

2:2-2.16 Swine brucellosis

Eradication of brucellosis from swine breeding herds in New Jersey shall be conducted by the swine owner in conformity with the recommended uniform methods and rules in USDA, [APHIS-91-1, Chapter II] **APHIS 91-55-042, Part IV**, with the cooperation and supervision of the New Jersey Department of Agriculture (see N.J.A.C. 2:2-2.12(b)).

2:2-2.17 Swine brucellosis: testing of swine moved intrastate

Swine moved intrastate for breeding or exhibition purposes must be tested negative to a brucellosis test within 30 days prior to movement. Swine originating from a Brucellosis Validated Free herd are exempt from this requirement. Form DAH 111 or a Certificate of Veterinary Inspection must accompany swine for movement intrastate with the test dates or validation dates stated on the certificate. These forms can be obtained from the Division of Animal Health, PO Box [330] **400**, Trenton, New Jersey [08625-0330] **08625-0400**.

SUBCHAPTER 3. TUBERCULOSIS CONTROL AND ERADICATION

2:2-3.3 Times established for tuberculin tests

(a) (No change.)

(b) Testing shall be performed according to procedures [under] at 9 [C.F.R. §] **CFR 77.1**.

1. Copies are filed and may be received by writing to:

Director, Division of Animal Health
New Jersey Department of Agriculture
PO Box [330] **400**
Trenton, New Jersey [08625-0330] **08625-0400**

SUBCHAPTER 6. SWINE PSEUDORABIES VIRUS

2:2-6.1 Adoption of USDA rules

The New Jersey Department of Agriculture adopts the rules and regulations [of] at 9 [C.F.R. §§ 85.1-85.13] **CFR 85.1 through 85.13** APHIS, USDA, as the official rules and regulations of the New Jersey Swine Pseudorabies program. Copies of these regulations may be obtained by writing the New Jersey Department of Agriculture, Division of Animal Health, PO Box [330] **400**, Trenton, NJ [08625-0330] **08625-0400**.

SUBCHAPTER 7. POULTRY DISEASE CONTROL

2:2-7.3 Pullorum-typhoid disease testing and testing agents

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

(h) Any reactors must be submitted for bacteriological examination for pullorum-typhoid disease. The bacteriological examination must be done by the Animal Health Diagnostic Laboratory, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, PO Box 330, Trenton, New Jersey 08625-0330] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, New Jersey 08628**.

(a)

DIVISION OF ANIMAL HEALTH

Notice of Readoption

Livestock and Poultry Importation

Readoption with Technical Changes: N.J.A.C. 2:3

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

Authorized By: The State Board of Agriculture and Joseph Atchison, Assistant Secretary, Department of Agriculture.

Effective Dates: December 28, 2023, Readoption;
February 5, 2024, Technical Changes.

New Expiration Date: December 28, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:3 were scheduled to expire on March 22, 2024.

Subchapter 1 sets forth the general requirements for the chapter, including definitions of terms, requirements for interstate health certificates for livestock and poultry moving into the State, importation requirements for animals entering the State for slaughter purposes, the contents of the Certificate of Veterinary Inspection, and other forms of animal identification. This subchapter also defines the time limit for the receipt of a Certificate of Veterinary Inspection by the Department of Agriculture, provides the expiration date of Certificates of Veterinary Inspection, provides a description of official actions that may follow the imposition of quarantine of livestock and poultry entering the State, addresses the import of diseased livestock and poultry and prior import permits, provides the procedure on failure to meet importation requirements, and explains exception requests based on epidemiological evaluation and risk determination.

Subchapter 2 sets forth the rules pertaining to cattle and bison importations and provides general importation requirements and definitions. The subchapter addresses tuberculosis testing of cattle, Brucellosis testing exemption for cattle imported from class-free states or areas, and Brucellosis testing for cattle imported from Class A, Class B, and Class C states, and addresses importation of cattle with Anaplasmosis or Bluetongue.

Subchapter 3 sets forth the rules pertaining to swine importation and requires compliance with general and specific importation requirements. It provides definitions of terms, addresses Brucellosis testing, and Pseudorabies testing of imported swine.

Subchapter 4 pertains to sheep importation and compliance and addresses Bluetongue testing of sheep entering the State.

