



Animal &
Plant Health
Agency

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Our Ref: ATIC2733

[REDACTED]
{By Email}

03 May 2022

Dear [REDACTED]

PROVISION OF REQUESTED INFORMATION

Thank you for your request for information about egg inspections, which APHA received on 31 March 2022. Your request has been handled under the Freedom of Information Act (FOIA) 2000.

The information you requested and the response is detailed below:

“It is in respect of our client that we request access to the following information:-

1. The production of the policy/guidance document APHA Operations Manual: APHA General Inspection & Egg Quality Procedures under which eggs are inspected”

The information you have requested can be found attached as Appendix 1 and 2.

2. “The APHA enforcement sanction policy that sets out the threshold criteria for egg quality against which non-conformity is measured and non-compliance sanctions imposed

Please refer to Articles 2 & 26 of retained legislation 589/2008 with particular attention to Article 26 points 1(a) & 1(b) as per links supplied below:

3. The policy/guidance document which determines how individual egg wholesalers and producers are identified for regulatory and enforcement inspections”

Please refer to Article 24 (Checks) of retained legislation 589/2008 with particular attention to point 2.

[Commission Regulation \(EC\) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation \(EC\) No 1234/2007 as regards marketing standards for eggs \(legislation.gov.uk\)](#)

4. “The training provision and qualification undertaken by EMI’s in respect of egg quality assessment and marketing procedures.”

There is a robust field training plan in place, this consists of an initial residential week long course and then a subsequent 8 – 10 week structured field training with an official sign-off by technical lead on completion of training. There is a minimum of biennial candling and UV proficiency tests as well as witnessed Quality Assurance (QA) inspections by technical leads thereafter.

5. “In accordance with the duties of the EMI how many visits have there been to retail establishments in the past six months?”

Responsibility at retail level establishments falls to Local Authority (LA) Inspectors, on occasion an EMI will accompany the LA however no visits have been recorded in the last 6 months.

6. “We would request a breakdown of whose eggs have been inspected with reference to specific producer/ wholesaler and if this is not possible for reasons of confidentiality the ratio of our client’s product with other producers/suppliers/wholesalers.”

APHA wrote to you to request clarity on question 6 and received this on the 25 April 2022 reference the timeframe which has been defined as: ‘complete years 2018 – 2021.’

There were 28,937 quality tests completed within England and Wales in the period 01/01/2018-31/12/2021. Of these, 3,610 were on batches packed by Oaklands Farm Eggs Ltd two packing centres at Wem and Ruabon (12.5%). The remaining 25327 were on batches packed by other packing centres within England and Wales (87.5%).

Information disclosed in response to this FOI request is releasable to the public. In keeping with the spirit and effect of the FOI and the government’s Transparency Agenda, this letter and the information disclosed to you may be placed on GOV.UK, together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

An Annex is attached which explains the copyright that applies to the information being released to you and contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact the Access to Information Team at the email address below or postal address at the top of this letter.

Yours sincerely

ACCESS TO INFORMATION TEAM

Email: enquiries@apha.gov.uk

Annex

Copyright

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Complaints

If you are unhappy with the service you have received in relation to your request, you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to the Access to Information Manager at the address at the top of this letter or email enquiries@apha.gov.uk and the team will arrange for an internal review of your case.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted APHA's own complaints procedure. The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Coronavirus

If you need to contact the ICO during the Coronavirus pandemic, it's best to do so online. Please click [here](#) for contact details. You can also call them on 0303 123 1113.

General Inspection Procedures

Quality Inspections

1. These should be undertaken in accordance with the instructions provided in instructions for [Egg Quality](#).

Stop Notices

1. If an EMI has failed a batch of eggs for poor quality, however, they do not have time left to stamp all the boxes as downgraded or apply downgrade tape, a **Stop Notice** (EMI49/EMI49(Welsh)) should be issued. This allows the eggs to remain intact and allows the EMI to return if they have run out of time or if further enquiries are required prior to a final decision. This does not **only** apply to quality related issues but any issue where more time is needed to complete enquiries. This is particularly important if the EMI feels there is a danger of evidence being removed.

