

# Department of Public Health and Human Services

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Greg Gianforte, Governor

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## Guidance and Variance Template for Non-Chicken Avian Species Eggs for Sale at Retail

The purpose of this document is to describe the process for approving non-chicken avian species eggs for sale at retail in Montana. And in doing so, be in alignment with other states.

### What is the primary issue?

Some retail facilities are selling non-graded, non-chicken avian species (turkey, duck, quail, etc.) eggs. Some originate in the state, others are imported from out of state.

### The Food Code Definition of Egg:

- (1) “Egg” means the shell EGG of avian species such as chicken, duck, goose, guinea, quail, RATITES or turkey.
- (2) “Egg” does not include:
  - a. A BALUT;
  - b. The egg of reptile species such as alligator; or
  - c. An EGG PRODUCT.

**Section 3-202.13 Eggs** of the 2013 FDA Food Code (the current Montana Food Code) states: Eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in the United State Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 *et seq.*, administered by the Agricultural Marketing Service of USDA.

Bottom line, all eggs must meet the grade B tolerances. This includes leaking eggs, checks (eggs that are cracked and resealed in the bird prior to laying), and blood spot size.

### What is the secondary issue?

The current grading license that can be obtained from the Montana Department of Livestock (which follows USDA rules) is only for grading of chicken eggs. USDA does not have grade standards for eggs other than chicken eggs.

### The fix:

Counties should have facilities apply for a variance. This variance would need to include a copy of the Montana candling license (either from the producer or retail facility) and the following form. Counties must properly document this and record it in the facility file. At the very least, non-chicken avian eggs should be cleaned, candled, and labeled appropriately prior to being introduced into commerce in Montana.

## Variance Request

Facility: \_\_\_\_\_

Location: \_\_\_\_\_

County: \_\_\_\_\_

Date: \_\_\_\_\_

Variance from section or rule: **Section 3-202.13 Eggs** of the 2013 FDA Food Code (the current Montana Food Code) states: Eggs shall be received clean and sound and may not exceed the restricted egg tolerances for U.S. Consumer Grade B as specified in the United State Standards, Grades, and Weight Classes for Shell Eggs, AMS 56.200 *et seq.*, administered by the Agricultural Marketing Service of USDA.

Non-chicken avian species being sold at retail without grading.

What the facility is doing to mitigate any potential health hazards:

\_\_\_\_\_ is a licensed Montana DOL or an equivalent state agency for egg  
(Name of Candler)

candling. All non-chicken avian species eggs will be cleaned and candled by  
at \_\_\_\_\_ facility using the USDA chicken egg grading

(Name of Production or Retail Facility)  
Standards as a guide prior to sale at \_\_\_\_\_.  
(Name and location of Retail Facility)

**\*A Copy of the Candler's License Must be Included with this Variance Request\***

Reviewed by: \_\_\_\_\_  
County Sanitarian

Approved by: \_\_\_\_\_  
Local Health Authority

Date: \_\_\_\_\_