

CHAPTER 85. EGG CERTIFICATION

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Authority

The provisions of this Chapter 85 issued under act of April 4, 1929 (P. L. 144) (3 P. S. §§ 21—33); and section 1704 of The Administrative Code of 1929 (71 P. S. § 444), unless otherwise noted.

Source

The provisions of this Chapter 85 adopted July 1, 1965, unless otherwise noted.

§ 85.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Department—The Department of Agriculture of the Commonwealth.

Organization—A marketing organization or producer who has entered into an agreement with the Department to prepare certified eggs.

Personnel—Personnel licensed to certify eggs under this chapter.

§ 85.2. Department responsibilities.

The Department will perform the following:

(1) Issue egg certification licenses to persons designated by the organization, when the Department is satisfied that such designee is fully qualified to classify eggs under Chapter 87 (relating to standards for grading and marketing eggs).

(2) Assign to each organization a code which shall be used to identify each wholesale or consumer lot of eggs certified.

(3) Permit the organization to use such insignia, stamps, labels or seals as may be adopted by the Department as official in the certification of eggs. The cost of such insignia, stamps, labels or seals shall be borne by the organization.

(4) Reserve the right to make unannounced periodic inspections of each plant employing licensed personnel to insure that the organization and licensee are properly certifying eggs and to inspect officially certified eggs in any of the marketing channels.

(5) Reserve the right to revoke any license for cause or terminate an agreement for failure of the organization or licensed employee of the organization to comply with any of the provisions of an agreement or Chapter 87. The revocation shall also terminate the use of insignia, stamps, labels, codes or seals authorized under paragraph (3).

(6) Inspect specific lots of eggs at the request of the organization when the organization has evidence that inaccurate grade determinations have been or are being made by personnel.

§ 85.3. Personnel responsibilities.

Personnel shall perform the following:

(1) Prior to being licensed, take a written and practical egg quality test to determine accuracy in classifying eggs.

(2) Examine a sufficient number of eggs in each wholesale or consumer lot to satisfy themselves that the eggs meet the provisions of Chapter 87 (relating to standards for grading and marketing eggs).

(3) Be permitted to issue official certificates covering contract inspections and shall mail copies with covering work sheets to the Bureau of Market Development, Division of Eggs and Poultry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17120 each month.

(4) Maintain a daily record of the number of cases of eggs certified and shall mail a signed record with the signature of the owner or manager, to the Bureau of Market Development, Division of Eggs and Poultry, 2301 North Cameron Street, Harrisburg, Pennsylvania 17120 each month.

§ 85.4. Organization responsibilities.

Organizations shall agree to the following:

(1) To have at least two personnel available for duty for each period of operation and at least one personnel available when certified eggs are being packed.

(2) Not to take an action that may influence personnel in the performance of certification work; however, personnel may not be restricted to the performance of certification work only, but may discharge other duties which do not interfere with certification work.

(3) To permit authorized personnel of the Department to have access to the entire grading operations for the purpose of determining that accurate classifications are being established on eggs officially identified.

(4) To maintain and make available to the Department a continuous accurate record for a period of 1 month on eggs certified and identified.

(5) To pay the Commonwealth fees as stipulated in the agreement.

§ 85.5. General requirements.

The Department and each organization shall agree to all of the following:

(1) An agreement may be terminated upon 30 days written notice by either party to the other except as provided in paragraph (2).

(2) There shall be a 6-months probationary period, at the end of which, if performance is satisfactory, certification shall continue. If performance is not satisfactory, a written 30-day termination notice shall be executed.

(3) Parties shall cooperate fully in compliance with the conditions contained in this chapter and future conditions which may be agreed upon as necessary in the development of an effective certification program.

§ 85.6. Egg certification agreement.

The Department and each organization shall execute an agreement which shall comply with the form of Exhibit A.

EXHIBIT A

PENNSYLVANIA EGG CERTIFICATION AGREEMENT

This agreement entered into this ____ day of _____ 19__ by and between the Pennsylvania Department of Agriculture, acting through the Bureau of Markets, hereinafter referred to as “Department”, and _____ hereinafter referred to as “Organization”.

The above organization agrees to abide by the provisions of 7 Pa. Code Ch. 85, established by authority of the Act of April 4, 1929, P. L. 144, as amended, and the Act of April 9, 1929, P. L. 177, as amended.

The above organization agrees to pay the Commonwealth of Pennsylvania for supervisory services in this certification program, the following fees:

WHOLESALE LOTS (MONTHLY VOLUME)

0—2,000 cases	\$ 3 per month
2,001—7,000 cases	7 per month
7,001—10,000 cases	10 per month
10,001—20,000 cases	12 per month
20,001—40,000 cases	14 per month
40,001—and over cases	15 per month

CONSUMER LOTS (MONTHLY VOLUME)

0—250 cases	\$ 15 per month
251—500 cases	20 per month
501—1,000 cases	25 per month
1,001—2,000 cases	30 per month
2,001—4,000 cases	35.00 per month.
4,001—8,000 cases	40.00 per month
8,001—16,000 cases	45 per month
16,001—or more cases	50 per month

Wherefore, the parties hereto intending to be legally bound hereby have hereunder set their hands and seals the date and year first above mentioned.

Witness: _____
Organization _____
By direction of the Secretary of Agriculture _____
Director, Bureau of Markets _____

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