Frequent Quality Failures

1. After the first failure for quality the EMI should carry out a follow-up visit, normally within the following two weeks. If there is again a quality failure on the same grade(s) of eggs, the EMI must complete the:

- Technical Inspection Report Forms (EMR04/EMR04(Welsh))
- Notice of Contravention (EMR06a)

2. The EMI must complete the Egg Quality Warning Letter (EMI31) which must be sent Recorded Delivery and by first class post to the packing centre.

3. The EMI should carry out a second follow-up visit, if possible within a working week, but in no circumstances beyond two weeks, allowing time for receipt of the letter. If on the second follow-up visit there is again a quality failure on the same grade(s) of eggs the EMI must complete the:

- Technical Inspection Report Form (EMR04/EMR04(Welsh))
- Notice of Contravention (EMR06a)

4. The EMI must complete the second warning letter on Egg Quality (EMI48) which must be sent Recorded Delivery and by first class post to the packing centre.

5. A GTA should then make a joint visit with the EMI, if possible within a working week, but in no circumstances beyond two weeks, allowing time for receipt of the letter. If on this joint visit there is again a quality failure on the same grade(s) of eggs:

- the GTA should:
 - inform the packer or person in charge of the packing centre that the matter will have to be considered by senior APHA management
 - liaise with the OTL
- the EMI must:
 - write to the packing centre - this letter should be sent by Recorded Delivery and by first class post

6. The GTA and EMI should make a further follow-up visit within the next working week. If there is again a quality failure on the same grade(s) of egg, the GTA should submit a detailed report within five working days. The OTL should then consider possible further regulatory/enforcement action.

7. If on any of the follow-up visits, the specific grade or pack of eggs is not available a test should be carried out on a batch selected from the grade or pack which is closest to the original downgraded batch by weight and pack (unless there is a specific reason for testing a batch of the same weight and in the same packs as the original downgraded batch). If the batch does not meet standards required, it should be treated as a consecutive downgrading and a further follow-up visit should be carried out. On this further follow-up visit the inspection should, where possible, be concentrated on the original grade or pack of eggs. If no eggs are available on a follow-up visit, a further follow-up visit should be made at a later date.

Exceptional Quality Failures

1. In the event of one or more quality tests which reveal results which are so poor, suggesting a blatant disregard for the Regulations, in addition to serving the Notice of Contravention (EMR06a):

- the EMI should:
 - report the facts immediately to the GTA and
 - submit a detailed report as soon as possible, but within five working days
- the GTA should then:
 - consider the circumstances and
 - if satisfied, refer the report to the OTL to consider possible further regulatory/enforcement action

Quality and/or Weight Inspection of Eggs (External and Internal Egg Quality, including Ultraviolet)

Scope

1. Quality and weight inspections must be carried out by trained Egg Marketing Inspectors (EMIs) and would normally be carried out at packing centres. Quality tests alone are normally carried out at wholesalers and boiling plants. However quality and/or weight inspections may also be conducted at any premises required to receive specific quality and weight grades of eggs (such as Class A) which can include retailers and caterers when appropriate.
2. Quality and/or weight inspections should be conducted according to the risk of non-compliance, based upon the static risk (category) of the premises being inspected and any local conditions observed during an inspection which indicate to the EMI that there may be a risk to egg quality.
3. Once EMIs have satisfied themselves during a quality inspection that there is no evidence of egg quality issues the quality inspection should end.

Batch Selection

1. A batch of eggs is defined within the Regulations, essentially as any total amount of eggs which are packed and identified identically.
2. Select batch(es) of eggs for quality and/or inspection, using the packaging and labelling to determine each batch, selecting batches with higher risk of non-compliance based upon:
 - shortest time until best before date (labelling information)
 - largest size of batch
 - least controlled origin of eggs
 - condition of batch (boxes, eggs, stacking)
 - other evidence or reasons that risk of non-compliance may be increased.
3. EMIs should not deliberately select batches which are due for immediate delivery unless there is evidence to justify those eggs being tested.
4. EMIs may place signs on the batch of eggs currently being tested to prohibit those eggs from being marketed.

