

330 CMR 5.00: POULTRY

Section

5.01: Definitions

5.02: Pullorum-Typhoid

5.03: Quality Grades for Eggs Sold

5.04: Dealing in and Transporting Poultry

5.01: Definitions

Chicks. Poultry up to 16 weeks of age.

Check. An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak.

Custom Hatching. Hatching eggs produced by another person.

Department. Massachusetts Department of Food and Agriculture.

Edible Egg. Not an inedible egg.

Flock. All the poultry at one farm, except at the discretion of the Department, any group which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Inedible Egg. Eggs of the following descriptions are black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring state), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

Leaker. An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

Loss. An egg that is inedible, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

Person. Any individual, corporation, partnership, association or other business organization.

Poultry. Shall include all domesticated birds, including but not limited to, chickens, turkeys, guineas, exotic and game birds.

Stain. An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered.

5.02: Pullorum-Typhoid

(1) Requirement. No person shall buy, sell or transport within or import into the Commonwealth hatching eggs or live poultry unless:

- (a) documentation accompanies the hatching eggs showing they are the produce of flocks which meet the minimum requirements for "Pullorum-Typhoid Passed" or "Pullorum-Typhoid Clean";
- (b) documentation accompanies the live poultry showing they meet or are the first generation of progeny of flocks which meet the minimum requirements for "Pullorum-Typhoid Passed" or "Pullorum-Typhoid Clean";
- (c) the poultry is bought, sold, transported or imported for immediate slaughter; or
- (d) the poultry is transported or imported for exhibition purposes subject to a permit granted by the Department.

5.02: continued

(2) Minimum Requirements. The Department establishes the following minimum standards for "Pullorum-Typhoid Clean" or "Pullorum-Typhoid Passed" flocks:

(a) Massachusetts Pullorum-Typhoid Clean

1. Breeding or exhibition flocks over four months of age are 100% tested and found to be free of Pullorum-Typhoid disease for two or more tests not less than six months apart.
2. Breeding stock are free from Pullorum-Typhoid disease for two or more years.
3. Hatching eggs are produced only from Massachusetts Pullorum-Typhoid Clean breeding stock.
4. Baby chicks are produced from Massachusetts Pullorum-Typhoid Clean hatching eggs only and are normal and vigorous.
5. Flocks which have qualified for one year under the Massachusetts Pullorum-Typhoid Passed requirement and are primary breeding flocks located in Massachusetts, a sample of 300 birds from flocks of 300 or more will qualify as an official test for Pullorum-Typhoid Clean.

(b) Massachusetts Pullorum-Typhoid Passed

1. Flocks over four months of age are 100% tested and found to be free of Pullorum-Typhoid disease for one test.
2. Breeding stock is free from Pullorum-Typhoid disease for one year.
3. Hatching eggs are produced from Massachusetts Pullorum-Typhoid Passed and Massachusetts Pullorum-Typhoid Clean breeding stock only.
4. Baby chicks are produced from Massachusetts Pullorum-Typhoid Passed or Massachusetts Pullorum-Typhoid Clean hatching eggs only and are normal and vigorous.

(3) Additional Requirements

- (a) All testing to determine whether a flock meets the standard established in 330 CMR 5.02(2)(a) or (b) shall be done by the Department.
- (b) To maintain the standing as Pullorum-Typhoid Clean or Pullorum-Typhoid Passed, all flocks must be retested annually.
- (c) Custom hatching is not permitted unless all eggs are supplied by Pullorum-Typhoid disease free flocks.

(4) Certificates. The Department may issue a certificate to any person whose flock meets the standards established in 330 CMR 5.02(2)(a) or (b).

5.03: Quality Grades for Eggs Sold

(1) Requirements

- (a) All eggs for sale at retail in the Commonwealth shall be grade AA, A, B, or not graded and shall be in containers so marked or branded, with letters not less than three-eighths of an inch in height.
- (b) Any edible egg not conforming to Grades AA, A or B may only be:
 1. Sold as a check or stain for further processing; or
 2. Sold at the site-of-production directly from the producer to the household consumer.
- (c) No person shall advertise any eggs for sale at retail at a stated price unless the advertisement includes the grade of the eggs.
- (d) No person shall offer or display eggs for sale in bulk unless a sign is exhibited among or closely adjacent to the eggs stating the grade of the eggs.
- (e) No person shall sell any eggs to a retailer unless upon delivery, an invoice identifying the seller, buyer, grade and size of the eggs is provided to the retailer.
- (f) No person shall sell any check, stain, inedible egg, loss or leaker as "not graded."

