

**CHAPTER 1520  
DEPARTMENT OF AGRICULTURE  
POULTRY AND EGGS**

	<b>CANDLING AND GRADING OF EGGS</b>	1520.5320	ADMINISTRATION OF PLAN IN MINNESOTA.
1520.0200	DEFINITIONS.	1520.5400	PARTICIPATION.
1520.0300	CANDLING.	1520.5500	GENERAL PROVISIONS FOR ALL PARTICIPANTS.
1520.0400	STORAGE AND REFRIGERATION.	1520.5600	ADVERTISING.
1520.0500	EGG CLEANING.	1520.5700	PRODUCTS FROM NONPARTICIPANTS.
1520.0600	CANDLING AND GRADING RECORDS.	1520.5800	MINIMUM EGG WEIGHT.
1520.0700	EGGS PURCHASED FROM A PRODUCER.	1520.5900	SPECIFIC PROVISIONS FOR PARTICIPATING FLOCKS.
1520.0800	GRADED EGGS PURCHASED FOR RESALE.	1520.6000	SPECIFIC PROVISIONS FOR PARTICIPATING HATCHERIES.
1520.0900	CONTAINERS AND PACKAGING MATERIAL USED IN MARKETING EGGS.	1520.6100	MINIMUM REQUIREMENTS FOR BROODER ROOMS.
1520.1000	IDENTIFICATION OF EGGS IN THE POSSESSION OF EGG HANDLERS.	1520.6200	POULTRY OFFERED FOR SALE.
1520.1100	MINNESOTA PURCHASE GRADES.	1520.6300	INCUBATED EGGS.
1520.1200	MINNESOTA CONSUMER GRADES.	1520.6400	HATCHERIES OPERATED UNDER SAME OWNERSHIP OR MANAGEMENT.
1520.1300	QUALITY STANDARDS.	1520.6500	SPECIFIC PROVISIONS FOR PARTICIPATING DEALERS.
1520.1400	WEIGHT CLASSES FOR SHELL EGG GRADES.	1520.6600	SUPERVISION.
1520.1500	INVOICES.	1520.6700	INSPECTIONS.
1520.1600	LABELING.	1520.6800	DEBARMENT FROM PARTICIPATION.
1520.1700	ADVERTISING.	1520.6900	GENERAL TERMINOLOGY AND CLASSIFICATION.
1520.1800	MISLEADING STATEMENTS.	1520.7000	STRAIN OR TRADE NAME.
1520.1900	PACK AND QUALITY ASSURANCE DATE.	1520.7100	HATCHERIES AND DEALERS TERMINOLOGY AND CLASSIFICATION.
1520.2000	USE OF WORD "FRESH."	1520.7200	FLOCKS AND PRODUCTS TERMINOLOGY AND CLASSIFICATION.
	<b>MINNESOTA-NATIONAL POULTRY IMPROVEMENT PLAN</b>		
1520.5200	DEFINITIONS.		
1520.5300	ADMINISTRATION.		
1520.5310	AFFILIATED FLOCK LOCATED IN ANOTHER STATE.		

1520.0100 [Repealed, 19 SR 75]

**CANDLING AND GRADING OF EGGS**

**1520.0200 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part and in Minnesota Statutes, section 29.21, apply to parts 1520.0200 to 1520.2000.

Subp. 2. [Repealed, 19 SR 75]

Subp. 3. [Repealed, 19 SR 75]

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

Subp. 5. [Repealed, 19 SR 75]

Subp. 6. [Repealed, 19 SR 75]

Subp. 7. [Repealed, 19 SR 75]

Subp. 8. [Repealed, 19 SR 75]

Subp. 9. [Repealed, 19 SR 75]

Subp. 10. [Repealed, 19 SR 75]

Subp. 11. [Repealed, 19 SR 75]

Subp. 12. [Repealed, 19 SR 75]

Subp. 13. [Repealed, 19 SR 75]

Subp. 14. **Pack date.** "Pack date" means the date of candling and grading.

## 1520.0200 POULTRY AND EGGS

852

Subp. 15. **Quality assurance date.** "Quality assurance date" means any date after which the manufacturer or processor reasonably determines that the product may, by spoilage, wiltage, drying, or any other foreseeable and natural phenomenon, lose its palatability or its desired or nutritive properties.

