



Support Small Farmers & Increase Consumer Access to Farm Fresh Eggs Support HB 2953/ SB 1864

The current consolidated egg supply has led to repeated shortages and skyrocketing prices, but local farmers who have eggs to sell are unable to help fill those shelves with affordable eggs because of the grading requirements.

“Grading” eggs involves weighing and measuring each egg, sorting them by size, and obtaining a license from the Texas Department of Agriculture, which includes both an annual fee and fees based on quantities sold. **Grading is a marketing issue and provides no benefits from a health or food safety perspective.**

Graded eggs aren't necessarily high quality. While you only see Grade A eggs in the stores, restaurants are allowed to buy Grade B eggs, with abnormal shells, stained shells, runny whites, and blood spots. It makes no sense to prevent restaurants from buying clean, sound ungraded eggs.

Texas farmers can legally sell ungraded eggs directly to consumers, and you can find ungraded eggs being sold at farmers' markets all over the state. An Open Records Act request to DSHS indicates that **there has not been even a single suspected foodborne illness linked to ungraded eggs in the last 20 years!**

But farmers can't sell those same eggs to restaurants and retailers unless they get a grading license, file monthly reports, pay monthly fees, spend time “candling” (shining lights through) their eggs, and sorting them by size to meet the grading requirements. With the tiny profit margin on eggs, the additional expense and hassle cannot be justified by many farmers.

HB 2953/ SB 1864 by Representative Alders and Senator Johnson allows farmers to sell eggs clearly labeled as “ungraded” to restaurants and retailers. The bill limits the number of ungraded eggs that can be sold wholesale to ensure that only small-scale farmers are involved, and includes registration with TDA. The bill also includes labeling requirements to ensure that the consumers know who produced the eggs. **This would treat chicken eggs the same as duck and quail eggs, which can already be sold ungraded to restaurants and retailers.**

These simple provisions will help small farmers better market their eggs and allow chefs and consumers greater choice in buying locally raised food.

Last session, a similar bill (HB 2945) passed the House by a vote of 125-19.

Ungraded eggs are already being sold direct-to-consumers in Texas, with no reported problems. This common-sense bill simply allows them to be sold to restaurants and retailers as well, so that consumers can choose to buy (or be served) eggs from local, small farms.

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What about Avian Flu?

Both the USDA and the CDC have stated that properly cooked poultry and eggs do not pose a risk of transmitting avian influenza.¹ There is no evidence that anyone in the United States has contracted avian influenza from eating eggs.

Egg grading is a marketing issue, not a food safety one.

Egg grading is a voluntary program² that is strictly a **marketing** tool, administered by the USDA Agricultural Marketing Service (AMS).³ According to the AMS, “Grading provides for a standardized means of describing the marketability of a particular food product.”

In 2016, USDA-AMS revised the definition of the terms used for grading:

to **remove** any food safety implications ... and clarify that AMS' role in grading and certification of shell eggs is solely for a quality determination. The revised definition will remove the term “wholesomeness” ... The presence of microorganisms, specifically Salmonella Enteritidis (SE) or other pathogens, in the content of an egg **cannot** be detected during such an examination.⁴

In response to an Open Records Act Request, the Texas Department of Health Services was unable to produce a single report linked to ungraded eggs.

Grading looks for specific characteristics, but graded eggs don't mean “high quality.”

Graders check for egg weight, the condition of the shell, the size of the air pocket on the inside of the egg, and firmness of the egg white and yolk.⁵ Grading **doesn't** mean that the eggs are high quality. Restaurants are allowed to buy Grade B eggs, with abnormal shells, stained shells, runny whites, and blood spots. It makes no sense to prevent restaurants from buying clean, sound ungraded eggs.

How many farms could be helped by this bill?

Based on the 2022 USDA Census of Agriculture, there are 30,089 farms in Texas with fewer than 400 laying hens – the sort of farms that could benefit from this bill.

¹ <https://www.usda.gov/sites/default/files/documents/avian-influenza-food-safety-qa.pdf> ; <https://www.cdc.gov/bird-flu/prevention/food-safety.html>

² “Questions and Answers – USDA Shell Egg Grading Service.” USDA Agricultural Marketing Service, www.ams.usda.gov/publications/qa-shell-eggs.

³ Quality Grading & Inspections. USDA Agricultural Marketing Service, www.ams.usda.gov/services/grading.

⁴ <https://www.govinfo.gov/content/pkg/FR-2016-09-16/html/2016-22246.htm>

⁵ USDA FSIS. Shell Eggs from Farm to Table, www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/egg-products-preparation/shell-eggs-from-farm-to-table. (“what are egg grades?”)