Requirements for Exporting Shell Eggs to the United States

1. APHIS and AMS Permits

1. EU Poultry Trade Region –
2. Defined as - The European Union Member States of Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom (England, Scotland, Wales, the Isle of Man, and Northern Ireland.
3. No APHIS Permit Required.
4. Countries Outside of the EU Poultry Trade Region that are free of Highly Pathogenic Avian Influenza (HPAI) and Newcastle Disease
5. See Exhibit A Listings for countries that qualify here.
6. APHIS Permit is Required.
7. Fill out AMS Permit Form LPS-222 (See attached Form and instructions on Exhibit B).
8. Countries that are either not free of HPAI, or not free of Newcastle Disease
9. Countries Designated as HPAI Positive – Cannot import shell eggs from these countries. If not free of HPAI, must work through a process with APHIS to get designation of HPAI removed for this country. Need to contact Jonathan Spurway to assess whether it is worth pursuing this option. If a determination is made that a case for removal of the HPAI designation can be made, Jonathan will contact Howard Magwire to direct how we proceed with APHIS.
10. Countries not determined to be Newcastle Free – May be able to import shell eggs from these countries.
    1. AMS Permit Required – Fill Out AMS Permit Form LPS-222 and see instructions on Exhibit B.
    2. APHIS Permit Required - Fill out VS16-3 – electronic version per the attached.

<http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth/sa_import_into_us/sa_entry_requirements/ct_import_animal_products/!ut/p/a1/lVJLc8IgEP4tHjxGkESTHH2_7cOxKhcGkSS0CaSEtOO_L2bsoXXUltPuzrc73wOAwRZgST9ETI1QkqanHrfJ9GGMml2IJqNVOICT5ctwEcx992HsWcDOAnqjztjz5xBCL0Bw0u-O-364gHDS_ts-vPI68Nf-aNC1-8P5oz-bIvjkgQ3AADNpcpOAHc0TURCmpOHSkFTsNdXHOiwoUaUmkWJlUXVUioymJOE0NUk1EVmutCFCGkXOIHtCH4nm76XQPLOdHTPzjTyfyLU6lMwUJxY5Ewew4y0etKnXdJr-njkeosgJw8h1rDMMURqwgxucVd-Qdce1SvWNC7PWGXArmApww_kpwHGq9vYXbEYAv6I6_OzHJ-oduXeDGGDNI665biSqMGBbFgdacKpZ0jiVjVh9gJ3V6V8VEnpg9U_jpned6f6givSit7BUc2oSR8hIge1F2tXoMm2wvZ52nq3XWeAenbfn4DiPlksHD-NOrfYFPUbndg!!/?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_animal_health%2Fsa_import_into_us%2Fsa_apply_for_permits%2Fct_animal_health_permits_home>

c. Import Requirements for Newcastle Countries – APHIS regulations provide for the importation of shell eggs from Newcastle free farms in this countries. We are waiting on a response from APHIS and FSIS on the sanitary control measures they would impose to prevent the spread of Newcastle disease in the United States

2. Certificates Required by Exporting Country – 2 USDA Agencies Require Certifications from the foreign government to accompany each load:

1. APHIS - APHIS regulations require a detailed certification that the eggs do not pose an animal health risk in the United States. The APHIS required certificate must accompany the product to the final U.S. destination (USDA inspected egg breaking establishment identified by Rembrandt).
2. AMS - USDA’s Agricultural Service (AMS) also requires a Foreign Inspection Certificate that includes specific descriptive information of the shell eggs and details of the shipment. A copy of the certificate required by AMS must be provided to Rembrandt before the eggs arrive in the United States.

COMBINED CERTIFICATE TO SATISFY BOTH REQUIREMENTS – See Exhibit C for instructions, and attached draft of Certificate.

3. **Producer Registration with FDA under the Egg Safety Regulation** - Regulations (21 CFR 118) enforced by the U.S. Food and Drug Administration (FDA) require that domestic shell egg producers and foreign producers planning to export shell eggs to the United States first register with the agency. Farms producing eggs for breaking only are required to register and comply with the refrigeration requirements outlined here.

