



1 of 15 DOCUMENTS

NEW JERSEY REGISTER

Copyright © 2011 by the New Jersey Office of Administrative Law

VOLUME 43, ISSUE 01

ISSUE DATE: JANUARY 3, 2011

RULE PROPOSALS

AGRICULTURE

DIVISION OF ANIMAL HEALTH

PROPOSED READOPTION WITH AMENDMENTS: N.J.A.C. 2:8

PROPOSED NEW RULE: N.J.A.C. 2:8-1.3

43 N.J.R. 3(a)

[Click here to view Interested Persons Statement](#)

Humane Treatment of Domestic Livestock

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

Authority: N.J.S.A. 4:22-16.1.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2011-004.

Submit written comments by March 4, 2011 to:

Rule Proposal Comments
New Jersey Department of Agriculture
Division of Animal Health
P.O. Box 330
Trenton, NJ 08625

The agency proposal follows:

Summary

The New Jersey State Board of Agriculture and the Department of Agriculture (the Department) propose for readoption with amendments N.J.A.C. 2:8. These rules were originally promulgated June 7, 2004 (35 N.J.R. 1873(a); 36

N.J.R. 2637(a)). Amendments proposed the same day were promulgated June 1, 2005 (36 N.J.R. 2586(a); 37 N.J.R. 2465(b)). The rules were again amended in October 2006 to incorporate new science into the standards for induced molting in poultry. (38 N.J.R. 1481(a); 4991(a)). The Department, in consultation with the New Jersey Agricultural Experiment Station (Rutgers University Cooperative Extension, Cook College), had promulgated the rules to implement the statutory directive to develop and adopt: 1) standards for the humane raising, keeping, care, treatment, marketing and sale of domestic livestock; and 2) rules and regulations governing enforcement of those standards. P.L. 1995, c. 311, N.J.S.A. 4:22-16.1. That legislation established a presumption that keeping domestic livestock in accordance with the standards would effectively insulate a person from charges of cruelty or inhumane care under the provisions of New Jersey Statutes, Title 4. N.J.S.A. 4:22-16.1(b)(1).

Several groups challenged the rulemakings in July 2005 (after a challenge in July 2004 was dismissed without prejudice in view of the amendments proposed in June 2004, but not yet promulgated). The Appellate Division affirmed the Department's rulemaking. *NJSPCA v. NJDA*, NJ Super. Docket No. A-6319-03T1 (App. Div. 2007). The challengers then petitioned the Supreme Court for certification, which was granted. Petitioners did not challenge the 2006 amendments. The Supreme Court affirmed in part and reversed in part the decision of the Appellate Division and provided direction to the Department for its rulemaking. *NJSPCA v. Dept. of Agriculture*, 196 N.J. 366 (2008).

As required by the Administrative Procedure Act, N.J.S.A. 52:14B-5.1, the rules were set to expire on June 7, 2009. Because the Department was reviewing and revising its rules to ensure compliance with the New Jersey Supreme Court decision, the Department sought and received an extension of the expiration date from the Governor pursuant to N.J.S.A. 52:14B-5.1(d) for a period of 18 months, until December 7, 2010.

The Department now proposes to readopt these rules with amendments, as they have been found to be necessary, reasonable and proper for the purposes for which they were promulgated. N.J.S.A. 52:14B-5.1. Therefore, pursuant to N.J.S.A. 52:14B-5.1c, the chapter expiration date is extended 180 days to June 5, 2011.

The Department has reviewed all provisions in the chapter to ensure that continued implementation provides for animal health and welfare while enabling the continuity of compliant agricultural operations in this State. The Department has implemented the Supreme Court's directive to identify more clearly the types of husbandry practices the Department has found humane when performed according to specific procedures.

Concerns were articulated by the Court in connection with "routine husbandry practices." All such practices which are and would be found to be humane are not listed in these rules. The new rules address the concerns articulated by the Court in connection with "routine husbandry practices" in two ways.

First the rules identify some specific practices that have been found to meet standards for humane treatment. As such, these identified practices provide specific guidance to the regulated and law enforcement communities regarding routine husbandry practices. These practices benefit from the presumption of N.J.S.A. 4:22-16.1, which provides that animal care in accordance with these standards does not constitute cruelty to or inhumane care and treatment of livestock in violation of N.J.S.A. 4:22-15 et seq.

Second, the rules remain silent with respect to the numerous husbandry practices that may exist. The Department's decision not to identify other practices does not suggest that the omitted practices are not humane or would be found to be a violation. The burden to prove that non-identified practices violate animal cruelty law rests with law enforcement. Recognized references and practices cited in the rules provide accurate and safe techniques for necessary livestock management procedures in a manner to maximize animal well-being and productivity, including many practices not specifically identified.

The revised rules again set forth the standards for care, feeding, watering, keeping, marketing and sale for cattle, horses, poultry, rabbits, small ruminants and swine. They include requirements for the investigation and enforcement of alleged violations of the standards. The standards consider the welfare of the individual animal, herd or flock [page=4]

health, as well as food and worker safety and the nature of animal agriculture systems. These rules apply not only to small farming operations that produce livestock, but also to commercial domestic livestock producers and individuals who raise, keep, care for, treat, market and sell livestock for agricultural and/or recreational purposes.

