

# RULE ADOPTIONS

## AGRICULTURE

### (a)

#### DIVISION OF ANIMAL HEALTH

##### Notice of Readoption Disease Control Program Quarantines and Embargoes on Animals Readoption: N.J.A.C. 2:5

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

Authority: N.J.S.A. 4:1-11.1, 4:1-17, 4:1-18, 4:1-21.5, and 4:5-1 et  
seq.

Effective Date: March 1, 2018.

New Expiration Date: March 1, 2025.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 2:5 was scheduled to expire on April 28, 2018. 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. Readoption of these rules is necessary as they describe various embargoes and import requirements for livestock entering New Jersey in order to meet the legislatively required mandate to provide adequate disease control for New Jersey's livestock.

N.J.A.C. 2:5-1.1 allows the Director, Division of Animal Health to take the actions necessary to protect the health of livestock and poultry in New Jersey by asking the Board of Agriculture (Board) for permission to issue quarantines for specific animal diseases and issue violations and assess penalties for a period of 12 months without prior Board approval, provided, however, that the Director advises the Board of the actions taken at the next regularly scheduled Board meeting.

N.J.A.C. 2:5-2.1 addresses the imposition of an embargo as a result of disease outbreaks in other states. Generally, an embargo is a legal prohibition on commerce. Embargoes under this rule deal with the movement of animals coming from other states. Since New Jersey has no authority to issue a quarantine outside of its borders, this rule allows the Department to stop the import of animals either suspected of, or confirmed as, having a contagious or infectious disease or to set up specific entry requirements based upon the originating location of the animals.

N.J.A.C. 2:5-2.2 provides the requirements for the prevention of Vesicular stomatitis and allows the Division ways to control the disease if found in New Jersey. Vesicular stomatitis (VS) is a viral disease, not found in New Jersey, that can affect horses, cattle, and pigs, and occasionally, sheep, goats, deer, and exotic animals, causing blisters to form in the animal's mouth, on teats, or along the hooves, resulting in excessive salivation, lameness, or oozing sores. The clinical signs of VS can cause concern because they mimic those of a highly contagious foreign animal infection foot-and-mouth disease (FMD). Laboratory tests must be run to differentiate between the two diseases. Unlike FMD, VS also can affect horses and other members of the equine family. This contagious viral disease is a major economic and health concern to New Jersey's livestock industry.

N.J.A.C. 2:5-3 contains requirements for the eradication and control of equine infectious anemia (EIA) in equids. This viral disease is a major economic concern in the horse industry and is transmitted by biting insects. This subchapter provides that Department of Agriculture will accept the Enzyme Linked Immunosorbant Assay as an official test for this disease.

N.J.A.C. 2:5-4 contains general requirements for the control and eradication of poultry diseases that may be devastating to New Jersey's poultry industry. Worldwide, there are many poultry diseases that can cause varying amounts of clinical illness in poultry. Some diseases such as Avian Influenza or Exotic Newcastle Disease are extremely infectious and fatal. Because these types of diseases can infect chickens, turkeys,

pheasants, quail, ducks, geese, and guinea fowl, as well as a wide variety of other birds, an outbreak would cause a major economic threat to the poultry industry of New Jersey and the nation.

N.J.A.C. 2:5-4.1 sets forth when a quarantine will be placed upon a premise and how the quarantine can be lifted. N.J.A.C. 2:5-4.2 addresses biosecurity requirements including cleaning, disinfection, and disposal of any infected premises, protective clothing, or equipment.

N.J.A.C. 2:5-5 addresses penalties to be imposed for violations of this chapter. The penalty for a first offense shall be not less than \$100.00, while the penalty for a second offense shall be \$200.00 or imprisonment for not more than one year, or both. 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 contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment. The 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.c(1), this chapter is readopted and shall continue in effect for a seven-year period.

### (b)

#### DIVISION OF PLANT INDUSTRY

##### Notice of Readoption Sale and Distribution of Plant and Plant Materials Readoption: N.J.A.C. 2:19

Authority: N.J.S.A. 4:7-1 et seq., 4:7-5 et seq., 4:1-21.2, and 4:1-21.5.

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

Effective Date: March 1, 2018.

New Expiration Date: March 1, 2025.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 2:19 was scheduled to expire on April 28, 2018. 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. Authority to prevent the importation or distribution of diseased plant material is authorized under N.J.S.A. 4:7-5 et seq. Virus-infected rose plants cause a serious economic loss to both the grower that sells them and the consumer who buys them. Since the virus infection remains in the plant for its entire life, and spraying cannot destroy the virus, it is important that infected plants be controlled at the source before entering New Jersey.

N.J.A.C. 2:19-1 is reserved.

N.J.A.C. 2:19-2 declares that virus-infected rose plants are a nuisance, and provides procedural requirements for movement of rose plants after official inspection, and certification to accompany plants being shipped.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without amendment. The 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.c(1), the chapter is readopted and shall continue in effect for a seven-year period.