

exception from the requirement of subsection (a) of such section 1018, unless the the [sic] Attorney General otherwise notifies the regulated person in writing.”

Section effective 120 days after Nov. 18, 1988 [except subsec. (a), see above], see section 6061 of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 802 of this title.

EXCEPTION FOR IODINE TO IMPORTATION AND EXPORTATION REQUIREMENTS FOR LISTED CHEMICALS

Pub. L. 104-237, title II, §204(b), Oct. 3, 1996, 110 Stat. 3102, provided that:

“(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

“(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).”

CHAPTER 14—ALCOHOL AND DRUG ABUSE EDUCATIONAL PROGRAMS AND ACTIVITIES

§§ 1001 to 1007. Repealed. Pub. L. 97-35, title V, § 587(a)(3), Aug. 13, 1981, 95 Stat. 480

Section 1001, Pub. L. 91-527, §2, Dec. 3, 1970, 84 Stat. 1385; Pub. L. 93-422, §2(b), Sept. 21, 1974, 88 Stat. 1154; Pub. L. 95-336, §2, Aug. 4, 1978, 92 Stat. 451, set forth Congressional declaration of purpose for Alcohol and Drug Abuse Education Act.

Section 1002, Pub. L. 91-527, §3, Dec. 3, 1970, 84 Stat. 1386; Pub. L. 93-422, §2(c), Sept. 21, 1974, 88 Stat. 1155; Pub. L. 95-336, §§3, 4, Aug. 4, 1978, 92 Stat. 451, 452; S. Res. 30, Mar. 7, 1979; Pub. L. 96-88, title III, §301(a)(1), (2)(Q), (b)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 678, 692, set forth grant and contract authority, etc., for projects and programs.

Section 1003, Pub. L. 91-527, §4, Dec. 3, 1970, 84 Stat. 1387; Pub. L. 93-422, §2(d), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692, related to recordkeeping requirements, and access to and inspection of records.

Section 1004, Pub. L. 91-527, §5, Dec. 3, 1970, 84 Stat. 1388; Pub. L. 93-422, §2(e), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 96-88, title V, §508(i), Oct. 17, 1979, 93 Stat. 693, related to technical assistance to local agencies, etc.

Section 1005, Pub. L. 91-527, §6, Dec. 3, 1970, 84 Stat. 1388, related to nature of payments.

Section 1006, Pub. L. 91-527, §7, Dec. 3, 1970, 84 Stat. 1388, related to utilization of services and facilities of Federal agencies and public and private agencies and institutions.

Section 1007, Pub. L. 91-527, §8, Dec. 3, 1970, 84 Stat. 1388; Pub. L. 93-422, §2(f), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 95-336, §5, Aug. 4, 1978, 92 Stat. 453; Pub. L. 96-88, title III, §301(a)(1), (2)(Q), title V, §507, Oct. 17, 1979, 93 Stat. 677, 678, 692, defined “Secretary” and “State”.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 587(a) of Pub. L. 97-35, set out as section 3863(a) of Title 20, Education.

CHAPTER 15—EGG PRODUCTS INSPECTION

- Sec. 1031. Congressional statement of findings.
- 1032. Congressional declaration of policy.
- 1033. Definitions.
- 1034. Inspection of egg products.
- 1035. Sanitary operating practices in official plants.
- 1036. Pasteurization and labeling of egg products at official plants.
- 1037. Prohibited acts.
- 1038. Cooperation with appropriate State and other governmental agencies; utilization of employees; reimbursement.

- Sec. 1039. Eggs and egg products not intended for use as human food; inspection; denaturing or otherwise identifying.
- 1040. Recordkeeping requirements; persons required to maintain records; scope of disclosure; access to records.
- 1041. Enforcement provisions.
- 1042. Reporting of violation to United States attorney for institution of criminal proceedings; procedure; presentation of views.
- 1043. Rules and regulations; administration and enforcement.
- 1044. Exemption of certain activities.
- 1045. Limitation on entry of eggs and egg products and other materials into official plants.
- 1046. Imports.
- 1047. Refusal or withdrawal of inspection services; hearing; grounds; person deemed to have responsible connection with business; finality of order of Secretary; judicial review; other provisions for refusal of services unaffected.
- 1048. Administrative detention of violative articles; duration; release; removal of official marks.
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- 1050. Jurisdiction of district courts; United States as plaintiff in enforcement and restraining proceedings; subpoenas for witnesses.
- 1051. Other Federal laws applicable for administration and enforcement of chapter; prosecution of inquiries; exercise of jurisdiction.
- 1052. State or local regulation.
- 1053. Inspection and administration costs.
- 1054. Annual report to Congressional committees.
- 1055. Authorization of appropriations.
- 1056. Separability.

§ 1031. Congressional statement of findings

Eggs and egg products are an important source of the Nation’s total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this chapter are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health and Human Services, and cooperation by the States and other jurisdictions, as contemplated by this chapter, are appropriate to prevent and eliminate burdens upon

such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

(Pub. L. 91-597, §2, Dec. 29, 1970, 84 Stat. 1620; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 91-597, Dec. 29, 1970, 84 Stat. 1620, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CHANGE OF NAME

"Secretary of Health and Human Services" substituted for "Secretary of Health, Education, and Welfare" in text pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

EFFECTIVE DATE

Pub. L. 91-597, §29, Dec. 29, 1970, 84 Stat. 1635, provided that: "The provisions of this Act [enacting this chapter, amending sections 633 and 636 of Title 15, Commerce and Trade, and enacting provisions set out as notes under this section] with respect to egg products shall take effect six months after enactment [Dec. 29, 1970]. Otherwise, this Act shall take effect eighteen months after enactment."

SHORT TITLE

Pub. L. 91-597, §1, Dec. 29, 1970, 84 Stat. 1620, provided: "That this Act [enacting this chapter, amending sections 633 and 636 of Title 15, Commerce and Trade, and enacting provisions set as notes under this section] may be cited as the 'Egg Products Inspection Act'."

MAINTENANCE OF EGGS AT PROPER TEMPERATURE

Pub. L. 102-237, title X, §1012(a), Dec. 13, 1991, 105 Stat. 1899, provided that:

"(1) FINDINGS.—Congress finds that—

"(A) food borne illness is a serious health problem;

"(B) its incidence can be reduced through proper handling of food; and

"(C) eggs are perishable and therefore are particularly susceptible to supporting microbial growth if proper temperature controls are not maintained.

"(2) PURPOSES.—It is the purpose of this section [amending sections 1034, 1037, 1041, 1042, 1046, and 1052 of this title and enacting provisions set out as a note under section 1034 of this title] to prescribe the temperature at which eggs are maintained in order to reduce the potential for harmful microbial growth to protect the health and welfare of consumers."

§ 1032. Congressional declaration of policy

It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, restrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this chapter.

(Pub. L. 91-597, §3, Dec. 29, 1970, 84 Stat. 1621.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 91-597, Dec. 29, 1970, 84 Stat. 1620, which is classified principally to this chap-

ter. For complete classification of this Act to the Code, see Short Title note set out under section 1031 of this title and Tables.

EFFECTIVE DATE

For effective date of this section, see section 29 of Pub. L. 91-597, set out as a note under section 1031 of this title.

§ 1033. Definitions

For purposes of this chapter—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2)(A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 346a of this title;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 348 of this title;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 379e of this title: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

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

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 348 of this title; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or