The rules proposed for re adoption are as follows:

N.J.A.C. 2:8-1 sets forth general provisions and definitions.

N.J.A.C. 2:8-2 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of cattle.

N.J.A.C. 2:8-3 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of horses.

N.J.A.C. 2:8-4 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of poultry.

N.J.A.C. 2:8-5 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of rabbits.

N.J.A.C. 2:8-6 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of small ruminants.

N.J.A.C. 2:8-7 sets forth the humane standards that must be met for the raising, keeping, care, treatment, marketing and sale of swine.

N.J.A.C. 2:8-8 establishes rules for investigation and enforcement of alleged violations of humane standards.

The amendments proposed to the rules update web access to referenced documents, add definitions, delete redundant definitions and sections and clarify permitted practices. The amendments incorporate by reference documents that recommend or describe practices. There are documents that "recommend" by identifying certain procedures and documents that "describe" the way a given procedure is to be done. When the proposed amendments specify documents that recommend, "recommend" means to identify certain procedures and the general parameters in which they can be performed (age of animal, use of medications, etc.) When the proposed rules specify documents that describe, "describe" means to explain precisely and in detail the way a given procedure is to be performed. Both the recommendation and descriptions must be read together to provide the standard for appropriate procedures and the ways such procedures must be done.

N.J.A.C. 2:8-1.1(b)1 is added to identify husbandry practices that meet the standards for humane treatment of domestic livestock and therefore qualify for the presumption provided pursuant to N.J.S.A. 4:22-16.1. New paragraph (b)2 addresses husbandry practices not specifically identified in the chapter as meeting humane standards and provides scientific sources for evaluation of techniques for necessary livestock management. At N.J.A.C. 2:8-1.1(c), 2.6(d), 3.6(c)1, 4.6(c)1, 5.7(d)1, 6.6(c)1 and 7.6(c), the general standards reflected in the phrases "in a sanitary manner" and "in such a way to minimize pain" are deleted because the general references have been replaced throughout by detailed standards that include explicit procedures and the ways they are to be performed.

At N.J.A.C. 2:8-1.2(a), the definition of "animal waste" is added and replaces "manure management" to provide consistency with State and Federal regulations. "Humane treatment" and "knowledgeable individual" are added. The definitions of "restricted exercise," "restricted feeding" and "restricted watering" are deleted as they were redundant. Finally, the definition of "routine husbandry practices" is deleted as specific practices are adopted for each species.

New N.J.A.C. 2:8-1.3, General provisions, has been added containing general provisions that apply for all species.

Subsection (a) adopts and incorporates by reference acceptable methods of permanent identification of individual animals as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in Handbook of Livestock Management, Battaglia, fourth edition, 2007. Subsection (b) specifies acceptable methods of animal waste management. Subsection (c) identifies acceptable fencing techniques. Subsection (d) adopts and incorporates by reference techniques for acceptable animal restraint as described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007. Subsection (e) adopts and incorporates by reference acceptable methods of castration as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007. Finally, subsection (f) adopts and incorporates by reference acceptable methods of disbudding and dehorning as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007.

At N.J.A.C. 2:8-2.2(b)2iii, a website for beef cow condition scoring is updated and also replaces the street address in the regulation.

At N.J.A.C. 2:8-2.5(i), the existing transportation guideline is updated to include the website to obtain the document. Therefore, subsection (j) is no longer necessary and is proposed for deletion. Additionally, at subsection (i), the "Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare," Section One, Trucking Practices, which include driving practices, loading and temperature management is adopted and incorporated by reference.

At N.J.A.C. 2:8-2.6(a)1, the website location to obtain the American Veterinary Medical Association (AVMA) euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)2 is proposed for deletion as the amendment to paragraph (a)1 renders this paragraph unnecessary. Further, paragraph (a)4 is deleted as it is redundant with the AVMA guidelines. Subsection (b) is amended to clarify that dead cattle must be removed from contact with any live livestock, not just live cattle, within 24 hours. Subsection (f) is proposed for deletion, as routine husbandry practices are identified in proposed new N.J.A.C. 2:8-1.3, rendering this subsection unnecessary. New subsection (f) is added restricting tail docking of cattle to certain circumstances. New subsection (g) specifies acceptable methods for removal of supernumerary teats.

