

Producing and Selling Eggs in Marin County

Background

Anyone who has eaten farm fresh eggs knows how different they look and taste from eggs from industrial supermarket eggs. In addition to their wonderful taste, fresh shell eggs have long been a source of income in rural areas from tiny backyard operations to larger dedicated egg farms. Regardless of the size of the operation, egg sellers must follow certain regulations to conduct businesses legally.



Zoning

Depending on Marin County zoning, which applies to all areas of Marin, except for the Coastal Zone, certain standards may apply to poultry operations, which are defined as “Livestock Operations, Small Animals (land use)” by the Marin County Code. Coastal zone requirements are currently under revision but requirements for keeping of small animals in coastal zoning districts are expected to be consistent with those shown below.

GENERAL REQUIREMENTS FOR THE KEEPING OF SMALL ANIMALS

(Chickens, Ducks, Exotics, Geese, Guinea Fowl, Peacocks, Rabbits, Roosters and Similar Animals)

Zoning Districts	Applicable Standards	Standards
A2, A3 to A60 ARP, APZ	All animals allowed subject to Standard 4	1. Maximum 12 animals. 2. In R zoning districts, the keeping of small animals shall be an accessory use to the primary residential use of the parcel. 3. Roosters, quacking ducks, geese, guinea fowl, and pea fowl are not permitted. 4. A Use Permit is required for the keeping of exotic animals outdoors in all zoning districts where permitted
RSP, RMP, RMPC	All standards apply	
RA and RE RR, R1, R2, R3	All standards apply	

Table 3-6 from the Marin County Code.

Note: Zoning districts beginning with A are agricultural and those beginning with R are residential.

Licenses and Permits Required

Small-scale production and sales of shell eggs only requires licenses or permits under the following conditions:

1. All egg sales require an Egg Handler’s Registration.
2. A building permit may be required if a new building is constructed or an existing building is remodeled for the egg business.
3. Currently within the Coastal Zone in Marin County, retail sales of farm products require a Use Permit and Coastal Permit, obtained from the Marin County Community Development Agency Planning Division.

Egg Handlers Registration

Any egg sales require that the producer/seller have an Egg Handlers Registration. This registration can be obtained from the Marin County Agricultural Commissioner’s office in Novato or from the California Department of Food and Agriculture (CDFA). Egg producers with flocks of 500 or less that sell eggs from the property where they are produced are exempt from paying a mill fee¹ to the state. The registration application can be found at the bottom of this page on the CDFA website <http://www.cdfa.ca.gov/ahfss/mpes/esqm.html>.

¹ This fee is maximum fee of five cents (\$0.05) for each 30 dozens of eggs sold (it is currently \$0.045).

Egg Packaging and Labeling

Labels on packaged eggs (versus loose eggs sold from a wire basket or similar vessel on a farm) must comply with the following labeling requirements as shown in Figure 1 and must:

1. Include the farm name and location;
2. display the Julian date that the eggs were packed;
3. show the size and grade as described above; and
4. if cartons are re-used, all information from the previous use must be completely obliterated.

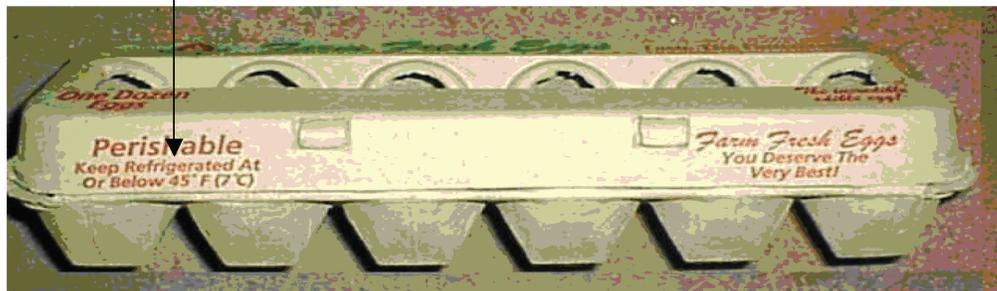
EGG LABELING REQUIREMENTS

Egg Cartons must have the following markings:

- Size
- Grade
- Name, Address and Zip Code



- Sell By Date: the words "Sell-by" immediately followed by the month and day in **bold type (June 30 or 6-30)** must appear on the consumer container. The sell-by date shall not exceed 30 days from the date on which the eggs were packed, excluding the day of packing.
- Julian Date of Pack: is the consecutive date of the year on which the eggs were packed. For example, January 1 would be 001, July 30 would be 212 and December 31 would be 365.
- State Handler Code for example, CA 4321.
- Keep Refrigerated (on top side or end of container).



