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NEW JERSEY REGISTER

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**RULE PROPOSALS**

**AGRICULTURE  
DIVISION OF MARKETING AND DEVELOPMENT**

41 N.J.R. 1296(a)

**Proposed Amendments: N.J.A.C. 2:71-2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 7.2 and 7.3**

**Proposed New Rules: N.J.A.C. 2:71-7.6, 7.7 and 7.8**

**Proposed Repeals: N.J.A.C. 2:71-2.8 through 2.17**

**Proposed Repeal and New Rule: N.J.A.C. 2:71-7.1**

Click here to view Interested Persons Statement

**Grades and Standards**

Authorized By: State Board of Agriculture and Charles M. Kuperus, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:1-11.1, 4:3-11.12 and 4:10-13.

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

Proposal Number: PRN 2009-94.

Submit comments by June 5, 2009 to:  
Alfred W. Murray, Director  
Division of Marketing and Development  
New Jersey Department of Agriculture  
PO Box 330  
Trenton, NJ 08625-0330

The agency proposal follows:

## Summary

N.J.A.C. 2:71, Grades and Standards, will continue to protect New Jersey's agricultural sectors and the consumers it serves through inspection and grading of agricultural commodities marketed under these programs. These programs enable farmers, packers, growers and producers to market high quality products and in turn benefit the consumer who would otherwise be unable to compare quality with price.

During the past several years the Department has engaged in discussions with sectors of the agricultural industry, who have expressed interest in expanding the types of commodities eligible for the Jersey Fresh and Jersey Grown grading standard programs. In response, pilot programs were authorized. Due to the success of these pilot programs, the Department is proposing amendments to the Jersey Fresh Quality Grading program, N.J.A.C. 2:71-2, and the Jersey Grown program, N.J.A.C. 2:71-7, to provide appropriate regulatory guidance while maintaining the necessary standards associated with these programs.

The proposed amendments will increase the types of agricultural commodities eligible for marketing under the Jersey Fresh Quality Grading Program by including fresh for processing grades, packing requirements and packer identification at N.J.A.C. 2:71-2.5. Fresh for processing commodities proposed to be marketed under the program are: apples, asparagus, beets, blueberries, broccoli, cabbage, carrots, cranberries, cucumbers, peaches, peas, peppers, sweet potatoes, white potatoes, raspberries, snap beans, spinach, strawberries, tomatoes, eggplants and hot peppers. Because asparagus is included with the fresh for processing commodities, all current rules and regulations referring to asparagus for canning or freezing (N.J.A.C. 2:71-2.1(a)1 and 2.8 through 2.17) are proposed for deletion or repeal.

In order to include these additional products, amendments are being proposed to expand the use of the "logo" and set the qualifying logo requirements for products marketed using fresh for processing grades (N.J.A.C. 2:71-2.2(f)); to increase container types allowed to be imprinted with the logo and add reporting requirements for growers necessary to ensure compliance relative to the additional products (N.J.A.C. 2:71-2.3); and to expand the definition of "fairly well colored" to include the meaning relative to eggplant for processing (N.J.A.C. 2:71-2.6). A technical amendment is proposed to the penalty language at N.J.A.C. 2:71-2.7 to correct a typographical error, which inadvertently included "packer" instead of "producer."

In addition, the Department is proposing amendments and new rules to the "Jersey Grown" program at N.J.A.C. 2:71-7 to permit New Jersey growers of turfgrass sod and sunflower seeds (not for human [page=1297] consumption), and woodland owners, including tree farmers, and firewood producers to use the "Jersey Grown" logo in marketing their plant material. The use of the "Jersey Grown" logo will make New Jersey turfgrass sod, firewood and sunflower seeds (not for human consumption) more visible and help promote the viability of the industry by identifying the availability of a product that many believe to be superior.

