Egg Grading, Handling and Labeling; Final Rule (Clearinghouse Rule #14-037)

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

Clearinghouse rule #:   **14-037**

Subject: **Egg Grading, Handling and Labeling**

Adm. code reference: **ATCP 88**

DATCP Docket #:   **13-R-05**

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114 (6), Stats.

Business Impact Analysis (Summary)

This rule is expected to have a positive impact on small-scale egg producers, as it removes the requirement to obtain a food processing plant license to gather and pack eggs from small flocks that are later sold at farmers' markets and on egg sales routes, and removes the requirement to hold a retail food establishment license for egg sales to consumers at the egg producer's farm or through a community-supported agriculture business owned by an egg producer. Egg producers selling nest-run eggs to an egg handler will be required to register with DATCP, which will require a very small expenditure of time and, for some producers, postage, but these producers will not be required to hold a food processing plant license. The rule will not increase licensing fees. Some licensed egg handling operations may need to upgrade facilities, *e.g.* sinks, walls, temperature monitoring devices, in order to meet requirements in the rule. The rule will have no economic impact on local governmental units or public utility rate-payers.

Comments from Legislative Committees (Summary)

The legislature received the rule for legislative review from DATCP on January 7, 2015. The rule was assigned to the Assembly Committee on Agriculture and the Senate Committee on Agriculture, Small Business and Tourism. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on March 9, 2015 and the Assembly referred it to JCRAR on February 26, 2015. JCRAR also took no action on the rule.