

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF ANIMAL HEALTH

#### Laboratory Services

#### Adopted Amendments: N.J.A.C. 2:10-1.1 and 1.2

#### Adopted New Rules: N.J.A.C. 2:10-2

Proposed: September 4, 2018, at 50 N.J.R. 1919(a).

Adopted: December 19, 2018, by the State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Filed: January 2, 2019, as R.2019 d.014, **without change**.

Authority: N.J.S.A. 4:5-2.1.

Effective Date: February 4, 2019.

Expiration Date: September 28, 2024.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Federal Standards Statement

A Federal standards analysis is not required, since there are no applicable Federal standards that govern the operation of animal health fee for service diagnostic laboratories.

Full text of the adoption follows:

#### SUBCHAPTER 1. FEE SCHEDULE

#### 2:10-1.1 Definitions

The following words and terms, as used in this chapter, shall have the following meanings. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage or general usage as reflected by definition in a standard dictionary, such as Webster’s.

...  
 “Case consultation” means the act of providing an opinion, or second opinion, on a veterinary diagnostic case at the request of an external organization or individual based on diagnostic information made available by such organization or individual.

“Cosmetic necropsy” means minimally invasive necropsy to examine internal organs and obtain necessary samples, so that the animal body retains a presentable condition for viewing.

“Decalcification” means softening of bones caused by removal of calcium ions to make bones amenable for histopathology examination.

“Domestic livestock” means cattle, horses, donkeys, swine, sheep, goats, rabbits, poultry, fowl, and any other domesticated animals as defined by N.J.S.A. 4:22-16.1.c and N.J.A.C. 2:8-1.2.

...  
 “EHV” means equine herpes virus.

...  
 “Forensic necropsy” means a necropsy procedure that attempts to establish the manner of death, any contributory causes, and if possible, the time of death. This type of necropsy is reserved for investigation of animal-related crimes or other situations that have legal implications and goes beyond standard necropsy in its objectives and relevance.

“H and E” means hematoxylin and eosin staining technique.

...  
 “Histopathology” means the microscopic examination of cells and the minute structure of tissues and organs to study changes caused by disease.

...  
 “MIC” means minimum inhibitory concentration.

...  
 “PCR” means polymerase chain reaction.

“Regulated medical waste” means animal waste as defined in N.J.A.C. 7:26-3A.6(a)5.

“SHI” means synergistic hemolysin inhibition.

...

“Special stains” means any staining technique other than H and E staining technique.

#### 2:10-1.2 Fees

(a) (No change.)

(b) Fees for bacteriology isolation and identification tests are as follows:

<u>Technique</u>	<u>Charge</u>
Aerobic culture and identification .....	\$20.00
Anaerobic culture and identification .....	\$30.00
...	
Fungal culture .....	\$20.00
...	
Mycoplasma culture .....	\$18.00
Sensitivities (Kirby Bauer).....	\$15.00
Sensitivities (MICs) .....	\$20.00
...	
Caseous lymphadenitis SHI .....	\$10.00
Bacterial isolate identification.....	\$12.00

(c) Fees for virology identification tests are as follows:

<u>Technique</u>	<u>Charge</u>
HI serum titer .....	\$30.00
HI serum screen .....	\$20.00
...	
Western blot .....	\$35.00
Virus isolation .....	\$50.00
Fish virus isolation per cell line .....	\$20.00
Fish tissue collection for health inspection per fish...	\$2.00

(d) Fees for serology are as follows:

<u>Technique</u>	<u>Charge</u>
Johne’s ELISA .....	\$6.00
AGID EIA (Coggins).....	\$6.00
...	
Agglutination tests (card, plate, tube, rivanol, microtiter) .....	\$4.00

(e) Fees for pathology are as follows:

<u>Technique</u>	<u>Charge</u>
Ova and parasites, qualitative.....	\$10.00
Ova and parasites, quantitative.....	\$15.00

Necropsies for domestic livestock:

