

Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Missouri Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 83 percent or more of the voting shares of The Arnold Savings Bank, Arnold, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commission of Finance and requested his views and recommendation. The Commissioner replied that the acquisition would be a very progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 10, 1971 (36 F.R. 6923), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, Missouri's fifth largest registered bank holding company and banking organization, controls six banks located throughout the State with approximately \$382 million in total deposits (approximately 3.7 percent of total deposits in the State). Applicant's acquisition of Bank (\$12.6 million deposits) would increase its share of total deposits in the State by 0.1 percent. (Banking data are as of June 30, 1970 and reflect holding company formations and acquisitions approved through April 30, 1971.) Although no subsidiary of Applicant competes in Bank's primary service area, both Bank and one of Applicant's subsidiaries, The First Security Bank, Kirkwood, Mo., compete in the broad St. Louis banking market (the Missouri portion of the St. Louis SMSA), holding 0.3 percent and 0.5 percent of total deposits in that area, respectively. However, existing competition between Bank and First Security Bank is minimal and substantial potential competition is unlikely due to the 20-mile distance between the two and the location of five banks in the intervening area. Furthermore, Kirkwood is a suburban community, and its commuting residents avoid the most direct connecting route, heavily traveled by local traffic, in favor of the interstate highway which bypasses Bank. Based on the facts of record, it appears that no existing competition would be eliminated

by consummation of the proposal, significant potential competition would not be foreclosed, and there would not be adverse effects on any competing bank.

Financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are satisfactory, in the light of Applicant's intention to improve the capital structure of Bank. Considerations concerning convenience and needs of the communities to be served lend weight toward approval, in that Applicant intends to provide operational service and advice to Bank. Although the banking needs of the area are being adequately served, Applicant intends to enable Bank to offer an additional competitive alternative for such services as trust services. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,¹
May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc. 71-7486 Filed 5-27-71; 8:47 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption

On February 12, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Malsel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

authorized to issue a visa. The Government of Spain has requested, and the Government of the United States has acceded to the request, that three additional Spanish Officials be authorized to issue visas. The names of these three additional officials are: Mr. José Sarto Pina, Mr. Jesús de la Mata Sanz, and Mr. Andrés Jiménez Calderón.

Accordingly, there is published below a letter of May 19, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 5, 1971 so as to add three Spanish Officials to the seven Officials previously authorized to issue visas, effective as soon as possible. A facsimile of the signatures of these Spanish Officials is also filed as part of the original document with the Office of the Federal Register.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

May 19, 1971.

DEAR MR. COMMISSIONER: This letter amends the directive of February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials authorized to issue a visa.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is amended, effective as soon as possible, by the addition of three Spanish Officials who are authorized to issue visas. Facsimiles of the signatures of these additional Spanish Officials are enclosed for your information.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.

[FR Doc. 71-7505 Filed 5-27-71; 8:49 am]

OFFICE OF EMERGENCY PREPAREDNESS

TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

I have determined that the damage in those areas of the Truk District of the Trust Territory of the Pacific Islands, adversely affected by Typhoon Amy beginning on or about May 1, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the Truk District of the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 7 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the Truk District of the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[FR Doc.71-7495 Filed 5-27-71;8:48 am]

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Tennessee, adversely affected by tornadoes beginning on or about May 7, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Tennessee. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575

to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971:

The Counties of:
Benton. Gibson.
Carroll.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,

Office of Emergency Preparedness.

[FR Doc.71-7496 Filed 5-27-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26115]

BOSTON & MAINE CORP.

Reorganization

MAY 21, 1971.

The Boston & Maine Corp. has been in reorganization under section 77 of the Bankruptcy Act since March 23, 1970. The railroad provides an important transportation link to and from the New England States. The financial condition of the railroad has become increasingly serious, particularly in regard to the shortage of cash necessary to continue orderly operations. By the Order in Finance Dockets Nos. 21510 and 26115, served concurrently herewith, the Commission has denied the request of the debtor to be included in the Norfolk & Western System and has returned the debtor's plan of reorganization to the court as prima facie impracticable.

The Commission is desirous of avoiding any cessation of essential services provided by this carrier and is considering, among other alternatives, the car service provisions of the Interstate Commerce Act. Meanwhile, by this notice, which is being published in the FEDERAL REGISTER and is being served on the parties in the above-captioned proceeding, the Commission is calling a conference to be held before Division 3, in its office in Washington, D.C., beginning at 10 a.m. on June 22, 1971, to consider possible emergency measures.

Invited to the conference are: the officials, representatives and/or trustees of the Boston & Maine Corp., the Bangor and Aroostook Railroad Co., the Maine Central Railroad Co., the Penn Central Transportation Co., the Norfolk and Western Railway Co., the Erie Lackawanna Railway, the Delaware and Hudson Railway Co., the Rutland Railroad, the St. Johnsbury & Lamoille County Railroad, the Central Vermont Railway,

Inc., the Canadian National Railways, the Grand Trunk Lines, and the Canadian Pacific Railroad Co.; the governors and other interested State officials of the States of New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, including the regulatory officials of those States; the Department of Transportation; representatives of labor organizations; the Boston & Maine Institutional Bondholders which are the Equitable Life Assurance Society of the United States, the Metropolitan Life Insurance Co., the Connecticut Mutual Life Insurance Co., and the Northwestern Mutual Life Insurance Co.; and other interested persons.

All persons having an interest in the meeting are requested to advise the Secretary of the Commission, Mr. Robert L. Oswald, of their intention to be present and the nature of their interest not later than June 9, 1971.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7506 Filed 5-27-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42209—Scrap iron or steel to Huntington, W. Va. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3003), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application, from Louisville, Ky., to Huntington, W. Va.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 51 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-689. Rates are published to become effective on June 22, 1971.

FSA No. 42210—Butyl alcohol from Manvel, Tex. Filed by Southwestern Freight Bureau, agent (No. B-233), for interested rail carriers. Rates on alcohol, butyl, in tank carloads, from Manvel, Tex., to Chicago, Ill., and points in Illinois and Indiana taking Chicago rates.

Grounds for relief—Market competition.

Tariff—Supplement 75 to Southwestern Freight Bureau, Agent, tariff ICC 4867. Rates are published to become effective on June 28, 1971.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7507 Filed 5-27-71;8:49 am]

[No. 35400]

INCREASED CHARGES FOR PERISHABLE PROTECTIVE SERVICE FOR 1971

MAY 20, 1971.

The Commission has received a petition filed by numerous rail carriers on April 1, 1971, seeking modification of outstanding orders of the Commission to the extent necessary to permit filing on statutory notice of increased charges for the use of perishable protective services offered by the carriers. The proposed increases would apply to the carriers' Perishable Protective Tariff 18, J. D. Sutherland, agent, ICC No. 37. The outstanding orders sought to be modified were issued in the following proceedings:

Docket No. 17936, Refrigeration Charges on Fruits etc., from the South, 151 I.C.C. 649, 172 I.C.C. 3.

Docket No. 28994, Half Stage Refrigeration Service, 256 I.C.C. 213.

Docket No. 20769, Charges for Protective Service to Perishable Freight, 215 I.C.C. 684, 241 I.C.C. 503, 253 I.C.C. 351, 262 I.C.C. 243, 274 I.C.C. 751, 277 I.C.C. 347, and 332 I.C.C. 136.

Ex Parte No. 162, Increased Railway Rates, Fares and Charges, 1946, 266 I.C.C. 537, 615. Ex Parte No. 166, Increased Freight Rates, 1947, 270 I.C.C. 403, 461.

Docket No. 31342, Proposed Increased Refrigeration Charges, 297 I.C.C. 505. Investigation and Suspension Docket No. 7778 Refrigeration & Packinghouse Products—Midwest, 319 I.C.C. 113, 120.

The petitioners state that the requested modification is necessary to allow them to bring their charges for perishable protective services into line with increases in the cost of performing these services. According to petitioners, the present charges have not been uniformly increased since 1956. Petitioners assert that the proposed increases will allow them to meet their costs of performing perishable protective services and guarantee a reasonable rate of return on investment.

The petition may be inspected at the office of the Secretary of the Commission in Washington, D.C. General public notice of the filing of this petition will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved in this petition may, on or before

20 days from the date of publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. Those who have filed replies to the petition prior to the publication of this notice need not respond further. An original and 15 copies of such replies must be filed with the Commission and parties must show service of two copies upon J. D. Sutherland, Chairman; National Perishable Freight Committee; 428 Union Station Building; 516 West Jackson Boulevard; Chicago, IL 60606. Thereafter, the Commission will proceed to dispose of the matter, observing any additional requirements that appear warranted to assure due process of law.

It is not contemplated that there will be any further general public notice published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices, reports, and/or orders will be served solely on persons responding to this notice and on the petitioners.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-7508 Filed 5-27-71; 8:49 am]