In order to expand the "Jersey Grown" program to include these additional products, N.J.A.C. 2:71-7.1 is repealed and replaced with a new rule to expand the eligibility of growers and producers using the Jersey Grown logo; the definition of "grower" is amended accordingly (N.J.A.C. 2:71-7.2); and to expand the requirements for, and the use of the "Jersey Grown" logo to include New Jersey growers and producers of turfgrass sod, firewood and sunflower seeds (not for human consumption) and to set forth licensing and compliance requirements, the time frame in which commodities must be grown in New Jersey and penalties to be assessed for non-compliance (N.J.A.C. 2:71-7.3). New rules are proposed at N.J.A.C. 2:71-7.6, 7.7 and 7.8 to set forth the standards required for turfgrass sod, firewood and sunflower seeds (not for human consumption), respectively, to be eligible for sale under the Jersey Grown logo.

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 proposed amendments, repeals and new rules will affect the growers, producers, packers, wholesalers, retailers and consumers of the commodities covered in these rules.

Products packed under the "Jersey Fresh" quality grading logo and the "Jersey Grown" logo will enhance the promotion of high quality New Jersey products to the benefit of the farmers, packers and consumers. Farmers and packers will gain new markets for their products, while consumers will have more quality products and an identifiable larger supply of quality products available. The "Jersey Fresh Quality Grading Program" and "Jersey Grown" programs have been well received by the growers, buyers and consumers.

These grading, advertising and promotional programs were developed to draw consumer attention to the availability of New Jersey products. The Jersey Fresh program has become the standard against which other states modeled their own marketing programs. As a result of these grading, advertising and promotional programs, New Jersey consumers are assured of the quality and freshness of the products they purchase. In addition, recognition provided by the "Jersey Grown" program can promote the New Jersey Division of Parks and Forestry's Firewood Programs, which accomplish desired forestry work on State-owned lands. Tree harvesting on public lands can be used as a management tool to improve forest health and provide traditional and non-traditional forest products to both the New Jersey Division of Parks and Forestry and the general public. Furthermore, the transport of insect-infested or diseased firewood is a primary pathway for the human-assisted introduction, spread and colonization of invasive forest pests. A number of states have enacted regulations banning the interstate movement of firewood to prevent introductions of the Emerald Ash Borer and Asian Longhorned Beetle. Promoting the sale and usage of New Jersey-produced firewood may help prevent the introduction into New Jersey of the Emerald Ash Borer and other invasive pests. New Jersey farms provide open space and add diversity to the agricultural landscape that benefits the quality of life throughout the Garden State. The proposed amendments, repeals, and new rules will have a positive social impact by expanding the grading and promotional programs, thereby helping to maintain these important sectors of New Jersey agriculture.

### **Economic Impact**

These proposed amendments, repeals and new rules are driven by economics and affect New Jersey consumers, producers, growers, packers, wholesalers and retailers of the covered commodities. Producers, growers, packers, wholesalers and retailers will benefit by increased prices received through the sale of high-quality products, while consumers will have further ability to compare quality with price.

The cost of producing a superior quality product is borne by the producer, grower and consumer. The producer, grower or packer incur some additional cost in producing or purchasing these commodities and packing containers. These costs are channeled to the consumer in the form of a higher price at the retail level.

Any licensee using "logo" containers for products other than those covered by the rules or any unlicensed entity using "logo" packages for any product or in the case of "Jersey Grown," violates any provision of N.J.S.A. 4:10-14, shall be subject to a penalty of not more than \$ 50.00 for the first offense and not more than \$ 100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be \$ 50.00.

The proposed amendments, repeals and new rules will have a positive economic impact for New Jersey through incorporation of additional standards and by providing an additional marketing tool for New Jersey producers, growers and packers who choose to use the qualified logos on their products. There is no cost for anyone who does not participate in these voluntary programs. For those who choose to participate, the cost is \$ 30.00 per year for the annual licensing fee and in the case of "Jersey Grown" turfgrass sod, a \$ 3.00 per acre inspection fee, which will be offset by the value added to the product by use of the logos.

