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RULE PROPOSALS

**AGRICULTURE
DIVISION OF ANIMAL HEALTH**

46 N.J.R. 155(a)

Proposed Readoption with Amendments: *N.J.A.C. 2:9*

Click here to view Interested Persons Statement

Avian Influenza

Authorized By: State Board of Agriculture and Douglas Fisher, Secretary, Department of Agriculture.

Authority: *N.J.S.A. 4:1-11, 4:1-21.2, 4:1-and 21.5; 4:5-1 et seq.; and 4:5-94 et seq.*

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2014-008.

Submit written comments by March 22, 2014, to:

Dr. Manoel Tamassia, Director
Division of Animal Health
New Jersey Department of Agriculture
P.O. Box 330
Trenton, New Jersey 08625-0330
or to proposedrulesAnimalHealth@ag.state.nj.us

The agency proposal follows:

Summary

Pursuant to *N.J.S.A. 52:14B-5.1.c(2)*, *N.J.A.C. 2:9* expires on June 13, 2014. The Department of Agriculture has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Amendments to the rules proposed for re-adoption are proposed to be consistent with changes in the United States Department of Agriculture organizational changes and to more clearly guide the regulated community.

Avian influenza is a serious disease of poultry, with the potential to cause a significant adverse impact on poultry and egg production. This disease has been known to cause severe harm to poultry, including sudden death without clinical signs, lack of energy and appetite, decreased egg production, soft-shelled or misshapen eggs, swelling of the head, eyelids, comb, wattles, and hocks, purple discoloration of the wattles, combs, and legs, nasal discharge, coughing, sneezing, incoordination, and diarrhea. Avian influenza can strike poultry quickly without any warning signs. Once established, the disease can spread rapidly from flock to flock.

Avian influenza's devastation has been felt in the poultry industry throughout this country. In the 1980s, a widespread outbreak of avian influenza led to the destruction of millions of birds in Pennsylvania and New Jersey. Identification of avian influenza in Delaware, in February 2004, required the depopulation of approximately 85,000 birds and caused a halt to the sale of live poultry in order to eradicate the disease. Strict measures are therefore required to protect the New Jersey poultry industry from this destructive disease.

A large portion of the New Jersey poultry industry is associated with New Jersey's live bird markets. Due to their broad supply base, these markets are particularly susceptible to avian influenza. For example, in 2001, a United States Department of Agriculture (USDA) epidemiological study revealed that 40 percent of New Jersey's bird markets tested positive for the low-pathogen strain of this virus. Likewise, in February 2004, an outbreak of low pathogenicity avian influenza A (H7N2) was reported in four live bird markets in New Jersey that had been supplied by one of the affected Delaware farms. Although the New Jersey Department of Agriculture (NJDA) actively monitors the markets and their poultry suppliers for evidence of avian influenza, strict avian influenza rules are necessary to better protect the live bird markets, and thus the New Jersey poultry industry, from introduction of this insidious disease.

In 2004, the USDA released Uniform Standards for the Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Marketing System (Uniform Standards). To maintain an effective disease control program for New Jersey poultry, it is essential that the State rules be consistent with USDA guidelines. The official laboratory tests for avian influenza for the State of New Jersey are the same as the official tests for avian influenza outlined in the USDA Uniform Standards mentioned above.

In Subchapter 1, Indemnification and Disposal Costs, *N.J.A.C. 2:9-1.1* and *1.2* deal with the payment of indemnities and disposal costs, including language intended to limit the number of times a stakeholder is entitled to indemnity and disposal costs. This language is intended to protect businesses and individuals who effectively follow biosecurity measures, but still suffer from an outbreak through no fault of their own. However, individuals or businesses that test positive for avian influenza twice within the registration year are not entitled to indemnification and disposal costs.

Amendments are proposed to *N.J.A.C. 2:9-1.1* to acknowledge that indemnity payments are subject to the availability of funds and to specify that appraisal values are determined by the USDA-approved appraisal value source for depopulated poultry. The standardized national appraisal value source replaces previous reliance on potential fluctuating market value and indemnity limit of \$ 20.00 per bird because indemnity payments are determined by the USDA. Amendments to *N.J.A.C. 2:9-1.2* acknowledges that disposal cost reimbursement is also subject to availability of funds.