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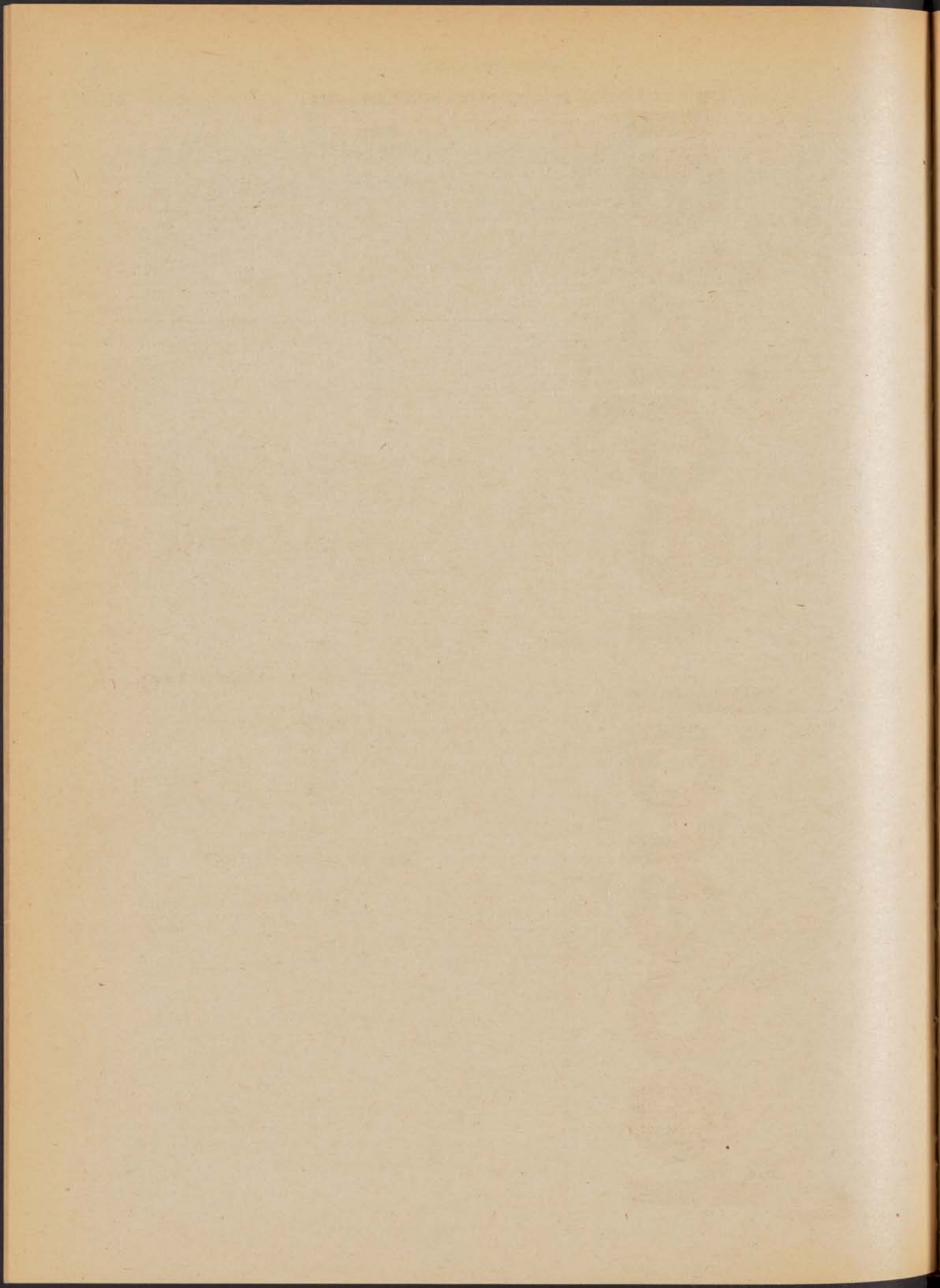
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FRIDAY, MAY 28, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 104

PART II



DEPARTMENT OF AGRICULTURE

■

Consumer and Marketing Service

■

Eggs and Egg Products Inspection

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

Notice is hereby given that the U.S. Department of Agriculture is issuing Regulations Governing the Inspection of Eggs and Egg Products pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056).

STATEMENT OF CONSIDERATIONS

On March 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5178-5197) in accordance with the requirements of 5 U.S.C., section 553, that pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056), the Department was considering issuing Regulations Governing the Inspection of Eggs and Egg Products and all interested persons were given an opportunity to file their data, views, or arguments with the Hearing Clerk, U.S. Department of Agriculture, no later than April 19, 1971. A wide distribution was also made of copies of the proposed regulations to all known interested persons. Eight comments were received.

The regulations herein are essentially the same as those proposed. Some slight changes have been made, and provisions included, to clarify and to state certain of the matters in a more precise and understandable manner than were contained in the proposal. The changes have been discussed in detail with the affected industry through a series of meetings throughout the country.

Certain of the suggestions contained in the comments filed with the Hearing Clerk require additional study and are not included in these regulations. Also, additional regulations will be required for shell eggs prior to July 1, 1972, the effective date for the shell egg program, and such regulations will be issued, after appropriate procedures, at a later date.

In the definition section "prominent stains" are added to the definition of a dirty egg to be more precise, and the term "egg product" is further defined to more clearly show what product must be inspected and types of products not covered by the Act.

In several places in the proposed regulations, the statement "containing more restricted eggs than allowed in the tolerances for U.S. consumer grades," is being clarified by changing it to read "containing no more restricted eggs than are allowed in the tolerances for U.S. Consumer Grade B eggs." The latter is a more precise definition.

In the exemption section, certain categories of restricted eggs are listed which are not exempt and eggs classified as checks are included in such categories when prohibited by State or local law.

A provision is being added which clarifies the requirements and conditions for processing ova in an official plant. These provisions are presently in the voluntary inspection regulations for the inspection of egg products (7 CFR Part 55) but were not clearly stated in the proposed regulations. This has created some confusion as to the status of ova. Therefore, the regulations have been modified to specify the conditions for the processing of ova in an official egg products plant. Ova must be harvested in a sanitary manner from wholesome poultry, be properly handled, cooled, packaged, and labeled in a plant operating under the Poultry Products Inspection Act, and the containers must bear official identification, which will assure that the foregoing requirements have been complied with. In the official egg products plant, the products containing ova will be required to be handled, processed, cooled, and pasteurized in the same manner as egg products, and the labeling of such products will require prior approval by the Administrator.

Calculations of the costs have been determined for furnishing overtime, holiday, and frivolous appeal inspections. The hourly rates are \$8.80 per hour for overtime inspection work, \$8.80 per hour for holiday inspection work, and \$10.28 per hour for performing frivolous appeal inspections.

The provisions on what operations require continuous inspection under the Act are being clarified by adding a provision that certain certification and specification-type work requested by the official plant, which is in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product, would be made under the provisions of the voluntary inspection program.

The section on foreign inspection certificates is simplified by listing what must be shown on the certificates rather than showing it in form style as in the proposal.

Other changes generally amount to word changes or sentence structure to clarify or simplify the meaning of the text.

The Egg Products Inspection Act and these regulations provide for the continuous inspection of the processing of egg products and the control and disposition of "restricted eggs" (i.e., loss, inedibles, incubator rejects, checks, and dirties) in intrastate, interstate, and foreign commerce, and uniform standards, grades, and weight classes for eggs in interstate commerce. The program for egg products inspection will become effective on July 1, 1971, and the program for shell eggs will become effective July 1, 1972.

The regulations are as follows:

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AUTHORITY: The provisions of this Part 59 issued under the Egg Products Inspection Act, 84 Stat. 1620 et seq., 21 U.S.C. 1031-1056.

DEFINITIONS

§ 59.1 Meaning of words.

Under these regulations, words in the singular shall be deemed to mean the plural and vice versa, as the case may demand.

§ 59.5 Terms defined.

For the purpose of these regulations, unless the context otherwise requires, the

following terms shall be construed, respectively, as follows:

"Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

"Act" means the applicable provisions of the Egg Products Inspection Act of 1970 (Public Law 91-597, 84 Stat. 1620 et seq.).

"Administrator" means the Administrator of the Consumer and Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Adulterated" means any egg or egg product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (i) If it bears or contains any added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive; or (c) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under subdivision (ii), (iii), or (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) If its container is composed, in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"Applicant" means any person who requests any inspection service as authorized under the Act or the regulations of this part.

"Capable of use as human food" means any egg or egg product, unless it is denatured, or otherwise identified, as required by these regulations to deter its use as human food.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, type, or method of processing.

"Commerce" means interstate, foreign, or intrastate commerce.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including but not being limited to, the processing, handling, or packaging which affects such product.

"Container" or "Package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) "Immediate container" means any consumer package, or other container in which egg products, not consumer packaged, are packed.

(2) "Shipping container" means any container used in packaging a product packed in an immediate container.

"Department" means the U.S. Department of Agriculture.

"Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea. Some of the terms applicable to shell eggs are as follows:

(1) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

(4) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) "Inedible" means eggs of the following descriptions: black rots, yellow

rots, white rots, mixed rots, sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

"Egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and are not in excess of 60 days old.

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products. For the purposes of this part, the following products, among others, are exempted egg products: dried no bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, french toast, and sandwiches containing eggs or egg products, provided such products are prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs.

"Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

"Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"Inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of the Egg Products Inspection Act and the regulations under this part.

"Inspection service" means the official service within the Department having

the responsibility for carrying out the provisions of the Egg Products Inspection Act. Inspection service also means the activities performed, including official reporting by such official service.

"Inspector/Grader" means:

(1) Any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this part; or

(2) Any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this part, under an agreement entered into between the Secretary and the appropriate State or other agency.

"Interested party" means any person financially interested in a transaction involving any inspection or appeal inspection of any product, or the decision of an inspector.

"Label" means a display of any printed, graphic, or other method of identification upon the shipping container, if any, or upon the immediate container, including but not limited to, an individual consumer package of eggs and egg products, or accompanying such product.

"Misbranded" means any egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Administrator under this part.

"National Supervisor" means:

(1) The officer in charge of the inspection service; and

(2) Such other employee of the Service as may be designated by him.

"Official certificate" means any certificate prescribed by regulations of the Administrator for issuance by an inspector or other person performing official functions under this part.

"Official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

"Official identification" means the official inspection mark or any other symbol prescribed by regulations of this part to identify the status of any article.

"Official inspection mark" means any symbol prescribed by the regulations of the Administrator showing that egg products were inspected in accordance with this part.

"Official standards" means the standards of quality, grades, and weight classes for eggs, as described under Part 56 of this chapter under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.), or as hereafter amended.

"Office of inspection" means the office of any inspector.

"Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable microorganisms by such processes as may be prescribed by these regulations.

"Person" means any individual, partnership, corporation, association, or other business unit.

ADMINISTRATION

§ 59.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act, and this part. The Administrator may waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to maintain full compliance with the spirit and intent of the regulations.

§ 59.13 Federal and State cooperation.

The Secretary shall, whenever he determines that it would effectuate the purposes of the Act, authorize the Administrator to cooperate with appropriate State and other governmental agencies in carrying out any provisions of the Egg Products Inspection Act and these regulations. In carrying out the provisions of the Act and the regulations, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the services rendered by them in such cooperative programs as agreed to in the cooperative agreements as signed by the Administrator and the duly authorized agent of the State or other agency.

§ 59.16 Applicability of Act and regulations.

(a) *Egg products.* The provisions of the Act and this part with respect to egg products take effect on July 1, 1971. All egg products processed entirely prior to July 1, 1971, and which are not adulterated are hereby exempted from the requirements of this part and may be bought, sold, transported, possessed, and used until July 1, 1972; thereafter, such product shall be subject to all the provisions of the Act and these regulations and shall be subject to detention, seizure, and condemnation. Products inspected pursuant to the voluntary egg products inspection program authorized by the Agricultural Marketing Act of 1946 are considered as inspected products for the purposes of this part.

(b) *Other provisions.* The other provisions of the Act and these regulations take effect on July 1, 1972.

SCOPE OF INSPECTION

§ 59.20 Inspection in accordance with methods prescribed or approved.

