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RULE ADOPTIONS

**AGRICULTURE
DIVISION OF MARKETING AND DEVELOPMENT**

48 N.J.R. 1790(a)

Readoption: *N.J.A.C. 2:71*

Grades and Standards

Proposed: April 4, 2016, at *48 N.J.R. 529(a)*.

Adopted: July 27, 2016, by the State Board of Agriculture, and Douglas Fisher, Secretary, Department of Agriculture.

Filed: August 4, 2016, as R.2016 d.106, **without change**.

Authority: *N.J.S.A. 4:1-11.1, 4:3-11.12, 4:10-6, and 4:10-13*.

Effective Date: August 4, 2016.

Expiration Date: August 4, 2023.

Summary of Public Comment and Agency Response:

No public comments were received.

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 State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law.

The readopted rules rely on Federal standards and offer voluntary marketing quality standards and logos. Products marketed under "Made from Premium Jersey Fresh Milk" use New Jersey produced milk with a somatic cell count which exceed the Federal minimum standards (7 *CFR* 58.133); however, this is a voluntary, special marketing program, which has a limited supply of less than five percent of the fluid milk consumed in New Jersey and does not seek to establish standards except for those who choose to participate in this marketing program. As such, its requirements will not conflict with any Federal standards.

The Jersey Seafood program relies on 7 *CFR* 60.101 et seq., which sets forth Federal standards for labeling wild and farm-raised fish and shellfish products with regard to country of origin notification. The readopted rules at *N.J.A.C.* 2:71-9.5(a) impose labeling standards that are substantially the same as, but do not exceed those required by, 7 *CFR* 60.101 et seq., for country of origin notification.

The remainder of the readopted 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.

Full text of the readopted rules can be found in the New Jersey Administrative Code at *N.J.A.C.* 2:71.