

CHAPTER 1520
DEPARTMENT OF AGRICULTURE
POULTRY AND EGGS

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CANDLING AND GRADING OF EGGS

1520.0100 AUTHORITY; PURPOSE.

Parts 1520.0100 to 1520.2000 are adopted by the commissioner pursuant to Minnesota Statutes, sections 29.23 and 29.27 to preserve and protect the public health by regulating the grading, candling, cleaning, breaking, buying, and selling of eggs and egg products.

Statutory Authority: *MS s 29.27*

1520.0200 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 1520.0100 to 1520.2000, the terms defined in this part have the meanings given them.

Subp. 2. **Adulterated eggs.** "Adulterated eggs" has the meaning given in Minnesota Statutes, section 29.24.

Subp. 3. **Checks.** "Checks" means eggs that have cracks or breaks in the shell but have intact shell membranes which do not leak.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subp. 5. **Dealer.** "Dealer" means a person, firm, or corporation licensed by the department under Minnesota Statutes, section 28A.04 and subject to Minnesota Statutes, section 29.22, or a producer who offers or sells eggs directly to the consumer off the producer's premises.

Subp. 6. **Department.** "Department" means the Department of Agriculture.

Subp. 7. **Dirty.** "Dirty" means an egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

Subp. 8. **Grading.** An "at destination" grade means the grading is done where the eggs are sold at retail or consumed. An "at origin" grade means the grading is done somewhere other than the destination.

Subp. 9. **Incubator rejects.** "Incubator rejects" means eggs that have been subjected to incubation and have been removed during the hatching operation as infertile or otherwise unhatchable.

Subp. 10. **Inedible eggs.** "Inedible eggs" has the meaning given in Minnesota Statutes, section 29.24.

Subp. 11. **Leakers.** "Leakers" means eggs that have a crack or break in the shell and shell membrane to the extent that the contents are exuding or are free to exude through the shell.

Subp. 12. **Loss.** "Loss" means eggs that are unfit for human food because they are smashed or broken so that their contents are leaking, because they are overheated, frozen, or contaminated, because they are incubator rejects, or because they contain bloody whites, large meat spots, a large quantity of blood, or other foreign material.

Subp. 13. **Restricted eggs.** "Restricted eggs" means eggs that contain dirties, checks, leakers, inedibles, loss, and incubator rejects.

Statutory Authority: *MS s 29.23; 29.27*

History: 8 SR 2478

1520.0300 CANDLING.

Dealers must have adequate equipment and space and a room darkened sufficiently to make possible accurate quality determinations of the candled appearance of the eggs. The room shall be free from dirt, mustiness, foreign odors, and debris. Operations using mechanical equipment must have adequate light for all necessary procedures, including the detection of dirties, the detection of staining, and the determination of the condition of the packing material.

Statutory Authority: *MS s 29.27*

1520.0400 STORAGE AND REFRIGERATION.

Dealers must have adequate space and proper storage facilities with temperatures of 60 degrees Fahrenheit or less as required by law. All storage and transportation facilities must be maintained in a sanitary condition. Dealers must transport eggs in enclosed trucks that are sanitary and provide insulation or refrigeration necessary to maintain the quality and temperature of the eggs.

Trucks with canvas tarpaulins, blankets, or similar covers are not "enclosed" unless special permission is given when roads are officially posted for weight limits.

Statutory Authority: *MS s 29.27*

1520.0500 EGG CLEANING.

Subpart 1. Protection from soil. Eggs must, so far as reasonably possible, be protected from being soiled or dirtied by foreign matter in 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. Eggs may be washed subject to the following requirements:

A. Egg washing equipment and the surrounding area must be of such construction as to permit thorough cleaning.

B. Egg washing equipment and the surrounding area must be kept in a sanitary condition.

C. The water used in washing eggs must be potable and contain less than five parts of iron per million.

D. The water temperature for both washing and rinsing must be thermostatically controlled.

E. The temperature of the wash water must be maintained at a minimum of 90 degrees Fahrenheit and must be at least 20 degrees Fahrenheit warmer than the temperature of the eggs. The rinse water temperature must exceed the wash water temperature by at least ten degrees Fahrenheit. 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. Only approved cleaning and sanitizing compounds may be used. Refer to the United States Department of Agriculture list of compounds authorized for use under the meat, rabbit, and egg products inspection programs.

