

Egg Products Inspection Regulations Final Rule Presentation, Dec. 17, 2020
Questions and Answers

Question: Can the “date of loading” label go on the bill of lading instead of the tanker?

Response: No. When the date of loading was placed on the PY-200, the form was being used in place of a label. Consistent with the proposed rule, the final rule eliminated use of the form for that purpose. In its place, bulk shipments of unpasteurized egg products must bear a label containing the words “date of loading” followed by a suitable space in which the date the container, tanker truck, or portable tank is loaded must be inserted (9 CFR 590.410(c)). The label must be conspicuously located and printed and affixed on material that cannot be detached or effaced due to exposure to weather. Before the truck or tank is removed from the place where it is unloaded, the carrier must remove or obliterate the label. The label must also indicate (9 CFR 590.415) that the product is for further processing in an egg products plant. In response to concerns raised about the difficulty of complying with the requirement in 9 CFR 590.410(c), FSIS is allowing plants to experiment with plastic sleeves or envelopes into which they can put cardboard, plastic, hard paper stock, etc., containing the date of loading, on containers, tankers, and portable tanks. Several plants have come up with preliminary designs for doing this. FSIS will continue to work with plants to meet these new requirements.

Question: What happens if that label required on the tanker is damaged by weather?

Response: The label required on bulk shipments of unpasteurized egg products should be affixed on material that cannot be effaced due to exposure to weather. If the label is damaged so that the date of loading is not available, inspection program personnel will work with the effected plants to determine that date.

Question: Under the rules of practice regulation, would FSIS require adulterated products to be reworked or otherwise made not adulterated within 3 days?

Response: Although 9 CFR 500.3(a)(7) requires condemned products to be destroyed within 3 days, FSIS generally does not invoke this specific requirement as long as an establishment demonstrates adequate controls to ensure appropriate reconditioning and disposition of adulterated or misbranded products through denaturing, reconditioning, rework, or other means satisfactory to FSIS program personnel and under their inspection supervision. Adulterated products that can be remediated through re-pasteurization or similar means would not be condemned, and therefore not subject to the 3-day limit as long as the establishment’s processes ensure no further adulteration in the meantime and ensure that only wholesome products enter commerce for human food.