Inspection of eggs and egg products shall be rendered pursuant to these regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 59.22 Basis of service.

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. Inspection services shall be subject to supervision at all times by the applicable Federal-State supervisor, egg products supervisor, Regional Director, and National Supervisor.

§ 59.24 Egg products plants requiring continuous inspection.

No plant in which egg products processing operations are conducted shall process egg products without continuous inspection under these regulations, except as expressly exempted in § 59.100.

§ 59.26 Egg products entering or prepared in official plants.

Eggs and egg products processed in an official plant shall be inspected, processed, marked, and labeled as required by these regulations. Egg products entering an official plant shall have been inspected, processed, marked, and labeled as required by these regulations.

§ 59.28 Other inspections.

(a) Periodic inspections shall be made of:

(1) Business premises, facilities, inventories, operations, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products. In the case of shell egg packers packing eggs for the ultimate consumers (i.e., packed for direct use of household consumer, restaurant, institution, etc.), such inspections shall be made each calendar quarter.

(2) Exempted plants to determine that such plants are operating pursuant to these regulations.

(b) Inspections shall be made of imported eggs and egg products as required in this part.

RELATION TO OTHER AUTHORITIES

§ 59.30 At official plants.

(a) Requirements within the scope of the Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this part may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of § 59.200, if consistent therewith, with respect to any such plant.

(b) Labeling, packaging, or ingredient requirements in addition to or different than those made under this part, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act may not be imposed by any State or local jurisdiction with respect to egg products processed at any official plant in accordance with the requirements under this part and such Acts.

"Pesticide chemical," "Food additive," "Color additive," and "Raw agricultural commodity" shall have the same meaning for purposes of this part as under the Federal Food, Drug, and Cosmetic Act.

"Plant" means any place of business where egg products are processed:

(1) "Exempted plant" means any plant where the Administrator has determined the facilities and operating procedures meet such standards as may be prescribed by this part, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of U.S. Consumer Grade B for shell eggs, and where an exemption has been granted.

(2) "Official plant" means any plant in which the plant facilities, methods of operation and sanitary procedures have been found suitable and adequate by the Administrator for the continuous inspection of egg products in accordance with this part and in which inspection service is carried on.

"Potable water" means water that is safe to use as drinking water as evidenced by a certificate of potability issued by a State or local health authority.

"Processing" means manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying, or packaging egg products at official plants.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regional Director" means any employee of the Department in charge of inspection service in a designated geographical region.

"Regulations" means the provisions in this part.

"Regulatory inspector" means any employee of the U.S. Government, or State or local jurisdiction, who is authorized by the Secretary to make such inspections as required in § 59.28 of these regulations.

"Sampling" means the act of taking samples of any product for inspection or analyses.

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

"Secretary" means the Secretary of Agriculture or his delegate.

"Service" means the Consumer and Marketing Service (C&MS) of the Department.

"Stabilization" means the subjection of any egg product to a desugaring process.

"State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

"United States" means the States.

"White or albumen" means, for the purpose of this part, the product obtained from the egg as broken from the shell and separated from the yolk.

§ 59.35 Eggs and egg products outside official plants.

(a) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction (1) may require the use of standards of quality, condition, grade, or weight classes which are in addition to or different than the official standards or (2) other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin. This shall not preclude a State from requiring the name, address, and license number of the person processing or packaging eggs to be shown on each container.

(b) Any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of the official plant and are in violation of this part or any of said Federal Acts or any State or local law consistent therewith.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and these regulations.

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by these regulations.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes.

EXEMPTIONS

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section the exemptions do not apply to restricted eggs when prohibited by State or local law, and as to paragraph (c) of this section the sale of eggs to consumers at an estab-

lished place of business away from the site of production: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards for U.S. Consumer Grade B shell eggs;

(b) Subject to the approval of the Administrator as provided in §§ 59.600-59.670, the processing of egg products without continuous inspection at any plant where the facilities, sanitation, and operating procedures are the same as are required in this part for official plants and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs, and the egg products processed at such plant;

(c) The sale by any poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his non-paying guests and employees and the transportation, possession, and use of such eggs;

(d) The sale of eggs by any producer with an annual egg production from a flock of 3,000 hens or less and the record requirements of § 59.200;

(e) The processing and sale of egg products by any poultry producer from eggs of his own flock's production when sold directly to a household consumer exclusively for use by such consumer and members of his household and his non-paying guests and employees;

(f) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his non-paying guests and employees, and the transportation, possession, and use of such eggs;

(g) The processing in nonofficial plants, including but not limited to bakeries, restaurants, and other food processors, without continuous inspection, of certain categories of food products which contain eggs or egg products as an ingredient, and the sale and possession of such products: *Provided*, That such products are manufactured from inspected egg products processed in accordance with this part or from eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs;

(h) The purchase, sale, possession, or transportation of shell eggs containing more restricted eggs than allowed in the tolerances for U.S. Consumer Grade B shell eggs: *Provided*, That such eggs are handled in accordance with §§ 59.200 and 59.700 through 59.860 to assure that only eggs fit for human food are used for such purpose. This exemption applies to the following:

- (1) Egg producers, assemblers, wholesalers, and grading operations;
- (2) Hatcheries;
- (3) Transporters;

(4) Laboratories, pharmaceutical companies; and

(5) Processors of products not intended for use as human food.

(i) For such period of time during the initiation of operations under the Act, but not later than July 1, 1973, that it is impracticable to provide inspection, the processing without continuous inspection of egg products at any plant which, under § 59.148 has not been provided inspection service, and the egg products processed at such plants. Egg products produced at such plants shall be identified in a manner approved by the Administrator, including the name and address of the packer or distributor and production lot number. Otherwise, the product and processing shall meet the other requirements of these regulations.

§ 59.105 Suspension or termination of exemptions.

(a) The Administrator may immediately suspend or terminate any exemption under § 59.100 (b) or (i) at any time with respect to any person, if the conditions of exemption prescribed by this section are not being met. The Administrator may modify or revoke any regulation of this part, granting exemption whenever he determines such action appropriate to effectuate the purposes of the Act.

(b) Failure to comply with the condition of the exemptions contained in § 59.100 shall subject such person to the penalties provided for in the Act and in this part.

PERFORMANCE OF SERVICE

§ 59.110 Licensed inspectors.

(a) Any person who is a Federal or State employee, or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may be licensed by the Secretary as an inspector.

(b) Licenses issued by the Secretary are to be countersigned by the Administrator or by any other designated official of the Service.

(c) No person may be licensed to inspect any product in which he is financially interested.

§ 59.112 Suspension of license or authority; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform inspection services may, whenever he deems such action necessary to assure that any inspection service is properly performed, suspend any license to perform inspection services issued pursuant to this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he

may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked or suspended.

§ 59.114 Surrender of license.

Upon termination of his services as an inspector or whenever his license has been suspended or revoked, the licensee shall surrender his license and other items of identification furnished by the Department immediately to the inspection service.

§ 59.116 Activities of inspectors.

Inspectors at official plants shall confine their activities to those duties necessary in the rendering of inspection service and such closely related activities as may be approved by the Administrator.

§ 59.118 Identification.

Inspector shall have in their possession at all times while on duty, and present upon request, the means of identification furnished by the Department to such persons.

§ 59.119 Political activity.

Inspectors are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, except as authorized by law or regulation of the Department, is prohibited. This applies to all appointees, including but not being limited to temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section or § 59.120 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 59.120 Financial interest of inspectors.

No inspector shall inspect any product in which he is financially interested.

§ 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be informed by management, in advance, of the hours when such inspection will be required.

§ 59.124 Schedule of operation of official plants.

Operating schedules of an official plant shall be subject to approval of the Administrator, and for the purpose of the regulations the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Saturday, for each full shift required. Clock hours of daily operations need not be specified in a schedule, al-

though as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of \$8.80 to cover the cost thereof.

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of \$8.80 to cover the cost thereof. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on authorized Government holidays may be obtained from the supervisor.

§ 59.130 Basis of billing plants.

Overtime and/or holiday services shall be billed to the official plant on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector providing such service to the plant, except that when an official plant requires the services of an inspector after he has completed his day's assignment and left the plant or when he is called back to duty on a day outside the established normal operating schedule or on a holiday, the official plant shall pay for a minimum of 2 hours service at the applicable established rate. Extra travel expense incurred while rendering overtime or holiday service shall be billed to the official plant. Bills are payable upon receipt and become delinquent 30 days from date of billing. Overtime or holiday inspection service will not be performed at any plant that is delinquent, and processing operations shall be confined to the regular operating schedule of the plant.

§ 59.132 Access to plants.

Access shall not be refused, at any reasonable time, to any representative of the Secretary to any plant or place of business subject to inspection under the provisions of this part upon presentation of proper credentials.

§ 59.134 Accessibility of product.

Each product for which inspection service is required shall be so placed as

to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 59.136 Facilities to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities shall include but not be limited to a sanitary room or area for sampling product, an approved candle light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a eleven sixteenths inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, metal stem thermometers, test thermometers, a stop watch, test weighing scales, and a satisfactory test kit for determining the bactericidal strength of sanitizing solutions.

(b) Furnished office space and equipment, including but not being limited to a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies, and facilities suitable for inspectors to change clothing.

APPLICATION FOR SERVICE

§ 59.140 How application shall be made.

The proprietor or operator of each plant processing egg products, unless exempted by § 59.100, shall make application to the Administrator for inspection service. The application shall be made in writing on forms furnished by the inspection service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 59.142 Filing of application.

An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.144 Authority of applicant.

Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 59.146 Application for continuous inspection in official plants; approval.

Any person desiring to process egg products under continuous inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. An application for continuous inspection service to be installed in an official plant shall be approved according to the following procedure:

(a) Initial survey: When an application for continuous inspection in a plant has been filed, a supervisory egg products inspector will make a survey and inspection of the premises and plant to determine if the facilities and methods of operation therein are suitable and adequate for service in accordance with:

- (1) these regulations, and
- (2) such other administrative instructions as may be issued from time to time by the service and which are in

effect at the time of the aforesaid survey and inspection.

(b) Drawings and specifications to be furnished:

(1) Applicants may obtain information or assistance as to the requirements before submitting prints of drawings, specifications, and supplemental information from the inspection service.

(2) Three copies of each print drawing as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, State, and zip code or an accurate description of the location.