G. Washed eggs must be spray rinsed with an approved sanitizing agent. The rinse must contain at least 50 parts per million and may contain no more than 200 parts per million of available chlorine or its equivalent.

H. Washed eggs must be reasonably dry prior to cartoning or casing.

I. Washers must be operated in accordance with the manufacturer's instructions in all instances which are not in conflict with parts 1520.0100 to 1520.2000.

J. Immersion type washers may not be used.

K. All eggs must be removed from the washing and rinsing area of the egg washer and the scanning area where there may be a build up of heat when those areas are not in use.

Statutory Authority: *MS s 29.27*

1520.0600 CANDLING AND GRADING RECORDS.

Subpart 1. Bench record. A dealer must keep an accurate candling and grading record, known as a "bench record," for each patron from whom eggs are purchased on a graded basis. Candling and grading bench records must be kept in a manner sufficient to indicate that the eggs purchased by the first dealer have been candled and graded and all inedible eggs removed. Bench records, consecutively numbered, must be written in ink or other nonerasable writing and must include the following data: name and address of the dealer; name or number and address of the producer or person selling eggs; date received; number of dozen

eggs received; exact number of eggs in each Minnesota purchase grade; deductions for inedible or adulterated eggs; name or initial of candler and date candled; and dirties and checks may be identified as such or may be grouped together in one column in order to simplify record keeping.

Subp. 2. **Permanent office records.** Records must be kept in a neat and orderly manner, must be available to the commissioner at all reasonable times, and must be retained by the dealer for a period of at least 90 days after the date of purchase.

Statutory Authority: *MS s 29.27*

1520.0700 MINNESOTA PURCHASE GRADES REQUIRED.

A person buying eggs from a producer on a graded basis must do so on the basis of the purchase grades set in parts 1520.1100 to 1520.1400.

Statutory Authority: *MS s 29.27*

1520.0800 MINNESOTA CONSUMER GRADES REQUIRED.

All candled and graded eggs which are purchased for resale, sold, transferred, or consigned to consumers, dealers, brokers, retailers, or wholesalers within the state must be sold, transferred, or consigned on the basis of the consumer grades set in parts 1520.1100 to 1520.1400. All eggs sold, consigned, or transferred, except eggs sold at retail, must be accompanied by an invoice to the receiver showing the number of cases of eggs of each consumer grade in each shipment.

Statutory Authority: *MS s 29.27*

1520.0900 CONTAINERS AND PACKAGING MATERIAL USED IN MARKETING EGGS.

Any container, including the packaging material inside the container, which is unfit for the marketing of eggs due to condition or contamination must, at the discretion of the inspector and under his supervision, be rendered unusable.

Statutory Authority: *MS s 29.27*

1520.1000 IDENTIFICATION OF EGGS IN THE POSSESSION OF DEALERS.

Each case of eggs held by a dealer must be identified as to grade and size in a manner acceptable to the commissioner. Grade designation may not be abbreviated. Acceptable methods of identifying cases include stamping, marking with chalk or other legible marking, or a grade slip or label in or attached to each case. Each case or part of a case of eggs which has not been candled and graded must be identified with the producer's name and address in a manner satisfactory to the commissioner.

Statutory Authority: *MS s 29.27*

1520.1100 MINNESOTA PURCHASE GRADES.

Subpart 1. **Consumer grades.** Eggs may be purchased only on the basis of the standards of grades and weight classes established for consumer grades.

Subp. 2. **"Nest runs" or "current receipts."** Eggs may be purchased as "nest run" or "current receipts."

Subp. 3. **Restricted eggs.** All restricted eggs, must be handled in a manner conforming to the requirements of the federal Egg Products Inspection Act of 1970, regulations promulgated under that act, and Minnesota Statutes, section 29.235.