Courtesy of the Marin County Agricultural Commissioner's Office.

Poultry Management Labeling Claims

The terms cage free, free range, and pasture-raised are not defined by State law, but cannot be falsely used. Section 27637 of California Food and Agriculture Code, the truth in labeling section, prohibits false, deceptive, or misleading advertising or statements concerning the quality, size, weight, condition, source, origin, or any other matter relating to eggs. Any claim or term used in association with egg production techniques must be verified in some manner.¹

Labels that claim animal care standards including Certified Humane, Animal Welfare Approved, and American Humane Certified all require certification through their sponsoring organizations. The term organic can only be used legally if the eggs are certified as organic by a qualified certifying organization.

Egg Grade Standards

California Standards of quality for individual shell eggs are applicable only to eggs that are a product of domesticated chickens. No eggs lower than Grade B shall be sold for human consumption.²

Definition of Clean Shell: A shell that is free from adhering foreign material, visible stains or discolorations. A shell may be considered clean if it has only very small specks, stains or cage marks, provided they are not of sufficient number or intensity to detract from the generally clean appearance of the egg.³

AA Quality. The shell must be clean and unbroken

A Quality. The shell must be clean and unbroken

B Quality. The shell must be unbroken and may have unlimited slight stains. Eggs having shells with prominent stains or adhering dirt are not permitted.⁴

If there is uncertainty as to whether eggs meet Grade AA or A Grade standards, they may be graded as Grade B, as long as they are within the standards mentioned above. Eggs graded as B may not have the following markings on the carton: “fresh eggs,” “ranch eggs,” or “farm eggs.”⁵

Egg Size Standards

The following table shows the consumer egg size standards. Only four percent of eggs of a designated size may weigh less than their size designation.⁶

<i>Size or Weight Class</i>	<i>Grams</i>	<i>Ounces</i>
Jumbo	68.51	2 5/12
Extra Large	61.42	2 1/16
Large	54.34	1 11/12
Medium	47.25	1 2/3
Small	40.16	1 5/12
Peewee		No Minimum

¹ *Passage of Proposition 2 in 2008 resulted in California Health and Safety Code Chapter 13.8 Farm Animal Cruelty [25990-25994], regulates the amount of space provided to “covered” farm animals, including poultry, all of the provisions of this statute will come into effect by 2015*

² *California Code of Regulations; Title 3, Food and Agriculture; Division 3 Economics; Chapter 1 Fruit and Vegetable Standardization; Subchapter 3 Eggs; §1352 (a) California Standards of Quality for Individual Shell Eggs*

³ *§1351.2 Definition of Terms Descriptive of the Shell*

⁴ *ibid*

⁵ *§27636 Food and Agricultural Code*

⁶ *§ 1353.4. Size Standards for Individual Shell Eggs.*

Storage and Handling at Farmers' Markets and Other Retail Sales

Regulations pertaining to storage and handling for retail sales are specified in the California Retail Food Code Section 114373:⁷

Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:

- (a) The eggs were produced by poultry owned by the seller and collected on the seller's property.
- (b) The eggs are not placed in direct sunlight during storage or display.
- (c) Retail egg containers are prominently labeled "refrigerate after purchase" or the seller posts a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.
- (d) Retail egg containers are conspicuously identified as to the date of the pack.
- (e) The eggs have been cleaned and sanitized.
- (f) The eggs are not checked, cracked, or broken.
- (g) 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.
- (h) 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.

Other Sources of Information

1. Food Safety and Eggs: Focus on Shell Eggs: <http://ucce.ucdavis.edu/files/filelibrary/2157/13973.pdf>
2. Egg Products Preparation: http://www.fsis.usda.gov/factsheets/focus_on_shell_eggs/

⁷ *California Retail Food Code; Chapter 12, Certified Farmers' Markets, § 114373 Farmers' markets*

Prepared by Lisa Bush, Jeffrey Stiles and David J. Lewis, June 2011. More information about diversifying your operation is available at the Grown in Marin website under Resources for Farmers at <http://growninmarin.org>, or by calling the UCCE Farm Advisor's office at 415/499-4204.cOU