

# HOW TO: Sell Eggs in California

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**Who should use this guide:** This "how to" is written for small-scale producers and sellers of eggs in California. Requirements covered in this resource apply to egg producers with 3,000 laying hens or fewer and those selling eggs within the state of California only (not across any state lines). Egg producers who do not meet those criteria may be subject to additional legal requirements that are not covered in this "how to."

An **"egg handler"** refers to a person engaged in the business of producing, grading, packing, or otherwise preparing shell eggs or pasteurized in-shell eggs for market. This definition also applies to people who engage in the operation of selling or marketing eggs that they have produced, purchased, or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, employee, or otherwise. It does not apply to any retail purchaser who does not handle eggs in any other capacity such as a grocery store (CA Food and Agricultural Code § 27510).

## Registration Requirements

Any person engaged in business of egg producing or egg handling must register with the California Department of Food and Agriculture (CDFA). A new registration form (with fee) needs to be submitted within 30 days if any registration information changes. As of this writing the initial registration fee for egg handling is \$75 and the annual registration fee thereafter is \$50 (CA Code of Regulations Title 3 § 1358.3).

**The registration form for egg handlers can be found online at:**

<https://www.cdfa.ca.gov/ahfss/mpes/pdfs/EggHandlersRegistrationApplication.pdf>

## Storage & Handling Requirements

Generally, in order to produce and sell eggs, the eggs must be kept at a temperature of 45°F or lower even during transportation. Transport vehicles may exceed the 45°F maximum temperature required when eggs are being loaded or unloaded from the vehicle (CA Code of Regulations Title 3 § 1358.5). However, raw shell eggs may be stored and displayed without refrigeration at a certified farmers' market if *all* of the following conditions are met (CA Health and Safety Code § 114373):

1. The eggs were produced by poultry owned by the seller and collected on the seller's property.
2. The eggs are not placed in direct sunlight during storage or display
3. Retail egg containers are prominently labeled "refrigerate after purchase" or the seller posts a conspicuous sign advising consumers that the eggs should be refrigerated as soon as practical after purchase
4. Retail egg containers are conspicuously identified as to the date of the pack
5. The eggs have been cleaned and sanitized
6. The eggs are not checked, cracked, or broken
7. Any eggs that are stored and displayed at temperatures of 90°F or below and that are unsold after four days from the date of pack shall be stored and displayed at an ambient temperature of 45°F or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency

8. Any eggs that are stored and displayed at temperatures above 90°F that are unsold after four days from the date of pack shall be diverted to pasteurization or destroyed in a manner approved by the enforcement agency

Additionally, farmers and "community food producers" (such as urban farmers, backyard gardens, community gardens, and gleaners) may sell unrefrigerated eggs at an outlet or location they control such as a farm stand at the site of the farm (CA Health and Safety Code § 114375(c)(1) and 114376(a)). Note: "community food producers" are limited to selling 15 dozen eggs per month (CA Health and Safety Code § 114376(a)(5)). More informational resources on food safety laws applicable to "community food producers" are available from the Sustainable Economies Law Center.

### Inspection

Eggs are subject to inspection at any time at production plants, wholesale warehouses, retail facilities and farmers' markets. Inspectors from CDFA can seize varying numbers of eggs from a producer to test for food safety. CA Code of Regulations Title 3 §1350 provides a chart of designated sampling size requirements for inspection.

### Labeling Requirements

Consumer packages or containers of eggs must state all of the following (CA Code of Regulations Title 3 § 1354):

- Name of the farm
- Address and zip code of the farm
- Quantity of eggs
- California state handler code number
- [if applicable] Egg size as described in the chart to the right (egg size must appear plainly marked in a font size 1/4 inch tall minimum)
- [if applicable] Egg grade (i.e. AA, A, B) The larger the air-cell is, the lower the grade of the egg. The outside appearance also factors into the grade of an egg. Eggs with moderate staining (but not adhering dirt) can be sold as grade B. AA and A grades require a clean, unblemished shell. Dirty eggs cannot be sold to consumers (egg grade must appear plainly marked in a font size 1/4 inch tall minimum)
- The words "California Shell Egg Food Safety Compliant," or "CA SEFS Compliant" (must appear plainly marked on the principal display panel in font size 1/4 inch tall minimum)

| CA Egg Size Standards | Grams (min) | Ounces (min) |
|-----------------------|-------------|--------------|
| Jumbo                 | 68.51       | 2 5/12       |
| Extra Large           | 61.42       | 2 1/6        |
| Large                 | 54.34       | 1 11/12      |
| Medium                | 47.25       | 1 2/3        |
| Small                 | 40.16       | 1 5/12       |
| Peewee                | N/A         | N/A          |

Source: CA Code of Regulations Title 3 § 1353.4

### California Shell Egg Food Safety Compliance

California has a set of rules described in CA Code of Regulations Title 3 § 1350 Shell Egg Food Safety (SEFS) to reduce the growth of salmonella. Producers with 3,000 or more laying hens must abide by salmonella testing and vaccination programs, among other requirements detailed in that rule.

An additional SEFS requirement that applies to *all* egg producers, including those with *less than 3,000* laying hens is a bird enclosure space requirement as explained in the chart below.

| Number of Birds | Minimum Square Inches per Bird |
|-----------------|--------------------------------|
| 1               | 332                            |
| 2               | 205                            |
| 3               | 166                            |
| 4               | 146                            |
| 5               | 135                            |
| 6               | 127                            |
| 7               | 121                            |
| 8               | 117                            |
| 9 or more       | 116 sq in per bird             |

Source: CA Code of Regulations Title 3 § 1350

### Record Keeping Requirements

All egg handlers must maintain business records for egg transactions for three years, subject to audit by CDFA. The records should include the date, egg quality, quantity, and identity of purchaser and seller. The name of purchaser is not required for eggs sold directly to end consumers.

### Exemptions from Certain Labeling Requirements

Size, grade, name and address markings are not required on containers of eggs when sold directly to household consumers without advertising by the producer on the premise where produced from a flock of 500 hens or fewer (CA Code of Regulations Title 3 § 1354.2(a)).

### Size Exemptions for Restricted Eggs

Eggs classified as “restricted eggs” are exempt from the size and quality (eg Grade AA, A, B) standards for consumer grade eggs. “Restricted eggs” may be sold directly to consumers only as follows: by an egg producer from their own flock’s production, at the site of production or segregation, or at secondary locations operated by the producer such as a farmers’ market booth or farm stand (CA Code of Regulations Title 3 §1356.2).

### More Resources

More resources for small-scale food producers available at [www.theselc.org/food\\_resources](http://www.theselc.org/food_resources).

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