Subp. 4. **Eggs used in manufacture of food products.** All eggs used in the manufacture of food products or by a restaurant, caterer, nursing home, school, charitable organization, or similar establishment which prepares or serves food for human consumption must be of grade B or better, except for checks and dirties which may be processed for human consumption by an official egg processing plant licensed by the department.

Statutory Authority: *MS s 29.27*

1520.1200 MINNESOTA CONSUMER GRADES.

Subpart 1. Grade AA at origin. "Grade AA (at origin)" consists of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than five percent checks are permitted and not more than 0.50 percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 2. Grade AA at destination. "Grade AA (at destination)" consists of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least ten percent A quality and the remainder shall be B quality, except that within the tolerance for B quality not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than seven percent checks are permitted and not more than one percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 3. Grade A at origin. "Grade A (at origin)" consists of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than five percent, or seven percent for jumbo size, checks are permitted and not more than 0.50 percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 4. Grade A at destination. "Grade A (at destination)" consists of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than one percent may be B quality due to air cells over three-eighths inch, blood spots aggregating not more than one-eighth inch in diameter, or serious yolk defects. Not more than seven percent, or nine percent for jumbo size, checks are permitted and not more than one percent leakers, dirties, or loss due to meat or blood spots are permitted in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 5. Grade B at origin. "Grade B (at origin)" consists of eggs which are at least 90 percent B quality or better. Not more than ten percent may be checks and not more than 0.50 percent may be leakers, dirties, or loss due to meat or blood spots in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Subp. 6. Grade B at destination. "Grade B (at destination)" consists of eggs which are at least 90 percent B quality or better. Not more than ten percent may be checks and not more than one percent may be leakers, dirties, or loss due to meat or blood spots in any combination, except that loss may not exceed 0.30 percent. Other types of loss are not permitted.

Statutory Authority: *MS s 29.27*

1520.1300 QUALITY STANDARDS SPECIFICATIONS.

Specifications for standards for quality of individual shell eggs must be in accordance with the United States Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, Code of Federal Regulations, title 7, part 2856, effective December 26, 1978, as amended October 1, 1981.

Statutory Authority: *MS s 29.27*

D. checks and cracks as long as the shell membranes are not broken, provided that the eggs on which the shell membrane is broken but with no egg meat exuding therefrom may be broken; and

E. eggs stored or held for a period not to exceed 60 days from date of production.

Subp. 2. Inedible and adulterated eggs. Inedible and adulterated eggs shall not be broken including but not limited to black rots, white rots, mixed rots (addled eggs), sour eggs with green whites, bloody whites, eggs with stuck yolks, crusted yolks, moldy eggs, musty eggs, developed embryos at or beyond the blood ring stage, eggs subjected to artificial incubation, or any other eggs that are filthy, decomposed, or putrid and any eggs with conditions which make washing or breaking without contamination impossible.

Statutory Authority: *MS s 29.27*

1520.2300 SANITARY REQUIREMENTS FOR BREAKING ROOM.

Subpart 1. Breaking room sanitation. Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

Subp. 2. Doors and windows. Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. All doors leading into rooms where edible product is processed shall be of solid construction. Such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

Subp. 3. Drainage and plumbing. There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with approved traps and vents.

Subp. 4. Water supply. The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution. A certificate of potability of the water supply shall be obtained from the department.

Subp. 5. Cleaning of structures. The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

Subp. 6. Lavatory accommodations. Lavatory accommodations including but not being limited to hot and cold running water, soap, and towels shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

Subp. 7. Ventilation. Ventilation sufficient to cause a prompt and continuous removal of objectionable odors shall be provided by means of filtered air.

Statutory Authority: *MS s 29.27*

1520.2400 EQUIPMENT AND UTENSILS.

Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner, and permit easy access to all parts to ensure thorough cleaning and sanitizing. So far as is practicable all such equipment shall be made of metal or other impervious material, if the metal or other impervious material will not affect the product by chemical action or physical contact. Receptacles and packages used for shell eggs or egg products which are not fit for human food shall bear some conspicuous and distinctive identification.

