

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW
Uniform Administrative Procedure Rules
Interpreters; Payment
N.J.A.C. 1:1-14.3

Effective Date: July 12, 2024.

Take notice that the Office of Administrative Law (OAL) has changed its internal process for providing interpreters in administrative hearings and will no longer enforce N.J.A.C. 1:1-14.3(a), (b), or (c) as currently promulgated. Pursuant to the present version of N.J.A.C. 1:1-14.3, parties to an administrative hearing are permitted to obtain an interpreter at their own cost if the administrative law judge determines that interpretation is necessary. The rule also sets forth the procedure for the selection of the interpreter and for the exception to the requirement that the requesting party pay for the interpreter when the interpreter is for the hearing impaired.

This change means that the OAL no longer requires parties requesting an interpreter pursuant to N.J.A.C. 1:1-14.3(a), (b), or (c) to pay for their own interpreter; instead, parties must notify the OAL if they have a limited ability to speak or understand English so the OAL can provide interpreters at the hearings.

The OAL will prepare a rulemaking to replace or amend N.J.A.C. 1:1-14.3 in due course, but because the rulemaking process takes time, the OAL is notifying the public of its current policy not to enforce N.J.A.C. 1:1-14.3(a), (b), or (c). Until a new or amended regulation is adopted, the public is directed to the OAL website, where the current process for requesting an interpreter is posted. It states: "If you require an interpreter because you have limited ability to speak or understand English, please contact the OAL at (609) 438-6316. Kindly make your request as far in advance of the hearing as possible." See www.nj.gov/oal/hearings/interpret/.

The OAL will continue to enforce N.J.A.C. 1:1-14.3(d).

AGRICULTURE

(b)

DIVISION OF ANIMAL HEALTH
Notice of Readoption
Biological Products for Diagnostic and Therapeutic Purposes
Readoption: N.J.A.C. 2:6

Authority: N.J.S.A. 4:1-11, 4:1-11.1, 4:5-104, and 4:5-109.

Authorized By: The State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: July 8, 2024.

New Expiration Date: July 8, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:6 were scheduled to expire on October 26, 2024.

The rules regulate the sale and use of biologics in New Jersey. Biologics are complex diagnostic, therapeutic, and prophylactic products made with biological components. These products have variable applications and effects that have the potential for misuse. The probable results of their misuse can maintain or spread disease, complicate the diagnostic process, and fail to provide effective disease protection.

The rules do not apply to drugs or chemicals, including antibiotic preparations.

These rules exempt individual registration of most Federally licensed manufacturers or products and limit the use and distribution of unlicensed or conditionally licensed products. The rules will help ensure that only those biologics that have been licensed by the U.S. Department of Agriculture (USDA) or by the Director of the Division of Animal Health in the New Jersey Department of Agriculture will be used or sold. The rules set forth the definitions used (N.J.A.C. 2:6-1.1), distribution restrictions (N.J.A.C. 2:6-1.2), procedures for State license or permit (N.J.A.C. 2:6-1.3), restrictions on the use of biologics (N.J.A.C. 2:6-1.4), and revocation of State license or permit (N.J.A.C. 2:6-1.5).

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

(c)

DIVISION OF ANIMAL HEALTH
Notice of Readoption
Humane Treatment of Domestic Livestock
Readoption: N.J.A.C. 2:8

Authority: N.J.S.A. 4:22-16.1 and 4:1-11.1.

Authorized By: The State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: July 8, 2024.

New Expiration Date: July 8, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:8 were scheduled to expire on October 26, 2024.

The purpose of Chapter 8 is to establish minimum humane standards for the raising, keeping, care, treatment, marketing, and sale of domestic livestock, as well as the procedures for the enforcement of those standards, pursuant to the direction at N.J.S.A. 4:22-16.1. General provisions, including definitions, that apply to the entire chapter are set forth at Subchapter 1. The rules establish minimum humane standards with respect to the feeding, watering, keeping, marketing and sale, care, and treatment, as well as exceptions thereto, for cattle (Subchapter 2), for horses (Subchapter 3), for poultry (Subchapter 4), for rabbits (Subchapter 5), for small ruminants (Subchapter 6), and for swine (Subchapter 7). The rule also sets forth how the rules are to be enforced (Subchapter 8).

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

This rules includes the recent amendments at N.J.A.C. 2:8 that were adopted by the Department of Agriculture and the State Board of Agriculture effective May 20, 2024, which amendments become operative on November 20, 2024. See 56 N.J.R. 889(a).

(d)

DIVISION OF PLANT INDUSTRY
Notice of Readoption
Diseases of Bees and Beekeeping Activities
Readoption: N.J.A.C. 2:24

Authority: N.J.S.A. 4:1-11.1, 4:1-21.5, and 4:6-1 et seq.

Authorized By: The State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: July 8, 2024.
 New Expiration Date: July 8, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:24 were scheduled to expire on October 26, 2024.

