



## Consumer Federation of America

July 22, 2005

Division of Dockets Management  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

Re: Docket Nos. 1996P-0418, 1997P-0197, 1998P-0203, and 2000N-0504

The Consumer Federation of America (CFA) submits the following additional comments in response to the Food and Drug Administration's (FDA) proposed rule to establish on-farm measures to control *Salmonella enteritidis* (SE) in shell eggs during production.

CFA is a nonprofit association of over 300 local, state and national consumer interest groups whose combined membership totals more than 50 million Americans. The organization was established in 1968 for the purpose of advancing the interests of consumers through research, education, and advocacy.

CFA, with other members of the Safe Food Coalition, filed comments dated December 21, 2004, supporting the proposed rule with some modifications. We reiterate our support for the positions taken in those comments and, in response to FDA's request for comments on the extent and efficacy of certain additional SE-control practices, particularly for pullets, we submit the following comments.

CFA agrees that on-farm SE prevention practices must address each stage in the life of laying flocks, including the pullet rearing stage. Applying the FDA mandated practices to layers only after they have been placed in layer hen houses may be too late to assure protection against SE, as the layers' ovaries may already be contaminated with the pathogen. Therefore, we urge FDA to revise the proposed rule to make clear that all of the SE-prevention practices in the proposed rule apply equally to pullet rearing houses and layer houses. CFA notes that the successful Pennsylvania Egg Quality Assurance Program (PEQAP) includes measures applicable specifically to pullets.

CFA also suggests that FDA, in its final rule, consider the availability of new technologies that may provide additional protection by marking individual shell eggs with a code that identifies the farm of origin and the production practices used on the farm. These technologies, one of which uses laser etching to place a permanent, tamper-proof mark on eggshells, can and should be used to verify compliance with FDA's final rule on SE-prevention

practices, while at the same time facilitating traceback in the event of a recall. CFA believes these technologies have an important role to play in FDA's efforts to reduce SE in shell eggs by:

- Identifying the farm where the egg was produced and/or the plant where the egg was packed, thereby greatly facilitating and expediting traceability in the event of a recall or other emergency. While USDA graded eggs currently identify the packing plant on the carton, they are not required to bear the farm of origin. Moreover, eggs can become separated from their carton (e.g., as a result of illegal repacking by industry or removal from the carton by consumers). Marking of each shell egg with farm and packer identity ensures accurate and rapid traceback.
- Including, in coded form, a host of safety-related information about the egg, including the flock that produced the egg and the production practices used by the producer and packer. For example, the mark can reveal:
  - Whether the flock was vaccinated against SE or other pathogens;
  - Whether a particular SE-control protocol such as the Pennsylvania Egg Quality Assurance Program (PEQAP) was followed on the farm;
  - The type of flock (e.g., caged, cage-free, organic);
  - The feed and feed ingredients fed to the flock; and
  - The wash water temperature used by the packer.

This information can be used to verify that eggs comply with any FDA final regulation on SE-control measures.

- Including an expiration date (*i.e.*, a date after which the egg should not be used). Currently, most shell eggs bear a code date on the carton, but there is no uniformity in the type of date coding used. The code date on the carton may be the date the eggs were packed, a "sell by" date, or a "use by" date. This variety of code dating practices can be confusing to consumers. An expiration or "use by" date etched on each egg can serve as a prominent warning to consumers not to eat eggs that are beyond their shelf life. This can be especially useful to consumers vulnerable to foodborne illness, including senior citizens who otherwise may not detect an egg that is beyond its shelf life and should be thrown away.

FDA should also consider requiring or at least encouraging shell eggs to be packaged in transparent, tamper-proof packages. Transparent packaging would make it possible for consumers to visually inspect the physical condition of the eggs without opening the package. If the individual eggs are marked with expiration dates and other information related to SE prevention, that information would also be visible to the consumer. This technology offers several benefits. It prevents contamination of shell eggs through handling by consumers, and it prevents tampering with shell eggs during transportation and retail sale. It also provides an incentive for egg packers to use the latest packaging machinery, which can bring the rate of cracked eggs down to zero, much lower than the current USDA tolerance level of 5 to 7 percent cracked eggs. One brand, Born Free®, is currently offering shell eggs that use both of these technologies, laser etching and transparent, tamper-proof packaging.

FDA should consider requiring permanent, tamperproof marking of all shell eggs as a means of verifying compliance with mandatory on-farm SE-prevention practices. This technology when broadly implemented will allow effective correlation between source information etched on each egg and the details of production and processing, such as practices regarding the production of pullets, which have caused FDA to seek additional comments on the present proposal. FDA should also consider requiring or encouraging use of tamper-proof packaging for shell eggs.

Sincerely,

Carol Tucker Foreman  
Director, CFA Food Policy Institute