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(a)

**DIVISION OF MARKETING AND DEVELOPMENT
Notice of Readoption
Commercial Fertilizers and Soil Conditioners
Readoption: N.J.A.C. 2:69**

Authority: N.J.S.A. 4:9-15.26 and 15.33.

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

Effective Date: April 25, 2023.

New Expiration Date: April 25, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:69 were scheduled to expire on January 26, 2024.

The readoption of N.J.A.C. 2:69 protects farmers and consumers by determining the manufacturer’s compliance with the guaranteed content of commercial fertilizers and soil conditioners; reduces the amount of misbranded and deficient products offered for sale, and thereby insures the quality and quantity of fertilizers and soil conditioners and promoting crop yield. Chapter 69 contains one subchapter that sets labeling and distribution standards, establishes the general methodology for sampling and laboratory analyses that help to promote uniformity in State fertilizer standards with respect to inspection techniques and adequate labeling, and provides a procedure by which the State Board of Agriculture annually determines the commercial values of primary plant nutrients.

The Department of Agriculture has reviewed these 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.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF AGRICULTURAL AND NATURAL RESOURCES

**Notice of Readoption
Aquaculture Development
Readoption with Technical Changes: N.J.A.C. 2:89**

Authority: N.J.S.A. 4:27-1 et seq.

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

Effective Dates: April 25, 2023, Readoption;
June 5, 2023, Technical Changes.

New Expiration Date: April 25, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:89 were scheduled to expire on October 26, 2023.

The rules establish an Aquatic Organism Health Management Plan designed to protect public and private aquaculturists and wild aquatic populations from the importation of non-endemic disease-causing organisms, and assist in facilitating the exportation and importation of aquatic species into and out of the State. It includes disease reporting and quarantine requirements as set forth at N.J.S.A. 4:5-1 et seq. These rules continue the established aquaculture policy framework that begun in 2004, to continue to foster the orderly development of aquaculture. This framework consists of an Aquatic Farmer License issued upon completion and approval of the Application for Aquatic Farmer License and acquisition of any additional permits that may be required by the New Jersey Department of Environmental Protection (NJDEP) or any other agency.

The Department of Agriculture has reviewed the rules and has determined that the rules should be readopted without substantial changes; however, technical changes are needed at N.J.A.C. 2:89-1.1(c) and 6.2 to correct statutory citation errors, and at N.J.A.C. 2:89-1.2, 2.4, and 5.1 to update agency or organization and publication names, to update a weblink, and to update certain contact details. 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), these rules are readopted with technical changes and shall continue in effect for a seven-year period.

Full text of the technical changes follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

2:89-1.1 Purpose and scope

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

(c) Pursuant to 7 U.S.C. § [2204(g)] **2204g**, licensed aquatic farmers are required to provide annual production information for the census of agriculture.

2:89-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

["NJDHSS"] "**NJDOH**" means the New Jersey Department of Health [and Senior Services].

...

SUBCHAPTER 2. AQUATIC FARMER LICENSE

2:89-2.4 Aquaculture application

(a) The application set forth [in] **at** Appendix A shall include the information set forth [in] **at** (a)1 through 4 below. The application set forth [in] **at** Appendix B shall include the information set forth [in] **at** (a)1 and 2 below.

1.-3. (No change.)

4. Relevant permits: A list of all currently held and additional permits that are required by the NJDEP, [NJDHSS] **NJDOH**, or other appropriate agency. A preliminary assessment of required permits is provided in the application included at Appendix A.

SUBCHAPTER 5. AQUATIC ORGANISM HEALTH MANAGEMENT

2:89-5.1 Notice or existence of disease of concern

(a) Any veterinarian or other person (including, but not limited to, any auctioneer, broker[s], dealer, aquaculturist, extension agent, etc.) who shall gain knowledge of the existence or suspected existence of a reportable disease of finfish, mollusks, or crustaceans within the State, which is subject to an emergency declaration by USDA-APHIS or which is identified by the [Office des International Epizooties (OIE)] **World Organization for Animal Health (WOAH)**, in the "[International] Aquatic Animal Health Code," which is adopted as amended and supplemented and incorporated herein by reference, must notify the Department without delay, but not more than 48 hours after gaining such knowledge.

1. [These standards may be obtained by contacting SMPF, Inc., 100 East 42nd Street, Suite 1510, New York, NY 10017. In addition, a] **A copy of this publication is available online at [www.oie.int/eng/normes/fcode/Asummry.htm] <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/aquatic-code-online-access/>.**

2. (No change.)

SUBCHAPTER 6. IMPORT OF AQUATIC ORGANISMS FOR THE PURPOSE OF AQUACULTURE

2:89-6.2 Release of finfish

Nothing in this chapter shall permit the release of domestically raised finfish into the waters of the State other than in private, closed ponds with no inlet from nor outlet to waters of the State without prior written