N.J.A.C. 2:9-2.1 delineates the definitions to be used in Chapter 9 and *N.J.A.C. 2:9-2.2* establishes a registration system for live bird markets, poultry distributors, and production/supplier flocks.

Proposed amendments to *N.J.A.C. 2:9-2.1*, Definitions, update the title of APHIS veterinarian in charge (Assistant

District Director) for consistency with USDA organization changes; specify the "Certificate of Veterinary Inspection" requires a copy of the final lab report as proof of [page=156] the negative test for avian influenza; clarify the requirement of sequestration of "established flock" poultry from birds of unknown health status between test date and date leaving the farm; specify addition of day-old chicks as an exception permitted to be added to "monitored flocks"; provide that specimens positive for avian influenza (positive sample) must be confirmed by the actual National Veterinary Services Laboratory (NVSL), not an NVSL-approved laboratory, as clarified by USDA; require the copy of the final lab report in the "poultry inspection certificate" as proof of a negative test for avian influenza; specify the "poultry invoice" may originate from a production/supplier flock, and, in this case, it must show poultry origination and required distributors or markets; and specify the number of birds requiring tests if a flock contains less than 30 birds in "tested flocks."

N.J.A.C. 2:9-2.2 sets forth the registration requirements for live bird markets, poultry distributors, and production/supplier flocks operating in New Jersey. As part of this registration process, applicants are required to permit NJDA-authorized agents access to their premises for inspection and testing and are required to be in compliance with the regulations. A proposed amendment to *N.J.A.C. 2:9-2.2(a)* clarifies that registrant's compliance with the rules is shown by applicants having no pending violations or unsatisfied penalties. In addition, a further amendment proposed to subsection (a), to be consistent with changes to the Federal program, specifies that production/supplier flocks conducting business in New Jersey but located in another state or country are exempt from registration with NJDA, and to paragraph (a)1, if their premises have the appropriate premises identification number from, and registered with, the poultry originating country/state.

Subchapters 3, 4, and 5 describe the sanitation, biosecurity, and surveillance measures required for live bird markets, poultry distributors, and production/supplier flocks, respectively. Minimum biosecurity measures, including routine cleaning and disinfecting requirements, periodic testing, and periodic closures are imposed under these subchapters. These subchapters also set forth the quarantine procedures that will be implemented if avian influenza is found in a live bird market, poultry distributor, and/or production/supplier flock. Finally, these subchapters describe the requirements for sale of poultry to, and movement of poultry into, live bird markets, and movement of poultry into qualified poultry auctions. Recordkeeping responsibilities have been imposed in connection with these subchapters.

Specifically, Subchapter 3 requires poultry invoices to accompany all poultry entering live bird markets. Live bird markets are also required to undergo quarterly testing, closure, and inspection. Proposed amendments to *N.J.A.C. 2:9-3.1(a)* clarify that movement of poultry is only permitted into live bird markets that comply with *N.J.A.C. 2:9-2.2* and to paragraph (b)1 to specify that in the case of quarantine, there must be immediate depopulation of birds in the market and that at the discretion of the State Veterinarian, may be given up to five days to sell down poultry.

Subchapter 4 requires poultry distributors to obtain a poultry inspection certificate for all poultry moved into a live bird market or poultry distributor. It requires poultry distributors to adhere to biosecurity protocol. In addition, poultry distributors are required, under Subchapter 4, to maintain a logbook certifying that they have complied with approved biosecurity measures. Poultry distributors must also undergo inspection and testing. Amendments to *N.J.A.C. 2:9-4.1(a)* specify that poultry distributors may only conduct business with markets, distributors, and flocks who are in compliance with *N.J.A.C. 2:9-2.2*; to *N.J.A.C. 2:9-4.1(b)* specify documentation requirements for generating poultry invoices and retaining inspection certificates or certificate of veterinary inspection for poultry traceability in the event of a disease outbreak; and to *N.J.A.C. 2:9-4.1(c)* to provide the source to obtain the USDA documentation specifying official laboratory tests of the avian influenza program. Amendment to *N.J.A.C. 2:9-4.2* clarifies that the rule incorporates the requirement for poultry distributors maintaining records of all poultry transfers.