(3) Plot plan of entire premises shall include location of all buildings, railroads, roadways, alleys, wells, reservoirs, drains, catch basins, nearby buildings adjoining property, drainage and slope of terrain, character and surfacing of roadways, driveways, and vehicular loading areas. The plot plan may be drawn to a scale of one-thirty-second inch per foot.

(4) Floor plan prints shall include all space on each floor of the official plant, accurately illustrating and describing the facilities. Detailed drawings of processing area shall be drawn to a scale of one-fourth inch per foot. Prints showing only nonprocessing areas may be drawn to a scale of one-eighth inch per foot.

(5) Floor plans shall show the location of such features as walls, partitions, posts, doorways, windows, floor drains and channel drains, air systems, ventilation fans, principal pieces of equipment, storage tanks, hose connections for cleaning purposes, hand-washing facilities, lockers, and toilets. The prints shall show slope of floors to drains.

(6) The official plant shall include all processing rooms and other rooms used in the official plant, including but not being limited to the breaking room, equipment washing and sanitizing rooms, shell egg washing rooms, packaging rooms, shell egg and egg products storage rooms (including coolers, freezers, hot rooms), drying rooms, toilet and dressing rooms, storerooms for supplies, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the building comprising the official plant. Except in public warehouses, all rooms, compartments, etc., of the building not to be considered as part of the official plant shall not have direct access into any part of the official plant.

(7) Supplemental information may be shown as notations on the drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible

product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required.

(8) Specification sheets shall include height of ceilings and type construction, type of floors and wall construction, wall and partition material, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the prints of drawing, supplemental information, and specifications, the application for service may be approved.

(d) Changes and revisions of official plant: When changes are planned in official plant construction, facilities, and equipment covered by previously approved prints, revised prints shall be submitted for review and approval prior to making the changes by: A completely revised sheet(s) showing proposed alterations and additions or any overlay print drawn to same scale as print to be modified or revised. A final survey of the completed alterations and additions shall be made by the supervisory egg products inspector to determine if the changes are in accordance with approved drawings and the regulations.

(e) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and these regulations. The plant may be approved only when these requirements have been met.

§ 59.148 Order of service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made. The Service shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

INAUGURATION OF SERVICE

§ 59.150 Official plant numbers.

An official plant number shall be assigned to each plant granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the plant which are capable of use as human food. A plant shall not have more than one plant number.

§ 59.155 Inauguration of service.

Prior to the inauguration of service, the proprietor or operator of the plant shall be knowledgeable of the requirements of these regulations. If the plant at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, the product shall be segregated, its identity and inventories shall be maintained, and it shall not be represented or dealt with as a product which has been inspected.

DENIAL OF SERVICE

§ 59.160 Refusal, suspension, or withdrawal of service.

(a) The Administrator (for such period, or indefinitely, as he deems necessary to effectuate the purposes of the Act) may refuse to provide or may withdraw inspection service under this part with respect to any plant if he determines after opportunity for a hearing (following the procedures of Title 7, Part 50 of the Code of Federal Regulations) is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under the Act or this part, because the applicant or recipient or anyone responsibly connected with such person has been convicted in any Federal or State court, within the previous 10 years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

(b) For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 percentum or more of its voting stock, or employee in a managerial or executive capacity.

(c) The determination and order of the Administrator with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of such order in the U.S. Court of Appeals for the circuit in which such applicant or recipient has its principal place of business or in the U.S. Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section. This section shall not affect in any way other provisions of the Act or these regulations for refusal of inspection services.

(d) (1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b)(2) and (3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water

Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Secretary of the Interior to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request).

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date.

(e) Inspection may also be suspended or revoked as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq. and Public Law 91-224).

(f) Suspension of plant approval and withdrawal of service:

(1) Any plant approval given pursuant to these regulations may be suspended by the Administrator for (i) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (ii) the use of operating procedures or practices which are not in accordance with the regulations; (iii) the alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations; or (iv) assaulting, intimidating, impeding, obstructing, or interfering with any person engaged in or on account of the performance of his official duties.

(2) During such period of suspension, no processing of egg products for commerce shall be carried on in the official plant. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official plant. Upon withdrawal of inspection service in an official plant, the plant approval for processing egg products shall also become terminated.

RECORDS AND RELATED REQUIREMENTS FOR EGGS AND EGG PRODUCTS HANDLERS AND RELATED INDUSTRIES

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any egg or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall upon the request of an authorized representative of the Secretary permit him at reasonable times to have access to and to copy all such records.

(b) Records of amounts of production, bills of sale, inventories, class and quan-

ties of product, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator will need to be maintained as applicable for all shell egg handlers and egg processing operations.

§ 59.220 Information and assistance to be furnished to inspectors.

When inspection service is performed at any plant, the plant operator shall furnish the inspector such information and assistance as may be required for the performance of inspection functions, preparing certificates, reports, and for other official duties.

ADMINISTRATIVE DETENTION

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or these regulations, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under these regulations, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, these regulations, or other laws.

APPEAL OF AN INSPECTION OR DECISION

§ 59.300 Who may request an appeal inspection or review of an inspector's decision.

Any appeal inspection may be requested by any interested party who is dissatisfied with the determination by an inspector of the class or condition of any product, and a review may be requested by the operator of an official plant with respect to an inspector's decision or on any other matter related to inspection in the official plant.

§ 59.310 Where to file an appeal.

(a) *Appeal from resident inspector's inspection or decision in an official plant.* Any interested party who is not satisfied with the determination of the class or condition of product which was inspected by an inspector in an official plant and has not left such plant and the operator of any official plant who is not satisfied with a decision by an inspector on any other matter relating to inspection in such plant may request an appeal inspection or review of the decision by the inspector by filing such request with the inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quantity, or condition of product which has left

the official plant where it was inspected or which was inspected other than in an official plant may request an appeal inspection by filing such request with the Regional Director in the region where the product is located or with the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.320 How to file an appeal.

Any request for an appeal inspection or review of an inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned.

§ 59.340 Who shall perform the appeal.

(a) An appeal inspection or review of a decision requested under § 59.310(a) shall be made by the inspector's immediate supervisor or by a licensed inspector assigned by the immediate supervisor other than the inspector whose inspection or decision is being appealed.

(b) The assignment of the inspector(s) who will make the appeal inspection under § 59.310(b) shall be made by the Regional Director or the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.350 Procedures for selecting appeal samples.

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

§ 59.360 Appeal inspection certificates.

Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal inspector assigns a different class to the lot, the labeling shall be corrected.

§ 59.370 Cost of appeals.

(a) There shall be no cost to the appellant when the appeal inspection discloses a material error was made in the original determination.

(b) The costs of an appeal shall be borne by the appellant at an hourly rate

of \$10.28, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

CERTIFICATES

§ 59.400 Form of certificates.

All certificates shall be issued on forms approved by the Administrator.

§ 59.402 Egg products inspection certificates.

(a) Upon request of the applicant or the Service, any inspector is authorized to issue an egg products inspection certificate with respect to any lot of egg products inspected by him. In addition, an inspector is authorized to issue an inspection certificate covering product inspected in whole or in part by another inspector when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) Each egg products inspection certificate shall show the name and address of the processor, the class and quantity of the egg products covered by such certificate, such shipping marks as are necessary to identify such products, all pertinent information concerning the wholesomeness thereof, and such other information as the Administrator may prescribe or approve.

§ 59.404 Erasures or alterations made on official certificates.

Erasures or alterations shall be initiated by the issuing inspector on the original certificate and any copy thereof. All certificates made useless through clerical error or otherwise and all certificates canceled for whatever cause shall be voided and initialed and the original and all other copies shall be forwarded as prescribed by the Administrator.

§ 59.406 Disposition of official certificates.

The original and up to two copies of each official certificate shall be issued to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records.

IDENTIFYING AND MARKING PRODUCT

§ 59.410 Egg products required to be labeled.

Containers of edible egg products, prior to leaving the official plant, shall bear the official identification as shown in Figure 2, 3, or 4 of § 59.412 or § 59.415, except that bulk transport shipments of liquid egg products shall be officially sealed. Bulk transport shipments of liquid egg products from one official plant to another shall be accompanied by an official certificate.

§ 59.411 Approval of official identification for use in official egg products plants.

(a) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(d) If the Administrator has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products

at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected.

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

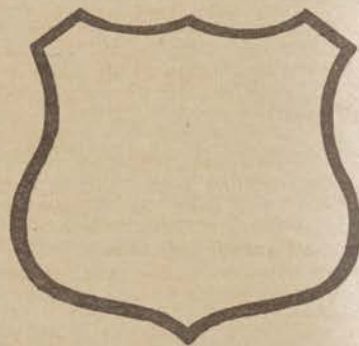


FIGURE 1.



FIGURE 2.

§ 59.414 Products bearing the official inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products and may contain other edible ingredients. The official mark shall be printed or lithographed and applied as a part of the principal display panel of the container but shall not be applied to a detachable cover.

§ 59.415 Use of other official identification.

Other official identification as shown in this section shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. The plant number may be omitted from the identification if applied elsewhere on the label or container. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 59.412, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consuming channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment.

(a) All nonpasteurized egg products, except as provided in paragraph (b) of this section, shipped from an official plant in packaged form shall be marked with the identification set forth in Figure 3 of this section. After pasteurization or treatment, the product may bear the official inspection mark as shown in § 59.412.

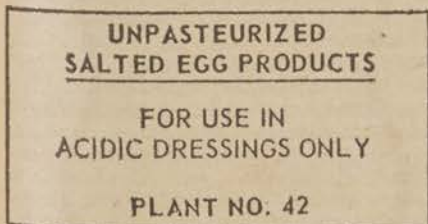


FIGURE 3.

(b) All nonpasteurized egg products, containing 10 percent or more added salt, shipped from an official plant in packaged form to an acidic dressing

manufacturer shall be marked with the identification set forth in Figure 4 of this section.

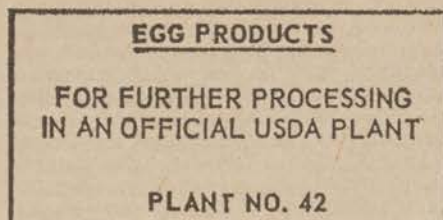


FIGURE 4.

§ 59.417 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear any official identification approved for use pursuant to § 59.411 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification and may subject such violator to the penalties and denial of the benefits of the Act;

(b) The use of simulations or imitations of any official identification by any person is prohibited;

(c) Once a year each applicant shall submit to the Administrator a list of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to these regulations, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed or the official identification completely obliterated, or inventoried and sealed in a manner acceptable to the Service.