Therefore, the proposed amendments, repeals and new rules will have a positive economic impact.

### **Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies which adopt, readopt or amend any State rules that exceed any Federal standards or requirements to include in the rulemaking a comparison between the two sets of standards and an explanation of the costs and benefits associated with adopting a State standard that exceeds a Federal standard.

The proposed amendments at N.J.A.C. 2:71-2.5 rely on Federal standards and offer voluntary marketing quality standards but do not require exceeding Federal standards. Participation in the Jersey Fresh Quality Grading and Jersey Grown programs is voluntary. The remainder of the proposed amendments and new rules deal with the use of a logo for marketing New Jersey agricultural commodities. Because there are no Federal standards governing the creation and regulation of a logo identifying New Jersey agricultural products, as provided by N.J.S.A. 4:10-1 et seq. and 4:10-16 et seq., no Federal standards analysis is required.

### **Jobs Impact**

It is not anticipated that the proposed amendments, repeals and new rules will result in the generation or loss of jobs. However, it is anticipated that the proposed amendments and new rules will positively affect New Jersey's agricultural industry, averting the potential permanent loss of jobs.

### **Agriculture Industry Impact**

The proposed amendments, repeals and new rules will have a positive impact on New Jersey agriculture by helping to maintain a viable agricultural industry in the Garden State as described in the Social and Economic Impacts above.

### **Regulatory Flexibility Analysis**

The proposed amendments, repeals and new rules have an impact on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., primarily farmers. The proposed amendments impose compliance standards, as described in the Summary above, on those participating in these voluntary programs. There are also reporting requirements, including annual reporting in the Jersey Fresh voluntary program. The recordkeeping requirements include proper invoicing in the Jersey Fresh Program. However, these rules are designed to ensure truth in packaging and an adherence to statements of quality. This assures that products are delivered to consumers free from defects and risk of disease. The increased costs for small businesses resulting from voluntary participation in the expanded program allowed by these proposed amendments and new rules are necessary for the public health, welfare and safety. Further, by the use of uniform grades and standards all products are judged against each other intrinsically and not just on advertising budget.

The Department of Agriculture has determined that since these proposed amendments and new rules are voluntary they do not impose unduly burdensome recording, recordkeeping or compliance requirements [page=1298] on either large or small businesses. These rules expand the Jersey Fresh and Jersey Grown programs to protect the interest of New Jersey farmers (small businesses) from various sectors of New Jersey Agriculture by offering the use of the logos. The use of uniform product identification promotes the orderly marketing of goods that are similar in the generic sense and allows equally good products from small farms to compete with the products of larger operations. Should a producer, grower or packer choose to participate under the voluntary rules, the cost of participating should be offset by higher prices received for the product and by the valuable marketing program provided. There is no professional assistance required nor initial capital outlays to any business by these proposed amendments and new rules. Given the preponderance of small producers and growers and the Program's purpose of promoting high quality products, the Department has provided no lesser or differing requirements or exceptions based on business size.

### **Smart Growth Impact**

The proposed amendments, repeals and new rules implement economic development strategies outlined in the Department's Smart Growth Plan. The proposed amendments and new rules are consistent with the State's smart growth goals as they encourage the continued viability of the State's farmers. Therefore, the Department anticipates that there will be a positive impact on the State's Development and Redevelopment Plan.

### **Housing Affordability Impact**

The proposed amendments, repeals and new rules 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 expand the types of commodities eligible to use the marketing logos when voluntary standards are met.

### **Smart Growth Development Impact**

The proposed amendments, repeals and new rules 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 within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules expand the types of commodities eligible to use the marketing logos when voluntary standards are met.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 2:71-2.8 through 2.17 and 7.1.