Subchapter 5 prohibits unregistered production/supplier flocks from selling poultry directly to live bird markets. Random testing and inspection of production/supplier flocks is authorized under Subchapter 5, and production/supplier flocks are required to maintain records of bird transfers, flock test records, and biosecurity records. Proposed amendments clarify that production/supplier flocks only conduct business with production/supplier flocks and poultry distributors in compliance with *N.J.A.C. 2:9-2.2* and clarify that completed poultry invoice and poultry inspection

certificate (or certificate of veterinary inspection) must accompany poultry intended for movement through a poultry distributor or to a production/supplier flock. The amendment to *N.J.A.C. 2:9-5.2* clarifies that flock test records also must include poultry inspection certificates and certificates of veterinary inspection and poultry invoices, as well as other business records.

Subchapter 6 addresses penalties to be imposed for violations of this chapter. The penalty for a first offense shall be not less than \$ 100.00 nor more than \$ 200.00 per unit or violation, while the penalty for any subsequent offense shall be \$ 200.00 per unit or violation or imprisonment for not more than one year, or both. In addition, after the second offense, the live bird market, poultry distributor, or production/supplier flock could lose their registration for the remainder of the registration year. Any person aggrieved by the findings of the Division of Animal Health will be afforded the opportunity for a hearing thereon in the manner provided for in contested cases pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq. and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*. Subchapter 6 also makes clear that the Division of Animal Health may quarantine any poultry found in violation of Chapter 9. Such quarantine will not be lifted until the owner can establish proof of compliance or the poultry have tested negative for avian influenza.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The rules proposed for readoption with amendments will affect all segments of the New Jersey poultry industry associated with the live bird marketing system, including live bird markets, poultry producers, suppliers, distributors, dealers, haulers/truckers, wholesalers, animal auctions, and many backyard poultry operations. No poultry will be allowed entry into the State of New Jersey for movement into the live bird markets and auctions of New Jersey unless those poultry have completed the required avian influenza negative testing. In this way, the rules have a positive social impact on poultry consumers by reducing the risk of exposure to avian influenza in poultry products. In addition, the rules will continue to have a positive social impact on New Jersey by protecting the health of New Jersey poultry and the viability of its live bird markets.

Economic Impact

The rules proposed for readoption with amendments will reduce the potential for economic loss in the poultry industry by helping to prevent the introduction of disease into New Jersey commercial poultry. The poultry industry in New Jersey has been valued at \$ 4 million and has generated revenues of \$ 35.5 million per year. If the New Jersey poultry population became infected with avian influenza and a proper disease control program were not in place, the entire poultry industry could potentially suffer severe economic damage. For example, the 2002 low pathogenicity avian influenza outbreak in Virginia cost approximately \$ 140 million and resulted in the loss of close to five million birds. Thus, the rules proposed for readoption with amendments will have a positive economic impact on the State of New Jersey, reinforcing biosecurity measures to prevent the introduction of avian influenza into New Jersey flocks and its associated economic loss.

In the case of an outbreak of avian influenza, indemnity and disposal costs will vary depending on the number of birds affected and the severity of the outbreak of avian influenza. The cost could escalate to as high as \$ 35.5 million per year if New Jersey's entire poultry industry was affected. It is anticipated that Federal funding will be available to cover indemnity and disposal costs. Cost associated with developing and implementing a biosecurity plan could include cost for materials to clean and disinfect, labor costs, lost revenues during downtime, costs for rodent and pest control, and potential construction costs for facility renovation, if needed. Depending on the existing practices of each facility these costs could range from nominal costs to tens of thousands of dollars. The New Jersey Department of Agriculture will work with stakeholders to develop biosecurity protocols that are effective but not cost prohibitive. The rules have a positive economic impact on poultry distributors who work in [page=157] multiple states as they allow the poultry

distributor to utilize log books from other states meeting certain minimum requirements.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65 require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. In an effort to provide a minimum national standard for the prevention and control of low pathogenicity avian influenza, the USDA promulgated general guidelines entitled "Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Marketing System, Uniform Standards for a State-Federal-Industry Cooperative Program" (Uniform Standards), effective October 20, 2004 (APHIS 91-55-076). A copy of this publication can be obtained by contacting FOIA Officer, Tonya Woods, FOIA Director, Legislative and Public Affairs, Freedom of Information Act, 4700 River Road, Unit 50, Riverdale, MD 20737, (301) 851-4102 (telephone), (301) 734-5941 (fax), e-mail: foia.officer@aphis.usda.gov. The rules proposed for reoption with amendments impose standards that are substantially the same as, but do not exceed those suggested by the USDA in the Uniform Standards. A Federal standards analysis is not required because there are no Federal requirements or standards on this issue. Rather, the Uniform Standards are guidelines intended to assist states in meeting their goals for prevention and control of avian influenza in the live bird marketing system.

