

106TH CONGRESS
1ST SESSION

S. 1868

To improve the safety of shell eggs.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1999

Mr. DURBIN (for himself and Mr. HARKIN) introduced the following bill;
which was read twice and referred to the Committee on Agriculture, Nu-
trition, and Forestry

A BILL

To improve the safety of shell eggs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Egg Safety Act of
5 1999”.

6 **SEC. 2. EGG SAFETY IMPROVEMENT.**

7 Section 5 of the Egg Product Inspection Act (21
8 U.S.C. 1034) is amended by adding at the end the fol-
9 lowing:

10 “(f) EGG SAFETY IMPROVEMENT.—

1 “(1) IN GENERAL.—To ensure the protection of
2 public health, the Secretary shall promulgate regula-
3 tions for the inspection of eggs from poultry pro-
4 ducers with flocks of at least 3,000 hens at each
5 stage in the egg production process, from the farm
6 to the retail level.

7 “(2) REQUIREMENTS.—The regulations de-
8 scribed in paragraph (1) shall—

9 “(A) require that any inspection of eggs
10 (including inspections at official plants) be con-
11 ducted at a frequency so as to achieve a contin-
12 uous monitoring and verification of performance
13 standards;

14 “(B) require that inspections described in
15 paragraph (1) include the implementation,
16 through the Food Safety and Inspection Serv-
17 ice, of hazard analysis and critical control
18 point-based programs for egg safety;

19 “(C) require labeling on egg cartons (in-
20 cluding cartons of eggs sold for institutional or
21 food service industry use)—

22 “(i) to warn ultimate consumers of
23 the risk of illness associated with con-
24 suming raw or undercooked eggs; and

1 “(ii) to provide instructions on how to
2 maintain egg safety;

3 “(D) require uniform expiration dating of
4 all eggs, including the requirements that—

5 “(i) no eggs packed for the ultimate
6 consumer shall, at the time of packing, be
7 older than 21 days from the date of lay;
8 and

9 “(ii) eggs packed for retail sale shall
10 carry an expiration date or a sell by date
11 that is not later than 30 days after the
12 date on which the eggs were packed;

13 “(E) provide that eggs returned to the
14 packer from grocery stores or other retail estab-
15 lishments, store warehouses, and other
16 entities—

17 “(i) shall not be repackaged as shell
18 eggs intended for human consumption; but

19 “(ii) may be diverted for additional
20 processing as pasteurized egg products;

21 “(F) provide for a new expiration date for
22 pasteurized shell eggs, as determined by the
23 Secretary; and

24 “(G) require the testing of flocks for, and
25 the pasteurization of all eggs from flocks that

1 test positive for, the presence of *Salmonella*
 2 enteritidis.

3 “(3) LABELING.—

4 “(A) CONTAMINATION WARNING.—Label-
 5 ing requirements described in paragraph (2)(C)
 6 may not apply to eggs that are pasteurized or
 7 treated with other technology approved by the
 8 Secretary to kill pathogens that could contami-
 9 nate the contents of the egg, as determined by
 10 the Secretary.

11 “(B) REFRIGERATION.—Labeling require-
 12 ments described in subparagraphs (C) and (D)
 13 of paragraph (2) shall be in addition to the re-
 14 quirement in effect on the date of enactment of
 15 this subsection that all eggs be labeled with a
 16 notice that the eggs should be kept refrigerated.

17 “(4) SALMONELLA ENTERITIDIS TESTING PRO-
 18 GRAM.—The Food Safety and Inspection Service
 19 may trace or otherwise determine the origin of pro-
 20 duction of eggs contaminated with *Salmonella*
 21 enteritidis.

22 “(5) NO EFFECT ON OTHER AUTHORITY.—
 23 Nothing in this subsection affects the authority of
 24 the Secretary—

1 “(A) to regulate and inspect eggs under
2 any other provision of this Act or any other
3 law; or

4 “(B) to conduct a voluntary egg grading
5 program under the Agricultural Marketing Act
6 of 1946 (7 U.S.C. 1621 et seq.).”.

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