§ 59.418 Supervision of marking and packaging.

(a) Evidence of label approval. No inspector shall authorize the use of official identification on any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 59.411.

(b) Affixing of official identification. No official identification shall be, or caused to be affixed to or placed on any product or container except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with these regulations. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) Labels for products sold under Government contract. The inspector in the official plant may approve use of labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided*, That the contract specifications have been approved by the Administrator and include complete specific requirements with respect to labeling, and are made available to the inspector.

§ 59.419 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector and the container is in compliance with § 59.504(k).

INSPECTION, REINSPECTION, CONDEMNATION, AND RETENTION

§ 59.420 Inspection.

(a) Continuous inspection shall be made, pursuant to these regulations, of the processing of egg products in each official plant processing egg products for commerce unless exempted under § 59.100. Inspections, certifications, or specification-type gradings, and other inspections which may be requested by the official plant and are in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product under this part, shall be made pursuant to the voluntary egg products inspection service (Part 55 of this chapter).

(b) Any food manufacturing establishment or institution which uses any eggs that do not meet the requirements of § 59.100(a) in the preparation of any articles for human food shall be deemed to be a plant processing egg products requiring continuous inspection under this part.

(c) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems necessary in order to ascertain if the product is unadulterated, wholesome, properly labeled, and fit for human food at the time it leaves the plant. Upon any such inspection, if any product or portion thereof is found to be adulterated, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as provided in § 59.422.

§ 59.422 Condemnation.

Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles which may by reprocessing be

made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal is requested, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection. The appeal shall be at the cost of the appellant if the Administrator determines that the appeal is frivolous, as defined in § 59.370.

§ 59.424 Reinspection.

(a) No egg product may be brought into an official plant except as provided in § 59.430(b) unless it has been prepared and handled in accordance with these regulations, and the container of such product is marked so as to identify the article as so inspected in accordance with this part.

(b) All egg products shall be reinspected by an inspector at the time they are brought into the official plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as provided in § 59.422, and shall, in the case of other products be disposed of according to applicable law.

§ 59.426 Retention.

Retention tags or other devices and methods as may be approved by the Administrator shall be used for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of the regulations. No product, equipment, utensil, room, or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

ENTRY OF MATERIAL INTO OFFICIAL EGG PRODUCTS PLANTS

§ 59.430 Limitation on entry of material.

(a) The Administrator shall limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles will be consistent with the purposes of the Act and these regulations.

(b) Noninspected egg products processed prior to July 1, 1971, may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in a manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when

no edible product is being processed and in such instances all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided*, That they are handled in such a way that adequate segregation and inventory controls are maintained at all times.

§ 59.435 Wholesomeness and approval of materials.

(a) Substances and ingredients used in the manufacture or preparation of any egg product capable of use as human food shall be clean, wholesome, and unadulterated.

(b) The use of chemical additives in egg products shall be permitted only when they are approved by the Administrator. The Administrator may require, in addition to listing the ingredients, a declaration of the additive, and the purpose of its use.

(c) Chemical additives to be used in the preparation of egg products will be approved only if they comply with the following criteria:

(1) The additive shall be safe under the conditions of its intended use.

(2) The additive shall not promote deception or cause the product to be otherwise adulterated or unwholesome. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this paragraph (c) shall be submitted by the person interested in having the additive approved.

(d) Containers and packing or packaging materials in which shell eggs are received into the official plant shall be free from odors and materials which could contaminate or adulterate the eggs or egg products.

§ 59.440 Processing ova.

(a) Ova from slaughtered poultry may be brought into the official plant for processing: *Provided*, That the ova is from wholesome poultry inspected in a plant operating under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and such product is harvested in a sanitary manner, properly handled, cooled, packaged and labeled: *And provided further*, That such product is wholesome and the containers of such product bear official identification which assures the provisions of this paragraph have been met.

(b) The ova and products containing ova shall be processed, cooled, and pasteurized in the official plant in the same manner as liquid, frozen, or dried yolk products.

(c) The labeling for all products containing ova shall be approved by the Administrator prior to use.

SANITARY, PROCESSING, AND FACILITY REQUIREMENTS

§ 59.500 Plant requirements.

(a) The plant shall be free from objectionable odors, dust, and smoke-laden air.

(b) The premises shall be free from refuse, rubbish, waste, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.

(c) The buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of vermin.

(d) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(e) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be so designed and installed to prevent the entrance of dust and dirt. Doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(f) Doors and other openings which are accessible to rodents shall be of rodent-proof construction.

(g) There shall be an efficient drainage and plumbing system for the plant and premises. Drains and gutters shall be properly installed with approved traps and vents. The sewage system shall have adequate slope and capacity to readily remove waste from the various processing operations. Floor drains shall be equipped with traps, and constructed so as to minimize clogging. In new or remodeled construction the drainage systems from toilets and laboratories shall not be connected with other drainage systems within the plant.

(h) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant or portion thereof utilized for egg processing and handling operations and protected against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(i) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(j) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed, constructed, and maintained to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(k) Every precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects from the plant, or portion thereof

utilize in which shell eggs or egg products are handled or stored.

(1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex	Toilet bowls required
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	3
56 to 80, inclusive	4
For each additional 30 persons in excess of 80	1

Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(m) Lavatory accommodations (including, but not being limited to, hot and cold running water, single service towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant to assure cleanliness of each person handling any shell eggs or egg products. The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the drains shall be trapped and connected to the plumbing system.

(n) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

§ 59.502 Equipment and utensils.

(a) Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will:

(1) Enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner;

(2) Permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable, all such equipment shall be made of metal or other impervious material which will not affect the product by chemical action or physical contact.

(b) Except as authorized by the Administrator, in new or remodeled equipment and equipment installations, the equipment shall comply with the applicable E-3-A Sanitary Standards and Accepted Practices in effect for such equipment.

§ 59.504 General operating procedures.

(a) Operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator.

Processing methods and temperatures in all operations shall be such as will prevent a deterioration of the egg products.

(b) Shell eggs and egg products processed in official plants shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with these regulations or is not fit for human food shall be removed and segregated.

(c) All loss and inedible eggs or egg products shall be placed in a clearly identified container containing an approved denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

(d) The inspector may, prior to receipt of laboratory results for salmonella, or for other reasons such as labeling as to solids content, permit egg products to be shipped from the official plant when he has no reason to suspect noncompliance with any of the provisions of this part. However, such shipments shall be made under circumstances which will assure the return of the product to the plant for reprocessing, relabeling, or under such other conditions as the Administrator may determine to assure compliance with this part.

(e) Pasteurizing, stabilizing, or drying operations shall start as soon as practicable after breaking to prevent deterioration of product, preferably within 72 hours from time of breaking for egg products other than whites which are to be desugared.

(f) Each person who is to handle any exposed or unpacked egg products or any utensils or container which may come into contact with egg product, shall wash his hands and maintain them in a clean condition.

(g) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored or handled.

(h) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the eggs or egg products and which have been approved by the Administrator may be used in an official plant. The use of such compounds shall be in a manner satisfactory to the administrator.

(i) Utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately

and shall not be used again until cleaned and sanitized.

(j) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(k) Packages or containers for egg products shall be of sanitary design and clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging edible egg products. Fiber containers used without liners require the approval of the Administrator.

(l) Egg products shall be inspected to determine the wholesomeness of the finished product.

(m) Egg products shall be processed in such a manner as to insure the immediate removal of blood and meat spots, shell particles, and foreign materials.

(n) Utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be clean and sanitized at the start of processing operations. Equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) Egg products prior to being released into consuming channels shall be pasteurized in accordance with § 59.570 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 59.575.

(1) To assure adequate pasteurization, egg products shall be sampled and tested for the presence of salmonella. Sampling for the presence of salmonella shall be in accordance with § 59.580 and product found to be salmonella positive shall be reprocessed, pasteurized, and analyzed for the presence of salmonella, or denatured.

(2) Nonpasteurized or salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. Shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonella positive. If nonpasteurized or salmonella positive products are to be stored in other than the official plant facilities, the inspector at the consignee's and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such nonpasteurized or salmonella positive product shall be marked with the identification mark shown in Figure 3 of § 59.415.

(3) Notwithstanding the provision of paragraph (o) (2) of this section, nonpasteurized salted egg products containing 10 percent or more salt added may be shipped from an official plant directly to

a manufacturer of acidic dressings only under the following provisions:

(i) Before such shipment is made, the manufacturer of the acidic dressing shall apply in writing and receive permission from the Administrator to receive and use unpasteurized egg products. The applicant shall sign a written statement containing the specification for the treatment of the nonpasteurized egg product in a manner that will insure that viable salmonella microorganisms are destroyed, and such processing treatment shall be approved by the Administrator prior to use.

(ii) Product shall be shipped under seal from the official plant, accompanied by an official USDA certificate stating that the product is nonpasteurized and for use in acidic dressings only.

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate. "The volume of nonpasteurized egg product stated on this certificate was received at _____," the blank being filled in with the name and address of the receiving company and the date. The certificate shall be returned to the USDA inspector at the origin plant.

(iv) The acidic dressing manufacturer shall maintain processing records indicating the use of each shipment of unpasteurized salted product and the code lots of acidic dressing into which it was processed. Records of the pH and the acidity expressed as percent acetic acid of each code lot shall be maintained. The records shall also demonstrate that the acidic dressing was held 72 hours prior to shipment. These records shall be maintained for 2 years and shall be available for inspection by a representative of the Department.

(v) Each container of salted egg product shipped from the official plant shall be labeled as required in § 59.411, and shall bear the words "Caution—this egg product has not been pasteurized or otherwise treated to destroy viable salmonella microorganisms," and shall bear the official identification shown in figure 4 of § 59.415.

(p) Air which is to come in contact with product or with product contact surfaces shall come from approved filtered outside air sources.

§ 59.506 Candling and transfer-room facilities and equipment.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(b) The construction of the floor shall allow thorough cleaning. The floors shall be of water-resistant composition and provided with proper drainage.

(c) Ventilation shall be provided by means of an approved forced air exhaust system for the room and any egg washing equipment. The room temperature shall be maintained at suitable working temperatures during operations.

(d) Candling devices of an approved

type shall be provided to enable candlers to detect loss, inedible, dirty, or checked eggs, and eggs other than chicken eggs.

(e) Leaker trays shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(f) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

(h) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned.

§ 59.508 Candling and transfer-room operations.

