



## **Complying with Regulations to Sell Farm Fresh Eggs<sup>1</sup>**

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### **Introduction**

In Florida, individuals selling, offering for sale, or holding for the purpose of sale any number of eggs fall under the jurisdiction and regulations of the Florida Department of Agriculture and Consumer Services' (FDACS) Division of Food Safety. Additionally, if you plan to sell eggs for human consumption and your flock size is more than 3,000 layers or you plan to sell eggs wholesale, you will fall under the jurisdiction and regulations of the United States Department of Agriculture's (USDA) Food Safety and Inspection Service. There is a fair amount of confusion regarding the regulations of selling farm fresh eggs. This publication is compiled in an effort to clarify the rules for small farms wishing to sell eggs based on regulations in Florida in 2009. This document provides an overview of the steps necessary to comply with Florida's existing regulations for selling eggs which are overseen by FDACS. The two areas to be discussed are facility minimum standards and the permitting process, including rental facilities, food protection manager certification, packaging, and labeling.

### **Facilities**

According to Florida Statutes Chapter 500, more commonly referred to as the Florida Food Safety Act, an annual food permit is required to process food for direct sale to consumers. The annual food permit, which is issued to the facility, allows individuals to process and sell multiple food products, including eggs. All eggs for human consumption must be processed in a permitted facility. Therefore, a facility, which meets all the requirements to wash, rinse, and sanitize eggs, is referred to as a permitted facility. Individuals can build, retrofit, or lease a facility that meets the minimum construction standards. Based on the standards published by EDACS, the following should serve as an overview of the requirements.

- The size of the facility should comfortably house all of the equipment.
- The facility must be separate from the living quarters, with the exception of an attached room to the homestead where there is no direct access to the living quarters.

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- A sealed concrete floor and washable paint on the walls and ceilings are sufficient to meet the requirements for smooth surfaces that can be cleaned easily.
- Hot and cold running water are essential. The temperature of the wash water used to wash the eggs must be 90°F or greater and must be 20 degrees warmer than the temperature of the eggs. The temperature of the approved sanitizing solution must be equal to or greater than the temperature of the wash water. A USDA approved sanitizer and test kit required for use in Florida can be found online at <http://www.nsf.org/usda/psnclistings.asp> (go to the box in the middle of the web page that says *Nonfood Compounds Listings* and scroll down until you see Q3: Shell egg sanitizing compounds, Q4: Shell egg sanitizing compounds, and Q6: Shell egg sanitizing compounds — see Figure 1 at the end of this section for an example of the web page).
- A three-compartment sink is necessary to wash, rinse, and sanitize equipment and eggs. The largest piece of equipment used in your egg processing operation should fit in the sink. A separate hand-wash sink is also necessary. Mop water cannot be dumped into the three-compartment sink, nor the hand-wash sink, so a separate mop sink or floor drain is required. All sinks require hot and cold running water.
- The facility must have equipment capable of storing the eggs at 45°F or below.
- The facility should be well lit; the minimum guidelines stipulate at least 50-foot-candles of light in the food processing areas. Typically, a household 60-watt bulb is sufficient to meet this requirement. All lights must be shielded.
- Bathrooms need to meet the Florida plumbing code. Access to these bathrooms is prohibited through the food processing areas.
- The water supply must be adequate, clean, safe, and approved by the Florida Department of Environmental Protection through a licensed water provider, such as a municipal supply. For well water systems, you will need to contact your

County Health Department to submit a water sample and to receive an analysis stating that your water is clean, safe, and adequate for human consumption.

- Waste water must be disposed of properly. When using a municipal sewage system you will need the utility provider to sign off, certifying that the provider is approved by the Florida Department of Environmental Protection. Onsite sewage disposal systems (e.g., septic tanks) are regulated by the County Health Department, which is responsible for approving this step of the process. A residential septic system may not be suitable; your local Department of Health will determine if an additional tank is required for the processing facility. Be sure to communicate the small-scale of your operation to the inspector.