N.J.A.C. 2:8-3.6, the equine care and treatment section is reorganized for clarity and to identify where individuals may receive training for equine management and training and racing management. New paragraph (a)1 incorporates by reference Handbook of Livestock Management, Battaglia, fourth edition, 2007, as standards for equine management and training and identifies acceptable equine management and training courses at Rutgers School of Environmental and Biological Science, New Brunswick, NJ; Morrisville State College, Morrisville, NY; and Centenary College, Hackettstown, NJ. New paragraph (a)2 incorporates by reference American Association of Equine Practitioners (AAEP) Care Guidelines for Equine Rescue and Retirement Facilities, 2004; or Equine Rescue and Facility Guidelines, UC Davis, 2009, as acceptable guidelines specified for care required by individuals or facilities caring for equine rescues. New subsections (b) and (c) are relocated from existing subsections (d) and (e). At recodified paragraph (d)1, the website location to obtain the AVMA euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)2 is proposed for deletion as the amendment to recodified paragraph (d)1 renders this paragraph unnecessary. Paragraph (a)3 is also proposed for deletion because it is redundant, as the regulation is included in AVMA guidelines. Recodified subsection (e) is amended to clarify that dead horses must be removed from contact with any live livestock, not just live horses, within 24 hours. Subsection (f) is proposed for deletion, as routine husbandry practices are identified in proposed new N.J.A.C. 2:8-1.3, rendering this subsection unnecessary.

At N.J.A.C. 2:8-4.6(a)1, the website location to obtain the AVMA euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)4 is proposed for deletion because it is redundant, as the regulation is included in AVMA guidelines. Subsection (b) is amended to clarify that dead poultry must be removed from contact with any live livestock, not just live birds, within 24 hours.

Existing N.J.A.C. 2:8-4.7(e) and (f) are replaced. New subsection (e) specifies acceptable methods for beak trimming, catching and transport of laying hens, by adopting and incorporating by reference the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks (2008 edition) when performed by a knowledgeable individual. New subsection (f) specifies acceptable methods for beak trimming, toe trimming and dubbing by adopting and incorporating by reference as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, [page=5] fourth edition, Battaglia, 2007. Existing subsection (e), covering these areas, is proposed for deletion.

At N.J.A.C. 2:8-5.7(a)1, the website location to obtain the AVMA euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)2 is proposed for deletion as the amendment to paragraph (a)1 renders this paragraph unnecessary. Paragraph (a)3 is also proposed for deletion because it is redundant, as the regulation is included in AVMA guidelines. Subsection (b) is amended to clarify that dead rabbits must be removed from contact with any live livestock, not just live rabbits, within 24 hours. Paragraph (e)1 is amended to specify the acceptable methods for tooth care of rabbits by adopting and incorporating by reference the methods as described in the Textbook of Rabbit Medicine, Frances Harcourt Brown, Elsevier Science, 2004. Paragraph (e)2 is proposed for deletion, as routine husbandry practices are identified in proposed new N.J.A.C. 2:8-1.3, rendering this paragraph unnecessary.

At N.J.A.C. 2:8-6.5(f)1, the website location to obtain the transportation guidelines is added and the 2001 revision is updated to be the 2010 revision, also the Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Section One, Trucking Practices, which include driving practices, loading and temperature management is adopted and incorporated by reference. Paragraph (f)2 is proposed for deletion as the amendment to paragraph (f)1 renders this paragraph unnecessary.

At N.J.A.C. 2:8-6.6(a)1, the website location to obtain the AVMA euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)2 is proposed for deletion as the amendment to paragraph (a)1 renders this paragraph unnecessary. Paragraph (a)4 is also proposed for deletion because it is redundant, as the regulation is included in AVMA guidelines. Subsection (b) is amended to clarify that dead small ruminants must be removed from contact with any live livestock, not just live small ruminants, within 24 hours. Existing subsection (d) is proposed for deletion, as routine husbandry practices are identified in proposed new N.J.A.C. 2:8-1.3, rendering this paragraph unnecessary. New subsection (d) is proposed and contains acceptable methods for tail docking of sheep.

At N.J.A.C. 2:8-7.5(h)1, the website location for the transportation guidelines is updated and the Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Section One, Trucking Practices, which include driving practices, loading and temperature management is adopted and incorporated by reference. Paragraph (h)2 is proposed for deletion because general website access renders this paragraph unnecessary. Subsection (i), pertaining to swine transportation guidance, is updated, including website locations for additional guidance concerning loading, adopting and incorporating by reference the Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Temple Grandin, AMI Foundation (2010) and the Transportation Quality Assurance Handbook (National Pork Board, 2009).

At N.J.A.C. 2:8-7.6(a)1, the website location to obtain the AVMA euthanasia guidelines is added and the 2000 "Report" is updated to be the "June 2007 Guidelines." Paragraph (a)2 is proposed for deletion as the amendment to paragraph (a)1 renders this paragraph unnecessary. Paragraph (a)4 is also proposed for deletion because it is redundant, as the regulation is included in AVMA guidelines. Subsection (b) is amended to clarify that dead swine must be removed from contact with any live livestock, not just live swine, within 24 hours. Existing subsection (d) is proposed for deletion, as routine husbandry practices are identified in proposed new N.J.A.C. 2:8-1.3, rendering this paragraph unnecessary. New subsection (d) is proposed and specifies acceptable methods for tail docking, teeth trimming and tusk trimming.

N.J.A.C. 2:8-8.1(b)1i is proposed for amendment to update "Cook College" to "Rutgers School of Environmental and Biological Sciences."

