
SUBSTITUTE SENATE BILL 5487

State of Washington

62nd Legislature

2011 Regular Session

By Senate Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield, Hobbs, Delvin, Honeyford, Becker, and Shin)

READ FIRST TIME 02/18/11.

1 AN ACT Relating to eggs and egg products in intrastate commerce;
2 and amending RCW 69.25.020, 69.25.050, and 69.25.250.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 69.25.020 and 1995 c 374 s 25 are each amended to read
5 as follows:

6 When used in this chapter the following terms shall have the
7 indicated meanings, unless the context otherwise requires:

8 (1) "Department" means the department of agriculture of the state
9 of Washington.

10 (2) "Director" means the director of the department or his duly
11 authorized representative.

12 (3) "Person" means any natural person, firm, partnership, exchange,
13 association, trustee, receiver, corporation, and any member, officer,
14 or employee thereof, or assignee for the benefit of creditors.

15 (4) "Adulterated" applies to any egg or egg product under one or
16 more of the following circumstances:

17 (a) If it bears or contains any poisonous or deleterious substance
18 which may render it injurious to health; but in case the substance is

1 not an added substance, such article shall not be considered
2 adulterated under this clause if the quantity of such substance in or
3 on such article does not ordinarily render it injurious to health;

4 (b) If it bears or contains any added poisonous or added
5 deleterious substance (other than one which is: (i) A pesticide
6 chemical in or on a raw agricultural commodity; (ii) a food additive;
7 or (iii) a color additive) which may, in the judgment of the director,
8 make such article unfit for human food;

9 (c) If it is, in whole or in part, a raw agricultural commodity and
10 such commodity bears or contains a pesticide chemical which is unsafe
11 within the meaning of RCW 69.04.392, as enacted or hereafter amended;

12 (d) If it bears or contains any food additive which is unsafe
13 within the meaning of RCW 69.04.394, as enacted or hereafter amended;

14 (e) If it bears or contains any color additive which is unsafe
15 within the meaning of RCW 69.04.396, as enacted or hereafter amended:
16 PROVIDED, That an article which is not otherwise deemed adulterated
17 under subsection (4)(c), (d), or (e) of this section shall nevertheless
18 be deemed adulterated if use of the pesticide chemical, food additive,
19 or color additive, in or on such article, is prohibited by regulations
20 of the director in official plants;

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

23 (g) If it consists in whole or in part of any damaged egg or eggs
24 to the extent that the egg meat or white is leaking, or it has been
25 contacted by egg meat or white leaking from other eggs;

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

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

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

34 (k) If it has been intentionally subjected to radiation, unless the
35 use of the radiation was in conformity with a regulation or exemption
36 in effect pursuant to RCW 69.04.394; or

37 (l) If any valuable constituent has been in whole or in part
38 omitted or abstracted therefrom; or if any substance has been

1 substituted, wholly or in part therefor; or if damage or inferiority
2 has been concealed in any manner; or if any substance has been added
3 thereto or mixed or packed therewith so as to increase its bulk or
4 weight, or reduce its quality or strength, or make it appear better or
5 of greater value than it is.

6 (5) "Capable of use as human food" shall apply to any egg or egg
7 product unless it is denatured, or otherwise identified, as required by
8 regulations prescribed by the director, to deter its use as human food.

9 (6) "Intrastate commerce" means any eggs or egg products in
10 intrastate commerce, whether such eggs or egg products are intended for
11 sale, held for sale, offered for sale, sold, stored, transported, or
12 handled in this state in any manner and prepared for eventual
13 distribution in this state, whether at wholesale or retail.

14 (7) "Container" or "package" includes any box, can, tin, plastic,
15 or other receptacle, wrapper, or cover.

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

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

20 (10) "Egg handler" or "dealer" means any person who produces,
21 contracts for or obtains possession or control of any eggs or egg
22 products for the purpose of sale to another dealer or retailer, or for
23 processing and sale to a dealer, retailer or consumer: PROVIDED, That
24 for the purpose of this chapter, "sell" or "sale" includes the
25 following: Offer for sale, expose for sale, have in possession for
26 sale, exchange, barter, trade, or as an inducement for the sale of
27 another product.

28 (11) "Egg product" means any dried, frozen, or liquid eggs, with or
29 without added ingredients, excepting products which contain eggs only
30 in a relatively small proportion, or historically have not been, in the
31 judgment of the director, considered by consumers as products of the
32 egg food industry, and which may be exempted by the director under such
33 conditions as he may prescribe to assure that the egg ingredients are
34 not adulterated and such products are not represented as egg products.

35 (12) "Egg" means the shell egg of the domesticated chicken, turkey,
36 duck, goose, or guinea, or any other specie of fowl.

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

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

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

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

8 (17) "Inedible" means eggs of the following descriptions: Black
9 rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs,
10 eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs,
11 eggs showing blood rings, and eggs containing embryo chicks (at or
12 beyond the blood ring stage).

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

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

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

23 (21) "Inspection" means the application of such inspection methods
24 and techniques as are deemed necessary by the director to carry out the
25 provisions of this chapter.

26 (22) "Inspector" means any employee or official of the department
27 authorized to inspect eggs or egg products under the authority of this
28 chapter.

29 (23) "Misbranded" shall apply to egg products which are not labeled
30 and packaged in accordance with the requirements prescribed by
31 regulations of the director under RCW 69.25.100.

32 (24) "Official certificate" means any certificate prescribed by
33 regulations of the director for issuance by an inspector or other
34 person performing official functions under this chapter.

35 (25) "Official device" means any device prescribed or authorized by
36 the director for use in applying any official mark.

