Trotting Association and must hold a certificate of registration dated on or before the time of nomination.

1.4. (No change.)

5. Supplemental nominations may be made to the New Jersey Standardbred Development Fund. Parties delinquent in paying on or before the May 15 yearling nomination fee date are given until September 15 of the yearling year to fulfill the aforementioned conditions of nomination and pay the nomination fee along with an additional late fee of $500.00. For nominations received after September 15, but on or before February 15 of the two-year-old year, the cost will be $700.00 in addition to the original nomination fee.

2:32A-2.6 Sustaining fees

The sustaining fee schedule to the Standardbred Development Fund Program will be as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>First Sustaining Fee</th>
<th>Second Sustaining Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two and three</td>
<td>$100.00 (February 15)</td>
<td>$150.00 (April 15)</td>
</tr>
</tbody>
</table>

The Board of Trustees of the New Jersey Sire Stakes Program may, at any time, in its sole discretion, reduce the amount of these fees as conditions warrant.

2:32A-2.8 Eligibility

(a) (No change.)

(b) A two-year-old’s owner who makes the nomination payment but fails to make the first sustaining payment may regain his or her horse’s eligibility for its two-year-old and three-year-old seasons by payment of a penalty of $1,000 plus the amount of the first sustaining payment within 30 days of the original due date of the payment.

2:32A-2.15 Entry fees

(a) Entry fees will be:
   1. Two-year-olds: $200.00; and
   2. Three-year-olds: $200.00.

(b) Entry fees for Standardbred Development Fund Finals will be $500.00. Finals fee is waived if entry fees are paid for the first and second legs.

(c) (No change.)

2:32A-2.21 Final races

(a) There will be a two- and three-year-old “Final” race in each Standardbred Development Fund division at a licensed facility approved by the New Jersey Racing Commission, as scheduled by the New Jersey Sire Stakes Board of Trustees.

(b) (No change.)

(c) Each Standardbred Development Fund Final will have a $500.00 entry fee, subject to waiver consistent with N.J.A.C. 2:32A-2.15, and is open to the highest New Jersey Standardbred Development Fund point winners in the series that are declared in and can be drawn to a post position in the first tier. Trailers are not permitted to start in any New Jersey Standardbred Development Fund Finals.

(d) (No change.)

(e) In the event of less than five starters, the points shall be awarded in the same fashion as the purse breakdown with less than five starters at (d) above.

(f)-(i) (No change.)

2:32A-2.29 Payments, correspondence, and inquiries

(a) (No change.)

(b) All nominating and sustaining payments, correspondence, and inquiries shall be directed to:
   New Jersey Sire Stakes
   PO Box 330
   Trenton, NJ 08625.

   Inquiries may also be directed to (609) 913-6514.
The adopted new rules seek to provide financial assistance above the Federal minimum by mandating that producers receive a fuel adjustment add-on that is in addition to the Federal market minimum price and any premiums currently received by the producer. This additional payment will be used by producers to support their costs of production and lessen the impact of the high cost of production in these times of low milk prices.

The benefits of the adopted new rules to New Jersey’s dairy producers and the New Jersey citizens are substantial. Unless the new rules are adopted, many of the remaining dairy producers will be forced to go out-of-business. Ultimately, the loss of the availability of local milk could cause much higher prices to consumers and loss of quality New Jersey milk, as dealers will be required to bring milk from more distant locations and pass the additional transportation costs on to the consumer.

**Full text** of the new rules follows:

**CHAPTER 50**

**PRODUCERS**

**SUBCHAPTER 1. NOTICE TO DEALERS BY DAIRY FARMERS**

2:50-1.1 Dairy farmers notice to dealers of intent to discontinue sales of milk

(a) Before a dairy farmer selling milk to New Jersey dealers may discontinue selling milk to such dealer, he or she shall give the dealer at least 28 days written notice of his or her intent to discontinue such sale.

(b) The notice of discontinuance shall be sent to the dealer by letter or on forms supplied by the Division of Marketing and Development (Division). A copy of such letter or form shall be filed with the Division of Marketing and Development and the 28-day period shall begin on the date such notice is received by the Division.