Statutory Authority: *MS s 29.27*

1520.2500 PERSONNEL.

All personnel shall practice good personal hygiene. Wash hands before returning to breaking room after leaving for any reason. All workers coming into contact with liquid or frozen eggs shall wear clean, preferably white, outer garments which are not ordinarily used as street clothes. Use hair nets or equivalent. No use of tobacco, perfume, or scented cosmetics in breaking room. All persons shall be free from communicable disease. All persons engaged in the process of breaking eggs shall have normal sense of smell and color distinction.

Statutory Authority: *MS s 29.27*

1520.2600 OPERATING PROCEDURES.

All breaking equipment coming in contact with the liquid eggs shall be cleaned and sanitized at least twice daily. All breaking equipment coming in contact with reject or dirty eggs or eggs with objectionable odors shall be removed from service until cleaned and sanitized. All other equipment in breaking room must be kept clean at all times. Personnel should wash their hands often and must wash them after contact with reject or dirty eggs. All eggs with objectionable odors must be discarded in waste disposal container. Cups, knives, and trays must be removed from service until cleaned and sanitized. Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food. Shell particles and meat and blood spots falling into cup shall be removed with a clean spoon or by other approved procedures. Egg meat shall be processed in such a manner as to ensure the removal of meat spots, shell particles, and foreign materials. Liquid eggs must be strained after mixing to remove bits of shell. Can lids must be placed on cans immediately after filling can. Egg cases, fillers, flats, and filler flats shall not be brought into the breaking room unless such items are constructed of such material as will permit their thorough cleaning and sanitizing.

Statutory Authority: *MS s 29.27*

1520.2700 SANITIZING.

Sanitizing shall be accomplished by subjecting, for not less than one minute, the equipment surfaces to a hypochlorite or other approved sanitizing solution carrying a minimum initial strength of 200 parts per million of chlorine or its equivalent. The solution shall be changed whenever the strength of the solution drops to 100 parts per million of available chlorine or its equivalent.

Statutory Authority: *MS s 29.27*

1520.2800 CLEANING EGGS PRIOR TO BREAKING.

Dry cleaning or sanding followed by rinse with proper strength detergent sanitizer to effectively clean and sanitize each egg, clean warm water rinse, and drying in sanitary manner is satisfactory. Washing with proper strength detergent sanitizer to effectively clean and sanitize each egg followed by a clean warm water rinse and drying in a sanitary manner is satisfactory. When washing eggs, the temperature of the water shall be at least 20 degrees Fahrenheit warmer than the temperature of the eggs.

Statutory Authority: *MS s 29.27*

1520.2900 WASTE DISPOSAL.

Shells shall be disposed of in a sanitary manner at least at the end of each day. Rots and rejects shall be placed in an identified container containing a denaturant.

Statutory Authority: *MS s 29.27*

1520.3000 NEW CONTAINERS.

Containers shall be inspected for cleanliness. Facilities shall be available to

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wash or water-spray each can and lid prior to use. Cans shall be stored and handled in an acceptable manner. Polyethylene containers shall be sterile and stored in a manner which will insure against contamination.

Statutory Authority: *MS s 29.27*

1520.3100 USED CONTAINERS.

Egg products may be packed in used 30-pound tin containers only with the permission of the department. Such permission will be granted only when: containers are not extensively dented; lacquer inside of each can is intact; inside of can is free from rust; bottom seams are not damaged to the extent that adequate cleaning is impossible; each can and cover is clean; seams are not ripped or split; all old markings are removed; and either new lids, or lids which are as good as new, are used. The can shall be capable of being sealed sufficiently tight so that filth cannot enter the containers after the lid is in place.

Permission for the use of used cans shall be revoked at any time the requirements of this part are not met.

Statutory Authority: *MS s 29.27*

1520.3200 PASTEURIZATION OF LIQUID EGGS.

Adequate pasteurizing equipment of approved construction shall be provided so that all of the liquid egg will be processed as provided in this part. The strained or filtered liquid egg shall be flash heated to not less than 140 degrees Fahrenheit and held at this temperature for not less than 3-1/2 minutes. Any other procedure for pasteurization must be submitted in writing and approved by the department prior to use.