Subchapter 5 pertains to goat importation, addressing compliance and importation requirements, providing definitions used in this subchapter, and describing tuberculosis and Brucellosis goat testing requirements.

Subchapter 6 pertains to equine importation, requiring compliance with general requirements and specific requirements, and providing for the official test for Equine Infectious Anemia.

Subchapter 7 pertains to poultry and hatching egg importation, providing additional definitions for the subchapter and for compliance with the general and specific requirements for importation. The subchapter addresses Pullorum testing and Salmonella enteritidis in imported poultry and provides rules for Avian Influenza testing. These rules include prohibition of importation to a live bird market of any poultry or hatching eggs from a state, territory, or country where Highly Pathogenic Avian Influenza has been detected unless the poultry or hatching eggs are approved, and provided a permit by the State Veterinarian and test negative, as specified for Avian Influenza with sample collection date within 72 hours of entry into New Jersey. The rules also prohibit importation of any poultry or hatching eggs from anywhere outside of New Jersey unless they are accompanied by documentation showing that they originated and are moving directly from an Avian Influenza test negative flock and the rules address permissible routes through New Jersey for shipment of live poultry and poultry products.

Subchapter 8 concerns captive cervid importation, providing general importation and subchapter requirements for importation, definitions of terms used, and addressing tuberculosis and Brucellosis testing for captive cervids to be imported and requiring Bluetongue testing of captive cervids entering the State. These rules also require that all captive cervids entering the State are active participants in the United States Department of Agriculture Chronic Wasting Disease Herd Certification Program.

Subchapter 9 pertains to llama and alpaca importation, providing the general and subchapter requirements for importation, definitions of subchapter terms, and requiring tuberculosis and Brucellosis testing of llamas and alpacas entering the State.

Subchapter 10 concerns nutria importation, providing general and subchapter requirements for importation.

Subchapter 11 concerns the importation of livestock and poultry for exhibition, providing general requirements through a cross-reference within the chapter rules.

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. 2:3-1.5, 1.9, 2.2(b) and (c), 2.3(b) and (c), 3.2(b) and (c), 3.4(b) and (c), 5.2(b) and (c), 7.1(b)2, 7.2(b) and (c), 7.3(b) and (c), 8.2(b) and (c), 8.6(b) and (c), and 9.2(b) and

(c), to update agency or organization names, to update publication details and weblinks to access referenced publications, and to update address details. 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, these rules are readopted with technical changes and shall continue in effect for a seven-year period.

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

SUBCHAPTER 1. GENERAL REQUIREMENTS

2:3-1.5 Copy of Certificate of Veterinary Inspection to New Jersey Department of Agriculture

A copy of the official Certificate of Veterinary Inspection shall be mailed within 10 days of movement by the approving agency to the New Jersey Department of Agriculture, Division of Animal Health, PO Box [330] **400**, Trenton, New Jersey [08625-0330] **08625-0400**.

2:3-1.9 Prior import permits

Permits required for entry for a specific class of livestock pursuant to N.J.A.C. 2:3-2.7(b), 3.4(d), or 7.4(a), may be obtained by the consignee from the State Veterinarian, Division of Animal Health, New Jersey Department of Agriculture, PO Box [330] **400**, Trenton, New Jersey [08625-0330] **08625-0400**, telephone number 609-671-6400, or [e-mail] **email** state.veterinarian@ag.nj.gov.

SUBCHAPTER 2. CATTLE IMPORTATION

2:3-2.2 Definitions

(a) (No change.)

(b) Copies of the documents listed [in] **at** (a) above may be obtained electronically at [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr77_04.html] <https://www.ecfr.gov/current/title-9/part-77> and [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr78_04.html] <https://www.ecfr.gov/current/title-9/part-78>.

(c) A copy of the documents listed [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

2:3-2.3 Tuberculosis testing

(a) (No change.)

(b) A copy of the document referred to [in] **at** (a) above may be procured electronically at [www.aphis.usda.gov/oa/pubs/umr.html] https://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf.

(c) A copy of the document referred to [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

(d) (No change.)

SUBCHAPTER 3. SWINE IMPORTATION

2:3-3.2 Definitions

(a) (No change.)

(b) A copy of the documents set forth [in] **at** (a) above may be obtained electronically at [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr78_04.html] <https://www.ecfr.gov/current/title-9/part-78> and [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr85_04.html] <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-C/part-85?toc=1>.