Registration with FDA is detailed but straightforward. Go <http://www.access.fda.gov/> on the World Wide Web and then to the “new account” menu under the fourth item down, FURLS Shell Egg Producer Registration Module. The module takes the registrant through an easy step by step process. In addition the site provides step-by-step tutorial (go to “SEPRM Help” below the new account menu) that a registrant may choose to view first.

The FDA regulations requires that shell eggs must be refrigerated at an ambient temperature of 7.2°C or less within 36 hours of lay and kept under refrigeration at that temperature through transport until their arrival at the U.S. breaking plant. For enforcement purposes, our FDA considers the end of lay the time at which egg packing operations end for the day. That is, the first eggs may be laid well before packing operations start each day, but the 36 hour clock does not start until packing operations end each day (it is not permissible to delay packing operations to avoid compliance).

**Caution**, this registration and compliance with the noted refrigeration requirements does not authorize the farm to produce eggs for table use in the United States. The FDA imposes several additional stringent requirements on farms producing table eggs.

4. FDA Requires Prior Notice of Exports to the United States

For every shipment, the exporter or broker must submit a Prior Notice.  This is done online at [www.access.fda.gov](http://www.access.fda.gov). Select the “Prior Notice System Interface.”  The packing house that accumulates the eggs can submit it or each individual farm can submit it.  The farm does not need a registration number to submit a Prior Notice.  If shipment comes in and FDA did not receive a prior notice, shipment will be detained and possibly refused.

4. **Producer Registration with FDA under the Bio-Terrorism Act** – This does not apply to farms that pack only that farm’s eggs. If the farm does not pack eggs from other farms or outside sources, it may skip this step.

Currently a farm that packs raw agricultural products from another farm must register with FDA as a food facility. That registration is also done under the first module listed at <http://www.access.fda.gov/> The FURL Food Facility Registration Module is also a straight forward step-by-step process and includes a tutorial. Sites subject to this registration must give advance notice to FDA when exporting to the United States and are subject to certain record-keeping requirements.

5. **Importer Application with AMS** – The process for completing this application is short and is outlined in the attached document titled Import Requirements – Breaking Stock. The application form, LPS-222, is attached. Instructions for completing the application are in Appendix B. Take note of a few key points:

* The application must be accompanied by the AMS required foreign inspection certificate discussed in step 2. Include with the application an example of the shipping label on the cartons of shell eggs.
* The completed form must be presented to Customs and Border Patrol at the time of entry.
* No additional application to FSIS is required. FSIS inspection personnel, locally or at the District office should be advised of the pending arrival of the shipment.
* Submit the application as far ahead of shipment arrival as possible; a week to 10 days at a minimum. AMS must submit the application to FSIS for their USDA takes a dim view on last minute applications.

6. Other Considerations –

\* FDA farm requirements for shell eggs that will be graded and sold for consumption as shell eggs are much more stringent that eggs for breaking. FDA and USDA have alerted us that they will be alert for any attempt to divert imported eggs for table use. Eggs will not be released at the port of entry until USDA seals the container for transport to the breaking plant. All documentation should make it clear that these eggs are for breaking only.

* The eggs we intend to import for breaking are nest run. USDA has advised us that they will inspect all loads to assure they do not contain more restricted eggs (checked or dirty shells) than normally expected in nest run eggs from modern production facilities.
* USDA will also check storage temperatures and records for FDA when shell eggs arrive at port. Any temperature non-compliances will at the least delay entry and could result more severe action, such as refusing entry.
* To assure release of the product the APHIS required certificate must be with the load when it arrives at port.
* While the certification required by AMS would not need to be issued until the departure date is known, Rembrandt must have it (an electronic copy of the original is satisfactory) to complete the AMS import application. Rembrandt or its agent must submit this application several days before the shipment arrives, or, again, entry could be delayed.

