

**Food Safety and Inspection Service, USDA**

**§ 590.35**

7 CFR section where identified and described	Current OMB control number
§ 590.580(c) .....	0581-0113
§ 590.600 .....	0581-0113
§ 590.610(a) .....	0581-0113
§ 590.620 .....	0581-0113
§ 590.640(b)(1) .....	0581-0113
§ 590.680(a) .....	0581-0113
§ 590.800 .....	0581-0113
§ 590.840 .....	0581-0113
§ 590.905(a) .....	0581-0113
§ 590.915(a) .....	0581-0113
§ 590.915(b) .....	0581-0113
§ 590.920 .....	0581-0113
§ 590.930(f) .....	0581-0113
§ 590.950(a) .....	0581-0113
§ 590.960 .....	0581-0113
§ 590.965 .....	0581-0113

[48 FR 34238, July 28, 1983, as amended at 50 FR 23270, June 3, 1985; 54 FR 37290, Sept. 8, 1989]

**SCOPE OF INSPECTION**

**§ 590.20 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.

**§ 590.22 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.

**§ 590.24 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 § 590.100.

**§ 590.26 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 prod-

ucts entering an official plant shall have been inspected, processed, marked, and labeled as required by these regulations.

**§ 590.28 Other inspections.**

(a) Periodic inspections shall be made of:

(1) The records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products.

(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.

[36 FR 9814, May 28, 1971, as amended at 40 FR 20057, May 8, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as and amended at 60 FR 49169, Sept. 21, 1995; 63 FR 45675, Aug. 27, 1998; 63 FR 69971, Dec. 17, 1998]

**RELATION TO OTHER AUTHORITIES**

**§ 590.30 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 § 590.200, 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.

**§ 590.35 Eggs and egg products outside official plants.**

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

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plant and are in violation of this part or any of said Federal Acts or any State or local law consistent therewith.

[36 FR 9814, May 28, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 63 FR 69971, Dec. 17, 1998]

### EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

#### **§ 590.40 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 decharacterized unless shipped under seal as authorized in §§ 590.504(c), and identified as prescribed by the 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 the regulations in this part.

[37 FR 6657, Apr. 1, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 63 FR 69971, Dec. 17, 1998]

#### **§ 590.45 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 decharacterized, unless shipped under seal as authorized in paragraphs (c) and (d) of this section or in §§ 590.504(c) and 590.720(a) and identified as required by the regulations in this part.

(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, except as provided in paragraphs (c) and (d) of this section, unless they are denatured or decharacterized and identified as required by the regulations in this part.

(c) Egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes that are not denatured or decharacterized may be exported to foreign countries for industrial use or animal food under the following provisions:

(1) Authorized government official of the foreign country shall approve the importation of such products into that country.

(2) The egg products shall be shipped under U.S. Government seal and identified as required in § 590.840.

(3) Provisions for the control of such inedible product in the foreign country to preclude its use as human food must be established and approved by the Administrator. Such control may consist of, but not be limited to, receipt and inspection by an appropriate U.S. Government official, an official of an approved meat, poultry, or egg products inspection system of the foreign government, or, when acceptable to the Administrator, a foreign government official including other foreign health authorities.

(d) Foreign governments may petition the Administrator for approval to import into this country egg products which are unwholesome, adulterated, or otherwise unfit for human food purposes that are not denatured or decharacterized for industrial use or animal food requirements. Such products shall be subject to the provisions of this part and other applicable laws and regulations for importation into the United States.

[48 FR 34238, July 28, 1983]

### REFRIGERATION OF SHELL EGGS

#### **§ 590.50 Temperature and labeling requirements.**

(a) No shell egg handler shall possess any shell eggs that are packed into containers destined for the ultimate consumer unless they are stored and transported under refrigeration at an ambient temperature of no greater than 45°F (7.2°C).

(b) No shell egg handler shall possess any shell eggs that are packed into containers destined for the ultimate consumer unless they are labeled to indicate that refrigeration is required.