(2) Grades of Eggs

- (a) The Department establishes the following grades for eggs sold at retail:
 1. AA Quality. To meet the standard of AA quality, an egg shall have the following characteristics as determined by candling:
 - a. Shell: The shell must be clean, unbroken, and practically normal;
 - b. Air Cell: The air cell must not exceed 1/8 inch in depth, may show unlimited movement,

and may be free or bubbly;

5.03: continued

- c. White: The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light; and
 - d. Yolk: The yolk must be practically free from apparent defects.
2. A Quality. To meet the standard of A quality, an egg shall have the following characteristics as determined by candling:
 - a. Shell: The shell must be clean, unbroken and practically normal;
 - b. Air Cell: The air cell must not exceed $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly;
 - c. White: The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light;
 - d. Yolk: The yolk must be practically free from apparent defects.
 3. B Quality. To meet the standard of B quality, an egg shall have the following characteristics as determined by candling:
 - a. Shell: The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted.
 - b. Air Cell: The air cell may be over $\frac{3}{16}$ inch in depth, may show unlimited movement, and may be free or bubbly.
 - c. White: The white may be weak and watery so that the yolk outline is plainly visible when the eggs is twirled before the candling light.
 - d. Yolk: The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development.
 4. Not Graded. Not graded means any egg which has not been candled to determine if it meets the standard for grade AA, A or B and which is not inedible, a loss or a leaker.
- (b) For the purposes of 330 CMR 5.03, the descriptive terms used shall have the following meanings:
1. Terms Descriptive of the Shell:
 - a. Clean. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.
 - b. Dirty. A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than $\frac{1}{32}$ of the shell surface if localized, or $\frac{1}{16}$ of the shell surface if scattered.
 - c. Practically normal. A shell that approximates the usual shape and that is sound and is free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.
 - d. Abnormal. A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.
 2. Terms descriptive of the Air Cell:
 - a. Depth of air space. The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.
 - b. Free air cell. An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.
 - c. Bubbly air cell. A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.
 3. Terms Descriptive of the White:
 - a. Clear. A white that is free from discolorations or from any foreign bodies floating in it. Prominent chalazas should not be confused with foreign bodies such as spots or blood clots.
 - b. Firm. A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.
 - c. Reasonably firm. A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled.

5.03: continued

- d. Weak and watery. A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.
- e. Blood spots or meat spots. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as a Loss. Blood spots shall not be due to germ development. They may be on the yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.
- f. Bloody white. An egg which has blood-diffused through the white. Eggs with bloody whites are classed as Loss. Eggs with blood spots which show a slight diffusion into the white around the localized spot are not to be classed as bloody whites.

4. Descriptive Terms of the Yolk

- a. Outlined slightly defined. A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.
- b. Outline fairly well defined. A yolk outline that is discernible but not clearly outlined as the egg is twirled.
- c. Outline plainly visible. A yolk outline that is clearly visible as a dark shadow when the egg is twirled.
- d. Enlarged and flattened. A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.
- e. Practically free from defects. A yolk that shows no germ development but may show other very slight defects on its surface.
- f. Serious defects. A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.
- g. Clearly visible germ development. A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.
- h. Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

(c) The following tolerances are established for grades AA, A and B: Not more than two eggs per dozen may be below the requirements for the designated grade, providing such eggs meet the requirements for the next lower grade and do not exceed a total of 10% per 100 sampled.

5.04: Dealing in and Transporting Poultry(1) License Required.

- (a) No person shall engage regularly in the business of buying, selling or transporting poultry unless licensed by the Department.
- (b) Any person desiring to apply for a Livestock Dealer-Transporter license shall submit, on a form provided by the Department, an application and the appropriate fee.
- (c) Upon receipt of a completed application for a license, the Department shall inspect the applicant's vehicles and equipment. If the Department finds the vehicles and equipment in compliance with 330 CMR 5.04(2)(a) through (d), the Department may issue a Livestock Dealer-Transporter license.
- (d) All Livestock Dealer-Transporter licensees will be issued a metal license plate by the Department. The license plate must be attached to the side of the vehicle to the left of the driver. The license plate will be valid for the term of the Livestock Dealer-Transporter license. If the license is revoked at any time, the license plate must be returned to the Department.
- (e) Livestock Dealer-Transporter licenses for poultry shall expire on December 31st following the date of issuance.
- (f) The Department may revoke or suspend a license after a full and fair hearing and upon finding that the licensee has:

5.04: continued

1. Violated any provision of 330 CMR 5.00;
 2. Made a material misstatement on the application for a license; or
 3. Violated a quarantine order issued by the Department.
- (2) Biosecurity Requirements. All licensees shall:
- (a) Use only clean plastic or wire coops for the transfer of poultry;
 - (b) Clean, wash and disinfect trucks, crates and catching or loading equipment between flocks;
 - (c) Wear freshly laundered or new disposable coveralls and hats between flocks; and
 - (d) Dispose of or disinfect boots between flocks.
- (3) Record Keeping and Inspections:
- (a) All licensees shall maintain records and interstate bills of lading at a permanent location in the Commonwealth for a period of 90 days from the date of transport. All records shall include the following information:
 1. Date of transport;
 2. Total number of birds transported;
 3. Name and address of shipper for whom poultry was transported;
 4. Name and address of receiver to whom the poultry was sold or consigned.
 - (b) All vehicles, equipment and records shall be open to the Department for inspection during reasonable business hours.

REGULATORY AUTHORITY

330 CMR 5.00: M.G.L. 129, § 26B; c. 94 §§ 90C through 90D and §§ 152 through 153.

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