Quality Assessment (Fault Types)

1. Quality tolerance standards, Commission Regulation (EC) No. 589/2008 Article 26 specifies the tolerance limits for defects in batches of Class A eggs. These are 5% when

checking batches of eggs at Packing Centres and 7% at all other marketing stages (batches containing less than 180 eggs the percentages should be doubled). These tolerance levels must be adhered to. Batches of eggs exceeding them should be downgraded unless an Inspector is faced with very exceptional circumstances where it may be considered totally disproportionate to downgrade a batch of eggs slightly (0.1 to 0.3%) in excess of the relevant tolerances.

2. For any batch of eggs where the tolerances are exceeded, a contravention has occurred and Inspectors must record it as such on the EMI system and take the follow-up action necessary to bring the Operator back into compliance and grading within the legal tolerances. Inspectors must justify any decision not to downgrade batches of eggs which are judged to be outside of the tolerance limits to their Technical Team Leader (TTL) and record the decision on the Technical Inspection Report (EMR04/EMR04(Welsh)) and the remarks section on the EMI database.

3. Quality assessment must be made using the naked eye (externally visible faults), candling (internal and externally invisible faults) and Ultraviolet light (wiping and washing of eggs).

4. EMIs must make a note of all faults found, by type, and in the event of significant quality issues likely to lead to a request for investigation must set those faults to one-side for Evidence Gathering.

5. EMIs must conduct the quality test before a weight test to avoid any additional chance of damage occurring prior to testing.

Initial Test Sample

1. An initial test should be conducted, appropriate to the volume of eggs in the entire batch, according to the sampling table at the end of this section, taking eggs in a random manner throughout the batch i.e. from varying levels in stacks or from different pallets of eggs.

2. If that initial test is clear, no further eggs need be tested and the batch can be re-packed ready for marketing, EMIs can then re-seal the boxes using re-sealing labels (example provided below) and clear tape. If the initial test indicates excessive quality and/or weight faults and sufficient eggs have been tested (according to the sampling table) to enable downgrading, EMIs should prohibit the batch from being marketed.

Additional Test Sample (Full Test)

1. If the initial sample indicates excessive quality and/or weight faults but insufficient eggs have been tested in order to downgrade and prohibit the marketing, an additional test must be conducted before such action may be taken.
2. The Additional Test must ensure that the overall volume of eggs required is tested from the appropriate number of packs or boxes.
3. If the completed full test is within acceptable tolerances for quality, all the opened boxes can be re-sealed using re-sealing labels and replaced as originally found for marketing. If the completed full test indicates excessive quality and/or weight faults, EMIs should prohibit the batch from being marketed according to the procedures shown at 'downgrading and prohibition from marketing'.

Informing Holder of Eggs about Test Results

1. The holder of the eggs may be given brief details of the test results, whether the eggs pass or fail the quality and/or weight test.
2. EMIs must stick to the facts of the test results and must avoid expressing any opinions about the quality and/or weight of the eggs, unless material to the marketing. However, if the test was conducted at the packing centre responsible for the grading of the eggs, or if there were faults directly and clearly attributable to the premises being inspected (for example poor storage conditions) additional relevant details may be disclosed to enable the responsible party to take remedial action.

Downgrading and Prohibition from Marketing

1. When a completed test indicates excessive quality and/or weight faults, EMIs should prohibit the batch from being marketed.
2. EMIs must bear in mind whether there is any likelihood that this test could result in investigation, and if so, follow appropriate procedures.
3. All the boxes in the batch must be stamped with the EMI downgrading stamp, which shall be positioned to cover both the labels and the surface of all boxes so that removal of labelling would not make it possible to market the eggs. Any opened outer boxes shall be re-sealed using red EMI downgrading tape and stamped as above.
4. The batch must be detailed on a Notice of Contravention (EMR06b) and Technical Inspection Report form (EMR04/EMR04(Welsh)), which must include details of where the batch will be sent for disposal, or if unknown at the completion of inspection, instructions for the premises to follow prior to moving the batch under the control of an EMI.