Statutory Authority: *MS s 29.27*

1520.3300 REFRIGERATION AND FREEZING.

Eggs to be broken for sale as frozen eggs shall be refrigerated at all times (maximum of 60 degrees Fahrenheit except during candling). Eggs broken for sale as liquid eggs (unfrozen) shall be cooled to 40 degrees Fahrenheit or lower within 90 minutes after breaking and/or pasteurization. Liquid eggs must be held at a temperature of 40 degrees Fahrenheit or lower, preferably 32 degrees Fahrenheit, and shall be utilized within two days of breaking.

Statutory Authority: *MS s 29.27*

1520.3400 LIQUID EGGS TO BE FROZEN.

All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of ten degrees Fahrenheit within 60 hours from time of draw-off and all pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of ten degrees Fahrenheit within 60 hours from time of pasteurization. Egg cans shall be stacked in a manner that will allow free air movement around the cans.

Statutory Authority: *MS s 29.27*

1520.3500 IDENTIFICATION, LABELING, AND INSPECTION.

All containers of liquid or frozen egg products shall plainly and conspicuously be identified with:

A. Identification of product such as frozen whole eggs, frozen egg yolks, etc; when whites and yolks are mixed and do not meet the requirements of part 1520.2100, they shall be labeled "mixed whites and yolks."

B. Declaration of net content (weight).

C. Name of processor or distributor.

D. Lot number or date processed. All identification and labeling information shall be applied to the container and shall not be applied to a detachable cover such as a lid.

Statutory Authority: *MS s 29.27*

1520.3600 EGG PRODUCTS CONTAINING ADDED SUBSTANCE OR INGREDIENT.

Egg products containing any added substance or ingredient such as sugar or salt shall show on the label the proper name of the product together with the percentage of the added ingredient or ingredients.

Statutory Authority: *MS s 29.27*

1520.3700 MINIMUM TOTAL SOLIDS CONTENT.

Unless otherwise stated on the label, egg products shall have minimum total solids content as follows:

- A. Liquid or frozen whole eggs, liquid or frozen mixed whole eggs, liquid or frozen mixed eggs, or "mixed whites and yolks," 24.7 percent solids;
- B. Liquid or frozen egg yolks, 43.0 percent solids; and
- C. Liquid or frozen egg whites or albumen, 12.0 percent solids.

The method used to determine egg solids shall be that method prescribed in Official Methods of Analysis of the Association of Official Agricultural Chemists.

Statutory Authority: *MS s 29.27*

1520.3750 PROCESSING.

Edible turkey, guinea, duck, and goose eggs may be processed provided they are processed separately and properly identified by labeling.

Statutory Authority: *MS s 29.27*

1520.3800 EXAMINATION OF FROZEN EGG PRODUCTS.

All frozen egg products may be examined by a state inspector by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and disposed of in a manner acceptable to the department.

Statutory Authority: *MS s 29.27*

1520.3900 BACTERIOLOGICAL EXAMINATION.

Samples of all egg products may be taken by a state inspector for bacteriological examination and analysis by the Department of Agriculture laboratory.

Statutory Authority: *MS s 29.27*

1520.4000 PASTEURIZATION REQUIREMENTS.

All egg products sold or offered for sale for human consumption in Minnesota shall be pasteurized or heat treated in a manner to render them *Salmonella* negative. This includes egg products to which ingredients are added and regardless of whether such products are sold or offered for sale in liquid, frozen, or dried form.

Statutory Authority: *MS s 29.27*

1520.4100 SAMPLING AND LABORATORY ANALYSIS.

For liquid egg products which are required to be sampled for the presence of *Salmonella*, one sample per lot of 6,000 pounds or fraction thereof shall be submitted for laboratory analysis. The sample shall be a composite consisting of product drawn from each batch comprising the lot. Such product shall be thoroughly churned prior to sampling. For continuous type operations, the sample shall be a composite consisting of product drawn from approximately each 300 pounds produced.

Laboratory analyses for the presence of *Salmonella* shall be made by a laboratory approved by the department. Continuing approval will be based on the results of confirmation samples submitted to the Minnesota Department of Agriculture laboratory.