Necropsy small livestock animal (up to 100 lbs) May include histopathology, aerobic culture, and fecal exam at discretion of the laboratory....	\$70.00
Necropsy large livestock animal (101 to 300 lbs) May include histopathology, aerobic culture, and fecal exam at discretion of the laboratory....	\$120.00
Necropsy large livestock animal (greater than 300 lbs) May include histopathology, aerobic culture, and fecal exam at discretion of the laboratory....	\$150.00
Necropsy poultry (up to five birds) May include histopathology, aerobic culture, and fecal exam at discretion of the laboratory, and includes disposal.....	\$61.00
Brain removal head only .....	\$35.00
Histology (biopsies or “necropsy in bottle”)	

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<u>Technique</u>	<u>Charge</u>		
up to three tissues.....	\$45.00	EHV-1 PCR	
Four to 10 tissues .....	\$95.00	Aerobic culture	
		Histopathology exam	
Field necropsy with sample collection.....	\$55.00/ hour	Equine diarrhea (feces) .....	\$100.00
...		Aerobic culture	
Disposal fees (except poultry):		Anaerobic culture	
Small animal (up to 100 lbs) .....	\$25.00	Salmonella	
Large animal (up to 300 lbs) .....	\$75.00	Potomac Horse Fever	
Large animal (301 to 500 lbs) .....	\$100.00	Fecal parasite exam	
Large animal (501 to 1,000 lbs) .....	\$250.00	Equine respiratory (swab PCR).....	\$80.00
Large animal (over 1000 lbs) .....	\$350.00	EHV-1	
Disposal of regulated medical waste.....	Actual charge	Influenza A	
Disposal only (if necropsy not performed) fee.....	\$200.00	Strangles	
<u>Necropsies for animals that are not domestic livestock</u>		Equine neurologic (blood/brain/CSF PCR).....	\$80.00
Necropsy non-livestock animals (0 to 50 lbs)		EHV-1	
May include histopathology, aerobic culture,		Eastern equine encephalomyelitis	
and fecal exam at discretion of the laboratory ....	\$150.00	West Nile	
Necropsy non-livestock animals (51 to 100 lbs)		Equine neurologic (serum).....	\$50.00
May include histopathology, aerobic culture,		Eastern equine encephalitis IgM ELISA	
and fecal exam at discretion of the laboratory ....	\$175.00	West Nile virus disease IgM ELISA	
Necropsy non-livestock animals (101 to 300 lbs)		Equine herpes-1 SN	
May include histopathology, aerobic culture,		Respiratory, ruminant (serum) .....	\$40.00
and fecal exam at discretion of the laboratory ....	\$200.00	Infectious bovine rhinotracheitis SN	
Necropsy non-livestock animals (greater than 300 lbs)		Parainfluenza-3 HI	
May include histopathology, aerobic culture,		Bovine viral diarrhea SN	
and fecal exam at discretion of the laboratory ....	\$250.00	Abortion, ruminant (serum).....	\$40.00
Necropsy fish (one to three fish)		Bovine viral diarrhea SN	
Includes histopathology .....	\$50.00	Infectious bovine rhinotracheitis SN	
Necropsy racing and show pigeons gross exam only .....	\$50.00	Leptospira MAT	
Spinal cord, or section thereof, removal .....	\$75.00	Brucellosis (various official tests needed).....	No charge
Case consultation fee (external fee).....	\$55.00/hour	Equine Fever of unknown origin with lameness and swelling (serum).....	\$60.00
Cosmetic necropsy (pets up to 100 lbs) .....	\$400.00	Equine viral arteritis SN	
Cytology .....	\$35.00	Lyme disease ELISA and western blot	
Additional fee for forensic necropsy.....	\$350.00	Ovine and caprine diarrhea (feces).....	\$60.00
Decalcification.....	\$20.00	Johnes PCR	
Special stains .....	\$10.00	Salmonella culture	
Slide made, unstained .....	\$10.00	Fecal parasite examination	
H and E staining .....	\$10.00	Ovine and caprine herd health (serum) .....	\$25.00
		Brucellosis	
		Caprine arthritis encephalitis	
		Johnes	
		Caseous lymphadenitis screen	
		Dermatology diagnostic (skin, fresh and fixed) .....	\$90.00
		Aerobic culture and antibiotic sensitivity	
		Histopathology	
		Fungal culture	
		Contagious equine metritis quarantine procedures	
		Quarantine supervision and laboratory testing:	
		stallion.....	\$1,600
		Quarantine supervision and laboratory testing:	
		mare .....	\$650.00
		(g) Fees for molecular diagnostic services are as follows:	
		PCR (Uniplex: one probe).....	\$37.00
		PCR (Duplex: two probes) .....	\$50.00
		PCR (Multiplex: greater than two probes) .....	\$10.00 per additional probe
(f) Fees for test batteries or syndrome panels are as follows:		(h) Services listed in (b) through (g) above are subject to availability of materials and demand for services. When a service is temporarily unavailable, the service may be referred to an external laboratory with notice to the submitter and written consent. Costs will be calculated as the actual laboratory test fee(s) and any shipping and handling.	
Respiratory, equine (serum).....	\$55.00		
Equine herpes-1 SN			
Equine influenza HI titer			
Equine viral arteritis SN			
Abortion, equine (serum).....	\$40.00		
Equine herpes-1 SN			
Equine viral arteritis SN			
Leptospira microagglutination titer MAT			
Abortion, equine (tissue).....	\$80.00		

