

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF MARKETING AND DEVELOPMENT General Provisions

Readoption with Amendments: N.J.A.C. 2:48

Proposed: July 1, 2024, at 56 N.J.R. 1139(a).

Adopted: September 25, 2024, by Joseph Atchison III, Director,
Division of Marketing and Development, the State Board of
Agriculture and Edward D. Wengryn, Secretary, Department of
Agriculture.

Filed: October 3, 2024, as R. 2024 d.107, **without change**.

Authority: N.J.S.A. 4:12A-1 et seq., specifically 4:12A-7 and 20.

Effective Dates: October 3, 2024, Readoption;
November 4, 2024, Amendments.

Expiration Date: October 3, 2031.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-23 (P.L. 1995, c. 65) require administrative agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. As related to this chapter, the rulemaking requirements are dictated by the New Jersey Milk Control Act, N.J.S.A. 4:12-1 et seq., and are not subject to any Federal requirements or standards. The marketing areas specified in the rules are the same as those set forth in the Federal Milk Order No. 1 (Northeast Marketing Area) and the rules readopted with amendments merely restate them for purposes of clarity. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 2:48.

Full text of the adopted amendments follows:

SUBCHAPTER 4. RESTRICTIONS ON THE USE OF COUPONS IN MILK PROMOTION

2:48-4.1 Coupons for milk restricted

(a) It shall be unlawful and a violation of these regulations for any licensee directly or indirectly through an entity associated in any way with the licensee to print or cause to be printed any "cents off," "Bonus Card Program," or "refund" coupon in any newspaper or other advertising media (including the milk container), which is redeemable either directly or indirectly through a third party by the consumer upon his or her purchase of any milk or fluid milk product unless prior written permission is granted by the Division of Marketing and Development to conduct such programs. All documentation concerning, but not limited to, "cents off," "Bonus Card Program," or "refund" promotions must be submitted 14 days prior to the program commencing to determine if the promotion will result in the sale of such products to be below variable cost as defined in the rules of the Division, specifically N.J.A.C. 2:52-7 and 2:53-6.

(b)-(c) (No change)

(b)

DIVISION OF PLANT INDUSTRY

Notice of Readoption

Sale and Distribution of Plants and Plant Materials

Readoption: N.J.A.C. 2:19

Authority: N.J.S.A. 4:1-11.1, 4:1-21.5, 4:7-1 et seq., and 4:7-5 et seq.

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

Effective Date: October 3, 2024.

New Expiration Date: October 3, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:19 were scheduled to expire on March 1, 2025.

Authority to prevent the importation or distribution of diseased plant material is provided pursuant to 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. As 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, 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 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, the chapter is readopted and shall continue in effect for a seven-year period.

(c)

DIVISION OF PLANT INDUSTRY

Notice of Readoption

Quarantines

Readoption: N.J.A.C. 2:20

Authority: N.J.S.A. 4:1-11.1, 4:1-21.5, 4:6-20, and 4:7-1 et seq.

Authorized By: The State Board of Agriculture and Edward D.

Wengryn, Secretary, Department of Agriculture.

Effective Date: October 3, 2024.

New Expiration Date: October 3, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:20 were scheduled to expire on January 25, 2025.

The introduction of dangerously injurious insect pests or plant pathogens from another state or foreign country can constitute a serious threat to agriculture in New Jersey. Due to the globalization of world trade, the prospect of spreading highly injurious plant pest species to new areas has increased, and there is a need to quarantine certain pests to prevent their introduction into New Jersey. This chapter addresses the means by which the agricultural industry in New Jersey can be properly protected from highly injurious invasive pest threats.

N.J.A.C. 2:20-1 sets forth provisions regarding Golden Nematode, which has been determined a threat to New Jersey agriculture.

N.J.A.C. 2:20-2 sets forth provisions regarding white pine blister rust, protecting against the spread of white pine blister rust, as well as allowing for special permits and an annual inspection fee.

N.J.A.C. 2:20-3 sets forth provisions regarding Ceriferus (or Japanese) Wax Scale, which is a dangerously injurious non-native insect that constitutes a menace to trees and shrubs in New Jersey.