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments to the established standards for the humane raising, keeping, care, treatment, marketing and sale of domestic livestock will benefit the health and well-being of all domestic livestock in the State and implement the legislative directive that livestock are treated humanely. Further, by knowing specifically the husbandry practice and techniques that have been affirmatively established as being humane, owners of livestock will be able to avail themselves of the statutory presumption that their practices do not violate animal cruelty laws. Livestock owners will benefit financially by maintaining marketability of their products, as well as from the companionship of healthy livestock. Consumers will benefit through the assurance of high-quality animal products, thereby helping to maintain the viability of the livestock industry in New Jersey.

Authorities charged with the enforcement of animal cruelty rules will find that the amendments to these rules provide clarification to assist them in performance of their duties and assist in the training of new inspectors. Application of these standards uniformly across the State will standardize the criteria under which animal cruelty cases are judged. Certified Livestock Inspectors, Animal Control Officers, officers or agents of the New Jersey or county Society for the Prevention of Cruelty to Animals (NJSPCA), Extension Specialists and educators will be better able to educate the interested public and livestock owners on how to comply with these standards.

These proposed amendments to N.J.A.C. 2:8 clarify the minimum humane standards for the breeding, raising, keeping, care, treatment and marketing of livestock and will have a positive social impact by further strengthening the humane standards established by the Department.

Economic Impact

These rules on humane treatment of domestic livestock (N.J.A.C. 2:8) will reduce the expense and time involved in litigation in a municipal or State court since parties will be able to refer to these standards in their legal proceedings.

Properly managed New Jersey livestock operations already meet or exceed the minimum standards for the humane raising, keeping, care, treatment, marketing and sale of livestock in this chapter and will not encounter any negative economic impact.

Commercial farms and small farms that are not in compliance with these standards may be economically impacted if they need to improve their management practices (for example, purchasing quality feed, removing hazards from areas where livestock are held or providing necessary shelter). Costs incurred to meet these standards are necessary for maintaining the well-being of livestock in New Jersey and maintaining the livestock industry's reputation for quality animals. However, after improvements are instituted and the standards are met, the owners of these properties will actually see an economic benefit from improved quality and production of their livestock.

No new costs will be incurred in the absence of a violation of these rules.

The proposed amendments to these rules may impact producers or owners if they choose to purchase the texts or other resources, or choose to enroll in specific courses available that teach management practices consistent with these humane standards. Doing so will provide those producers with the benefit of the statutory presumption that their practices are humane. Producers may exceed these standards but not fall below them. Farmers and livestock owners may also incur expenses if procedures specified in the amendments require new or different equipment or materials than utilized in their operations.

Federal Standards Statement

The United States Department of Agriculture (USDA) has enforced the Animal Welfare Act, 7 U.S.C. §2131, to protect certain animals from inhumane treatment and neglect. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the Animal Welfare Act, its standards and its regulations. This Act requires that standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care and protection from extreme weather and temperatures. The Animal Welfare Act regulates the care and treatment of warm-blooded animals, except domestic livestock used for food, fiber or other agricultural purposes. 7 U.S.C. §2132(g). [page=6] This void in standards is addressed in N.J.A.C. 2:8, which establishes humane standards for domestic livestock.

While there are no Federal standards that encompass all aspects of humane raising, keeping, care, treatment, marketing and sale of domestic livestock, there are a number of Federal standards that are applicable to individual components. However, the proposed rules do not exceed any applicable Federal standards and, therefore, a Federal standards analysis is not required.

The following Federal standards or requirements are applicable to the rules proposed for readoption with amendments:

9 CFR 3.63(a), sets forth the food and water requirements for transportation of rabbits.

49 U.S.C. §80502 sets forth the standards that must be met for feeding and watering livestock confined in a vehicle or vessel.

9 CFR 88 sets forth the standards that must be met for commercial transportation of equines to slaughter.

9 CFR 161 sets forth the criteria for accreditation of veterinarians in each state.

9 CFR 301.2 defines non-ambulatory disabled livestock and other animals unable to move.

9 CFR 313 et seq. sets forth the standards for slaughter of domestic livestock.

21 CFR 189 and 700 sets forth standards for use of Materials Derived From Cattle in Human Food and Cosmetics.

9 CFR 313.1(c) et seq. sets forth the standards for pens in which dying, diseased or disabled livestock are kept.

9 CFR 313.2 et seq. sets forth the standards that must be met for livestock and poultry held for marketing or slaughter.

39 CFR 111.5 (US Postal Service Domestic Mail Manual, §C022 Perishables; Subsection 3.1, Day-old poultry; Subsection 3.3, Adult fowl; and Subsection 3.4, Adult chickens) sets forth the standards that must be met for feeding day-old poultry in accordance with the United States Postal Regulations.

Jobs Impact

Readoption of these rules with the proposed amendments is not expected to result in the generation or loss of jobs in the State.

Agriculture Industry Impact

The readoption of the rules with the proposed amendments will have a positive impact on the New Jersey livestock

industry by clarifying standards for the care of livestock. The number and type of operations that may be affected include: 902 cattle ranching and farming premises; 95 hog and pig farming premises; 405 poultry and egg producing premises; 669 sheep and goat farming premises; 41 fur-bearing animal and rabbit premises; and 7,200 equine operations. (2007 Census of Agriculture-State Data-New Jersey, USDA, National Agricultural Statistics Service (NASS)); (The New Jersey Equine Industry 2007 Economic Impact, Rutgers Equine Science Center).