37 (26) "Official inspection legend" means any symbol prescribed by

1 regulations of the director showing that egg products were inspected in
2 accordance with this chapter.

3 (27) "Official mark" means the official inspection legend or any
4 other symbol prescribed by regulations of the director to identify the
5 status of any article under this chapter.

6 (28) "Official plant" means any plant which is licensed under the
7 provisions of this chapter, at which inspection of the processing of
8 egg products is maintained by the United States department of
9 agriculture or by the state under cooperative agreements with the
10 United States department of agriculture or by the state.

11 (29) "Official standards" means the standards of quality, grades,
12 and weight classes for eggs, adopted under the provisions of this
13 chapter.

14 (30) "Pasteurize" means the subjecting of each particle of egg
15 products to heat or other treatments to destroy harmful, viable micro-
16 organisms by such processes as may be prescribed by regulations of the
17 director.

18 (31) "Pesticide chemical", "food additive", "color additive", and
19 "raw agricultural commodity" shall have the same meaning for purposes
20 of this chapter as prescribed in chapter 69.04 RCW.

21 (32) "Plant" means any place of business where egg products are
22 processed.

23 (33) "Processing" means manufacturing egg products, including
24 breaking eggs or filtering, mixing, blending, pasteurizing,
25 stabilizing, cooling, freezing, drying, or packaging egg products.

26 (34) "Retailer" means any person in intrastate commerce who sells
27 eggs to a consumer.

28 (35) "At retail" means any transaction in intrastate commerce
29 between a retailer and a consumer.

30 (36) "Consumer" means any person who purchases eggs for his or her
31 own family use or consumption; or any restaurant, hotel, boarding
32 house, bakery, or other institution or concern which purchases eggs for
33 serving to guests or patrons thereof, or for its own use in cooking or
34 baking.

35 (37) "Candling" means the examination of the interior of eggs by
36 the use of transmitted light used in a partially dark room or place.

37 (38) "Master license system" means the mechanism established by
38 chapter 19.02 RCW by which master licenses, endorsed for individual

1 state-issued licenses, are issued and renewed utilizing a master
2 application and a master license expiration date common to each
3 renewable license endorsement.

4 (39) "Ambient temperature" means the atmospheric temperature
5 surrounding or encircling shell eggs.

6 **Sec. 2.** RCW 69.25.050 and 1995 c 374 s 26 are each amended to read
7 as follows:

8 (1) No person shall act as an egg handler or dealer without first
9 obtaining an annual license and permanent dealer's number from the
10 department; such license shall expire on the master license expiration
11 date. Application for an egg dealer license or egg dealer branch
12 license, shall be made through the master license system. The annual
13 egg dealer license fee shall be thirty dollars and the annual egg
14 dealer branch license fee shall be fifteen dollars. A copy of the
15 master license shall be posted at each location where such licensee
16 operates. Such application shall include the full name of the
17 applicant for the license and the location of each facility he intends
18 to operate.

19 (2) Effective August 1, 2012, new and renewal applications must
20 include proof that all eggs and egg products provided in intrastate
21 commerce by the applicant are produced by commercial egg layer
22 operations with a current certification under the 2010 version of the
23 united egg producers animal husbandry guidelines for United States egg
24 laying flocks for conventional cage systems or cage-free systems as
25 applicable, or a subsequent version as adopted, or modified and
26 adopted, by the director in rule.

27 (3) Effective August 1, 2012, all new and renewal applications must
28 include proof that all eggs and egg products provided in intrastate
29 commerce by the applicant are produced by commercial egg layer
30 operations whose cage systems installed after August 1, 2011, are
31 approved by, or convertible to, the American humane association
32 facility system plan for enriched colony housing in effect on January
33 1, 2011, or a subsequent version as adopted, or modified and adopted,
34 by the director in rule.

35 (4) Applicants with fewer than three thousand laying chickens are
36 exempt from the requirements of subsections (2) and (3) of this
37 section.

1 (5) If such applicant is an individual, receiver, trustee, firm,
2 partnership, association or corporation, the full name of each member
3 of the firm or partnership or the names of the officers of the
4 association or corporation shall be given on the application. Such
5 application shall further state the principal business address of the
6 applicant in the state and elsewhere and the name of a person domiciled
7 in this state authorized to receive and accept service of summons of
8 legal notices of all kinds for the applicant and any other necessary
9 information prescribed by the director.

10 (6) Upon the approval of the application and compliance with the
11 provisions of this chapter, including the applicable ((regulations))
12 rules adopted hereunder by the department, the applicant shall be
13 issued a license or renewal thereof.

14 (7) Such license and permanent egg handler or dealer's number shall
15 be nontransferable.

16 **Sec. 3.** RCW 69.25.250 and 1995 c 374 s 29 are each amended to read
17 as follows:

18 (1) There is hereby levied an assessment not to exceed three mills
19 per dozen eggs entering intrastate commerce, as prescribed by rules
20 ((and regulations)) issued by the director. Such assessment shall be
21 applicable to all eggs entering intrastate commerce except as provided
22 in RCW 69.25.170 and 69.25.290. Such assessment shall be paid to the
23 director on a monthly basis on or before the tenth day following the
24 month such eggs enter intrastate commerce. The director may require
25 reports by egg handlers or dealers along with the payment of the
26 assessment fee. Such reports may include any and all pertinent
27 information necessary to carry out the purposes of this chapter. The
28 director may, by ((regulations)) rule, require egg container
29 manufacturers to report on a monthly basis all egg containers sold to
30 any egg handler or dealer and bearing such egg handler or dealer's
31 permanent number.

32 (2) Egg products in intrastate commerce are exempt from the
33 assessment in subsection (1) of this section.

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