(c) The notice shall not be required from dairy farmers shipping to a cooperative association of which they are a member or when the termination is mutually agreeable to the dealer and the dairy farmer, provided that the Division of Marketing and Development is notified by both parties in advance of the change.

(d) The notice shall not be required for dairy farmers shipping to dealers who fail to make full payment in the time and manner required by joint orders of the Division of Marketing and Development and the United States Department of Agriculture.

(e) Upon written request by a dairy farmer or cooperative association, the notice provisions of this subchapter may be waived by the Secretary of the Department of Agriculture (Secretary) upon a finding of the following:

1. Compliance with the notice provision at (a) above would adversely impact the dairy industry in New Jersey;
2. Reasonable belief that dealer will fail to make payment to dairy farmers or cooperative associations based on dealer’s failure to make timely payments to other dairy farmers or cooperative associations in New Jersey or other jurisdictions;
3. Filing of notice of bankruptcy by the New Jersey dealer; or
4. A reasonable belief that there is a risk of interruption in the availability of an adequate supply of fresh, wholesome milk to consumers, as required by the Milk Control Act of 1941, N.J.S.A. 4A:12-1 et seq.

(f) This rule shall not affect or interfere with any private contractual obligations between dairy farmers, cooperative associations, and milk dealers.

**SUBCHAPTER 2. NOTICE TO DAIRY FARMERS BY DEALERS**

2:50-2.1 Dealer notice to dairy farmers of intent to discontinue purchase of milk

(a) Before a dealer purchasing milk from New Jersey dairy farmers may discontinue such purchase, he or she shall give the dairy farmer(s) at least 28 days written notice of his or her intent to discontinue such purchase.

(b) The notice of discontinuance shall be sent to the dairy farmer and a copy filed with the Division of Marketing and Development on forms supplied by the Division for this purpose. The 28-day notice period shall begin on the day that such notice is received by the Division of Marketing and Development.

(c) The notice shall not be required for a dealer to temporarily discontinue purchasing milk from a dairy farmer whose milk does not meet the quality standards of the appropriate health authority or when the termination is mutually agreeable to the dealer and the dairy farmer, provided that the Division of Marketing and Development is notified by both parties in advance of the change.

2:50-2.2 Dealer to report names of new or discontinued dairy farmers

A milk dealer purchasing milk from New Jersey dairy farmers shall send a notice to the Division of Marketing and Development of any new dairy farmer(s) and of any dairy farmer(s) discontinuing to sell milk to the dealer. Such information shall be filed monthly on or before the 10th day of each month.

**SUBCHAPTER 3. MEASURING AND SAMPLING OF MILK FROM FARM BULK TANKS**

2:50-3.1 Applicant for weigher and sampler certificate to pass examination

(a) Before a person shall be approved by the Secretary of the Department of Agriculture, or authorized representative, to be competent to weigh, measure, and sample milk and cream pursuant to the provisions of N.J.S.A. 4:12-41.5, said person shall satisfactorily complete an examination to be conducted by the Secretary, or authorized representative. The examination shall consist of both a written test and satisfactory demonstration of proper performance of the actual weighing or measuring and sampling techniques herein required.

(b) Failure to satisfactorily complete the written test shall make the applicant ineligible for the performance test, but failure to satisfactorily complete the performance test shall not require the applicant to be reexamined for the written test. Reexamination for either the written test or the performance test shall be made at the request of the applicant to the Secretary, or authorized representative, orally or, in writing, and will be given as soon as practicable at a time and place mutually agreeable to the Secretary, or authorized representative, and the applicant.

(c) Upon the satisfactory completion of the examination, a certificate shall be issued to the applicant. Certificates shall be issued for the fiscal year ending June 30. Certificates, when renewed, shall be renewed for a period of two years. As a condition to renewal of the certificate, the Secretary may require attendance at a refresher course designed to train milk samplers in proper procedures and techniques of weighing, measuring, and sampling milk.