The rules proposed for readoption with amendments represent the Department's best efforts to ensure humane treatment of livestock while considering the needs of this important segment of New Jersey's economy.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. requires the Department to provide a description of the types and estimated number of small businesses that will be affected by the rules proposed for readoption with amendments. The Department estimates the number of businesses based on the NASS 2007 census and Rutgers Equine Science Center 2007 study as detailed in the Agriculture Industry Impact, above. The rules on humane treatment of domestic livestock are applicable not only to small farming operations that produce livestock, but also to commercial domestic livestock producers and individuals who raise, keep, care for, treat, market and sell livestock for agricultural and/or recreational purposes. These rules have been in effect since 2004. The proposed amendments to the existing rules do not create any new reporting, recordkeeping or compliance requirements. They do provide specific procedures and how they are to be performed, so that the means of compliance that has been required can be better understood. No additional professional services will be needed to comply with the rules proposed for readoption with amendments. The Department does not believe there will be any significant, additional economic impact on livestock owners or law enforcement as a result of the rules proposed for readoption with amendments.

As the rules proposed for readoption with amendments are proposed to determine the baseline for humane treatment of domestic livestock, there is no differing standard for an individual or for small or large business; however, the number and type of livestock owned may affect the costs associated with compliance. Additional costs associated with compliance, if any, will be minimal for responsible operators, whose existing practices will most likely meet or exceed these standards.

In the absence of a violation, livestock owners or operators will not incur any additional costs, including those associated with reporting or record keeping when complying with the standards nor will they incur any costs for employment of professional services or any capital expenditures. Please see the Summary and Economic Impact statements above.

Smart Growth Impact

The rules proposed for readoption with amendments are consistent with the State's Smart Growth Plan and will contribute toward the achievement of New Jersey's smart growth goals by helping to retain healthy, humanely cared for livestock and poultry in New Jersey. Therefore, the Department anticipates that there will be a positive impact on the achievement of smart growth and implementation of the State's Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing. The rules pertain to the humane treatment of domestic livestock. Cost of housing is not affected.

Smart Growth Development Impact

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is

an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or with designated centers under the State Development and Redevelopment Plan in New Jersey because the rules pertain to the humane treatment of domestic livestock.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:8.

Full text of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

2:8-1.1 Purpose

(a) (No change.)

(b) It shall be presumed that the raising, keeping, care, treatment, marketing and sale of domestic livestock for purposes that include, but are not limited to, their use for food, fiber or service, in accordance with these standards, does not constitute cruelty to or inhumane care and treatment of domestic livestock in violation of N.J.S.A. 4:22-15 et seq.

1. The specific husbandry practices identified in and performed in accordance with this chapter, have been determined by the Department to meet the standards of humane treatment of domestic livestock and qualify for the presumption.

2. For husbandry practices not specifically identified in this chapter do not qualify for the presumption but may be found to be humane, based upon techniques for necessary livestock management and producers included in the following science-based sources or other sources, which may be shown to incorporate similar science-based standards:

i. The Handbook of Livestock Management, Battaglia, fourth edition, 2007. A copy of this document is on file in the Director's Office, Division of Animal Health, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625;

[page=7] **ii. The Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies (FASS) third edition (2010), www.fass.org/docs/agguide3rd/Ag_Guide_3rd_ed.pdf;**

iii. American Veterinary Medical Association (AVMA) Guidelines on Euthanasia (June 2007), available at <http://www.avma.org/issues/animalwelfare/euthanasia.pdf>;

iv. The American Association of Equine Practitioners (AAEP) equine welfare, available at http://www.aaep.org/equine_welfare.htm;

v. The Rutgers School of Environmental and Biological Sciences, New Brunswick, New Jersey, available at <http://sebs.rutgers.edu/>; and

vi. The New Jersey Agricultural Experiment Station, available at <http://njaes.rutgers.edu/pubs/category.asp?cat=2>.

(c) Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

1. (No change.)

2:8-1.2 Definitions

(a) 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.

...

"Animal waste" means livestock manure, unconsumed feed and associated bedding materials and animal carcasses from normal mortalities of livestock on a farm as defined and regulated in N.J.A.C. 2:91 and 7:14A-2.13.

...

"Describe" (as to documents incorporated by reference) means explain precisely and in detail the way a given procedure is to be performed.

...

"Humane treatment" means raising, keeping, care, treatment, marketing and sale of domestic livestock in accordance with this chapter.

...

"Knowledgeable individual" means someone familiar with a particular practice, identified in this chapter, by having been taught at a course listed by an academic institution referenced in this chapter; having learned the technique through veterinary or agricultural extension agent demonstration; or having learned practices through others on a site, such as a family farm.

...

["Manure management" means the collection, removal, storage and disposition of manure compatible with the land and cropping system where the manure is to be applied. Manure may be stored for several weeks to over six months, depending on the production system (laying hens, dairy). Manure management systems include but are not limited to solid storage (composting, stacking pads, bedded manure packs, etc.) or liquid storage (slurry, lagoon, etc.).]