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

## SUBCHAPTER 2. AGRICULTURAL COMMODITIES

### 2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards

(a) The State Board of Agriculture adopts and promulgates as Official New Jersey Grades the United States Standards for all fruits and vegetables, specifically 7 CFR [§]51.300 through 51.3749 and 52.1391 through 52.1402; and 21 CFR [§§]131.110 and 135.110, as amended and supplemented, incorporated herein by reference.

[1. Exemption: The New Jersey Standards for asparagus for canning or freezing shall remain in effect as stated in N.J.A.C. 2:71-2.8 through 2:71-2.14.]

[2.] **1.** (No change in text.)

2:71-2.2 Use of "Jersey Fresh" as the logo for the "Jersey Fresh Quality Grading Program" and "Jersey Fresh Quality Premium Program" (referred to as the "logos") [on containers of certain fresh fruits, vegetables, shell eggs, cut flowers, cactus, honey, milk (whole, one percent, two percent, skim, chocolate), ice cream and ice milk]

(a)-(e) (No change.)

**(f) Any person, firm, partnership, corporation or cooperative marketing commodities in accordance to the grading standards in N.J.A.C. 2:71-2.5(d), must qualify the "logo" as "Made With." The words "Made With" shall appear directly above all "logos" in conspicuous and easily legible type in distinct contrast (by topography, layout, color, embossing or molding) with other matter on the package and in a type size easily discernable by the consumer and must be approved by the Department before use.**

## 2:71-2.3 Fee and reporting requirements for Jersey Fresh Quality Grading Program participation

(a) (No change.)

(b) Licensees packing Jersey Fresh Quality Grading program commodities may mark with [self-adhesive] labels, rubber stamp or use imprinted [fiberboard] containers to identify those commodities as being packed under the "logo" program. For required markings, see N.J.A.C. 2:71-2.5.

(e)-(g) (No change.)

**(h) Each grower licensed to market or sell commodities in accordance to the grading standards in N.J.A.C. 2:71-2.5(d) shall submit by December 31 of each license year a report, on forms supplied by the Department, indicating the pounds by commodity of product to be packed under the Jersey Fresh Quality Grading program and to whom each commodity was sold.**

Recodify existing (h) through (p) as **(i) through (q)** (No change in text.)

## 2:71-2.5 Commodity grades, packing requirements, packer identification and containers

(a) Each container **packed in accordance to the grading standards in (b) below and** bearing the "logo" shall have the name and address of the packer in letters not less than [three-eighths] **three-eighths** inches in height[. All imprinted containers] **and** must also have "Produce of U.S.A. (NJ)" imprinted no less than [three-eighths inch] **three-eighths inches** in height **and shall be in compliance with all applicable State and Federal labeling laws.** All containers, packages and packaging materials shall be new.

(b) [Commodities] **Fresh commodities** shall be graded, packed, identified and contained as follows:

1.-85. (No change.)

**(c) Each container packed in accordance to the grading standards in (d) below and bearing the "logo" shall have the name and address of the packer and "Produce of U.S.A. (NJ)" imprinted in letters or numerals in conspicuous and easily legible type in distinct contrast (by topography, layout, color, embossing or molding) with other matter on the package and in a type size easily discernable by the consumer and shall be in compliance with all applicable State and Federal labeling laws. All containers, packages and packaging materials shall be new.**

**(d) Fresh for Processing Commodities shall be graded as follows:**

**1. Apples, asparagus, beets, blueberries, broccoli, cabbage, carrots, cranberries, cucumbers, peaches, peas, peppers, sweet potatoes, white potatoes, raspberries, snap beans, spinach, strawberries, and tomatoes shall be U.S. No. 1 Fresh for Processing grade or better;**

**2. Eggplants shall be firm and fairly well colored;**

**3. Hot peppers (green) shall be fresh and firm and shall be full green color for the variety; and**

**4. Hot peppers (red) shall be fresh and firm and 100 percent of the pepper shall show full red color.**

## 2:71-2.6 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

...