**Figure 1.** Nonfood Compounds Listing Directory (Source: NSF website, <http://www.nsf.org.usda/psnclistings.asp>)

## Plan Review

To save time and money, FDACS offers a plan review service for a nominal fee. The purpose of the plan review is to approve plans for your facility before construction or retrofitting starts. Upon approval of the plan review, construction can begin. For more information on plan reviews, visit <http://www.doacs.state.fl.us/onestop/forms/14222.pdf> online.

## Permitting Process: Applying for an Annual Food Permit

Once the facility has met the aforementioned minimum requirements, an initial inspection can be requested by contacting FDACS's Division of Food Safety. The form entitled DACS-14221, Form/Request for Initial Inspection and Food Permit Application will need to be completed. This form can be obtained at <http://www.doacs.state.fl.us/onestop/forms/14221.pdf>. The permit category for processing eggs is *Shelled Egg Processor* and currently costs \$490 per year. If your annual gross food sales are less than \$15,000 per year, you can apply for a food permit under the *Limited Sales* category, which reduces the cost of the permit to \$130 per year. The permit year runs from January 1st to December 31st. If a new establishment opens after July 1st, the fee is reduced to \$294. A \$10 epidemiology fee is collected by the Florida Department of Health for each food establishment in addition to the FDACS fees.

Additionally, if eggs are to be sold at off-farm locations, such as farmers markets, a mobile vendor permit also is required. The fee for the *Mobile Vendor Limited Sales* category is \$130 per year. The green market/farmers market guidelines have now been incorporated into the mobile vendor guide.

When FDACS receives the DACS-14221 Form (Request for Initial Inspection and Food Permit Application), you will be contacted within three to five working days by an inspector to answer any questions you may have regarding your business. You must contact FDACS's Division of Food Safety at least ten working days before you plan to start the operation to setup an appointment for a permitting inspection or a pre-operational inspection.

## Renting a Facility

If an individual decides to rent or lease a facility to wash, rinse, and sanitize eggs, an annual food permit is required. A rented or leased facility must comply with the minimum construction standards described above.

## Food Protection Manager Certification

To receive an annual food permit, an individual must successfully complete the Food Protection Manager Certification Program. *Food manager* is defined as the person responsible for all aspects of the operation at a food establishment regulated by FDACS under the Florida Food Safety Act. All food establishments, including mobile vendors permitted by FDACS, must have a certified food manager. Certification costs will usually run \$110 to \$160. To be certified, individuals will need to take an exam. Training may be available and certification is good for five years. Study guides are advised if you wish to bypass training. There are currently three accredited certifying organizations that offer testing in Florida. For information regarding examinations visit <http://www.doacs.state.fl.us/fs/certfoodmgr.pdf> online.

## Packaging and Labeling

Eggs can be sold in new cartons if they are washed, sized, graded, and properly labeled. To learn more about the requirements for egg grading, contact the USDA office in Florida at (813) 744-6280, or visit the USDA-AMS online at <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateB&navID=GradingCertificationandVerification&leftNav=GradingCertificationandVerification&page=PYGBHomePage>. If eggs are not graded, they are considered unclassified eggs (washed eggs that have not been graded for size and quality) and must be sold in flats or bulk. A placard must be displayed at the point of sale stating the following: *These eggs have not been graded as to quality and weight*. The placard must not be smaller than seven inches by seven inches in size. Eggs will need to be maintained at 45°F from the processing facility to the point of sale. Coolers are sufficient if the eggs are maintained at 45°F or below.

## Conclusions

The information contained within this document was compiled using pertinent state statutes and guidance from the Florida Department of Agriculture

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and Consumer Services, Division of Food Safety. The regulations were statutorily enacted into law by the Florida Legislature to protect the citizens of Florida. By statute, FDACS is responsible for implementing all these regulations. Food safety should remain first and foremost in the minds of small-scale egg processors. The authors wish to thank the Florida Farm Bureau Federation and FDACS's Division of Food Safety for their collaboration in developing this document. For more information, contact your local County Extension office.