly address processes for retailers to salvage and sell undamaged eggs from cartons with damaged eggs. However, all applicable Department regulations regarding the advertisement and sale of egg and egg products must be followed.

Due to the likelihood that repacking could result in an advertisement or sale violation and because of the sanitation and labeling issues related to repacking, the Department encourages retailers to practice lot consolidation rather than repacking. Lot Consolidation means the removal of damaged eggs from consumer labeled cartons and replacement of the damaged eggs with eggs of the same grade, size, brand, lot, and source. Lot consolidation provides an opportunity to salvage undamaged eggs in damaged cartons while maintaining product identity and integrity. When done properly, lot consolidation can be an excellent method of saving the undamaged eggs without jeopardizing consumer protection and maintaining the ability to trace back the source of the product if necessary.

Retail locations conducting lot consolidation should follow applicable facility and sanitary operation requirements prescribed by the Regulations Governing the Voluntary Grading of Shell Eggs, 7 CFR 56, effective March 30, 2008. When conducting lot consolidation, a retailer should be able to prevent cross contamination, discard cartons that have been contaminated by egg meat, maintain refrigeration, and maintain the identity of the product. Retailers should maintain a daily log with lot information including volume consolidated, grade, size, brand, lot, and source.

The Department considers retailers repacking or conducting lot consolidation in a manner other than described above to be at a greater risk of non-compliance with egg and egg product control laws and regulations. Department inspectors will be required to examine all eggs that are repackaged or consolidated in a manner other than described above and to take enforcement actions for any violations.

### **3. EFFECTIVE DATE**

This Substantive Policy Statement is effective as of the date indicated above.