Jobs Impact

The rules proposed for reoption with amendments are not expected to result in the generation or loss of jobs in the State of New Jersey. Reoption of these rules will, however, help prevent the loss of jobs that may occur in the poultry industry after an outbreak, and is anticipated to have a positive job impact.

Agriculture Industry Impact

The rules proposed for reoption with amendments will have a positive impact on the agriculture industry by protecting agricultural operations and the farmland on which they operate from exposure to an economically devastating disease. In order to protect the agriculture industry properly, the rules will impose restrictions and requirements on businesses and individuals who deal with poultry. Specifically, the rules will affect all segments of the poultry industry associated with the live bird marketing system. The industry will be prohibited from importing poultry into the State for movement in live bird markets and auction markets without mandated testing, and will be subject to additional biosecurity measures to minimize the potential spread of this virus that circulates in wild bird populations. The minimal inconvenience imposed on the poultry industry from the additional measures is necessary to ensure the protection and future vitality of the poultry industry. The rules reduce inconvenience on poultry distributors who work in multiple states as they allow the poultry distributor to utilize logbooks from other states meeting certain minimum requirements and avoid the need to carry multiple logbooks.

Regulatory Flexibility Analysis

The rules proposed for reoption with amendments may impose compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq. Professional services in the form of veterinary services may be needed to comply with provisions of these rules, which require flock testing. However, it is anticipated that veterinarians and/or animal health technicians who are employees or agents of either the New Jersey Department of Agriculture or the United States Department of Agriculture will be able to provide the necessary professional services.

Currently, there is no charge for avian influenza testing for the residents of the State of New Jersey. Veterinarians and/or animal health technicians who are employees of or agents of either the New Jersey Department of Agriculture or the United States Department of Agriculture conduct avian influenza testing within the State. The New Jersey Department of Agriculture Animal Health Diagnostic Laboratory performs diagnostic testing on these samples with

funds allotted through a cooperative agreement with the USDA. It is anticipated that Federal funding will continue to be available for avian influenza testing and supplies.

The rules proposed for readoption with amendments are intended as a means to avoid the control measures that would be implemented if there were a widespread outbreak of the disease, and the burden of undertaking remedial measures, including the depopulation of flocks, which could be imposed upon individuals and business entities affected by the disease. Additional recordkeeping will be required to demonstrate compliance with enhanced biosecurity measures. However, this recordkeeping is minimal and will not be overly burdensome. Poultry distributors are required to keep records regarding the source flock, the testing done prior to entry, and the delivery location. No professional assistance, initial capital outlays, or annual cost to the distributor will be required for compliance with the recordkeeping provisions of these rules. The rules proposed for readoption with amendments reduce recordkeeping requirements since those operations in the Live Bird Marketing System in other states, as well as in New Jersey, need only one logbook to comply.

The Department has determined that the rules proposed for readoption with amendments represents the minimum standards necessary to protect the New Jersey agricultural industry against the potential devastation that might result from the spread of avian influenza.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments provide for the protection of the New Jersey poultry industry from avian influenza.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules proposed for readoption with amendments provide for the protection of the New Jersey poultry industry from avian influenza.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at *N.J.A.C. 2:9*.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. INDEMNIFICATION AND DISPOSAL

2:9-1.1 Indemnities

(a) (No change.)

(b) Indemnity [to] **shall** be paid for any bird destroyed pursuant to an order of the Department [shall be the market value of the type and classification of the average bird of such type and kind. No indemnity for any one bird shall exceed \$ 20.00 per bird.], **subject to availability of funds. Appraisal value for all birds will be determined by either Animal and Plant Health Inspection Service (APHIS)-developed valuation lists or by APHIS' Appraisal-Indemnity-Compensation Specialist (AICS).**

(c)-(d) (No change.)