The purpose of the rules is to set forth definitions, define regulated articles, and outline the inspection, certification, and registration requirements of apiaries in New Jersey. The rules address inspection and certification requirements for bee colonies entering New Jersey from out-of-State, set forth the procedure for the annual registration of overwintering bee yards, describe the inspection protocol used in the inspection and certification of apiaries, and address the requirements for the safe and timely movement of bee colonies throughout the State. These rules also provide for relocation in lieu of destruction of nuisance honey bee colonies or swarms, require prior approval of the State Apiarist for hive destruction, require recordkeeping of beekeepers contacted, and impose penalties for intentional destruction of a man-made honey bee hive or hanging swarm without the required approval. The rules provide exceptions for commercial pesticide applications for the elimination of feral bee colonies within residential, commercial, or institutional structures when the likelihood of exposure by allergic persons presents a clear hazard; for the State Apiarist acting to eliminate diseased colonies found during inspection activities; for honey bee colonies destroyed by a beekeeper/owner in the elimination of diseased colonies found during inspection or normal apiary management activities; and commercial pesticide applications directed by the United States Department of Agriculture (USDA) for elimination of Africanized honey bees or other foreign species. Subchapter 7 establishes additional apiary standards for the breeding and keeping of honey bees and related activities, not otherwise set forth in this chapter. Those additional apiary standards address such matters as permitted colony density, swarming, structures, location, flyway barriers, access to sources of water, queens, general maintenance, marking of hives, access, inspection, and violations and enforcement of Chapter 24. Although N.J.S.A. 40:48-1.5 bars municipal ordinances that restrict or prohibit beekeeping activities, Subchapter 7 also sets forth the manner by which responsibility for the monitoring and enforcement of the additional apiary standards that are enumerated in the subchapter may be delegated to and assumed by a municipality.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

(a)

DIVISION OF MARKETING AND DEVELOPMENT

**Notice of Redoption
 Processors, Dealers, and Subdealers**

Redoption: N.J.A.C. 2:52

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.
 Authorized By: Joseph Atchison III, Director, Division of Marketing and Development, the State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: July 8, 2024.
 New Expiration Date: July 8, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:52 were scheduled to expire on September 28, 2024.

The purpose of these rules is to ensure that the dairy industry and consumers receive the benefit of effective milk control, which helps to ensure a stable milk market and fair competition.

Subchapter 1 of the rules requires processors, dealers, and subdealers (licensees) to maintain accurate records on milk transactions to assist the Division of Marketing and Development (Division) in its evaluation of the licensee’s business operations concerning the licensee’s adherence to applicable New Jersey statutes and Division rules; outlines the reports required to be submitted and the filing and retention criteria; and protects

confidential information obtained in implementing the rules that constitute proprietary commercial or financial information, or is otherwise protected pursuant to State or Federal law.

Subchapters 2 and 3 of the rules require licensees to obtain approval from the Director of Marketing and Development (Director) before serving an unlicensed store or changing their source of milk supply; to provide two weeks’ notice to the present supplier or obtain approval from the Director to serve unlicensed stores or change their source of milk supply without notice. Subchapters 2 and 3 also list the conditions pursuant to which the Director might deny approval to a licensee to serve an unlicensed store or change their source of milk supply; outline the commencement of the two-week period; and specify who will be notified of approval or denial to serve an unlicensed store or change the source of supply.

Subchapter 4 of the rules requires that a licensee desiring to stop serving an account must give written notice to the customer and the Director, at least two weeks prior to the proposed date of discontinuance, unless the customer releases the supplier, in writing, from the obligation to provide such two week notice and a copy of such release is sent to the Division of Marketing and Development.

Finally, Subchapter 7 prohibits licensed milk dealers from selling milk below variable cost. Subchapter 7 also defines the term “variable cost,” provides that certain costs are to be averaged, defines raw milk costs, and provides for the enforcement of the provisions of the subchapter.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF MARKETING AND DEVELOPMENT

**Notice of Redoption
 Agricultural Liming Materials**

Redoption: N.J.A.C. 2:70

Authority: N.J.S.A. 4:9-21.1 et seq., specifically 4:9-21.11.
 Authorized By: The State Board of Agriculture and Edward D. Wengryn, Secretary, Department of Agriculture.

Effective Date: July 8, 2024.
 New Expiration Date: July 8, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:70 were scheduled to expire on September 28, 2024.

The purpose of the rules is to protect farmers and consumers by determining the manufacturer’s compliance with the guaranteed content of liming materials and to reduce the amount of misbranded and deficient products offered for sale, thereby ensuring the quality and quantity of liming materials and promoting crop yield.

These rules set forth the standards to be met for product to be sold as agricultural limestone; the standards for burnt and hydrated limes; the Department of Agriculture and producer responsibilities for the collection and payment of inspection fees; and the composition and labeling requirements of oxides for calcium and magnesium oxides to be offered for sale in slurry or suspension form.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without change. These rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.