




New Mexico Department of Agriculture

Office of the Director/Secretary
MSC 3189
New Mexico State University
P.O. Box 30005
Las Cruces, NM 88003-8005
575-646-3007, Fax: 575-646-8120

November 2, 2017

TO: Egg Producers
FROM: Jeff M. Witte, Director/Secretary 
SUBJECT: Ungraded Egg Sales to Graded Egg Sales (SCS 2017 E-5)

This external policy written by the New Mexico Department of Agriculture (NMDA) outlines the procedure if one intends to sell ungraded eggs from their own flock as *graded eggs* in the state of New Mexico.

NMDA, under the guidance and control of New Mexico State University's board of regents, is responsible for administering and enforcing the provisions of the Egg Grading Act [25-6-1 to 25-6-16 NMSA 1978].

A person may grade their own eggs for retail sale under the following conditions:

- 1) Read/understand and comply with the New Mexico Egg Grading Act, 21.34.7 NMAC Egg Inspection Fees, 21.34.8 NMAC Grades, Standards, and Reports for Shell Eggs and 21.34.13 NMAC Applying Administrative Penalties: Egg Grading Act.
- 2) Read/understand and comply with the USDA Egg Grading Manual and Regulations Governing the Voluntary Grading of Shell Eggs, CFR Part 56 Effective March 30, 2008 and Code of Federal Regulations Title 7 → Subtitle B → Chapter I → Subchapter C → Part 57 Inspection Of Eggs (Egg Products Inspection Act).
- 3) Person must become a licensed egg dealer and pay quarterly egg inspections fees to NMDA per New Mexico Egg Grading Act and 21.34.7 NMAC Egg Inspection Fees.
- 4) Once you become a licensed egg dealer selling graded product, you cannot sell ungraded product. As an egg dealer, should you decide to sell ungraded product, you must notify the department in writing at which time you can no longer sell graded product.

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- 5) As an egg dealer your product (eggs) would be subject to routine egg inspections by NMDA at any location where found and subject to stop sales if product does not meet standards or if egg quarterly fees are not paid.
- 6) Being a licensed dealer, you are subject to all the rules and regulations under the New Mexico Egg Grading Act [25-6-1 to 25-6-16 NMSA 1978] including stop-sale orders or administrative penalties.
- 7) If at any time your flock exceeds 3,000 birds you may be subject to USDA Egg Surveillance per Code of Federal Regulations, Title 7 → Subtitle B → Chapter I → Subchapter C → Part 57 Inspection Of Eggs (Egg Products Inspection Act) .

NMDA is not liable/responsible for egg grading facilities or inspection of those facilities.

Questions concerning this external policy may be directed to:

David J. Turning, Division Director or
Raymond E. Johnson, Assistant Division Director
Division of Standards and Consumer Services
MSC 3170, P.O. Box 30005
Las Cruces, New Mexico 88003-8005
(575) 646-1616

Attachments: Egg Grading Act [25-6-1 to 25-6-16 NMSA 1978]
21.34.7 NMAC Egg Inspection Fees
21.34.8 NMAC Grades, Standards, and Reports for Shell Eggs
21.34.13 NMAC Applying Administrative Penalties: Egg Grading Act
Egg Dealer Application
Quarterly Reporting Form
USDA Egg Grading Manual
USDA Regulations Governing the Voluntary Grading of Shell Eggs,
CFR Part 56, Effective March 30, 2008
Code of Federal Regulations Title 7 → Subtitle B → Chapter I → Subchapter
C → Part 57 Inspection Of Eggs (Egg Products Inspection Act).