**Statutory Authority:** *MS s 29.23; 29.27; 31.11*

**History:** *8 SR 2478; 19 SR 75*

## 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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 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.

**Statutory Authority:** *MS s 29.27; 31.101; 31.11*

**History:** *19 SR 75; 27 SR 168*

## 1520.0500 EGG CLEANING.

Subpart 1. **Protection of eggs.** Eggs must be protected from contamination through 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.** Egg washing is subject to items A to J.

A. Egg equipment and the surrounding area must be so constructed 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 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 build up of heat.

**Statutory Authority:** *MS s 29.27; 31.101; 31.11*

**History:** *19 SR 75; 27 SR 168*

#### **1520.0600 CANDLING AND GRADING RECORDS.**

An egg handler must keep accurate candling and grading records for each patron from whom eggs are purchased on a graded basis. Records must be permanently written and must include the following data: name and address of the egg handler; 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 as defined in part 1520.1100, deductions for inedible or adulterated eggs, name or initial of candler and date candled, and dirties and checks, identified as such, or grouped in one column.

Records must be maintained and must be available to the commissioner for official review for not less than 90 days after the date of purchase.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

#### **1520.0700 EGGS PURCHASED FROM A PRODUCER.**

Graded eggs bought by an egg handler from a producer must be graded according to the standards set in parts 1520.1100 to 1520.1400.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

#### **1520.0800 GRADED EGGS PURCHASED FOR RESALE.**

Candled and graded eggs purchased for resale, sold, transferred, or consigned to consumers, egg handlers, brokers, retailers, or wholesalers within the state must be sold, transferred, or consigned based on the requirements 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 by grade in each shipment.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

#### **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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *17 SR 1279; 19 SR 75*

#### **1520.1000 IDENTIFICATION OF EGGS IN THE POSSESSION OF EGG HANDLERS.**

Each case of eggs held by an egg handler must be identified by grade and size in a legible manner. Grade and size designation may not be abbreviated. Acceptable methods of identifying cases include stamping, marking with chalk or other legible marking, or a

## 1520.1000 POULTRY AND EGGS

854

grade slip or label in or attached to each case. Each case or part of a case of eggs not candled and graded must be legibly identified with the producer's name and address.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 1520.1100 MINNESOTA PURCHASE GRADES.

Subpart 1. **Consumer grades.** Eggs may be purchased only on the basis of grade and weight classes established for consumer grades in parts 1520.1200 to 1520.1400.

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

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

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

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 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 checks, or seven percent checks for jumbo size, 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 checks, or nine percent checks for jumbo size, 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; 31.11*

**History:** *19 SR 75*

**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.

**Statutory Authority:** *MS s 29.27; 31.101; 31.11*

**History:** *19 SR 75; 27 SR 168*

**1520.1400 WEIGHT CLASSES FOR SHELL EGG GRADES.**

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

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	50-1/2	26
Large	24	45	23
Medium	21	39-1/2	20
Small	18	34	17

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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

**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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 1520.1600 POULTRY AND EGGS

856

## 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.

**Statutory Authority:** *MS s 29.23; 29.27; 31.11*

**History:** *8 SR 2478; 19 SR 75*

## 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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 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."

