



STATE OF NEW JERSEY  
BOARD OF AGRICULTURE

**NEW JERSEY  
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**NEW JERSEY DEPARTMENT OF AGRICULTURE**

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Joseph Atchison, *Director, Marketing and Development*

Joseph Zoltowski, *Director, Plant Industry*

Susan Payne, *Executive Director,*  
*State Agriculture Development Committee*

## **State Board of Agriculture**

The State Board of Agriculture is an eight-member body established by the New Jersey Legislature to set the broad agricultural policies of the Department of Agriculture. The Department of Agriculture was constituted in 1916 as a principal department in the executive branch of State Government, consisting of a State Board of Agriculture as the head of the department, a Secretary of Agriculture, and other staff positions and organization units.

The State Board operates in accordance with the agricultural laws of New Jersey to promote the agricultural interests of the State and to protect and serve the citizens of New Jersey by providing information and unbiased enforcement of laws and regulations ensuring quality products and services.

Products and services such as seed, feed, fertilizer, conservation of soil and water resources; control, suppression, and eradication of livestock and poultry diseases and plant pests; and many others are regulated by the State Board, as well as, feeding schoolchildren and the distribution of surplus federal foods to soup kitchens and pantries that serve our needy citizens.

### **Membership**

The members of the Board are initially elected by the delegates to the annual State Agricultural Convention. Each year, two new Board members are elected to be recommended to the Governor for appointment for a four year term. The Governor appoints the new members with the advice and consent of the New Jersey Senate. Only those who are engaged in producing farm crops or livestock products in New Jersey are eligible for appointment. The Board membership must include at least one member representing each of the four leading agricultural commodities produced within the State.

The Board annually elects two officers - a President and Vice President. These two officers preside over the operations of the Board. The manner in which the Board may take action is by a majority vote of the members present at an official meeting.

The State Board of Agriculture, as the head of the Department of Agriculture, is a part of the executive branch of State Government. Each department is under the direct authority of the Governor. Members of the Board are elected by the Agricultural Convention and recommended to the Governor for appointment with the advice and consent of the Senate. They may be removed from office, by the Governor, for cause, upon notice and opportunity to be heard.

- Members of the State Board of Agriculture serve without compensation.
- State Board members receive protection from law suits under the Tort Claims Act when performing their official duties, provided the Board member's conduct does not constitute a crime, fraud, malice or willful misconduct.
- Official State Board actions are subject to judicial review.

### **Meetings of the State Board of Agriculture**

The State Board, as a public body, is subject to the Open Public Meetings Act. This places some very specific requirements on the Board in the conduct of its business and in the operation of its meetings.

Any time that a meeting of a majority of State Board members is called or a majority (5) of State Board members is present, for the purpose of discussing or acting upon specific public business, it is considered a public meeting.

A public meeting requires that adequate notice be given for such meeting. This includes a 48 hour advance notice

specifying time, date, known agenda and whether formal action is to be taken, which is prominently posted, provided to at least two newspapers and filed with the Secretary of State's office. Also within 7 days of an annual reorganization meeting, there shall be posted a schedule of the regular meetings to be held during the coming year.

At the beginning of each public meeting, a statement must be read, for the record, that all notice requirements of the Open Public Meetings Act have been met.

Members of the public are permitted to attend all public meetings. The State Board can regulate the participation of the public at any meeting. Moreover, the State Board may exclude the public from certain portions of the meeting including discussion of matters related to employment decisions, attorney-client privileges and pending or anticipated litigation.

Prior to the Board going into a private session a resolution must be read at the public portion of the meeting. The resolution must contain the general nature of the subject to be discussed at the private meeting the anticipated length of the meeting and stating the time and the circumstances under which the discussion can be disclosed to the public.

### **Time Requirements**

The duties and responsibilities of being a State Board of Agriculture member generally require member participation in the following:

Monthly meetings of the State Board of Agriculture. (Usually one-half day -- afternoon, sometimes into evening, meetings.)

Special meetings of the State Board of Agriculture. (Estimated 3-5 one-half day meetings on special topics.)

Committee meetings. (On call of chair, may be added to other meetings. Estimated 3-5 sessions of 1-2 hours.)

Attendance at State Agricultural Convention. (Two days which may include one of the monthly Board meetings.)

State Board members are also assigned as liaison to County Boards of Agriculture and Commodity Promotion Councils -- for periodic attendance/participation at their meetings.

### **Financial Disclosure**

As members of a Board which is the head of a principal department of state government, members are required to file a financial disclosure statement under Executive Order #24 (2010). This Executive Order prescribes that the filing requirement must be met within 120 days of assuming the appointed office. An updated statement must be filed by May 15 of each year.

### **Ethics**

Members of the State Board of Agriculture are subject to the provisions of the state law on ethics, the Conflicts of Interest Law. They are classified as "Special State Officers." Basically this law relates to the avoidance of any conduct which would violate the public trust while serving in a public office.

Prevention of both the appearance of impropriety or actual conflict of interest is essential. A basic guideline related to an ethics question or issue is to ask for legal guidance prior to taking any actions which may be questionable.