Statutory Authority: *MS s 29.27*

owner who is participating in the plan through an agreement with the department.

Subp. 17. **Official state agency.** "Official state agency" means the state authority recognized by the United States Department of Agriculture to cooperate in the administration of the plan.

Subp. 18. **Operating year.** "Operating year" means the period from July 1 through June 30 or any portion thereof.

Subp. 19. **Person.** "Person" means a natural person, firm, or corporation.

Subp. 20. **Plan.** "Plan" means the provisions of the National Poultry Improvement Plan contained in parts 1520.5200 to 1520.7300.

Subp. 21. **Poultry.** "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.

Subp. 22. **Products.** "Products" means poultry breeding stock, hatching eggs, baby poultry, and started poultry.

Subp. 23. **Started poultry.** "Started poultry" means young poultry (chicks, pullets, cockerels, capons, ducklings, goslings, keets, etc.) that have been fed or watered and are less than six months of age.

Subp. 24. **State.** "State" means any state, the District of Columbia, or Puerto Rico.

Subp. 25. **State inspector.** "State inspector" means any person employed or authorized by the department to do inspection work under this program.

Subp. 26. **Stock.** "Stock" is a term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

Subp. 27. **Strain.** "Strain" means poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

Subp. 28. **Trade name or number.** "Trade name or number" means a name or number compatible with state and federal laws and regulations applied to a specific stock or product thereof.

Subp. 29. **USDA.** "USDA" means the United States Department of Agriculture.

Subp. 30. **Waterfowl.** "Waterfowl" means domesticated fowl that normally swim, such as ducks and geese.

Statutory Authority: *MS s 29.021*

1520.5300 ADMINISTRATION.

As authorized by Minnesota Statutes 1971, chapter 29, the department cooperates with the United States Department of Agriculture through a memorandum of understanding in the administration of the plan. The department cooperatively with the board, shall carry out the administration of the plan within the state of Minnesota according to the applicable provisions of the plan and memorandum of understanding.

Statutory Authority: *MS s 29.021*

1520.5310 AFFILIATED FLOCK LOCATED IN ANOTHER STATE.

The department may accept for participation an affiliated flock located in another state under a mutual understanding and agreement between the two official state agencies regarding conditions of participation and supervision.

Statutory Authority: *MS s 29.021*

1520.5320 ADMINISTRATION OF PLAN IN MINNESOTA.

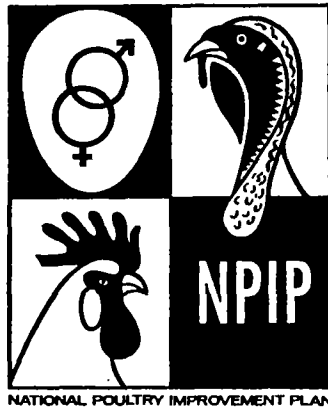
The department may adopt rules applicable to the administration of the plan

in the state of Minnesota further defining the provisions of the plan or establishing higher standards compatible with the plan.

Statutory Authority: *MS s 29.021*

1520.5400 PARTICIPATION.

Any person producing or dealing in poultry products may participate in the plan when he has demonstrated, to the satisfaction of the department and the board that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the plan; and signed an agreement with the department and the board to comply with the general and the applicable specific provisions of the plan and any rules of the department adopted in accordance with part 1520.5320. Affiliated flock owners may participate without signing an agreement with the department. Each participant shall comply with the plan throughout the operating year of the department, or until released by the commissioner and the executive officer of the board. A participant shall participate with all of his poultry hatching egg supply flocks and hatchery operations within the state. No person shall be compelled by the department to qualify products for the classifications described in part 1520.7200, item A, as a condition of qualification for participation in the plan. Participation in the plan shall entitle the participant to use the plan emblem reproduced below.