(c) A copy of the documents set forth [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

2:3-3.4 Pseudorabies testing

(a) (No change.)

(b) A copy of the document referred to [in] **at** (a) above may be obtained electronically at [www.aphis.usda.gov/oa/pubs/umr.html] https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/prv_program_standards.pdf.

(c) A copy of the document referred to [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

(d)-(f) (No change.)

SUBCHAPTER 5. GOAT IMPORTATION

2:3-5.2 Definitions

(a) (No change.)

(b) A copy of the documents referred to [in] **at** (a) above may be obtained electronically at [www.aphis.usda.gov/oa/pubs/umr.html] https://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf and [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr77_04.html] <https://www.ecfr.gov/current/title-9/part-77/section-77.5>.

(c) A copy of the documents referred to [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

SUBCHAPTER 7. POULTRY AND HATCHING EGG IMPORTATION

2:3-7.1 Compliance with subchapter and importation requirements

(a) (No change.)

(b) For purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

1. (No change.)

2. "Avian Influenza" means both Highly Pathogenic Avian Influenza (HPAI) as defined by the [Office International des Epizooties (OIE) "Manual of Standards for Diagnostic Tests and Vaccines, 4th Edition, 2000,"] **World Organisation for Animal Health (WOAH) "Manual of Diagnostic Tests and Vaccines for Terrestrial Animals, Twelfth Edition, 2023,"** as amended and supplemented, which is herein adopted and incorporated by reference, or any Low Pathogenic Avian Influenza (LPAI) subtype H5 or H7 that falls outside the parameters of the definition for Highly Pathogenic Avian Influenza.

i. A copy of this document may be procured online at [www.oie.int/eng/publicat/en_standards.htm] https://www.woah.org/fileadmin/Home/eng/Health_standards/tahm/A_summrv.htm.

ii. A copy of this document is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

3.-10. (No change.)

2:3-7.2 Pullorum testing

(a) (No change.)

(b) A copy of the document referred to [in] **at** (a) above may be obtained electronically at [www.aphis.usda.gov/vs/nnpip/] <https://www.ecfr.gov/current/title-9/part-145>.

(c) A copy of the document referred to [in] **at** (a) above is on file in the State Veterinarian's Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628**.

(d) (No change.)

2:3-7.3 Salmonella enteritidis

(a) (No change.)

(b) A copy of the document referred to [in] **at** (a) above may be obtained electronically at [www.aphis.usda.gov/vs/nnpip/] <https://www.ecfr.gov/current/title-9/part-145>.

(c) A copy of the document referred to [in] at (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.**

SUBCHAPTER 8. CAPTIVE CERVID IMPORTATION

2:3-8.2 Definitions

(a) (No change.)

(b) A copy of the documents referred to [in] at (a) above may be obtained electronically at [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr77_04.html] <https://www.ecfr.gov/current/title-9/part-77/section-77.20>.

(c) A copy of the documents referred to [in] at (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.**

2:3-8.6 Chronic wasting disease

(a) (No change.)

(b) A copy of the document referred to [in] at (a) above may be obtained electronically at [www.aphis.usda.gov/vs/naahps/cwd/] <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/cervid/cervids-cwd> and [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr55_04.html] <https://www.ecfr.gov/current/title-9/chapter-I/subchapter-B/part-55?toc=1>.

(c) A copy of the document referred to [in] at (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.**

SUBCHAPTER 9. LLAMA AND ALPACA IMPORTATION

2:3-9.2 Definitions

(a) (No change.)

(b) A copy of the document referred to [in] at (a) above may be obtained electronically at [www.access.gpo.gov/nara/cfr/waisidx_04/9cfr77_04.html] <https://www.ecfr.gov/current/title-9/part-77/section-77.5>.

(c) A copy of the document referred to [in] at (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, [Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625] **NJPHEAL, 3 Schwarzkopf Drive, Ewing, NJ 08628.**

and for the optimal utilization of available quotas and the prevention of excessive harvesting and quota exceedances.

In November 2023, the National Marine Fisheries Service (NMFS) implemented the 2024 commercial black sea bass specifications as recommended by the Mid-Atlantic Fishery Management Council (MAFMC) and the ASMFC Summer Flounder, Scup and Black Sea Bass Board (see 88 FR 80263). New Jersey’s preliminary quota was set at 1,188,600 pounds, which reflected a 25 percent increase relative to the 2023 commercial fishing year quota. Pending the results of the final 2023 season for black sea bass, the 2024 commercial quota may be adjusted slightly to account for any over-utilization of the 2023 quota.