"Fairly well colored" means, in the case of cranberries, that 75 percent of the surface of the individual berry, in the aggregate shows pink or red color characteristics of the variety **and means, in the case of eggplant (fresh for processing), that it has a fairly good characteristic for the variety, except that streaks of green color, that does not materially detract from the appearance, shall be permitted.**

...

[page=1299] 2:71-2.7 Penalties

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

(c) Any licensed producer using "logo" containers for products other than those covered by [these rules] **this chapter** or any unlicensed [packer] **producer** using "logo" packages for any product shall be subject to a penalty of not more than \$ 50.00 for the first offense and not more than \$ 100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be \$ 50.00.

(d)-(j) (No change.)

**2:71-2.8 through 2:71-2.17 (Reserved)**

SUBCHAPTER 7. "JERSEY GROWN" LOGO

**2:71-7.1 Scope and purpose**

(a) **A New Jersey farmer, grower or producer of agricultural or horticultural products is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo if they satisfy the following:**

- 1. A New Jersey producer of nursery stock or plant material, who is certified pursuant to N.J.A.C. 2:16 to sell or distribute nursery stock or plant material and who complies with the requirements set forth in 2:71-7.4;**
- 2. A New Jersey grower of cut Christmas trees who complies with the requirements set forth in N.J.A.C. 2:71-7.5;**
- 3. A New Jersey grower of turfgrass sod who complies with the requirements set forth in N.J.A.C. 2:16-7 and 2:71-7.6;**
- 4. A New Jersey firewood producer who complies with the requirements set forth in N.J.A.C. 13:47C-3.1 and 2:71-7.7; or**
- 5. A New Jersey sunflower seed (not for human consumption) producer who complies with the requirements set forth in N.J.A.C. 2:71-7.8.**

2:71-7.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

...

"Grower" means, but is not limited to, any person who raises, grows[,] or propagates cut Christmas trees **or turfgrass sod**, whether for profit or other reasons, or whether outdoors or indoors.

...

### 2:71-7.3 Use of the "Jersey Grown" logo

(a) The New Jersey Department of Agriculture approves the use of "Jersey Grown" in conjunction with the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 and 4:10-15 as an official emblem for identifying New Jersey produced plant material, **turfgrass sod, firewood, sunflower seeds (not for human consumption)** and cut Christmas trees.

(b) Persons, firms, partnerships, corporations or associations must first obtain a valid nursery certificate, issued by the Division of Plant Industry pursuant to N.J.A.C. 2:16, before applying to utilize the "Jersey Grown" logo on plant material or nursery stock. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on cut Christmas trees [need only] **must** be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.5. **Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on turfgrass sod must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.6. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on firewood must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 13:47C-3.1 and 2:71-7.7. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on sunflower seeds (not for human consumption) must be licensed in accordance with this section and comply with the requirements of N.J.A.C. 2:71-7.8.** No nursery certificate is needed **for cut Christmas trees, turfgrass sod, firewood or sunflower seeds (not for human consumption).**

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the "Jersey Grown" logo shall be permitted to attach or have it imprinted upon any documents related to their nursery stock, plant material, **turfgrass sod, firewood, sunflower seeds (not for human consumption)** or cut Christmas trees or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of "Jersey Grown" plants and nursery stock shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the "Jersey Grown" logo in marketing New Jersey produced plant materials, nursery stock, **turfgrass sod, firewood, sunflower seeds (not for human consumption)** and cut Christmas trees shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name, address and nursery certificate of the user, the type of plant material, nursery stock or cut Christmas tree for which the user is seeking a license and other such information as is deemed necessary for enforcement of the "Jersey Grown" program. The Department will hold confidential any information provided in the application, which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, N.J.S.A. 4:1A-1 et seq., subject to the limitations set forth therein.

(e)-(h) (No change.)