...

"Recommend" (as to documents incorporated by reference) means identify certain procedures and the general parameters in which they can be performed (age of animal, use of medication, etc.).

...

["Restricted exercise" means regulating exercise to provide for certain stages of production, training, development or individual health concerns.

"Restricted feeding" means regulating feed intake to prevent the deleterious overfeeding at different stages of production and development.

"Restricted watering" means regulating water intake to prevent the deleterious effects of over watering at different stages of production and development.

"Routine husbandry practices" means those techniques commonly taught by veterinary schools, land grant colleges, and agricultural extension agents for the benefit of animals, the livestock industry, animal handlers and the public health and which are employed to raise, keep, care, treat, market and transport livestock, including, but not limited to, techniques involved with physical restraint; animal handling; animal identification; animal training; manure management; restricted feeding; restricted watering; restricted exercising; animal housing techniques; reproductive techniques; implantation; vaccination; and use of fencing materials, as long as all other State and Federal laws governing these practices are followed.]

...

2:8-1.3 General provisions

(a) The permanent identification of individual animals may be performed by a knowledgeable individual by wing-banding, leg-banding, ear-notching, ear tattooing, electronic transponders and branding as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in Handbook of Livestock Management, Battaglia, fourth edition, 2007, which are adopted and incorporated by reference. Identification of animals by group, cage or pen may be permitted.

(b) Animal waste management shall be performed pursuant to the NJDA's animal waste management rules, N.J.A.C. 2:91 or the New Jersey Department of Environmental Protection's Concentrated Animal Feeding Operation rule, N.J.A.C. 7:14A-2.13.

(c) Fencing materials should be selected to contain an area while minimizing potential injury based on the number, age and temperament of the animals on the premises and the amount of land fenced.

(d) Restraint of livestock and poultry may be performed by a knowledgeable individual as taught at Rutgers School of Environmental and Biological Science in Livestock Production and Management; at Centenary College; at Purdue University School of Veterinary Medicine in Behavior, Husbandry and Diagnostic Techniques; and as described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007, which restraints as taught and which Handbook are adopted and incorporated by reference.

(e) Castration may be performed by a knowledgeable individual as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007, which recommendations and descriptions are adopted and incorporated by reference.

(f) Disbudding and dehorning may be performed by a knowledgeable individual as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007, which recommendations and descriptions are adopted and incorporated by reference.

SUBCHAPTER 2. STANDARDS FOR CATTLE

2:8-2.2 Feeding

(a) (No change.)

(b) Each animal must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition, as determined according to the criteria set forth in (b)1 and 2 below.

1. (No change.)

2. The NJDA adopts and incorporates by reference the following BCS methods:

i.-ii (No change.)

iii. For beef cattle, (hereinafter referred to as BCS-Beef) using the scoring method set forth in Westendorf M.L. and R.C. Mickel, Beef Cow Condition Scoring (1994), Rutgers Cooperative Extension, New Jersey Agricultural Experiment Station, Rutgers, The State University of New Jersey, New Brunswick, New Jersey. Copies of this document may be procured [by contacting the Publications Distribution Center, Cook College, Rutgers, The State University of New Jersey, 16 Ag Extension Way, New Brunswick, NJ 08901-8551. Phone: 732-932-[page=8] 9762; Internet: [www.rce.rutgers.edu.](http://www.rce.rutgers.edu)] **at** [http://njaes.rutgers.edu/pubs/publication.asp?pid=FS764.](http://njaes.rutgers.edu/pubs/publication.asp?pid=FS764)

iv. (No change.)

3.-6. (No change.)

2:8-2.5 Marketing and sale

(a)-(h) (No change.)

(i) The NJDA adopts and incorporates by reference the loading and truck space requirements outlined in the Livestock Trucking Guide by Temple Grandin for the National Institute for Animal Agriculture (revised September 2001) [as amended and supplemented], **available at** <http://www.animalagriculture.org/Education/Pamphlets/Livestock%20Trucking%20Guide.pdf>; **and adopts and incorporates by reference the Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Temple Grandin, AMI Foundation (2010), available at** [http://www.meatami.com/ht/a/GetDocumentAction/i/61388.](http://www.meatami.com/ht/a/GetDocumentAction/i/61388)

[(j) A copy of the Livestock Trucking Guide (revised September 2001) is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the National Institute for Animal Agriculture, 1910 Lyda Drive, Bowling Green, KY 42104. Phone: (270) 782-9798; Fax: (270) 782- 0188; or Email: [NIAA@animalagriculture.org.](mailto:NIAA@animalagriculture.org)]

Recodify existing (k) and (l) as **(j) and (k)** (No change in text.)

2:8-2.6 Care and treatment

(a) Sick or injured cattle shall be promptly treated or humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at** http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

[2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road--Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.]

[3.] **2.** (No change in text.)

[4. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

(b) Dead cattle must be promptly removed from contact with live cattle **or other livestock** within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) (No change.)

(d) Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

(e) (No change.)

