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## Policy Memorandum

**To:** National Organic Program Accredited Certifying Agents

**From:** Miles V. McEvoy, Deputy Administrator

**Subject:** Chlorine Use in Egg Breaking Facilities

**Date:** Approved on August 5, 2014

The National Organic Program (NOP) issued the guidance, [NOP 5026](#) The Use of Chlorine Materials in Organic Production and Handling, on July 22, 2011. This guidance clarified the use of chlorine materials allowed in organic production and handling according § 205.605(b) of the U.S. Department of Agriculture (USDA) organic regulations (7 CFR Part 205). It also clarified that water used in direct contact with organic products, including for egg sanitizing, may contain allowed chlorine materials at levels approved by the U.S. Food and Drug Administration or the U.S. Environmental Protection Agency for such purpose. However, if the water in direct contact with an organic product exceeds the maximum residual disinfectant limit for the chlorine material under the Safe Drinking Water Act, the organic product must be rinsed with potable water that does not exceed this level.

After consultation with the USDA Food Safety and Inspection Service (FSIS), the NOP is aware of an inconsistency between NOP 5026 and the FSIS regulations at 9 CFR § 590.516 regarding sanitizing of eggs that are further processed. Processing means manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying, or packaging egg products at official plants, which are inspected by FSIS.

The FSIS regulations require that immediately prior to breaking, all shell eggs shall be spray rinsed with potable water containing an approved sanitizer of not less than 100 parts per million (ppm) nor more than 200 ppm of available chlorine, or its equivalent. The FSIS regulations further specify that the eggs must be sufficiently dry before breaking, but do not provide for a rinse with potable water.

When breaking eggs for processing, the NOP defers to the FSIS requirement. Certifiers should not take enforcement action against operations that use chlorine sanitizers without a rinse step. This policy does not apply to eggs sold to consumers in the shell. These shell eggs are not subject to this FSIS regulation, but may be subject to voluntary egg grading standards (7 CFR Part 56).

FSIS provides a waiver process for operators of egg processing plants to seek use of alternate procedures or new technologies on an individual plant basis. Manufacturers of organic egg



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products have the option of seeking a waiver to use other sanitizing materials or practices consistent with the USDA organic regulations.

## References:

### USDA Organic Regulations ([7 CFR Part 205](#))

7 CFR § 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

### Other Laws and Regulations

USDA Food Safety and Inspection Service, 9 CFR § 590.516 Sanitizing and drying of shell eggs prior to breaking.

Guidance on Requesting a Waiver of Food Safety and Inspection Service Regulatory Requirements for the Use of New Technology,  
[http://www.fsis.usda.gov/wps/wcm/connect/977655c1-e13a-490d-8825587a0a95110b/New\\_Technology\\_Waiver.pdf?MOD=AJPERES](http://www.fsis.usda.gov/wps/wcm/connect/977655c1-e13a-490d-8825587a0a95110b/New_Technology_Waiver.pdf?MOD=AJPERES)

### **NOP Program Handbook: Guidance and Instructions for Accredited Certifying Agents and Certified Operations**

NOP 5026 The Use of Chlorine Materials in Organic Production and Handling