(i) All nursery stock marketed under the logo program shall be propagated and/or be grown in New Jersey for a period



of at least six months under the conditions set forth in this section and N.J.A.C. 2:71-7.4. All cut Christmas trees marked under the logo program shall be propagated and/or be grown in New Jersey for a period of at least four years prior to retail sale under the conditions set forth in N.J.A.C. 2:71-7.5. **All turfgrass sod marketed under the logo shall be grown in New Jersey for a period of at least eight months prior to retail sale under the conditions set forth in N.J.A.C. 2:71-7.6. All firewood marketed under the program shall be harvested from trees grown in New Jersey private forestlands managed under an approved woodland management plan or from State lands in accordance with the New Jersey Forest Service Commercial Firewood Program. All sunflower seeds (not for human consumption) marketed under the program shall be grown in New Jersey under the conditions set forth in N.J.A.C. 2:71-7.8.**

(j) Any licensed producer using the "Jersey Grown" logo for nursery stock or plant material without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.4, any licensed grower using the "Jersey Grown" logo for cut Christmas trees without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.5, **any licensed grower using the "Jersey Grown" logo for turfgrass sod without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.6, any licensed producer using the "Jersey Grown" logo for firewood, any licensed producer using the "Jersey Grown" logo for sunflower seeds (not for human consumption) without satisfying the requirements set forth in this section and N.J.A.C. 2:71-7.7**, any unlicensed or uncertified producer or grower using the "Jersey Grown" logo[,] or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than \$ 50.00 for the first offense and not more than \$ 100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5, which penalty shall be \$ 50.00.

(k)-(p) (No change.)

#### **2:71-7.6 Turfgrass sod**

**(a) All turfgrass sod marketed under the program shall meet or exceed the standards set forth at N.J.A.C. 2:16-7, Turfgrass Sod, or shall meet the conditions set forth in (b) below.**

**(b) Growers who do not meet or exceed the standards set forth in N.J.A.C. 2:16-7 solely because the turfgrass species and varieties they wish to utilize are not yet approved by the Turfgrass Extension Specialist, SEBS, Rutgers, the State University, must obtain Department approval prior to planting. To be eligible for Department approval, all turfgrass species and varieties must be recognized and recommended by appropriate specialists at other universities as suitable for growing under New Jersey conditions. Plantings approved by the Department will be considered pilot projects for a period not to exceed five years.**

[page=1300] **(c) Licensed individuals or entities must satisfy all the conditions set forth in N.J.A.C. 2:71-7.3 and N.J.S.A. 4:10-5 and 4:10-14 and pay a \$ 3.00 inspection fee for each acre entered.**

#### **2:71-7.7 Firewood**

**(a) All firewood marketed under the program shall meet or exceed the New Jersey Office of Weights and Measures standards set forth at N.J.A.C. 13:47C-3.1, Cordwood and Firewood.**

**(b) All firewood marketed under the program shall be harvested from trees grown in New Jersey from private forestlands managed under an approved forest management plan, or from State lands in accordance with the New Jersey State Lands Management Review Procedure.**

**(c) All firewood marketed under the program shall conform to the requirements set forth at N.J.A.C. 2:20, Quarantines, to ensure that firewood is not moved outside regulated areas unless accompanied by a valid certificate or limited permit issued by the United States Department of Agriculture, Animal and Plant Health**

**Inspection Service or the Department.**

**(d) Licensed individuals or entities must satisfy all the conditions set forth in N.J.A.C. 2:71-7.3 and N.J.S.A. 4:10-5 and 4:10-14.**

**2:71-7.8 Sunflower seeds (not for human consumption)**

**(a) All sunflower seeds marketed under the program shall meet the following standards:**

- 1. Purity: Minimum 98 percent;**
- 2. Test weight: Minimum 27 lbs/Bu;**
- 3. Moisture: Maximum 10 percent;**
- 4. Heat damage: Maximum five percent; and**
- 5. Other factors: No mold, objectionable odor or live infestation present at time of delivery; US No. 2 or better, not for human consumption and shall not contain any prohibited noxious weed seed pursuant to N.J.A.C. 2:21-4.1.**