[(f) Nothing in these rules shall prohibit de-horning or disbudding, removing extra teats, tail docking, tattooing, branding and castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.]

(f) Tail docking of cattle is permitted only upon determination by a veterinarian for individual animals.

(g) Removal of supernumerary teats may be performed by a knowledgeable individual as described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007.

SUBCHAPTER 3. STANDARDS FOR HORSES

2:8-3.6 Care and treatment

(a) Equine management and training shall be carried out by a knowledgeable individual in accordance with these guidelines or courses:

1. Battaglia, Handbook of Livestock Management, fourth edition, 2007; Horse Management 11-067-384, Equine Nutrition 11:067:390 from Rutgers School of Environmental and Biological Science; Equine science and management and Equine racing management taught through Morrisville State College, Morrisville, NY; or Equine Studies taught through the Equine Studies Department at Centenary College, Hackettstown, NJ; and

2. For equine rescue operations care must be consistent with AAEP Care Guidelines for Equine Rescue and Retirement Facilities, 2004; http://www.aaep.org/pdfs/rescue_retirement_guidelines.pdf or Equine Rescue and Facility Guidelines, UC Davis, 2009, <http://www.vetmed.ucdavis.edu/ceh/docs/special/pubs-Sanctuary-bkm-sec.pdf>.

(b) All horses for public hire must have routine hoof care, medical care and sufficient strength and rest to maintain their health to be used for the purpose for which they were hired.

(c) Proper hoof care should be provided.

[(a)] **(d)** Sick or injured horses shall be promptly treated or humanely euthanized.

1. The NJDA adopts and incorporates by reference, the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at** http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

[2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road--Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.

3. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

[(b)] **(e)** Dead horses must be promptly removed from contact with live horses **or other livestock** within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

[(c)] **(f)** Proper medical care for the diagnosis or management of injury or disease must be provided to sick, injured[,] or non-ambulatory disabled horses.

1. Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

[(d) All horses for public hire must have routine hoof care, medical care, and sufficient strength and rest to maintain their health to be used for the purpose for which they were hired.

(e) Proper hoof care should be provided.

(f) Nothing in these rules shall prohibit tattooing, branding, and castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.]

SUBCHAPTER 4. STANDARDS FOR POULTRY

2:8-4.6 Care and treatment

(a) Sick or injured poultry must be promptly treated or removed within 24 hours and humanely euthanized.

1. The NJDA adopts and incorporates by reference, the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at** http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

2.-3. (No change.)

[page=9] [4. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

[5.] **4.** (No change in text.)

(b) Dead poultry must be promptly removed from contact with live birds **or other livestock** within 24 hours and

disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) Proper medical care for the diagnosis or management of injury or disease must be provided to sick or injured poultry.

1. Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

(d)-(e) (No change.)

2:8-4.7 Handling of poultry

(a)-(d) (No change.)

[(e) Nothing in these rules shall prohibit beak-trimming or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.

1. Beaks of chickens shall not be trimmed after eight weeks of age, except that therapeutic beak trimming may be done at any age if an outbreak of cannibalism occurs in a non-beak-trimmed flock.

2. Beaks of turkeys shall not be trimmed after 24 weeks of age.

(f) Toe trimming may be performed on male broiler breeder chicks and poults, but shall be limited as follows:

1. No toe trimming can be performed on chickens after one day of age.

2. No toe trimming can be performed on turkeys after seven days of age.]

(e) The NJDA adopts and incorporates by reference the acceptable methods of beak trimming, catching and transport of laying hens as set forth in the United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks (2008 edition), available at <http://www.uepcertified.com/media/pdf/UEP-Animal-Welfare-Guidelines.pdf> when performed by a knowledgeable individual.

(f) Beak trimming, toe trimming and dubbing may be performed by a knowledgeable individual as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007, with such recommendations and descriptions adopted and incorporated by reference.

SUBCHAPTER 5. STANDARDS FOR RABBITS

2:8-5.7 Care and treatment

(a) Sick or injured rabbits must be promptly treated or removed and humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at**

http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

[2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road--Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.

3. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

(b) Dead rabbits must be promptly removed from contact with live rabbits **or other livestock** within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) (No change.)

(d) Proper medical care for the diagnosis or management of injury or disease must be provided to sick or injured animals.

1. Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

(e) Teeth must be maintained in adequate condition to maintain the health of the animal.

1. Tooth trimming shall be performed only by knowledgeable individuals [who are skilled in the method used] **as described in the Textbook of Rabbit Medicine, Frances Harcourt Brown, Elsevier Science 2004, which is adopted and incorporated by reference. A copy of this textbook is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.**

[2. Nothing in these rules shall prohibit other routine husbandry practices provided they are performed in a sanitary manner by a knowledgeable individual and in such a way to minimize pain.]

SUBCHAPTER 6. STANDARDS FOR SMALL RUMINANTS

2:8-6.5 Marketing and sale

(a)-(e) (No change.)

(f) Small ruminants shall be grouped according to size in the vehicle, and be able to stand or "cush" in normal posture within the vehicle.

