

Communication from the United States Department of Agriculture Regarding its Modernization of Egg Products Inspection

1. On September 9, 2020, the United States Department of Agriculture's (USDA's) Food Safety and Inspection Service (FSIS) announced that it is modernizing egg products inspection methods for the first time since Congress passed the Egg Products Inspection Act in 1970. The final rule was subsequently published in the *Federal Register* on October 29, 2020, and notified to the WTO on November 3, 2020 ([G/SPS/N/USA/2985/Add. 1](#)).
2. FSIS is the public health agency in the USDA responsible for protecting the public's health by ensuring the safety of meat, poultry, and egg products. FSIS is the competent authority responsible for certifying these products for export, as well as conducting import reinspection of these products at the point of entry prior to entering U.S. commerce.
3. The Egg Products Inspection Regulations final rule aligns the egg products regulations with current requirements in the meat and poultry products inspection regulations. The regulations define egg products as any dried, frozen, or liquid eggs, with or without added ingredients, except products that contain eggs only in a relatively small proportion.
4. Under the new rule, federally inspected egg products establishments are required to develop and implement Hazard Analysis and Critical Control Points (HACCP) systems and Sanitation Standard Operating Procedures (Sanitation SOPs). Under the HACCP system, establishments will be able to tailor a food safety system that best fits their facility and equipment. Furthermore, by removing prescriptive regulations, egg products establishments will have the flexibility and the incentive to innovate new means to achieve enhanced food safety. FSIS will continue to test for residues, *Salmonella*, and *Listeria monocytogenes* (Lm) in egg products. FSIS will also continue to require that establishments that produce egg products meet U.S. food safety standards including the requirement to be edible without additional preparation.
5. In addition, on October 30, 2023, FSIS will be assuming regulatory authority over egg substitutes and freeze-dried egg products, which pose the same risk as egg products and will be inspected in the same manner, enhancing the existing food safety system. These products are similar, if not identical, to currently amenable egg products and subject to the same food safety risks during processing. FSIS is requiring that these products be produced under FSIS inspection and jurisdiction and is phasing in requirements for these products over a three-year period.
6. FSIS is allowing domestic establishments and foreign countries who export egg products to the U.S. until October 29, 2021, to implement Sanitation SOP

procedures and until October 31, 2022, to implement HACCP procedures. Other regulatory requirements, including labeling, will take effect on December 28, 2020.

7. FSIS is committed to ensuring a smooth transition and to working with foreign governments on technical cooperation. FSIS will follow-up by sending a letter outlining key policy changes to each impacted country. FSIS will also conduct outreach to countries who import U.S. egg products, countries exporting egg products to the United States, and countries seeking equivalence to export these products. Additional questions on this measure can be directed to InternationalCoordination@usda.gov.

U.S. Egg Products Exported to Foreign Countries

8. The regulatory changes under the final rule do not change FSIS export certification for egg products exported around the globe under our standard *Egg Products Export Certificate of Wholesomeness* (FSIS Form [9060-5EP](#)). FSIS's 9060-5EP export certificate attests that the egg products specified on the export certificate have been inspected and passed in accordance with the applicable laws and regulations of the United States Department of Agriculture and are wholesome and fit for human consumption. Countries that have additional requirements that exceed USDA requirements, as outlined in FSIS's Export Library under [Requirements for Exporting Processed Egg Products](#), will be verified prior to FSIS certifying the egg products for export.

Countries that Export to the United States and Countries Seeking Equivalence to Export

9. FSIS has also realigned the regulations governing the importation and inspection of foreign egg products more closely with the regulations governing the importation of foreign meat and poultry products. FSIS will notify foreign countries of the regulatory changes. Countries that have ongoing equivalence and most countries that have requested initial equivalence for egg products already have HACCP implemented for domestic egg products.
10. FSIS is committed to helping all countries understand the equivalence determination process and FSIS policy changes. Equivalent foreign countries will be given until December 28, 2020, to implement labeling requirements, until October 29, 2021, to implement Sanitation SOPs, and until October 31, 2022, to implement HACCP procedures, but may do so sooner than those deadlines. These countries must submit an updated Self-Reporting Tool (SRT) and applicable supporting documentation to demonstrate equivalence with the U.S. egg product inspection system. Equivalent countries can provide updates during their May 18, 2021, submission for Sanitation SOPs and May 18, 2022, submission for HACCP, or earlier if they're interested in doing so. Equivalent

countries will need to provide updated labeling information by December 28, 2020. Countries that have requested an initial equivalence determination to export egg products to the U.S. must also provide an updated SRT and applicable supporting documentation to progress the equivalence determination process. These countries will receive a letter that clarifies new equivalence criteria and highlights which SRT questions need updated responses. The SRT is a questionnaire that provides countries an organized means to document how their inspection system achieves an equivalent level of food safety and public health protection.

11. Foreign countries that are shipping egg substitutes or freeze-dried egg products to the United States will be required to demonstrate that they maintain an equivalent egg products inspection system when these products come under FSIS jurisdiction. FSIS will be providing additional details on these products through a subsequent *Federal Register*.