**SUBCHAPTER 2. TERMS OF LABORATORY SERVICES**

**2:10-2.1 Definitions**

The following words and terms, as used in this subchapter, shall have the following meanings. Words of art undefined in this section shall have

the meaning attributed to them by trade usage or general usage as reflected by definition in a standard dictionary, such as Webster's.

"Animal remains" means the animal carcass, any portion of an animal carcass, tissue samples, and associated items that may include, but are not limited to, bedding and other personal effects that are delivered with the animal carcass.

"Laboratory" or "AHDL" means the New Jersey Department of Agriculture, Animal Health Diagnostic Laboratory.

"Submitter" means any individual who engages the services of the laboratory. Such individuals may include animal owners, veterinarians, members of law enforcement, or agents of business entities including non-profit organizations and corporations.

#### 2:10-2.2 Animal remains

(a) Due to risk of disease transmission, animal remains and specimens shall not be returned after submission to the AHDL and will be disposed of at the discretion of AHDL, subject to the exemptions of this subsection.

(b) Upon written request of the submitter or animal owner prior to start of a necropsy procedure, animal remains shall be released to licensed private crematorium for private services at no cost to the laboratory.

(c) Notwithstanding (b) above, animal remains that are regulated medical waste, as defined by N.J.A.C. 7:26-3A.6(a)5, shall be disposed of pursuant to all applicable State and Federal laws, rules, and regulations.

(d) Upon written request by the animal owner or submitter, specimens may be released directly from AHDL to another laboratory for confirmatory testing or to seek professional opinion, or as required by Federal or State law.

#### 2:10-2.3 Records designated confidential

In addition to records designated as confidential pursuant to the provisions of the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., any other law, rule, Executive Order, or complete (final) and intermediate (interim) reports, including necropsy reports, shall not be considered government records subject to public access pursuant to OPRA.

## COMMUNITY AFFAIRS

### (a)

#### DIVISION OF FIRE SAFETY

#### Uniform Fire Code

#### Adopted Amendments: N.J.A.C. 5:70-2.7 and 3.2

Proposed: July 2, 2018, at 50 N.J.R. 1465(a).

Adopted: December 12, 2018, by Lt. Governor Sheila Y. Oliver,

Commissioner, Department of Community Affairs.

Filed: January 8, 2019, as R.2019 d.015, **without change**.

Authority: N.J.S.A. 52:27D-198 and P.L. 2017, c. 92.

Effective Date: February 4, 2019.

Expiration Date: January 9, 2025.

#### Summary of Public Comments and Agency Responses:

Comments were received from Michael A. Cifaloglio, Fire Marshal, City of Vineland Fire Department; Josh Lazarus, Owner, J Lazarus Consulting & Training, LLC; Scott McCormick, Fire Official, Hamilton Township Fire District 7, Fire Prevention Bureau; Paul Murphy, Fire Inspector, Borough of Atlantic Highlands; Richard A. Soltis, Jr., Fire Sub Code Official, Lawrence Township, and Past President, Central Jersey Code Officials Association; Keith Thedinga, Fire Marshal, Borough of Somerville; and Charles Walker, Director of Compliance, TNT Fireworks.