1. The NJDA adopts and incorporates by reference the loading and truck space requirements outlined in the Livestock Trucking Guide by Temple Grandin for the National Institute for Animal Agriculture (revised September 2001) [as amended and supplemented], **available at** <http://www.animalagriculture.org/Education/Pamphlets/Livestock%20Trucking%20Guide.pdf>; **and Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Temple Grandin, AMI Foundation (2010), available at** <http://www.meatami.com/ht/a/GetDocumentAction/i/61388>.

[2. A copy of the Livestock Trucking Guide (revised September 2001) is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the National Institute for Animal Agriculture, 1910 Lyda Drive, Bowling Green, KY 42104.

Phone: (270) 782-9798; Fax: (270) 782- 0188; or Email: NIAA@animalagriculture.org.]

2:8-6.6 Care and treatment

(a) Sick or injured small ruminants must be promptly treated or humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at** http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

[2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road--Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.]

[3.] **2.** (No change in text.)

[4. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

(b) Dead small ruminants must be promptly removed from contact with live small ruminants **or other livestock** within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) Proper medical care for the diagnosis or management of injury or disease must be provided to sick or injured animals and non-ambulatory disabled small ruminants.

1. Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

[page=10] [(d) Nothing in these rules shall prohibit de-horning or disbudding, removing extra teats, tail docking, tattooing, branding, castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.]

(d) Tail docking may be performed by a knowledgeable individual as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007.

SUBCHAPTER 7. STANDARDS FOR SWINE

2:8-7.5 Marketing and sale

(a)-(g) (No change.)

(h) Swine must be able to stand in normal posture within the vehicle.

1. The NJDA adopts and incorporates by reference the loading and truck space requirements outlined in the Livestock Trucking Guide by Temple Grandin for the National Institute for Animal Agriculture (revised September 2001) [as amended and supplemented], **available at**

<http://www.animalagriculture.org/Education/Pamphlets/Livestock%20Trucking%20Guide.pdf>; **Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Temple Grandin, AMI Foundation (2010), available at** <http://www.meatami.com/ht/a/GetDocumentAction/i/61388>; **Transportation Quality Assurance Handbook (National Pork Board 2009), available at** http://www.pork.org/Producers/docs/TQA_08.pdf.

[2. A copy of the Livestock Trucking Guide (revised September 2001) is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the National Institute for Animal Agriculture, 1910 Lyda Drive, Bowling Green, KY 42104. Phone: (270) 782-9798; Fax: (270) 782- 0188; or Email: NIAA@animalagriculture.org.]

(i) Swine shall be loaded according to the truck space requirements [outlined] **set forth** in the Livestock Trucking Guide, (Livestock Conservation Institute, 1910 Lyda Drive, Bowling Green, KY), **available at** <http://www.animalagriculture.org/Education/Pamphlets/Livestock%20Trucking%20Guide.pdf>; **Recommended Animal Handling Guidelines Audit Guide: A Systematic Approach to Animal Welfare, Temple Grandin, AMI Foundation (2010), available at** <http://www.meatami.com/ht/a/GetDocumentAction/i/61388>; **Transportation Quality Assurance Handbook (National Pork Board 2009), available at** http://www.pork.org/Producers/docs/TQA_08.pdf.

(j)-(k) (No change.)

2:8-7.6 Care and treatment

(a) Sick or injured swine must be promptly treated or humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) [2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented] **Guidelines on Euthanasia (June 2007), available at** http://www.avma.org/issues/animal_welfare/euthanasia.pdf.

[2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road--Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.]

[3.] **2.** (No change in text.)

[4. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.]

(b) Dead swine must be promptly removed from contact with live swine **or other livestock** within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) Proper medical care for the diagnosis or management of injury or disease must be provided to sick, injured[,] or non-ambulatory disabled swine.

1. Nothing in [these rules] **this chapter** shall prohibit owners from providing medical care and treatment to their own animals provided it is performed [in a sanitary manner, in such a way to minimize pain, and] in compliance with all local, State and Federal laws.

[(d) Nothing in these rules shall prohibit detusking, removing needle teeth, castration, ear notching, tattooing, tail docking or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.]

(d) Tail docking, teeth trimming and tusk trimming may be performed by a knowledgeable individual as recommended in the Guide for the Care and Use of Agricultural Animals in Research and Teaching, Federation of Animal Science Societies, third edition, 2010 and described in the Handbook of Livestock Management, Battaglia, fourth edition, 2007.

SUBCHAPTER 8. THE INVESTIGATION AND ENFORCEMENT OF ALLEGED VIOLATIONS OF HUMANE STANDARDS

2:8-8.1 General

(a) (No change.)

(b) No investigations or enforcement actions pursuant to N.J.S.A. 4:22-15 et seq., pertaining to the cruel or inhumane raising, keeping, care, treatment, marketing[,] and sale of domestic livestock in violation of these standards, shall be instituted or conducted except in accordance with the rules set forth in this subchapter.

1. Any interested party may request training on how to interpret these rules.

i. Training will be jointly prepared and conducted by the NJDA and [Cook College] **Rutgers School of Environmental and Biological Sciences**, New Jersey Agricultural Experiment Station.

(c)-(e) (No change.)