2:50-3.2 Milk weighing, measuring, and sampling procedures

(a) Weighing, measuring, and sampling milk shall be performed pursuant to the procedures as set forth in the current “Standard Methods for Examination of Dairy Products,” published by the American Public Health Association, Inc., and, at a minimum, shall include the following:

1. Before starting the agitator, carefully insert a clean, dry measuring stick, seating fully; withdraw and read to the nearest 1/32 inch. Record the measurement, weight, temperature, time of pickup, date, and producer’s name, and number. One copy of the weight ticket shall be left with the producer;
2. Agitate for not less than five minutes and longer, if necessary, to disperse the butterfat uniformly throughout the tank.
3. The person holding the weigher and sampler certificate issued by the Division of Marketing and Development shall be responsible for ascertaining that the milk is agitated for not less than five minutes and should periodically check the tank timer to determine whether it may be used as a guide; and
4. After milk has been agitated for at least five minutes with agitator running and before the outlet is open, take a universal sample. The sample shall be taken with a properly cleaned and sanitized stainless-steel dipper that is first dipped two or three times into the milk. This sample shall be at least one ounce (30 cubic centimeters). If composite samples are taken, on every day pickup, a 10 cubic centimeter dipper of milk shall be added to the composite sample. On every other day pickup, a 20 cubic centimeter sample shall be added to the composite at each pickup.
When taking bacteria samples, special care shall be taken to prevent contamination of sample containers and/or equipment. The sampler’s clothes and hands must be clean and dry when sampling. Sterile sample containers and sampling equipment shall be kept protected. After milk has been agitated for taking butterfat samples, remove at least a 10 cubic centimeter portion with a properly sterilized device into the sterile sample container. This container shall be immediately placed in an insulated, properly iced, or refrigerated case ensuring that the water level is no higher than the milk in the sample container.

2:50-3.3 Maintenance of milk samples

(a) Each bulk tank truck used for farm pickup must be equipped with a sanitary compartment to hold the insulated sample case. This compartment must have a lock or the sample case itself must have a lock.

(b) The butterfat sample case must be kept locked at all times, unless under the direct supervision of the certified sampler.

(c) The insulated case shall have a rack which holds the sample container upright, and when bottles are used, a cover that rests on the sample bottle stoppers.

(d) The bottle stoppers shall be of the hooded plug type or of a type which gives equivalent protection from moisture entering the bottle.

(e) Each sample case shall contain one bottle filled with water for use in temperature checks.

(f) The temperature of butterfat samples shall be maintained at between 33 and 55 degrees Fahrenheit.

(g) The temperature of the bacteriological samples should be maintained at between 32 and 40 degrees Fahrenheit.

2:50-3.4 Additional methods for the determination of butterfat of milk or cream

The Secretary shall approve the use of the automated light scattering method as set forth in “Official Methods of Analysis of the Association of Official Analytical Chemist,” the 17th edition, 2000, Section 33.2.31, incorporated herein by reference, as amended and supplemented.

SUBCHAPTER 4. PREMIUMS AND OTHER PAYMENTS TO PRODUCERS

2:50-4.1 Definitions

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

“Department” means the New Jersey Department of Agriculture.

“Director” shall mean the Director of the Division of Marketing and Development for the New Jersey Department of Agriculture.

“Licensee” means any New Jersey processor required to be licensed pursuant to N.J.S.A. 4:12-2 and 4:12A-28.

“New Jersey processor” means any person, firm, partnership, association, or corporation who cans, freezes, dries, or otherwise preserves or processes, handles, hauls, carries, transports, or distributes New Jersey-produced milk and who is licensed pursuant to N.J.S.A. 4:12-2.

“New Jersey-produced milk” means milk produced by a New Jersey producer.

“New Jersey producer” means any person or entity meeting the definition of producer at N.J.S.A. 4:12-1.

2:50-4.2 Payments for a fuel adjustment add-on

(a) All licensees shall pay to a New Jersey producer a fuel adjustment add-on for all New Jersey produced milk, which shall be calculated monthly by the Director in accordance with (b) below. The new fuel adjustment add-on for Class I milk will be officially announced on the Department’s website at www.state.nj.us/agriculture on the 14th of the month for the preceding month.