Statutory Authority: *MS s 29.021*

1520.5500 GENERAL PROVISIONS FOR ALL PARTICIPANTS.

Records of purchases, sales, eggs set, hatchability, and the identity of products handled shall be maintained in a manner satisfactory to the department. The purchaser shall keep on file for each lot of eggs or chicks purchased an invoice or NPIP 15 from the seller stating the seller's name, address, date of shipment, quantity, breed, and pullorum classification thereof. Products and the sales and purchases thereof, records of eggs set, hatchability, and material used to advertise products shall be subject to inspection by the department at any time.

Statutory Authority: *MS s 29.021*

1520.5600 ADVERTISING.

Advertising must be in accordance with the plan, and applicable rules and regulations of the department and the Federal Trade Commission. A participant

1520.5600 POULTRY AND EGGS

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advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

Statutory Authority: MS s 29.021

1520.5700 PRODUCTS FROM NONPARTICIPANTS.

Participants may not buy or receive for any purpose products from nonparticipants, or sell products of nonparticipants, except with the permission of the department and the board for use in breeding flocks or for experimental purposes.

Statutory Authority: MS s 29.021

1520.5800 MINIMUM EGG WEIGHT.

The minimum weight of chicken hatching eggs sold shall be 1-11/12 ounces each for replacement stock and 1-10/12 ounces each for broiler stock, except as otherwise specified by the purchaser of the eggs.

Each shipment of products to points outside the continental United States shall be accompanied by a properly executed Form NPIP-15F, Report of Sales of Hatching Eggs, Chicks, and Poults (For Shipment Outside the United States).

Statutory Authority: MS s 29.021

1520.5900 SPECIFIC PROVISIONS FOR PARTICIPATING FLOCKS.

Poultry houses and the land in the immediate vicinity thereof shall be kept in a sanitary condition acceptable to the department. The participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks in a manner acceptable to the department and the board. All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent. A flock shall be deemed to be a participating flock when it meets all requirements of the department and in addition, has been officially qualified for a Minnesota-U.S. pullorum-typhoid clean classification by the board. Each bird shall be identified with dye or an approved and sealed numbered band obtained from the department.

Statutory Authority: MS s 29.021

1520.6000 SPECIFIC PROVISIONS FOR PARTICIPATING HATCHERIES.

Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the department. The minimum requirements with respect to sanitation shall include the following: incubator walls, floors, and trays shall be kept free from broken eggs and egg shells; tops of incubators and hatchers shall be kept clean (not used for storage); entire hatchery, including sales room, shall be kept in a neat, orderly condition and free from accumulated dust; hatchery residue such as egg shells, infertile eggs, and dead germs shall be disposed of promptly; hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch.

Statutory Authority: MS s 29.021

1520.6100 MINIMUM REQUIREMENTS FOR BROODER ROOMS.

A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the department. The minimum requirements with respect to brooder rooms shall include the following: Brooder rooms shall be separated from the incubator room by a solid partition preferably with an outside entrance; doors opening from the brooder room into any incubator area shall be kept closed at all times except when in actual use. Tops of battery brooders shall be kept clean (not used for storage). Walls, ceilings, and floors shall be kept clean at all times. Ventilation system shall be separate from the incubator room ventilation system.

Dead chicks, droppings, and other refuse shall be removed and disposed of promptly.

Statutory Authority: *MS s 29.021*

1520.6200 POULTRY OFFERED FOR SALE.

All poultry offered for sale under plan terminology shall be normal and typical of the breed and variety, cross, or other combination represented.

Statutory Authority: *MS s 29.021*

1520.6300 INCUBATED EGGS.

Eggs incubated shall be sound in shell, typical for the breed and variety, strain, or cross thereof and reasonably uniform in shape. Hatching eggs shall be trayed and the poultry boxed with a view to uniformity of size.

Statutory Authority: *MS s 29.021*

1520.6400 HATCHERIES OPERATED UNDER SAME OWNERSHIP OR MANAGEMENT.

All hatcheries within a state which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the plan if any of them are to participate.

Statutory Authority: *MS s 29.021*

1520.6500 SPECIFIC PROVISIONS FOR PARTICIPATING DEALERS.

Dealers in poultry breeding stock or hatching eggs or poultry shall comply with all provisions in parts 1520.5200 to 1520.7300 which apply to their operations.