Exhibit A

Countries/Regions Affected with Highly Pathogenic Avian Influenza

Last Modified: Apr 15, 2015

**9 CFR 94.6**

|  |  |
| --- | --- |
| Afghanistan | Libya |
| Albania | Macau |
| Azerbaijan | Malaysia |
| Bangladesh | Myanmar |
| Benin | Nepal |
| Bhutan | Niger |
| Burkina Faso | Nigeria |
| Cambodia | North Korea |
| Cameroon | Pakistan |
| Djibouti | Palestinian Autonomous Territories |
| Egypt | People's Republic of China |
| Ghana | Romania |
| Hong Kong | Russia |
| India | Saudi Arabia |
| Indonesia | South Africa |
| Iran | South Korea |
| Iraq | South Sudan |
| Isreal | Sudan |
| Ivory Coast (Côte d'Ivoire) | Taipei Chinese/Taiwan |
| Japan | Thailand |
| Jordan | Togo |
| Kazakhstan | Turkey |
| Kuwait | Ukraine |
| Laos | Vietnam |
|  |  |

Free of Exotic Newcastle Disease

Last Modified: Mar 6, 2015

**Countries/Regions Free of Exotic Newcastle Disease - 9 CFR 94.6**

**\*Argentina**

**Australia**

**Canada**

**Chile**

**Costa Rica**

**Denmark**

\*\*\*The APHIS-defined EU Poultry Trade Region (The European Union Member States of Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom (England, Scotland, Wales, the Isle of Man, and Northern Ireland).

**Fiji**

**Iceland**

**\*Mexico [*States of Campeche, Quintana Roo, and Yucatan*]**

**New Zealand**

**\*\*Switzerland**

\* SPECIAL RESTRICTIONS UNDER 9 CFR 94.26 FOR IMPORTATIONS OF LIVE POULTRY, POULTRY MEAT, AND OTHER POULTRY PRODUCTS BECAUSE, EVEN THOUGH THE COUNTRY/AREA HAS BEEN DETERMINED BY THE USDA TO BE FREE OF EXOTIC NEWCASTLE DISEASE (END), ONE OR MORE OF THE FOLLOWING CONDITIONS OCCUR: (1)They supplement their meat supply by the importation of fresh (chilled or frozen) poultry meat from regions designated in 94.6 as regions where END is considered to exist; or (2)They share a common land border with regions where END is considered to exist; or (3)They import live poultry from regions where END is considered to exist under conditions less restrictive than would be acceptable for importation into the United States. \*\* Restrictions apply to the Canton of Neuchatel only. Restrictions can be found on the web page for specific avian commodity. \*\*\* SPECIAL RESTRICTIONS UNDER § 94.28 for the importation of poultry meat and products, and live birds and poultry, from the APHIS-defined EU Poultry Trade Region.***NOTE:* *The list above is modified only when there are changes to the disease status of countries or regions.***

Exhibit B

**AMS Import Application, Form LPS-222**

**Shell Eggs for Breaking from the APHIS-defined EU Poultry Trade Region**

An AMS Import Request (Shell Eggs), Form LPS-222, must be completed by the importer and a permit number assigned by AMS before eggs may enter the United States. The form bearing the assigned permit number is the “issued” Import Request. As noted in the guidance document, the issued Import Request must be presented to U.S. Customs and Border Control official at the entry port for conditional release pending inspection.

The form may be completed and submitted to AMS by email or regular mail. AMS will return it to the applicant by regular mail unless the applicant requests an alternative means of transmission.

An electronic copy of form LPS-222 is attached and also available at the following link:

http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELDEV3004641

**Sections A and B** of the LPS-222 are self-explanatory.

**Section C** - Enter the name and address of the destination egg breaking plant in block 3. In block 4, scratch out “Hatching Eggs” and insert “Nest run eggs for breaking.”

**Attestation following Section C** An APHIS Import Permit is not required for shell eggs originating from the countries in the defined EU Poultry Trade Region. No remarks are necessary.

**Section D** – The importer will need to provide the port and site where the product will be available for inspection, along with the name and telephone number for the importers contact at that location.

