

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

PROGRAM:	RETAIL FOOD
EFFECTIVE REGULATION:	<i>Colorado Retail Food Establishment Rules and Regulations, July 1, 2013</i>
INTERPRETIVE MEMO NO.:	14-11
DATE:	January 1, 2014
SUBJECT:	Determining "Approved Source" for Eggs

Several questions have arisen regarding what constitutes an "approved source" as listed in Section 3-101 of the *Colorado Retail Food Establishment Rules and Regulations* as it pertains to small egg producers. The section reads:

***3-101 General**

"Food shall be safe and unadulterated. Food shall be in sound condition free from spoilage or contamination and shall be safe for human consumption. Food shall not contain unsafe or unapproved food or color additives per 21 CFR 170-186. Food shall be obtained **from approved sources that comply with the applicable laws relating to food and food labeling**. Food prepared in a private home shall not be used or offered for sale."

The Colorado Department of Agriculture (CDA) under C.R.S., 35-21-100 et. seq., "The Egg Law", and the provisions of the *Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Egg Act* licenses and inspects egg wholesalers and retailers in Colorado to ensure that eggs purchased are wholesome, fresh and properly labeled. Any producer wishing to sell eggs to a store, restaurant, school, hospital or other institution must be licensed and inspected regardless of flock size. If the producer has over 3,000 hens, they must be licensed as a Class II through Class VII egg dealer depending on the quantity of eggs sold. These operations are inspected by the USDA.

If an egg producer sells fewer than 250 dozen eggs per month they are exempt from USDA's and CDA's licensing requirements. However, in order for eggs from small producers to be considered an approved source in a retail food establishment, the eggs must be inspected. CDA will conduct these inspections and license them as Class I Egg Producers. The inspection involves reviewing their washing, sanitizing, candling, grading, labeling, and storage procedures.

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented in accordance with the statutory requirement.

In addition to the licensing requirements, egg cartons are required to be new, clean, and properly labeled to include the supplier's name and address, egg grade size and pack date. Eggs can be offered for sale loose or in a basket, but must have an accompanying card or sign that contains the required labeling information including the wash and process date versus a pack date on the carton. CDA also recommends inclusion of the *FDA Safe Handling Instructions* on the carton, but this is not a requirement.

The *Colorado Cottage Foods Act* §25-4-1614(2)(b)(II) allows for the selling of up to 250 dozen whole eggs directly to the end customers without a retail food license. These same eggs cannot be sold to retail food establishments.

Please note that the Colorado Egg Law only applies to whole eggs from the domesticated chicken, and not to any other poultry eggs such as duck, goose, or quail eggs. Therefore, CDA is unable to license and inspect those operations. Licensing and inspecting of non-chicken egg producers is the responsibility of the local public health agency or jurisdiction.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.



Jeff Lawrence, Director
Division of Environmental Health and Sustainability