(a) Candling and transfer rooms and equipment shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Containers for trash and inedible eggs shall be removed from the candling rooms as often as necessary but at least once daily; and shall be cleaned and treated in such a manner as will prevent off odors or objectionable conditions in the plant.

(c) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(d) Shell eggs with extensively damaged shells, unless prohibited under § 59.510(d), shall be placed into leaker trays and shall be broken promptly.

§ 59.510 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers as described in paragraph (c) (2) of this section.

(4) Eggs from other than chicken; duck, turkey, guinea, and goose eggs.

(5) Other eggs—satisfactory for use as breaking stock.

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membranes are not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membranes missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 59.504(c). Inedible and loss eggs for the purpose of this section and § 59.522 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, any eggs that are adulterated as such term is defined pursuant to this part, and any other filthy and decomposed eggs including the following:

(1) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(2) Any egg with a portion of the shell and shell membranes missing and with egg meat adhering to or in contact with the outside of the shell.

(3) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membranes.

(4) Liquid egg recovered from shell egg containers and leaker trays.

(5) Open leakers made in the washing operation.

(6) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator reject eggs shall not be brought into the official plant.

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be maintained at 90° F. or higher and shall be at least 20° F. warmer than the temperature of the eggs to be washed.

(2) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(3) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(4) Wash water shall be completely changed at least every 4 hours and at the end of each shift, or more frequently, if necessary. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Chlorine sanitizing rinse water may be used as part of the replacement water.

(6) Wash water from the washing operation shall go directly to drains.

(7) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.p.m. nor more than 200 p.p.m. of available chlorine or its equivalent.

(8) Immersion-type washers shall not be used.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product from free moisture on the shell.

§ 59.520 Breaking room facilities.

(a) The breaking room shall have at least 30-foot candles of light on all working surfaces except that light intensity shall be at least 50 foot-candles at breaking and inspection stations. Lights shall be protected with adequate safety devices.

(b) The surface of the ceiling and walls shall be smooth and made of a water-resistant material.

(c) The floor shall be of water-proof composition, reasonably free from cracks or rough surfaces, sloped for adequate drainage, and the intersections with walls and curbing shall be impervious to water.

(d) Ventilation shall provide for:

(1) A positive flow of outside filtered air through the room;

(2) Air of suitable working temperature during operations.

(e) There shall be provided adequate hand washing facilities which are easily accessible to all breaking personnel, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

(f) Containers for packaging egg products are not acceptable as liquid egg buckets.

(g) A suitable container conspicuously identified shall be provided for the disposal of rejected liquid.

(h) Strainers, filters, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles and foreign material, unless specific approval is obtained from the National Supervisor for other mechanical devices.

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closing packaging systems.

§ 59.522 Breaking room operations.

(a) The breaking room shall be kept in a dust-free clean condition and free from flies, insects, and rodents. The floor shall be kept clean and reasonably dry during breaking operations and free of egg meat and shells.

(b) All breaking room personnel shall wash their hands thoroughly with odorless soap and water each time they enter the breaking room and prior to receiving clean equipment after breaking an inedible egg.

(c) Paper towels or tissues shall be used at breaking tables, and shall not be reused. Cloth towels are not permitted.

(d) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2½ hours.

(e) Cups shall not be filled to overflowing.

(f) Each shell egg shall be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be reexamined by a person qualified to perform such functions before being emptied into the tank or churn, except as otherwise approved by the National Supervisor.

(g) Shell particles, meat and blood spots, and other foreign material accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(h) Whenever an inedible egg is broken, the affected breaking equipment shall be cleaned and sanitized.

(i) Inedible and loss eggs as defined in § 59.510 apply to this section.

(j) The contents of any cup or other liquid egg receptacle containing one or more inedible or loss eggs shall be rejected.

(k) Contents of drip trays shall be emptied into a cup and smelled carefully before pouring into liquid egg bucket. Drip trays shall be emptied at least once for each 15 dozen eggs or every 15 minutes.

(l) Edible leakers as defined in § 59.510(c)(2) and checks which are liable to be smashed in the breaking operation shall be broken at a separate station by specially trained personnel.

(m) Ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

(n) Liquid egg containers shall not pass through the candling room.

(o) Test kits shall be used to determine the strength of bactericidal solution. (See §§ 59.515(a)(7) and 59.552.)

(p) Leaker trays shall be washed and sanitized whenever they become soiled and at the end of each shift.

(q) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(r) Belt-type shell egg conveyors shall be cleaned and sanitized approximately every 4 hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(s) Cups, knives, racks, separators, trays, spoons, liquid egg palls, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(t) Utensils and dismantled equipment shall be drained and air dried on approved self-draining metal racks and shall not be nested.

(u) Dump tanks, drawoff tanks, and churns shall be cleaned approximately every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable cleaned-in-place methods, shall be dismantled and

cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be sanitized prior to placing in use.

(v) Strainers, clarifiers, filtering and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation.

(w) Breaking room processing equipment shall not be stored on the floor.

(x) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling. The foregoing sequence shall not be required if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling.

(y) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned after each use. Such equipment shall be clean and sanitized immediately prior to placing in use.

(z) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(aa) Mechanical egg breaking machines shall be operated at a rate to maintain complete control and accurately inspect and segregate each egg to insure the removal of all loss and inedible eggs. The machine shall be operated in a sanitary manner.

(1) When an inedible egg is encountered on mechanical egg breaking equipment, the inedible egg and contaminated liquid shall be removed. The machine shall be cleaned and sanitized, or contaminated parts replaced with clean ones in the manner prescribed by the Administrator for the type of inedible egg encountered and the kind of egg breaking machine.

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pumping system shall be cleaned approximately every 4 hours. All egg liquid pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

(3) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

§ 59.530 Liquid egg cooling.

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean and free from objectionable odors and condensation. Surface coolers and liquid holding vats containing product shall be kept covered while in use. Liquid cooling units shall

be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) The cooling and temperature requirements for liquid egg products shall be as specified in Table I of this section.

(d) Upon written request and under such conditions as may be prescribed by

the National Supervisor, liquid cooling and holding temperatures not otherwise provided for in this section may be applied.

(e) Agitators shall be operated in such a manner as will minimize foaming.

(f) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State board of health. Such liquid shall be dried. All ice shall be handled in a sanitary manner.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking		Temperature within 2 hours after pasteurization	Temperature within 3 hours after stabilization
	Liquid (other than salt product) to be held 8 hours or less	Liquid (other than salt product) to be held in excess of 8 hours		
Whites (not to be stabilized).	55° F. or lower.	45° F. or lower.	45° F. or lower.	
Whites (to be stabilized).	70° F. or lower.	55° F. or lower.	55° F. or lower.	(1)
All other product (except product with 10 percent or more salt added).	45° F. or lower.	40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	

¹ Stabilized liquid whites shall be dried as soon as possible after removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

² The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

§ 59.532 Liquid egg holding.

(a) Tanks, vats, drums, or other containers used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

(c) Inlets to holding tanks or vats shall be such as to prevent excessive foaming.

(d) Gaskets, if used, shall be of a sanitary type.

§ 59.534 Freezing facilities.

(a) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in § 59.536. Use of off-premise freezing facilities is permitted only when prior approval in writing from the National Supervisor is on file.

(b) Adequate air circulation shall be provided in all freezing rooms.

§ 59.536 Freezing operations.

(a) Freezing rooms shall be kept clean and free from objectionable odors.

(b) Requirements:

(1) Nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) Pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

(c) Containers shall be stacked so as to permit circulation of air around the containers.

(d) The outside of liquid egg containers shall be clean and free from evidence of liquid egg.

(e) Frozen egg products shall be examined by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and any official identification mark which appears on any container thereof shall be removed or completely obliterated and the containers identified as required in §§ 59.840 and 59.860.

§ 59.538 Defrosting facilities.

(a) Approved metal defrosting tanks or vats constructed so as to permit ready and thorough cleaning shall be provided.

(b) Frozen egg crushers, when used, shall be of approved metal construction. The crushers shall permit ready and thorough cleaning and the bearings and housing shall be fabricated in such a

manner as to prevent contamination of the egg products.

(c) Service tables shall be of approved metal construction without open seams and the surfaces shall be smooth to allow thorough cleaning.

§ 59.539 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

(b) Each container of frozen eggs shall be checked for condition and odor just prior to being emptied into the crusher or receiving tank. Frozen eggs which have objectionable odors and are unfit for human food (e.g., sour, musty, fermented, or decomposed odors) shall be denatured.

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

(d) Frozen whole eggs, whites and yolks, and yolks may be tempered or partially defrosted for not to exceed 48 hours at a room temperature no higher than 40° F. or not to exceed 24 hours at a room temperature above 40° F.: *Provided*, That no portion of the defrosted liquid shall exceed 50° F. while in or out of the container.

(1) Frozen eggs packed in metal containers may be placed in running cold tap water without submersion to speed defrosting.

(2) The defrosted liquid shall be held at 40° F. or less, except for product to be pasteurized or stabilized by glucose removal as provided in § 59.530. Defrosted liquid shall not be held more than 16 hours prior to processing or drying.

(e) Sanitary methods shall be used in handling containers and removing egg product.

(f) Crushers and other equipment used in defrosting operations shall be dismantled at the end of each shift and shall be washed, rinsed, and sanitized.

(1) Where crushers are used intermittently, they shall be flushed after each use and again before being placed in use.

(2) Floors and work tables shall be kept clean.

§ 59.540 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

(b) Driers shall be of approved construction and materials, with welded seams, and the surfaces shall be smooth to allow for thorough cleaning.

(c) Driers shall be equipped with approved air intake filters.

(d) Air shall be drawn into the drier from sources free from foul odors, dust, and dirt.

(e) Indirect heat or the use of an approved premixing device or other approved devices for securing complete combustion in direct-fired units is required. A premix-type burner, if used,

shall be equipped with approved air filters at blower intake.

(f) High-pressure pump heads and lines shall be of stainless steel construction or equivalent which will allow for thorough cleaning.

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

(h) Powder conveying equipment shall be constructed as will facilitate thorough cleaning.

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction. Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 59.542 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable in-place cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, sifters, and packaging systems shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of powder when such equipment is not to be used for a period of 24 hours or longer.

(2) Collector bags shall be cleaned as often as needed to maintain them in an acceptable clean condition.

(d) Powder shall be sifted and the screen shall be replaced whenever torn or worn.

(e) Accumulations of large particles or lumps of dried eggs shall be removed from the sifter screens continuously.