2:9-1.2 Disposal costs

(a) The disposal costs of any birds destroyed pursuant to a directive of or by the Department shall be paid, **subject to the availability of funds**, as follows:

1. Should the owner undertake to dispose of the birds pursuant to the directives of the Department, the owner shall submit the disposal bill to the Department. If the Department finds the bill reasonable, the Department shall reimburse the bill, or such costs as the Department deems reasonable.

(b) (No change.)

[page=158] SUBCHAPTER 2. GENERAL PROVISIONS

2:9-2.1 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

["Area veterinarian in charge"] "**Assistant District Director**" means the **Animal and Plant Health Inspection Service** (APHIS) veterinarian who is assigned by the Administrator of the [Animal and Plant Health Inspection Service] **APHIS** to supervise and perform official duties of APHIS in a specified state or states. Information as to the name and address of the Regional Director for the state or states concerned can be obtained by writing to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road, Unit 84, Riverdale, MD 20737-1234.

"Certificate of Veterinary Inspection" means an official document, which includes:

1. (No change.)

2. A statement made by the examining veterinarian that includes the date, a statement of negative avian influenza status, and lab accession number(s) of qualifying tests; [and]

3. A copy of the finalized laboratory report indicating that the poultry tested negative for avian influenza; and

[3.] **4.** (No change in text.)

...

"Established flock" means poultry of the same species held together on one premises for at least 21 consecutive days; or at the discretion of the State Veterinarian, any group of poultry on one premises that has been segregated from another group for at least 21 consecutive days. **The flock shall be kept separate and apart from all other poultry of unknown health status and no additional birds may be added between the testing date and the date that the birds leave the farm.**

...

"Monitored flock" means an established flock that meets the following criteria:

1.-3. (No change.)

4. [No] **With the exception of day-old chicks moved directly from a National Poultry Improvement Plan (NPIP) U.S. Avian Influenza Clean hatchery or pullets moved directly from an NPIP U.S. H5/H7 Avian Influenza Monitored flock, no** birds of lesser status [have been] **may be** added to the flock. When birds of lesser status are added to the flock, the flock loses its monitored status. After waiting 21 consecutive days, a flock that has lost its monitored status may requalify for monitored status if 30 birds have tested negative for avian influenza monthly for three consecutive months;

5.-6. (No change.)

...

"Positive sample" means a diagnostic specimen that is:

1.-3. (No change.)

Specimens positive for avian influenza virus must be confirmed by the National Veterinary Services Laboratory [or a National Veterinary Services Laboratory approved laboratory].

...

"Poultry inspection certificate" means a document issued by a state agency based on negative avian influenza test results by a United States Department of Agriculture (USDA) approved laboratory. **The certificate shall be accompanied by a copy of the finalized laboratory report indicating that the poultry tested negative for avian influenza.** The certificate shall include:

1.-7. (No change.)

"Poultry invoice" means a document issued by a poultry distributor **or production/supplier flock**, which shall include:

1. The full name and address of the poultry distributor **or production/supplier flock where the poultry originated;**

2.-4. (No change.)

5. The name and address of the **poultry distributor or live bird market where the poultry are being moved.**

...

"Tested flock" means an established flock in which 30 birds have tested negative for avian influenza 10 days prior to the date of movement and no poultry have been added to the flock after testing and prior to movement. **If the flock contains less than 30 birds, all birds within the flock must be tested.**

...

2:9-2.2 Registration

(a) Live bird markets, poultry distributors, and (a) production/supplier flocks that conduct business in the State of New Jersey must register annually with the NJDA and must comply with the requirements of *N.J.A.C. 2:3* and this chapter, **as evidenced by no pending violations or unsatisfied penalties.** The registration year shall begin September 1 and end August 31. Production/supplier flocks that conduct business within New Jersey but are located in another state/**country**

shall be exempt from registering with the NJDA if:

1. Their premises has been assigned a **national** premises identification number from the [USDA] **country of origin where the poultry originate;**
 2. The premises identification number has been registered with the state/**country** in which the premises is located; and
 3. (No change.)
- (b)-(e) (No change.)

SUBCHAPTER 3. LIVE BIRD MARKETS

2:9-3.1 Movement of poultry into live bird markets

(a) Only poultry distributors who have met the requirements of *N.J.A.C. 2:9-2.2* and *4.1* may move live poultry into [a] New Jersey live bird markets **that have met the requirements of *N.J.A.C. 2:9-2.2***. All poultry moving into a live bird market must be accompanied by a poultry invoice.