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

## 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.

**Statutory Authority:** *MS s 29.27; 31.11*

**History:** *19 SR 75*

- 1520.2100 [Repealed, 19 SR 75]
- 1520.2200 [Repealed, 19 SR 75]
- 1520.2300 [Repealed, 19 SR 75]
- 1520.2400 [Repealed, 19 SR 75]
- 1520.2500 [Repealed, 19 SR 75]
- 1520.2600 [Repealed, 19 SR 75]
- 1520.2700 [Repealed, 19 SR 75]
- 1520.2800 [Repealed, 19 SR 75]
- 1520.2900 [Repealed, 19 SR 75]
- 1520.3000 [Repealed, 19 SR 75]
- 1520.3100 [Repealed, 19 SR 75]
- 1520.3200 [Repealed, 19 SR 75]
- 1520.3300 [Repealed, 19 SR 75]
- 1520.3400 [Repealed, 19 SR 75]
- 1520.3500 [Repealed, 19 SR 75]
- 1520.3600 [Repealed, 19 SR 75]
- 1520.3700 [Repealed, 19 SR 75]
- 1520.3750 [Repealed, 19 SR 75]
- 1520.3800 [Repealed, 19 SR 75]
- 1520.3900 [Repealed, 19 SR 75]
- 1520.4000 [Repealed, 19 SR 75]
- 1520.4100 [Repealed, 19 SR 75]
- 1520.4200 [Repealed, 19 SR 75]
- 1520.4300 [Repealed, 19 SR 75]
- 1520.4400 [Repealed, 19 SR 75]
- 1520.4500 [Repealed, 19 SR 75]
- 1520.4600 [Repealed, 19 SR 75]
- 1520.4700 [Repealed, 19 SR 75]
- 1520.4800 [Repealed, 19 SR 75]
- 1520.4900 [Repealed, 19 SR 75]
- 1520.5000 [Repealed, 19 SR 75]
- 1520.5100 [Repealed, 19 SR 75]

**MINNESOTA-NATIONAL POULTRY IMPROVEMENT PLAN**

**1520.5200 DEFINITIONS.**

Subpart 1. **Applicability.** Except where the context otherwise requires, for the purposes of parts 1520.5200 to 1520.7200 the following terms shall be construed, respectively, to mean.

## 1520.5200 POULTRY AND EGGS

858

Subp. 2. **Affiliated flock owner.** "Affiliated flock owner" means a flock owner who is participating in the plan through an agreement with a participating hatchery.

Subp. 3. **Authorized agent.** "Authorized agent" means any person authorized by the department to do flock selection work.

Subp. 4. **Baby poultry.** "Baby poultry" means newly hatched poultry (chicks, ducklings, goslings, keets, etc.) that have not been fed or watered.

Subp. 5. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Subp. 7. **Dealer.** "Dealer" means a person dealing in hatching eggs, breeding stock, or poultry who does not operate a hatchery.

Subp. 8. **Department.** "Department" means the Minnesota Department of Agriculture, unless otherwise indicated.

Subp. 9. **Domesticated.** "Domesticated" means propagated and maintained under the control of a person.

Subp. 10. **Exhibition poultry.** "Exhibition poultry" means domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

Subp. 11. **Flock.** As applied to breeding, "flock" means all poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm.

Subp. 12. **Franchise breeder.** "Franchise breeder" means a breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

Subp. 13. **Franchise hatchery.** "Franchise hatchery" means a hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

Subp. 14. **Game birds.** "Game birds" means domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

Subp. 15. **Hatchery.** "Hatchery" means hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

Subp. 16. **Independent flock owner.** "Independent flock owner" means a flock 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 1520.7200.

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; 29.27; 31.11*

**History:** *19 SR 75*

#### **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*

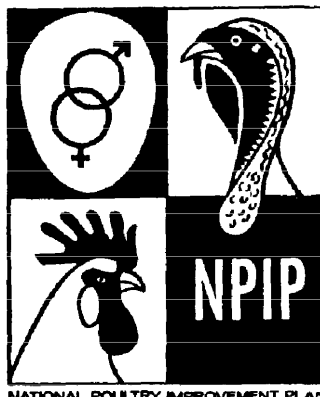
#### **1520.5320 ADMINISTRATION OF PLAN IN MINNESOTA.**

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 on demonstrating, to the satisfaction of the department and the board that the facilities, personnel, and practices are adequate for carrying out the applicable provisions of the plan; and signing 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 the participant's 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*

**History:** *17 SR 1279*

#### **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 advertising products as being of any official classification may include in the 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*

**History:** *17 SR 1279*

#### **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 POULTRY AND EGGS**

862

**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 1520.7200 which apply to their operations.

**Statutory Authority:** *MS s 29.021; 29.27; 31.11*

**History:** *19 SR 75*

**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 views.

**Statutory Authority:** *MS s 29.021*

**History:** *17 SR 1279*

**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** [Repealed, 19 SR 75]