(f) All openings into the drier around ports, augers, high-pressure lines, etc., shall be closed to the extent possible during the drying operation to prevent entrance of nonfiltered air.

(g) Openings into the drying unit shall be closed when the drier is not in use, except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

§ 59.544 Spray process powder; definitions and requirements.

(a) Definition of product:

(1) "Primary powder" is that powder which is continuously removed from the primary or main drying chamber while the drying unit is in operation.

(2) "Secondary powder" is that powder which is continuously and automatically removed from the secondary chamber and/or bag collector chamber while the drying unit is in operation.

(3) "Sweep-down powder" is that powder which is recovered in the brush-down process from the primary or secondary chamber and conveyors.

(4) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 59.548 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(e) Edible dried egg powder obtained from the sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall be reconstituted, repasteurized, and redried.

(f) Approximately the first and last 175-pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

§ 59.546 Albumen flake process drying facilities.

(a) Drying facilities shall be constructed in such a manner as will allow thorough cleaning and be equipped with approved intake filters.

(b) The intake air source shall be free from foul odors, dust, and dirt.

(c) Premix-type burners, if used, shall be equipped with approved air filters at blower intake.

(d) Fermentation tanks, drying pans, trays or belts, scrapers, curing racks, and equipment used for pulverizing pan dried albumen shall be constructed of approved materials in such a manner as will permit thorough cleaning.

(e) Sifting screens shall be constructed of approved materials in such a manner as will permit thorough cleaning and be in accordance with the specification for the type of albumen produced.

§ 59.547 Albumen flake process drying operations.

(a) The fermentation, drying, and curing rooms shall be kept in a dust-free

clean condition and free of flies, insects, and rodents.

(b) Drying units, racks, and trucks shall be kept in a clean and sanitary condition.

(c) Drying pans, trays, belts, scrapers, or curing racks, if used, shall be kept in a clean condition.

(d) Oils and waxes used in oiling drying pans or trays shall be of edible quality.

(e) Equipment used for pulverizing or sifting dried albumen shall be kept in a clean condition.

§ 59.548 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) General: Processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, or other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces where water or dirt could accumulate.

(2) The intersections of the walls and floors shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Metal storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging of spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of approved outside filtered air.

(2) Blending and packaging equipment and accessories which come into contact with the dried product shall be of an approved construction without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

§ 59.549 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

§ 59.550 Washing and sanitizing room or area facilities.

(a) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate exhaust shall be provided to assure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing is not done in a separate room, it shall be in an area well segregated from the breaking areas and be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

(b) Ceiling and walls shall have a surface of tile, enamel paint, or other water-resistant material.

(c) Floors shall be adequately sloped for proper drainage, be free from cracks or rough surfaces where water and dirt could accumulate and the intersections with walls shall be impervious to water.

§ 59.552 Cleaning and sanitizing requirements.

(a) *Cleaning.* (1) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless high pressure cleaning is used) to flush soiled equipment with clean cool water, dismantle it when possible, wash by brushing with warm water containing a detergent and followed by rinsing with water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(2) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(3) C.I.P. (cleaned-in-place) shall be considered to be acceptable only if the methods and procedures used accomplish cleaning equivalent to that obtained by thorough manual washing and sanitizing of dismantled equipment. The Administrator shall determine the acceptability of C.I.P. cleaning procedures and may require bacteriological tests and periodic dismantling of equipment as a basis for such determination.

(b) *Sanitizing.* (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval by the Administrator prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solution containing a maximum strength of 200 p.p.m. of available chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

(2) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents unless otherwise approved by the Administrator.

§ 59.560 Health and hygiene of personnel.

(a) Personnel facilities, including toilets, lavatories, lockers, and dressing rooms shall be adequate and meet State and local requirements for food processing plants.

(b) Toilets and dressing rooms shall be kept clean and adequately ventilated to eliminate odors and kept adequately supplied with soap, towels, and tissues. Toilet rooms shall be ventilated to the outside of the building.

(c) No person affected with any communicable disease in a transmissible stage or a carrier of such disease, or with boils, sores, infected wounds, or wearing cloth bandages on hands shall be permitted to come in contact with eggs in any form or with equipment used to process such eggs.

(d) Workers coming into contact with liquid or dried eggs, containers, or equipment shall wear clean outer uniforms.

(e) Plant personnel handling exposed edible product shall wash their hands before beginning work, and upon returning to work after leaving the work room.

(f) Expectorating, or other unsanitary practices, shall not be permitted.

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

(h) Hair nets or caps shall be properly worn by all persons in breaking and packaging rooms.

§ 59.570 Pasteurization of liquid eggs.

(a) Pasteurization facilities: The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product shall be continuously and automatically recorded during the process.

(b) Pasteurizing operations: Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time as set forth in this section. The temperatures and holding times listed in Table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time. Pasteurization procedures shall assure complete pasteurization, and holding, packaging, facilities and operations shall be such as to prevent contamination of the product.

TABLE I.—PASTEURIZATION REQUIREMENTS¹

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements
	^{°F.}	<i>Minutes</i>
Albumen (without use of chemicals).....	134	3.5
	132	6.2
	140	3.5
Whole egg.....		
Whole egg blends (less than 2 percent added nonegg ingredients).....	142	3.5
Fortified whole egg and blends (24-38 percent egg solids, 2-12 percent added nonegg ingredients).....	140	6.2
	144	3.5
	142	6.2
Salt whole egg (with 2 percent or more salt added).....	146	3.5
	144	6.2
Sugar whole egg (2-12 percent sugar added).....	142	3.5
	140	6.2
Plain yolk.....	142	3.5
	140	6.2
Sugar yolk (2 percent or more sugar added).....	146	3.5
	144	6.2
Salt yolk (2-12 percent salt added).....	146	3.5
	144	6.2

¹ Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the Administrator when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonella negative product.

§ 59.575 Heat treatment of dried whites.

Heat treatment of dried whites is an approved method for pasteurization and the product shall be heated throughout for such times and at such temperatures as will result in salmonella negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment of spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonella negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuously at

such temperature not less than 5 days and until it is salmonella negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the Administrator upon receipt of satisfactory evidence that such methods will result in salmonella negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonella as required in § 59.580.

(d) Records shall be maintained for 1 year of the following:

- (1) Types of product;
 - (2) Lot number;
 - (3) Heat treatment room temperatures;
 - (4) Product temperatures;
 - (5) Length of time product is held in heat treatment room;
 - (6) Results of all laboratory analyses made for the presence of salmonellae.
- (e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

LABORATORY

§ 59.580 Laboratory tests and analyses.

The official plant, at their expense, shall make tests and analyses to determine compliance with the Act and the regulations.

(a) Samples shall be drawn from liquid, frozen or dried egg products and analyzed for compliance with the standards of identity (if any) and with the product label.

(b) To assure adequate pasteurization, pasteurized egg products and heat treated dried egg whites shall be sampled and analyzed for the presence of salmonella in accordance with such sequence, frequency, and approved laboratory methods as prescribed by the Administrator. The samples of pasteurized egg products and heat treated dried egg whites shall be drawn from the final packaged form.

(c) Results of the analyses and tests shall be made available to the inspector.

(d) USDA will draw confirmation samples and submit them to a USDA laboratory at USDA's expense to determine the adequacy of the plant's tests and analyses.

EXEMPTED EGG PRODUCTS PLANTS

§ 59.600 Application for exemption.

An application for exemption from the continuous inspection requirements must be made in writing on forms approved by the Administrator and filed with the inspection service.

§ 59.610 Criteria for exemption.

Any plant processing egg products may qualify for exemption where:

- (a) The facility, operating procedures and practices, and sanitation meet the standards required for official egg products plants as are contained in §§ 59.500-59.580, and such exempted plants shall thereafter be subject to other provisions

applicable to official plants which shall include maintaining records such as pasteurization temperatures and holding times, laboratory records, egg products testing procedures, and making all such records available for review.

(b) The eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs.

§ 59.620 Authority of applicant.

Proof of authority of any person applying for exemption from continuous inspection may be required by the Administrator.

§ 59.630 Filing of application.

An application for exemption shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the inspection service.

§ 59.640 Application for exemption; approval.

Any person desiring to process egg products pursuant to the exemption provision of the Act and these regulations must receive approval of such plant, facilities, and operating procedures as an exempted plant. An application for exemption shall be according to the following:

(a) *Initial survey.* When an application for exemption of a plant has been filed, a Supervisory Egg Products Inspector will make a survey and inspection of the premises and plant to determine if the facilities, methods of operation, and eggs received or used therein are suitable and adequate in accordance with:

- (1) Section 59.610; and
- (2) Such other administrative instructions as may be issued, from time to time, by the Service and which are in effect at the time of the aforesaid survey and inspection.

(b) *Final survey and exemption approval.* Upon notification by the applicant for exemption that all the criteria for exemption required in § 59.610 are in effect and an initial survey has been performed, the applicant shall:

- (1) Submit drawings and specifications in accordance with the same requirements as official plants as specified in § 59.146(b);
- (2) Submit labels for approval as specified in § 59.680;

(3) Request a final survey be made by Supervisory Egg Products Inspector to determine if the plant is constructed and the facilities are installed in accordance with the approved drawings and these regulations.

(c) The plant will be approved for exemption only when all the requirements of this section have been met.

§ 59.650 Exempted plant registration number.

Each plant processing egg products which receives the Administrator's approval for exemption shall be assigned an "Exempted Registration Number" at the time the exemption approval is provided.

§ 59.660 Inspection of exempted plants.

Duly authorized representatives of the Administrator shall make such periodic inspections of exempted plants and records thereof as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to exempted plants have been violated. Such representatives shall be afforded access, at any reasonable time, to any plant or place of business subject to inspection under the provisions of the Act.

§ 59.670 Termination of exemption.

The Administrator may suspend or terminate any exemption if the criteria for exemption required in § 59.610 are not being met. In addition, if any violation has been committed, the applicable penalties provided in this part may be enforced as provided in the Act.

§ 59.680 Approval of labeling for egg products processed in exempted egg products processing plants.

(a) The labels for egg products which are capable for use as human food shall be submitted to the Administrator for approval. The submission and approval shall be the same as for official plants as required in § 59.411 except the labels or containers shall not bear official identification.

(b) The label or container shall legibly and conspicuously bear the statement: "Exempted—E.P.I.A. Registration No. _____." The registration number shall be that assigned to the exempted plant as provided in § 59.650.

REGISTRATION OF SHELL EGG HANDLERS

§ 59.690 Persons required to register.