(b)-(d) (No change.)

2:9-3.3 Live bird market surveillance

(a) (No change.)

(b) Premises suspected or confirmed positive of infection with avian influenza shall be quarantined by the NJDA, pursuant to *N.J.A.C. 2:5-4*. Premises under quarantine must comply with the following:

1. All premises shall dispose of its poultry population. [Premises under quarantine] **Market personnel shall immediately depopulate all poultry, pigeons and doves in the market, or at the discretion of the State Veterinarian,** may be given up to five days to sell down poultry. No new poultry or animal deliveries may be accepted once the premises [has] **have** been placed under quarantine. At the close of business on the fifth day, any poultry [remaining, including] **and/or** pigeons and doves **remaining**, shall be depopulated by market personnel;

2.-4. (No change.)

(c)-(d) (No change.)

SUBCHAPTER 4. POULTRY DISTRIBUTORS

2:9-4.1 Testing requirements for poultry distributors

(a) **Poultry distributors may only conduct business with live bird markets, poultry distributors, and production/supplier flocks who have met the requirements of *N.J.A.C. 2:9-2.2***. A poultry distributor must obtain a **completed poultry invoice and either a** completed poultry inspection certificate or a certificate of veterinary inspection **from the production/supplier flock** for all poultry intended for movement into a New Jersey live bird market, [and] qualified poultry auction, **and poultry distributor**.

(b) The **poultry invoice and** poultry inspection certificate or certificate of veterinary inspection required in (a) above shall remain in the possession of the poultry distributor and a **new** poultry invoice shall accompany all poultry delivered

to live bird markets. If poultry are sold or transferred from one poultry distributor to another, a copy of the poultry inspection certificate or certificate of veterinary inspection and a **new** poultry invoice must accompany each transaction.

(c) The State of New Jersey adopts as the official laboratory tests of the avian influenza program Part IV of USDA's Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Marketing System Uniform Standards for a State-Federal-Industry Cooperative Program, effective October 20, 2004, incorporated herein by reference, as amended and supplemented. A copy of this document is on file in the State Veterinarian's Office, Division of Animal Health, New [page=159] Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwartzkopf Drive, Ewing, NJ 08628 or online at http://www.aphis.usda.gov/newsroom/hot_issues/avian_influenza/contents/printable_version/uniform_standards.pdf**.

(d)-(e) (No change.)

2:9-4.2 Poultry distributor sanitation and biosecurity

(a) (No change.)

(b) All poultry distributors shall maintain records of all **poultry transfers, including:** poultry invoices, poultry inspection certificates, and certificates of veterinary inspection for a period of 12 months at the business premises. These records must be presented upon demand to an authorized agent of the New Jersey Department of Agriculture.

(c) All poultry distributors shall maintain a logbook in each vehicle used to transport live poultry certifying that they have complied with the biosecurity protocols in (a)**5 and 6** above.

1.-4. (No change.)

(d) (No change.)

SUBCHAPTER 5. PRODUCTION/SUPPLIER FLOCKS

2:9-5.1 Production/supplier flocks

(a) Production/supplier flocks may only conduct business with live bird markets, poultry distributors, and production/supplier flocks who have met the requirements of *N.J.A.C. 2:9-2.2*.

(b) A completed poultry invoice and either a completed poultry inspection certificate or a certificate of veterinary inspection must accompany all poultry intended for movement through a poultry distributor or into a production/supplier flock.

(c) Birds from production/supplier flocks may not be [sold] **moved** directly to live bird markets unless the flock owner or manager is also registered as a poultry distributor pursuant to *N.J.A.C. 2:9-2.2*, with the necessary NJDA-approved biosecurity protocols and equipment to ensure effective cleaning and disinfection of conveyances and equipment.

2:9-5.2 Production/supplier flock sanitation and biosecurity

(a)-(b) (No change.)

(c) Flock test records, **including all poultry inspection certificates and certificates of veterinary inspection**, as well as records of bird transfers, [receipts] **poultry invoices**, and biosecurity records, must be maintained at the flock premises for 12 months and shall be presented upon demand to an authorized agent of the New Jersey Department of

Agriculture.