



CPA Info #188

March 2012

Regulation of Farm Fresh Egg Sales in Tennessee: Changes in 2012

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On January 13, 2012, the State Attorney General released Opinion No. 12-04 which clarified the Tennessee Department of Agriculture (TDA) Regulatory Services Department's authority to require a license for producers selling eggs from their own flock. The opinion stated that Tennessee Egg Law (Tennessee Code Annotated §§ 53-2-101 to 116) exempts those selling eggs from their own flock from licensing requirements of the Egg Law. The opinion did caution that the exemption should be "narrowly construed in consideration of the remedial and public safety purposes of the Tennessee Egg Law," however. Exemption from licensure does not exempt the person from complying with the Egg Law's statutory regulatory requirements that are in place to ensure the production and sale of safe eggs. The written opinion can be viewed at <http://www.tn.gov/attorneygeneral/op/2012/op12-04.pdf>.

The TDA Regulatory Services released guidelines to its inspectors in February 2012 in light of the opinion. These guidelines include the following:

Egg producers with less than the 3,000 bird mandatory United States Department of Agriculture (USDA) inspection program limit will no longer require a TDA permit when producing eggs for sale, thus no routine inspection of the production facility will be required.

When inspecting retail outlets where eggs are offered for sale, TDA inspectors will check to see that:

- Eggs have been effectively cleaned and sanitized
- Eggs sold as unclassified or ungraded are labeled with producer name and contact information
- Eggs deemed adulterated¹ are not offered for sale

If eggs found at retail outlets are not effectively cleaned, sanitized, labeled or otherwise adulterated, then TDA may visit the source farm to investigate.

Egg producers with over 3,000 birds are regulated and inspected by the United States Department of Agriculture (USDA).

¹ "Adulterated" is often defined as impure, spoiled or contaminated.

Questions regarding these regulations may be addressed to the TDA Regulatory Services Food and Dairy Section at (615) 837-5193

Eggs can be easily contaminated with disease causing microorganisms like *Salmonella*. Some of the most recent data analyzing the causes of foodborne illness in the United States estimates that *Salmonella* contamination of eggs results in 115,003 illnesses, 2,164 hospitalizations, and 42 deaths annually. These illnesses result in a combined cost of \$370 million dollars.²

In order to produce a safe product, egg producers must rely heavily on proper cleaning and sanitation of not only the eggs they are selling but their laying houses as well. Every producer should be familiar with the best practices for handling eggs from collection to sale and have operating procedures that align closely with these practices.

A fact sheet written by Phillip J. Clauer, the Poultry Extension Specialist for Virginia Cooperative Extension discusses the proper handling of eggs, although the section on regulations does not apply in Tennessee. The fact sheet titled *Proper Handling of Eggs: From Hen to Consumption* is available online at <http://pubs.ext.vt.edu/2902/2902-1091/2902-1091.pdf>.

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² Batz, M.B, S. Hoffman and J.G. Morris. 2011. Ranking the risks: the 10 pathogen-food combinations with the greatest burden on public health. Accessible at:
<http://www.epi.ufl.edu/sites/www.epi.ufl.edu/files/RankingTheRisksREPORT.pdf>