

Regulations and other Acts

Gouvernement du Québec

O.C. 1224-2012, 19 December 2012

Food Products Act
(chapter P-29)

Food — Amendment

Regulation to amend the Regulation respecting food

WHEREAS, under paragraph *e.8* of section 40 of the Food Products Act (chapter P-29), the Government may, by regulation, prescribe the documents or the information to be furnished by a person required to register with the Minister of Agriculture, Fisheries and Food and the books or registers to be kept and retained by the person;

WHEREAS, under paragraph *g.1* of section 40, the Government may, by regulation, determine the persons required to have a traceability system and prescribe the minimum system standards, which may pertain, in particular, to the reception, shipping and production register, lot identification and recall and control procedures;

WHEREAS, in accordance with section 40 of the Act, the Government made the Regulation respecting food (chapter P-29, r. 1);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting food was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2012 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to made the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting food, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting food

Food products Act
(chapter P-29, s. 40, pars. *e.8*, *g.1*)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 5.1.1

(1) by striking out the definition of “lot”;

(2) by inserting “and where any marking of the eggs is performed” at the end of the definition of “grading station”.

2. Section 5.1.2 is amended

(1) by replacing the first paragraph by the following:

“**5.1.2.** Eggs must be graded, marked, packed and their containers marked in accordance with this Division and Divisions 5.2 to 5.4.

Eggs graded by a producer that has a flock of 300 hens or less are not marked despite sections 5.1.4.1 and 5.1.4.2. The producer is exempt from the obligations provided for in section 5.1.4.3 in respect of the registration of the producer’s grading station.

Despite the first paragraph and sections 5.1.3 to 5.1.4.2, eggs sold at retail at the producer’s establishment are not graded or marked provided that the eggs are clean and do not leak.”;

(2) by striking out the third paragraph.

3. Section 5.1.4 is amended

(1) by inserting “and marked” in the first paragraph after “graded”;

(2) by striking out the second paragraph.

4. The following is inserted after section 5.1.4:

“**5.1.4.1.** Each graded egg is marked on its shell with the identifying codes defined in this section designed in particular to trace its place of origin or to identify the grading station where it was marked.

Eggs produced in Québec must be marked with the QC abbreviation exclusively reserved for eggs produced in Québec. The abbreviation is immediately followed by a code chosen by the producer to identify himself or herself or the laying nest of origin; in addition, the code identifying the producer must also make it possible to distinguish the producer's production sites, if applicable.

In the case of eggs from outside Québec, in the absence of a code identifying the laying nest of origin, the shell is marked with the name of the province or country of origin, or their abbreviation.

Eggs are also marked with the identifying code of the grading station. Eggs graded in an egg station registered with the Canadian Food Inspection Agency are marked with the grading station's registration number assigned by the Agency in accordance with the Egg Regulations (C.R.C., c. 284). Eggs graded in another grading station are marked with the identifying code confirmed by the Minister pursuant to section 5.1.4.4.

Each graded egg is also marked with the abbreviation of the month and number that correspond to the date of the indication "best before" prescribed by paragraph 4 of section 5.4.1.

5.1.4.2. The codes and other marks on the shell must be clearly legible and printed with indelible ink.

5.1.4.3. The operator of a grading station that is not registered with the Canadian Food Inspection Agency must register with the Minister.

For that purpose, the operator sends a written application containing the following information:

- (1) in the case of a natural person, the person's name, address and telephone number;
- (2) in the case of a sole proprietorship, partnership or legal person, the name, telephone number and address of its main establishment and the business number assigned to it under the Act respecting the legal publicity of enterprises (chapter P-44.1) and, in the case of a partnership, the names of the partners;
- (3) the name under which that grading station is operated and its address;
- (4) the identifying code chosen by the operator for that grading station;
- (5) the name of the director or of a person in charge of operations at that grading station.

5.1.4.4. The Minister ascertains the distinctiveness of the identifying code chosen by the operator of the station that is not registered with the Agency and, if there is a risk of confusion, the Minister assigns an identifying code to that station.

