



Oregon
Department
of Agriculture
Animal Health & ID

TO: Egg Handler licensees and other interested parties

FROM: Don Hansen, D.V.M, State Veterinarian Oregon Department of Agriculture

Date: December 27, 2011

RE: Effective January 1, 2012 - Temporary Administrative Rules Regarding Caged Egg-Laying Hens

After the comment period closed for the proposed rule on egg-laying hens (OAR 603-018-0001 to 0013) it became apparent that the Oregon Department of Agriculture (ODA) needed to spend additional time beyond the January 1, 2012 effective date of the new law to clarify the rules with regard to equivalent practices to the United Egg Producers standards. The Department will spend that additional time to further clarify the rule and address comments submitted by the public.

Failing to adopt the proposed temporary rules would constitute a serious prejudice to the public's interest in an uninterrupted food supply. These rules must be effective by January 1, 2012 to implement the mandates provided in Senate Bill 805, (now identified as Chapter 436 Oregon Laws 2011), relating to size specifications for enclosures for egg-laying hens. Lack of a standard may disrupt intra and interstate commerce and disrupt the supply of eggs in Oregon. The ODA will seek further public comment for the adoption of a permanent rule within the next 180 days.

The ODA has now filed temporary administrative rule to address specific requirements of Senate Bill 805. The law and temporary rule provides standards for egg-laying hens confined in cages as well as ensuring all eggs and certain egg products purchased in Oregon are from producers who are meeting these requirements. Commercial egg-laying farms in Oregon that house egg-laying hens in cages are also required to submit a Farm Business Plan to ODA to document how their facility will meet the implementation schedule to increase cage sizes over time.

The following **Questions and Answers** may help provide an overview of what the temporary administrative rule includes.

Q: Do these rules apply to all egg-laying hens?

A: NO. The law and the temporary rules apply **ONLY** to egg-laying hens *in cages*, not to free-range or cage-free egg-laying hens.

Q: What do these temporary administrative rules mean to anyone distributing eggs or egg-products into, or within, Oregon?

A: The temporary rule provides a process for egg/egg product distributors and producers to verify to the department that eggs and/or egg products being sold in Oregon originated from hens managed in a facility either certified by United Egg Producers (UEP) or certified by an approved independent third party that it meets or exceeds the specific standards stipulated in the Temporary Rule. This verification must be on file with ODA to sell eggs or egg products in Oregon as of January 1, 2012.

Q: How does the temporary rule differ from the proposed rule that was filed earlier this year?

A: The Temporary Rule lists the specific standards required by the Rule for all egg or egg product producers to meet for egg-laying hens in cages. The Department needed to spend additional time beyond the January 1, 2012 effective date of the new law to clarify the rules with regard to equivalent practices to the United Egg Producers standards. The Department will spend that additional time to further clarify the rule and address comments submitted by the public.

Q: What are the standards required by the Temporary Rule?

A: If a production facility or source is UEP certified, Oregon's standards are met. If a production facility or source is not UEP certified, the following production management standards must be met and verified to ODA:

1. Cage configuration and equipment maintenance must be such that manure from birds in upper cage levels does not drop directly on birds in lower level cages
2. All hens must be able to stand comfortably upright in their cage. The slope of the age floor should not exceed 8 degrees.
3. Space allowance must be in the range of 67 to 86 square inches of usable space per bird to optimize hen welfare.
4. Feeder space must be sufficient to allow all birds to eat at the same time.
5. Chicks, pullets and hens must have continuous access to clean drinking water except that water may be shut off temporarily in preparation for the administration of vaccines or medication in the water.

Q: What egg products are included (or exempt) from these new requirements?

A: "Egg products" is defined the same as in ORS 632.705 with some exceptions. ORS 632.705 states: Egg products" means the white, yolk, or any part of eggs, in liquid, frozen, dried, or any other form, used, intended or held for use, in the preparation of, or to be a part of or mixed with, food or food products, for human consumption, excepting products that contain eggs only in a relatively small proportion or historically have not been in the judgment of the department considered by consumers as products of the egg industry.

Exceptions allowed by the new law (Chapter 436 Oregon Laws 2011) are as follows: “egg products” does not include the following products when those products are prepared from inspected eggs or egg products and contain no more restricted eggs than are allowed in the official standards for United States Consumer Grade B shell eggs;

- a. Freeze-dried products;
- b. Imitation egg products;
- c. Egg substitutes;
- d. Dietary foods;
- e. Eggnog mixes;
- f. Acidic dressings;
- g. Noodles;
- h. Milk and egg dips;
- i. Cake mixes;
- j. French toast; and
- k. Sandwiches containing eggs or egg products.

Q: How does a *distributor/producer* of eggs or egg products into, or within, Oregon, provide verification to the State Department of Agriculture that the eggs or egg products were produced in accordance to the rules?

A: A copy of UEP certification or a notarized letter verifying that the eggs or egg products you are distributing to Oregon have met the standards required in the rule must be provided to the ODA.

Q: Does a *buyer* of eggs or egg products, have to do anything?

A: First, make sure that the egg/egg product supplier has provided verification to ODA that the hens that produced the eggs/egg products being purchased are being managed according to UEP (or equivalent) standards.

Second: Maintain purchase receipts that clearly identify the egg/egg products supplier. This should be a standard practice for most businesses and will not require anything additional. ODA may request to see these receipts.

Q: What is a Farm Business Plan?

A: The new law requires commercial egg-laying farms *in Oregon* and who house egg-laying hens in cages, to develop a Farm Business Plan. The temporary administrative rules outline the information that must be contained in this plan and that ODA may substantiate information contained in the plan. A Farm Business Plan outlines the cage replacement goals of the farm to meet the implementation schedule and 2026 deadline for larger cage sizes.

Q: What do I do with a Farm Business Plan?

A: The Farm Business Plan is to be submitted to the ODA upon renewal of an Oregon Egg Breaker license on July 1st of each year.

Q: Do I have to comment on the temporary administrative rules?

A: The temporary administrative rule is valid for 180 days. During this period, you may provide comments on any portion of the rule that you feel important to address. Comments are most welcome to help the Department determine whether to move forward with permanent adoption or amendment of the rule. A public hearing will be held when permanent rules are proposed.

Q: Where can I get more information?

A: If there are questions, please feel free to contact Dr. Don Hansen at 503-986-4680 or email: dhansen@oda.state.or.us

A copy of the Temporary Administrative Rule and a copy of this document may be found on the ODA website: <http://egov.oregon.gov/ODA/AHID/index.shtml>