The applicant does not sign form LPS- 222. The completed form may be submitted to AMS by email or regular mail. AMS will return it to the applicant by regular mail unless the applicant requests an alternative means of transmission. When the form is complete submit the following documents as a package:

* The Import Request as completed by the applicant
* A copy of the Foreign Inspection Certificate providing the information required by AMS (see Step 1 in the guidance document and Appendix B)
* A copy of the shipping case label when available

Submit these documents by email to [QAD.importrequesteggs@ams.usda.gov](mailto:QAD.importrequesteggs@ams.usda.gov) or by mail to:

Quality Assessment Division

Livestock, Poultry, and Seed Program

Agricultural Marketing Service, USDA

Room 3932-S, Stop 0258

1400 Independence Avenue, SW

Washington, DC 20250

The import request is approved when AMS assigns a permit number to the now “issued” Import Request. The permit number will appear in the top right-hand block of the form. The form will be returned to the requestor without an official signature. Presence of the permit number indicates approval to import the described product.

Exhibit C

**Foreign Government Health Certificate**

APHIS requires that the competent veterinary authority in the government of the exporting country prepare a certificate for each shipment that certifies the shell eggs meet the requirements of 9 CFR 94.28 (a copy of this regulation with applicable parts highlighted is attached). Required components of that certification are suggested as possible wording for an official certification statement in Appendix A. Unless the foreign government is familiar with this certification, APHIS officials strongly urge the certifying authority to submit its proposed certification document to APHIS for review before issuing any certifications. *APHIS contact information is included in Appendix A.*

AMS also requires a foreign inspection certificate. In addition to providing shipment details about, that document must include a statement that the shell eggs were stored and transported under refrigeration at an ambient temperature of 45°F (7.2°C) or less. *Requirements for that certificate are listed in Appendix B.*

This appendix is divided into two additional sections:

* A2 - Suggested Certification to Meet APHIS and AMS Requirements – This section includes suggested certification language, information on having the foreign government certificate reviewed by USDA, and use of the completed certificate.
* A3 - USDA Animal and Health Inspection and USDA Agricultural Marketing Service Certificate Requirements. The suggested language in A2 incorporates the applicable areas of these requirements

**Appendix A2 - Suggested Certification Meeting Requirements of Both Agencies**

A certificate satisfying the requirements of both agencies would contains the following information:

1. Identification of the product

\*Description of the Product

\*Identification

\*Type of packaging

\*Number of cases

\*Dozens per case

\*Dates of packing

2. Origin of the product

\*Country of origin

\*Identification of the farm

\*Name and address of the consignor

\*Date and place of shipment

\*Means of transport (include identification of transport vehicles or ship)

3. Destination of the shell eggs

\*Country of destination

\*Name and address of consignee

4. Health Certification

“I, the undersigned official veterinarian, certify that:

(1) The shell eggs were not derived from birds and poultry that were in any of the following regions or zones:

(i) Any region when the region was classified in §94.6(a)(1)(i) as one in which Newcastle disease is considered to exist.

(ii) A restricted zone in the APHIS-defined EU Poultry Trade Region established because of detection of Newcastle disease or HPAI in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the Member State or until 3 months (90 days) following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

(iii) A restricted zone in the APHIS-defined EU Poultry Trade Region established because of detection of Newcastle disease or HPAI in racing pigeons, backyard flocks, or wild birds, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the Member State.

(2) The shell eggs were not commingled with poultry meat and products derived from other birds and poultry that were in any of the regions or zones described in paragraphs (a)(1)(i) through (a)(1)(iii) of this section. Additionally, the shell eggs were not derived from poultry that were commingled with other poultry that were in any of the regions or zones described in paragraphs (a)(1)(i) through (a)(1)(iii) of this section.

(3) No equipment or materials used in transporting the shell eggs from the farm of origin were used previously for transporting live birds or poultry that do not meet the requirements of §94.28(b), unless the equipment and materials were first cleaned and disinfected.”