Shell egg handlers, except for producers-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., households, restaurants, institutions, food manufacturers, etc.) are required to furnish their name and place of business on forms provided by the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form.

INSPECTION AND DISPOSITION OF RESTRICTED EGGS

§ 59.700 Prohibition on disposition of restricted eggs.

(a) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation in any business in commerce any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(b) No egg handler shall possess any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(c) No egg handler shall use any restricted eggs in the preparation of human food, except as provided in §§ 59.100 and 59.720.

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirty eggs, incubator rejects, inedibles, leakers, or loss shall be disposed of by one

of the following methods at point of segregation:

(1) By destruction in a manner approved by the Administrator,

(2) By denaturing as described in § 59.504(c) and labeling as required in §§ 59.840 and 59.860, and

(3) By satisfactory identification as specified in §§ 59.800 and 59.860. Restricted eggs may be shipped directly or indirectly for use as other than human food. Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing. Inedibles, loss, and incubator rejects shall not be intermingled in the same containers with checks or dirties.

(b) Eggs which are packed for consumer use (e.g., households, restaurants, institutions, food manufacturers, etc.) and which have been found to exceed the tolerance for restricted eggs permitted in the official standards for U.S. Consumer Grade B, shall be identified as required in §§ 59.800 and 59.860 and shall be shipped directly or indirectly:

(1) To an official egg products plant for proper segregation and processing; or

(2) Be regarded so that they comply with the official standards; or

(3) For use as other than human food.

(c) Records shall be maintained as provided in § 59.200 to assure proper disposition.

§ 59.760 Inspection of egg handlers.

Duly authorized representatives of the Administrator shall make such periodic inspections of egg handlers and their records as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to such egg handlers have been violated. Such representatives shall be afforded access, at any reasonable time, to any place of business or plant subject to inspection under the provisions of the Act.

IDENTIFICATION OF RESTRICTED EGGS OR EGG PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—for Processing Only in an Official USDA Egg Products Processing Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used as Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860 of this part.

§ 59.840 Identification of inedible, unwholesome, or adulterated egg products.

All inedible, unwholesome, or adulterated egg products shall be identified

with the name and address of the processor, the words "Inedible Egg Products—Not To Be Used as Human Food."

§ 59.860 Size of identification wording.

The letters of the identification wording shall be legible, conspicuous and at least one-half inch in height.

IMPORTS

§ 59.900 Requirements for importation of egg products or restricted eggs into the United States.

(a) Egg products and restricted eggs may be imported into the United States from any foreign country only in accordance with these regulations. The term "United States" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia. The importation of any egg or egg product in violation of the regulations of this part is prohibited.

(b) All such imported articles shall upon entry into the United States be deemed and treated as domestic articles and be subject to the other provisions of the Act, these regulations, and other Federal or State requirements.

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only in an Official USDA Plant," or "Restricted Eggs—Not To Be Used as Human Food." Such identification shall be legible, conspicuous, in letters at least one-half inch in height.

(b) Eggs which are imported for use as human food and upon entry are found to contain more restricted eggs than permitted in the official standards for U.S. Consumer Grade B, shall be refused entry and returned to the importing country or be conspicuously and legibly identified as "Imported Restricted Eggs" and be sent directly under official seal: (1) To a place where they may be regraded to comply with the official U.S. standards for consumer grades; (2) to an official USDA egg products processing plant; or (3) to be used as other than human food.

§ 59.910 Eligibility of foreign countries for importation of egg products into the United States.

(a) Whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and these regulations including, but not limited to the

same sanitary, processing, facility requirements, and continuous Government inspection as required in §§ 59.500 through 59.580 applicable to inspected articles produced within the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter, egg products from the countries so listed shall be eligible, subject to the provisions of this part and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in these regulations. Egg products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 59.960. In determining if the inspection system of a foreign country is the equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

(b) It has been determined that each of the following foreign countries maintain an egg products inspection system that is the equivalent of the system maintained by the United States: * * *

§ 59.915 Foreign inspection certificate required.

(a) Egg products. Except as provided in § 59.960, each consignment of egg products, as defined in this part, shall be accompanied by a foreign egg products inspection certificate, which, unless otherwise approved by the Administrator, contains the following information:

- (1) Country exporting product;
- (2) City and date where issued;
- (3) Kind of product, number of containers, and weight;
- (4) Production date(s) of product;
- (5) Identification marks on containers;
- (6) Name and address of exporter;
- (7) Name, address, and plant number of processing plant;
- (8) Name and address of importer;
- (9) A certification that the egg products were produced under the approved regulations, requirements, and continuous Government inspection of the exporting country and;
- (10) Name (including signature) and official title of person authorized to issue

inspection certificates for egg products exported to the United States.

(b) *Shell eggs*. Except as otherwise provided in § 59.960, each consignment of shell eggs shall be accompanied by a foreign inspection certificate, which, unless otherwise approved by the Administrator contains the following information:

- (1) Country exporting product;
- (2) City and date where issued;
- (3) Quality or description of eggs;
- (4) Number of cases and total quantity;
- (5) Identification marks on containers;
- (6) Name and address of exporter;
- (7) Name and address of importer;
- (8) A certification that the quality or description of the shell eggs is true and accurate and;
- (9) Name (including signature) and title of person authorized to issue inspection certificates for shell eggs exported to the United States.

§ 59.920 Importer to make application for inspection of imported eggs and egg products.

Each person importing any eggs or egg products shall make application for inspection upon C&MS Form PY-222—Import Request, Eggs and Egg Products, to the Chief, Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry Division, Grading Branch office at the port where the product is to be offered for importation. Application shall be made as long as possible prior to the arrival of each consignment of product, except in the case of product exempted from inspection by § 59.960. Each application shall state the approximate date of product arrival in the United States, the name of the ship or other carrier, the country from which the product was shipped, the destination, the quantity and class of product, whether fresh, frozen, or dried, and the point of first arrival in the United States.

§ 59.925 Inspection of imported eggs and egg products.

(a) Except as provided in § 59.960, eggs and egg products offered for importation from any foreign country shall be subject to inspection in accordance with established inspection procedures, including the examination of the labeling information on the containers, by an inspector before the product shall be admitted into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots), the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take samples, without cost to the United States, of any product offered for importation which is subject to analysis or quality determination, except that samples shall not be taken of any products offered for importation under § 59.960, unless there is rea-

son for suspecting the presence therein of a substance in violation of that section.

§ 59.930 Imported eggs and egg products: retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

(a) No eggs or egg products required by this part to be inspected shall be released from customs custody prior to required inspections, but such product may be delivered to the consignee, or his agent, prior to inspection if the consignee shall furnish a bond, in the form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through customs.

(b) Notwithstanding paragraph (a) of this section, no product required by this part to be inspected shall be moved prior to inspection from the port of arrival where first unloaded, and if arriving by water from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this part as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this part.

(c) Means of conveyance or packages in which any product is moved in accordance with this part, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the U.S. Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Such special seals shall be affixed by an inspector or, if there is no inspector at such port, by a customs officer. In lieu of sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright yellow paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of _____ must be delivered intact to an inspector of the Poultry Division, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under E.P.I.A." and this warning notice defaced.

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department, except customs officers or inspectors or as provided in paragraph (f) of this section.

(e) No product shall be removed from any means of conveyance or package sealed with a special import seal of the

U.S. Department of Agriculture, except under the supervision of an inspector or a customs officer, or as provided in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the special import seal of the U.S. Department of Agriculture on a car, truck, or other means of conveyance may be broken by the carrier and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Grading Branch.

(g) The consignee or his agent shall provide such facilities and assistance as the inspector may require for the inspection and handling and marking of products offered for importation.

§ 59.935 Means of conveyance and equipment used in handling eggs and egg products to be maintained in sanitary condition.

Compartments of boats, railroad cars, and other means of conveyance transporting any product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling such product offered for importation, shall be maintained in a sanitary condition.

§ 59.940 Marking of egg products offered for importation.

Egg products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under E.P.I.A." Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with these regulations. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector of customs.

(b) Consignees shall, at their own expense, return immediately to the collector of customs, in means of conveyance or packages sealed with the special import seal of the U.S. Department of Agriculture, any eggs or egg products received by them under this part which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this part.

(c) Except as provided in § 59.930(a), no person shall remove or cause to be removed from any place designated as the place of inspection, any eggs or egg products which the regulations require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this part.

§ 59.950 Labeling of containers of eggs or egg products for importation.

(a) Immediate containers of product offered for importation shall bear a label, printed in English, showing: (1) The name of product; (2) the name of the country of origin of the product, and for consumer packaged products, preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the quality or description of shell eggs; (4) for egg products, the word "Ingredients" followed by a list of the ingredients in order of descending proportions; (5) the name and place of business of manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product; (6) an accurate statement of the quantity; (7) for egg products, the inspection mark of the country of origin, and (8) the plant number of the plant at which the egg product was processed and/or packed.

(b) The labels shall not be false or misleading in any respect.

§ 59.955 Labeling of shipping containers of eggs or egg products for importation.

(a) Shipping containers of foreign product which are shipped to the United States shall bear in a prominent and legible manner the true name of the product, the name of the country of origin, the plant number of the plant in which the egg product was processed and/or packed, and for egg products, the inspection mark of the country of origin,

the quality or description for shell eggs, except as required in § 59.905 of this part. Labeling on shipping containers examined at the time of inspection in the United States, if found to be false or misleading, shall be cause for the product to be refused entry.

(b) In the case of products which are not in compliance solely because of misbranding, such products may be brought into compliance with the regulations only under the supervision of an authorized representative of the Administrator.

§ 59.960 Small importations for consignee's personal use, display, or laboratory analysis.

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, or not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part; *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution.

§ 59.965 Returned U.S. inspected and marked products; not importations.

Products which have been inspected by the United States Department of Agriculture and so marked, and which are returned from foreign countries are not importations within the meaning of

this part. Such returned shipments shall be reported to the Administrator by letter.

§ 59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

All charges for storage, cartage, and labor with respect to any product which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

The fees to be charged for overtime, holiday, or frivolous appeal inspections are calculated as nearly as possible to cover the costs of such services. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Public rulemaking would not result in the Department receiving additional information on the fees or other charges. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary.

Issued at Washington, D.C., this 18th day of May 1971, with the provisions relating to egg products to become effective on July 1, 1971, and the provisions relating to shell eggs to become effective on July 1, 1972.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc. 71-7158 Filed 5-27-71; 8:45 am]