1. COMMENT: Fire Marshal Cifaloglio and Official McCormick commented that a Type 1 permit should be required for displays below the amount of 125 pounds. They cited safety concerns. They also commented that requiring a permit would provide the relevant fire official with appropriate notice that the novelties and devices are on the premises, especially since smaller locations are likely to have displays of novelties and devices under 125 pounds.

RESPONSE: The Department determined that amounts below 125 pounds should not require a permit. Chapters 6 and 7 of the NFPA 1124 (2006 Edition) shall not apply where the net weight of the pyrotechnic content of the sparkling devices or novelties does not exceed 125 pounds. Further, the Department believes that requiring a Type 1 Permit for less than 125 pounds would add an unreasonable burden on businesses, as it would require businesses with a minimal amount of sparkling devices and novelties to apply for a permit. This rule is consistent with P.L. 2017, c. 92, which establishes that these sparkling devices and novelties are not to be considered fireworks. Pursuant to N.J.S.A. 40:48-1, sparkling devices and novelties, including their sale and use, shall not be subject to further municipal regulations.

2. COMMENT: Mr. Lazarus stated that he is in support of this rulemaking, but commented that there should be some type of notification to the fire officials when the pyrotechnic product is below the permitting requirements.

RESPONSE: The Department appreciates the commenter's affirmative comment in support of this rulemaking. The rules require a permit for the sale or storage of these sparkling devices and novelties of greater than 125 pounds of pyrotechnic material. This permit serves as notification to the fire official. The Department believes that requiring a permit for under 125 pounds is unnecessary as it would require a business with a minimal amount to apply for a permit.

3. COMMENT: Mr. Lazarus commented that the rules should require a merchant to verify that a purchaser is 16 years old or older. Fire Official McCormick also commented that no one under the age of 16 should be permitted to purchase sparkling devices and novelties.

RESPONSE: Pursuant to P.L. 2017, c. 92 (N.J.S.A. 21:3-2), it is unlawful for anyone to sell sparkling devices or novelties to anyone under the age of 16. Vendors, therefore, are obligated to comply with this statutory requirement. The rules appropriately address those areas dealing with fire safety.

4. COMMENT: Fire Inspector Murphy commented that allowing the sale of fireworks or any pyrotechnics circumvents the IBC, IFC, and N.J.A.C. 5:70 and is dangerous. He notes that the Consumer Product Safety Commission (CPSC) facts and figures on injuries attributable to fireworks and pyrotechnics demonstrates the danger and, further, the risk of fire attributable to such items is unknown as the National Fire Incident Reporting System (NIFRS) data has not been modified to collect such data.

RESPONSE: P.L. 2017, c. 92 amended and established that these sparkling devices and novelties are not to be considered fireworks. The sale and use of fireworks and pyrotechnic devices remain prohibited in New Jersey, unless the local enforcing agency has issued a permit under N.J.A.C. 5:70-2.7. The NFIRS system does capture fireworks data from fire departments and has been modified to capture sparkling device and novelty data.

5. COMMENT: Fire Sub Code Official Richard Soltis, Jr. commented that the definition of "sparkling devices and novelties" contradicts the definition of "Fireworks" in IFC 2015. He states that the IFC definition of "Fireworks 1.4G" includes "sparkling devices and novelties" and adding the definition will cause confusion. He further comments that N.J.A.C. 5:70-2.7(a)lviii should only mention "Fireworks 1.4G."

RESPONSE: This rulemaking amends the definition of fireworks in the International Fire Code 2015, New Jersey Edition, to exempt sparkling devices and novelties, consistent with P.L. 2017, c. 92. The law does not exempt all consumer 1.4G fireworks, but only specific types of sparkling devices and novelties.

6. COMMENT: Fire Marshall Thedinga and Mr. Walker commented that the rules should provide for an exemption from the permit requirement for retail locations that carry items with a pyrotechnic content of 250 or less that have an approved sprinkler system installed. They state that not providing the exemption is inconsistent with NFPA 1124. Mr. Walker commented that this requirement is inconsistent with what the Fire Codes Advisory Council previously approved.

RESPONSE: NFPA 1124 establishes the fire code requirements for the sparkling devices and novelties. NFPA 1124 does not require permits but rather provides that a permit is required when established by state laws or regulations. Through these rules, the State is establishing the permit