**Draft Certification –** If the exporting government has an existing relationship with APHIS, they may want to use that channel to have their draft animal health certification reviewed. Alternatively, the government may work through the agricultural attaché at the American Embassy in their country or contact APHIS at the address below.

National Import Export Services

Animal and Plant Health Inspection Service

U.S. Department of Agriculture

4700 River Road

Riverdale, Md 20737

301-851-3300, press option 1

To expedite review of its proposed certification language, the exporting government may submit an electronic copy of the certificate to:

Trayce R Butle

Assistant Director

National Import Services

[Tracye.R.Butler@aphis.usda.gov](mailto:Tracye.R.Butler@aphis.usda.gov)

**Note** – This email address is to be used by foreign governments only. APHIS provided this information to us to assist in expediting the certification review process. Questions from non-government interests must be directed to the Riverdale, Maryland, address or phone number.

**Presentation of the Certificate** – 9 CFR 94.28(d) requires that the certificate accompanying the shipment be presented by the importer to an authorized inspector at the port of arrival in the United States upon arrival of the shell eggs.

**Appendix A3 - APHIS and AMS Regulatory Requirements for Reference**

**APHIS Requirements**

APHIS regulations provide at 9 CFR 94.28(a)(4) that the shell eggs be accompanied by a certificate issued by an official competent veterinary authority of the APHIS-defined EU Poultry Trade Region Member State who is authorized to issue the inspection certificate required by §93.205 of this subchapter, stating that the applicable provisions of paragraphs (a)(1) through (a)(3) of this section have been met.

Paragraphs (a)(1) through (a)(3) are copied here**.**

§94.28 Restrictions on the importation of poultry meat and products, and live birds and poultry, from the APHIS-defined EU Poultry Trade Region.

(a) Poultry meat and products. In addition to meeting all other applicable provisions of this part, poultry meat and poultry products, including eggs and egg products (other than hatching eggs) imported from the APHIS-defined EU Poultry Trade Region must meet the following conditions:

(1) The poultry meat and products must not have been derived from birds and poultry that were in any of the following regions or zones, unless the birds and poultry were slaughtered after the periods described, or unless the poultry meat and products are accompanied by a certificate specifying that the articles were cooked and processed in accordance with the regulations in §94.6(b)(3) or (b)(4):

(i) Any region when the region was classified in §94.6(a)(1)(i) as one in which Newcastle disease is considered to exist, or any region when the region was listed in accordance with §94.6(a)(2)(i) as one in which HPAI is considered to exist, except for the APHIS-defined EU Poultry Trade Region;

(ii) A restricted zone in the APHIS-defined EU Poultry Trade Region established because of detection of Newcastle disease or HPAI in commercial poultry, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the Member State or until 3 months (90 days) following depopulation of the poultry on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

(iii) A restricted zone in the APHIS-defined EU Poultry Trade Region established because of detection of Newcastle disease or HPAI in racing pigeons, backyard flocks, or wild birds, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority of the Member State.

(2) The poultry meat and products must not have been commingled with poultry meat and products derived from other birds and poultry that were in any of the regions or zones described in paragraphs (a)(1)(i) through (a)(1)(iii) of this section. Additionally, the poultry meat and products must not have been derived from poultry that were commingled with other poultry that were in any of the regions or zones described in paragraphs (a)(1)(i) through (a)(1)(iii) of this section. (3) No equipment or materials used in transporting the birds or poultry from which the poultry meat and products were derived from the farm of origin to the slaughtering establishment may have been used previously for transporting live birds or poultry that do not meet the requirements of §94.28(b), unless the equipment and materials have first been cleaned and disinfected.

**AMS Requirements**

AMS requires the following information on a foreign inspection certificate.

a. Name of country exporting product

b. City, and Date where issued

c. Quality or Description of the eggs

d. Number of cases and total quantity (in dozens)

e. Identification Marks on containers

f. Name and Address, of Exporter/

g. Name and Address, of Importer

h. Certify that the description of the shell eggs including date of pack is accurate.

i. Name, Title and Signature of individual(s) authorized to issue inspection certificates for shell eggs exported to the United States