State Board members:

- Cannot accept anything of value for doing or promising to do something in the performance of their duties.
- Cannot promise or appear to use their influence to get a job or get a contract with the state for a friend, relative, or company in which they hold an interest.

- Cannot appear before the Department on behalf of someone or some business that is contesting a Department of Agriculture law or regulation. They can, however, raise a general question applicable to farmers.
- Cannot represent any party other than the state in connection with any cause, proceeding, application or other matter pending before the particular agency in which they hold office. This prohibition also extends to any partnership, firm, or corporation in which they have an interest.

With regard to casinos, a special state officer is prohibited from holding an interest in or representing, appearing for or negotiating on behalf of a holder of or applicant for a casino license, or any holding or intermediary company with respect thereto, in connection with any matter. However, they may hold employment with a casino license holder or applicant and, if so employed, may hold an interest in or represent, appear for or negotiate on behalf of the casino employer.

There are certain exceptions related to the restriction on representation and appearances, including appearances before a court of record, claims for compensation, determinations related to inheritance or estate tax, corporate filings, Division of Civil Rights proceedings and Unsatisfied Claim and Judgment fund claims.

## **Mission of the New Jersey Department of Agriculture**

To promote and provide high quality, nutritious, abundant, safe and affordable food and other agricultural products; improve the economic viability of the agricultural industry and foster opportunities for farm profitability; preserve and protect agricultural and natural resources; and provide leadership and excellence in services to New Jersey agriculture and the general public.

**The Division of Agricultural and Natural Resources** is responsible for a variety of services and programs that maintain and enhance the viability of New Jersey Agriculture and related agribusinesses. It provides interagency coordination and assistance in the development of policy positions on land use planning issues and represents the Department on the State Planning Commission and its subcommittees. It is fully engaged in Highlands Regional Master Plan process. It administers programs to conserve soil, water and related natural resources through the State Soil Conservation Committee and the 15 local soil conservation districts and provides and oversees the administration of financial cost-share assistance to farmers for soil and water conservation projects. The Division works cooperatively with state and federal agencies in the development of the aquaculture industry in New Jersey and administers the Agricultural Education Program, which reaches more than 1,800 students throughout the state.

**The Division of Animal Health** oversees programs protecting the health and well-being of livestock, the food supply, international trade and the economy; operates an animal health diagnostic laboratory to support animal disease-control programs protecting animals and the food supply. It is active in disaster preparedness and response, including efforts of the Animal Emergency Working Group to develop animal emergency response teams. Ongoing issues include implementing the Humane Standards for care of livestock,

surveillance and response to the potential of an Avian Influenza outbreak, as well as other diseases impacting livestock, horses, poultry, aquaculture, and animals raised for fur. The Division represents the Department as the NJ Emergency Support Function #11 Lead for animals, agriculture, and food.

**The Division of Food and Nutrition** operates programs providing millions of pounds of federally donated food annually to schools, institutions, summer camps, day care centers and those most in need. The Division administers the federal School Lunch and Breakfast Programs and works with the Department of Defense to provide nutritious fresh fruits and vegetables to schools. The Division administers the nation's most comprehensive School Nutrition Policy, which set nutritional standards. The Division also works with gleaning organizations to serve the 793 food pantries, homeless shelters and soup kitchens throughout New Jersey.

**The Division of Marketing and Development** administers inspection programs for eggs, milk, fresh fruits and vegetables, and other items, including feed and fertilizer. It oversees Jersey Fresh quality grading and promotion campaign for fruits and vegetables, as well as the Jersey Grown program for ornamental plants, the Jersey Seafood program for fish and shellfish, and the Jersey Bred program for equine. The Division also works to develop regional, national, and international markets for agricultural products. Helps organize and support urban Community Farmers Markets, bringing fresh produce to downtowns and shortening the market chain between producers and consumers. It protects farmers through the licensing and bonding program, administers the state's dairy program, administers the Sires Stakes horse-racing program, and works to promote pleasure horse breeding programs.

**The Division of Plant Industry** provides disease and pest protection for food and ornamental crops, forests and other plant resources through detection, control and eradication. It

also works to enhance marketability of New Jersey-grown plant products, through annual inspections of nurseries and plant dealers. The Division also operates the Alampi Beneficial Insect Laboratory, where insects are bred to control pests and diseases without the use of pesticides. Ongoing major issues include the effort to eradicate the Asian longhorned beetle, continuing to suppress the gypsy moth population and ensuring sufficient honeybee colonies for plant and crop pollination.

**The State Agriculture Development Committee** (SADC) administers the state Farmland Preservation Program and promotes innovative approaches to maintaining the viability of agriculture. It administers New Jersey's Right to Farm program, which administers the Right to Farm Act that protects responsible commercial farms from restrictive municipal ordinances and public and private nuisance actions; staffs the Transfer of Development Rights Bank that works to promote and advance the implementation of TDR statewide; and operates a Farm Link Program to assist farmers in locating land and other resources.

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