At its October 26, 2023, meeting, the Council’s Commercial Black Sea Bass Advisory Committee developed its preferred trip limits for the 2024 commercial fishing year based upon the preliminary quota. The trip limits are established at levels intended to result in the harvest of the portion of the quota assigned to that season, taking into account factors that include whether the limits utilized in the previous year resulted in the full utilization of the quota assigned to the corresponding season in the prior year. The seasons, percentage of the annual quota apportioned to each season, trip limits, and landing days approved by the Council based upon the Committee’s recommendation are as follows: Season 1 (January-February) 21.96 percent: 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week. Season 2 (March-April) 20.9 percent: 750 pounds four times per week, or 1,500 pounds two times per week, or 3,000 pounds one time per week. Season 3 (May-June) 16.53 percent: 1,333 pounds six times per week, or 2,000 pounds four times per week, or 4,000 pounds two times per week. Season 4 (July-August) 9.1 percent: 1,000 pounds six times per week, or 2,000 pounds three times per week, or 3,000 pounds two times per week. Season 5 (September-October) 13.53 percent: 1,000 pounds six times per week, or 2,000 pounds three times per week, or 3,000 pounds two times per week. Season 6 (November-December) 17.97 percent: 1,000 pounds four times per week, or 2,000 pounds two times per week, or 4,000 pounds one time per week.

Also, in November 2023, NMFS implemented the 2024 commercial summer flounder specifications as recommended by the MAFMC and the ASMFC Summer Flounder, Scup and Black Sea Bass Board (see 88 FR 80263). The preliminary quota for New Jersey was 1,470,127 pounds, which reflects a 42 percent reduction relative to the 2023 commercial fishing year quota. Pending the results of the final 2023 season for summer flounder, the 2024 commercial quota may be adjusted slightly to account for any over-utilization of the 2023 quota.

At the same October 26, 2023, meeting, the Council’s Commercial Summer Flounder Advisory Committee developed its preferred trip limits for the 2024 commercial fishing year based upon the preliminary quota. The trip limits are established at levels intended to result in the harvest of the portion of the quota assigned to that season, taking into account factors that include whether the limits utilized in the previous year resulted in the full utilization of the quota assigned to the corresponding season in the prior year. The seasons, percentage of the annual quota apportioned to each season, trip limits, and landing days approved by the Council based upon the Committee’s recommendation are as follows: Season 1 (January-February) 28 percent: 1,750 pounds two times per week or 3,500 pounds one time per week. Season 2 (March-April) 11.0 percent: 285 pounds seven times per week, or 500 pounds four times per week, or 1,000 pounds two times per week, or 2,000 pounds one time per week. Season 3 (May-June) 10.5 percent: 214 pounds seven times per week, or 500 pounds three times per week, or 750 pounds two times per week, or 1,500 pounds one time per week. Season 4 (July-August) 10.5 percent: 214 pounds seven times per week, or 500 pounds three times per week, or 750 pounds two times per week, or 1,500 pounds one time per week. Season 5 (September-October) 29 percent: 500 pounds seven times per week, or 875 pounds four times per week, or 1,750 pounds two times per week, or 3,500 pounds one time per week. Season 6 (November-December) 11 percent: 500 pounds four times per week, or 1,000 pounds two times per week, or 2,000 pounds one time per week.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.12(h) and (i). As required pursuant to N.J.A.C. 18.12(r), changes to N.J.A.C. 7:25-18.12(h) and (i) are published in the New Jersey Register, on the Department’s website, and in the New Jersey

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Changes

Marine Fisheries

Modification of Commercial Black Sea Bass and Summer Flounder Trip Limits

N.J.A.C. 7:25-18.12

Effective Date: December 29, 2023.

Take notice that, pursuant to N.J.A.C. 7:25-18.12(r), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council (Council) at its November 3, 2023, meeting, has modified the trip limits for the black sea bass and summer flounder commercial fishery. These actions have been taken to comply with the Atlantic States Marine Fisheries Commission’s (ASMFC) Management Plan for Black Sea Bass and Summer Flounder