5. The movement of all downgraded eggs for any purpose e.g. re-grading or disposal, should be supervised according to risk. Further information is provided in sections dealing with supervision of re-grading and disposal of eggs provide.

6. Tamperproof tape is expensive and its use is should be restricted to identifying those batches of eggs that have been downgraded or are held under restriction (eggs from a positive flock under NCP) where significant danger or suspicion exists that the eggs may find their way back into the human food chain. Tamperproof tape is available via your Local Equipment Manager, the [Equipment](#) page provides further details.

7. If such suspicion exists that the holder of the eggs may ignore requirements of an APHA Compliance Notice or any other form of restriction. Then the batch(es) held under restriction should be taped up with this 'tamper proof tape' so the imprint of the wording will be left on any packaging enclosing the eggs in question.

8. In certain circumstances, such as pallets of loose keyes trayed eggs then it may not be appropriate to use tamper proof tape.

9. Where appropriate formal downgrade stamps should still be applied to either outer labels or boxes. Checks must be made with the Inspector who has responsibility for the receiving premises that the batch has been received.

Sampling Table for Quality and Weight Tests

1. Quality tests must be conducted according to this table.

2. Weight tests must start with an initial sample of at least 7½ dozen selected at random from the preliminary quality samples taken, but in order to downgrade on weight, a full sample (number in the 'total' column) must be tested.

No. of Dozens in Batch	No. of Boxes (360) in Batch	No. (Dozen) or % of Eggs to be tested			Min. No. or % of large packs to be sampled	Min. No. or % of small packs to be sampled
		Preliminary	Additional	Total		
up to 15	≤ ½	ALL	-	ALL	ALL	ALL

16 to 30	$> \frac{1}{2}$ to ≤ 1	15	-	15	ALL	15%
31 to 120	> 1 to ≤ 4	18	-	18	20%	15%
121 to 600	> 4 to ≤ 20	30	-	30	20%	15% ≥ 4 to ≤ 5
						10% ≥ 5 to ≤ 10
						5% ≥ 10 to ≤ 20
601 to 1980	> 20 to ≤ 66	30	30	60	20% $\geq 20 - 50$	5% ≥ 20 to ≤ 30
					10% $\geq 50 - 66$	4% ≥ 30 to ≤ 50
					(min10)	3% ≥ 50 to ≤ 66
1981 to 2490	$> \geq 66$ to ≤ 83	30	45	75	10% (min 10)	3%
2491 to 6000	> 83 to ≤ 200	30	60	90	10% (min 10)	3% ≥ 83 to ≤ 100
						1.5% ≥ 100 to ≤ 200
6001 to 9000	> 200 to ≤ 300	36	1.5% - 36	1.5%	10%	1.5%
9001 to 12000	> 300 to ≤ 400	48	1.5% - 48	1.5%	10%	1.5%

12001 to 15000	> 400 to ≤ 500	60	1.5% - 60	1.5%	10%	1.5%
15001 to 18000	> 500 to ≤ 600	72	1.5% - 72	1.5%	10%	1.5%
18001 to 21000	> 600 to ≤ 700	84	1.5% - 84	1.5%	10%	1.5%
21001 to 24000	> 700 to ≤ 800	96	1.5% - 96	1.5%	10%	1.5%
24001 to 27000	> 800 to ≤ 900>	108	1.5% - 108	1.5%	10%	1.5%
27001 to 30000	> 900 to ≤ 1000	120	1.5% - 120	1.5%	10%	1.5%
*30001 to 90000	> 1000 to ≤ 3000	150	300	450	10%	0.5%
**90001+	>3000	0.2%	0.3%	0.5%	10%	0.5%