In all cases, the Minister confirms in writing to the operator the single code allowed to identify the grading station."

5. Section 5.1.5 is amended by replacing "having a cover and marked "inedible" elsewhere than on the bottom in indelible letters not less than 2.5 cm in height" in the first paragraph by "having a cover on which "inedible" is clearly legible in indelible ink".

6. Section 5.2.6 is amended by striking out the second paragraph.

7. Section 5.2.10 is revoked.

8. Section 5.3.6 is revoked.

9. The heading of Division 5.4 is replaced by the following:

"EGG TRACEABILITY STANDARDS".

10. The following is inserted before section 5.4.1:

"**5.4.0.1.** The producer records the following information in respect of the eggs shipped:

- (1) the quantity of eggs delivered by the producer to the grading station or the quantity loaded by a carrier;
- (2) the identifying code of the producer or of the laying nests of origin and any identifying code of the lots shipped;
- (3) the egg-laying dates;
- (4) the shipping date;
- (5) if applicable, the name and address of the carrier and, in all cases, the registration number of the vehicle, trailer or semi-trailer used;
- (6) the name and address of the grading station of destination.

5.4.0.2. The carrier records the following information:

- (1) the name and address of the producer and the identifying codes of the producer or of the laying nests of origin;

(2) the quantity of eggs loaded and any identifying code given by the producer to the lots;

(3) the dates of loading, transportation and unloading;

(4) the name, address and identifying code of the grading station where the eggs are delivered;

(5) the registration number of the vehicle, trailer or semi-trailer used.

5.4.0.3. The operator of a grading station records the following information separately per day:

(1) the name and address of the producer of the eggs received on a given day, the quantity received and any identifying code given by the producer to the lots of eggs received;

(2) if applicable, the name and address of the carrier and, in all cases, the registration number of the vehicle, trailer or semi-trailer used;

(3) the identifying code of the producer or of the received eggs' laying nests of origin;

(4) per producer, the quantity of eggs graded on a given day;

(5) the identifying code given by the operator to the lots of graded eggs;

(6) the name and address of the purchaser of the graded eggs;

(7) the quantity of inedible eggs and, if applicable, the name and address of the purchaser.

5.4.0.4. The information referred to in sections 5.4.0.1 to 5.4.0.3 is recorded, updated and kept so that it is readily accessible upon request in case of inspection or recall; it is kept for a period of 12 months from the date of the last entry.”

11. Section 5.4.1 is amended

(1) by replacing the introductory paragraph by the following:

“**5.4.1.** Every container of graded and marked eggs must bear the following inscriptions, easily legible and in indelible ink:”;

(2) by inserting “and their quantity expressed as a number of units or dozens” at the end of paragraph 1:

(3) by inserting the following after paragraph 5:

“(6) the name of the grading station operator, the name and address of that station, and the registration number assigned to that station pursuant to the Egg Regulations or the identifying code allowed by the Minister;

(7) the identifying code given by the grading station operator to the lot from which the eggs in the container come.”;

(4) by adding the following at the end:

“A box or case with transparent sides that make it possible to easily read the inscriptions on the cartons it contains meets the requirements of this section.”.

12. Sections 5.4.2 and 5.4.3 are revoked.

13. Section 5.4.4 is replaced by the following:

“**5.4.4.** Cartons of ungraded eggs sold by a producer at the producer’s establishment must bear only the producer’s name and address.”.

14. Section 5.4.5 is revoked.

15. Section 5.4.6 is replaced by the following:

“**5.4.6.** Graded and marked eggs put on sale at the retailer’s establishment in honeycomb cartons outside their box or in bulk must be presented with a sign where the information prescribed in section 5.4.1 is clearly legible in indelible ink.

If cartons are put at the disposal of consumers for the transportation of such eggs, they must be new, clean and have no inscription.”.

16. Sections 5.4.7 to 5.4.9 are revoked.

17. This Regulation comes into force on the one hundred and eightieth day following the date of its publication in the *Gazette officielle du Québec*.