Statutory Authority: *MS s 29.021*

1520.6600 SUPERVISION.

The department may designate qualified persons as authorized agents to do the selecting work provided for in parts 1520.5900 and 1520.7200. The department shall employ or authorize qualified persons as state inspectors to perform or supervise the performance of the selecting of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the plan. Authorities issued under the provisions of this part shall be subject to cancellation by the official state agency on the grounds of incompetence or failure to comply with the provisions of the plan or rules of the official state agency. Such actions shall not be taken until a thorough investigation has been made by the official state agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

Statutory Authority: *MS s 29.021*

1520.6700 INSPECTIONS.

Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the department that the operations of the hatchery are in compliance with the provisions of the plan. Each year a sample of the flocks selected by each authorized agent shall be inspected by a state inspector. This must include the inspection of a minimum of 15 percent of the flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females to determine whether the work of the authorized agent was satisfactory and that the flock is qualified for participation.

Statutory Authority: *MS s 29.021*

1520.6800 DEBARMENT FROM PARTICIPATION.

Noncompliance with the provisions of the plan or rules of the department not corrected within the time specified by the department shall be grounds for the department to bar a participant from further participation for a period to be determined in each case by the department. Such action shall not be taken until thorough investigation has been made by the department and the participant has been given an opportunity for a hearing.

Statutory Authority: *MS s 29.021*

1520.6900 GENERAL TERMINOLOGY AND CLASSIFICATION.

The official classification terms defined in parts 1520.7100 and 1520.7200 and the various designs illustrative of the official classifications may be used only by those who are participating in the plan with both the department and the board and to describe products that have met all the specific requirements of such classifications. Products produced under the plan shall lose their identity under plan terminology when they are purchased for resale by or consigned to nonparticipants.

Statutory Authority: *MS s 29.021*

1520.7000 STRAIN OR TRADE NAME.

Participating flocks and the eggs and poultry produced from them may be designated by their strain or trade name. When a breeder's name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either birds hatched from eggs produced under the direct supervision of the breeder of such strain or stock multiplied by persons designated and so reported by the breeder to each official state agency concerned.

Statutory Authority: *MS s 29.021*

1520.7100 HATCHERIES AND DEALERS TERMINOLOGY AND CLASSIFICATION.

Participating hatcheries and dealers shall be designated as "Minnesota national plan hatchery" and "Minnesota national plan dealer" respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the USDA. This number may appear on each invoice and shipping label for each separate sale of products. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the plan.

Statutory Authority: *MS s 29.021*

1520.7200 FLOCKS AND PRODUCTS TERMINOLOGY AND CLASSIFICATION.

Participating flocks and the eggs and poultry produced from them which have met the respective requirements specified in this section may be designated by the following terms or their illustrative designs: Minnesota-U.S. approved; all males and females selected by authorized agents according to standards prescribed by the department and the Department of Animal Science, University of Minnesota Institute of Agriculture and such standards are approved by the USDA.



Statutory Authority: *MS s 29.021*

1520.7300 FEES AND CHARGES.

The fees for inspection and supervision, and charges for supplies to be paid to the department in connection with participation in the plan shall be as follows.

A. Annual minimum fees: hatcheries, \$15; dealers, \$15; independent flocks, \$5.

The annual minimum fee for hatcheries, dealers, and independent flocks shall be paid at the time the agreement for participation is submitted to the department.

B. Capacity fees: 50 cents per 1,000 egg capacity actually used, including incubators and hatchers to 200,000 capacity; and 25 cents per 1,000 egg capacity actually used, including incubators and hatchers, for that capacity in excess of 200,000 egg capacity provided that the annual minimum hatchery fee shall be deducted from the capacity fee in the final accounting for the operating year. The capacity fee shall be paid to the department on or before June 30 of each operating year.

C. Aluminum leg bands, \$8 per 1,000 bands. When dye is used in lieu of bands to identify birds in supply flocks, the fee shall be \$8 per 1,000 birds retained in such flocks.

The participant shall furnish transportation or reimburse the state for transportation for the state inspector on flock inspection work.

Statutory Authority: *MS s 29.021*