(b) The fuel adjustment add-on shall be calculated as follows:

1. The total volume of New Jersey milk purchased for the preceding month;
2. The total amount paid to New Jersey producers pursuant to N.J.A.C. 2:50-4.2;
3. Calculate the premium by adding three cents for each 10 cents the fuel price increases over the base price or subtracting three cents for each 10 cents the fuel price decreases. To do this, take the difference between the preceding month’s price and the base price and divide by 10. Round to the nearest whole number and multiply by three; and
4. Adjust the premium calculation to reflect the existing average Class I utilization, which shall be calculated monthly. The actual average Class I utilization calculation will be announced on the Department’s website at www.state.nj.us/agriculture on the 14th of the month for the preceding month.

(c) An example calculation of how the fuel adjustment add-on will be calculated for February 2007, is as follows:

1. Begin with the December 2006 diesel price of $2.72 per gallon, which is the last full month prior to calculation;
2. Subtract the preceding month’s diesel price from the base diesel price, as follows:
   $2.72 (December diesel price) - $1.403 (base diesel price) = $1.317;
3. Divide the price difference by 10 cent intervals and round to the nearest whole number, as follows:
   $1.317/10 cent intervals = 13.17 intervals (rounded to 13);
4. Multiply the number of intervals by three cents to arrive at the fuel adjustment add-on, as follows:
   13 x $0.03 per interval = $0.39;
5. Adjust the fuel adjustment add-on to reflect the current month’s Class I utilization for New Jersey, as follows:
   $0.39 x 0.76 (sample average Class I utilization) = $0.2964 (rounded to $0.30).

(d) This premium shall be payable directly to the New Jersey producer by the licensee in the final payment to the New Jersey producer in accordance with the final payment requirements at 7 CFR 1001.73.

(e) Adjustments shall be made for those licensees who overpay or underpay based on Class utilization in accordance with this subchapter. This premium will be in addition to and shall not replace any premiums paid to the New Jersey producer or those acting on behalf of the producer as of October 1, 2006.

(f) It shall be a violation of this subchapter for any licensee to change its premium program or divert milk to a different location for the purposes of circumventing this section or reducing the amount payable to a New Jersey producer pursuant to this section.

(g) The impact of the fuel adjustment add-on shall be reassessed by the Department beginning August 1, 2007.

2:50-4.3 Adjustment of the fuel adjustment add-on for Class I utilization

(a) The 10th day of each month, all licensees or their designees shall report, on forms provided by the Department for such purposes, the following information:
   1. The total volume of New Jersey milk purchased for the preceding month;
   2. The total amount paid to New Jersey producers pursuant to N.J.A.C. 2:50-4.2;
3. The percent of Class I utilization of the plant for the preceding month; and
4. Such other information as the Director may deem necessary for the proper calculation of the amount of the fuel adjustment add-on required to be paid by a licensee.
(b) The Department will calculate the amount of fuel adjustment add-on required to be paid by the licensee based on its Class I utilization of all New Jersey-produced milk received, in accordance with the following:
1. The volume of milk actually used as Class I utilization milk will be multiplied by the fuel adjustment add-on required to be paid on Class I utilization milk; and
2. The figure derived at (b)1 above will be subtracted from the amount of the fuel adjustment add-on actually paid to producers.
(c) If the licensee has underpaid, it will be required to pay the difference to the Department, or its designee. If the amount the licensee paid was an overpayment, it will receive a reimbursement from the Department, or its designee, for the amount overpaid.
(d) The Department, or its designee, must receive reimbursements from licensees who have underpaid based on the prior month’s calculations no later than the 15th of each month. Licensees who have overpaid will receive reimbursements from the Department, or its designee, by the 20th of each month.

2:50-4.4 Reporting and requests for assistance
(a) All licensees must report on forms provided by the Department for such purposes, the following information by March 1, 2007, regarding their existing premium programs for New Jersey producers:
1. A list of all premiums paid to New Jersey producers under current premium programs in effect as of October 1, 2006;
2. A description of the purpose for each premium listed;
3. A description of how each premium is calculated to arrive at the amount payable to a New Jersey producer;
4. A description of any changes made to each premium program, if any, since October 1, 2006, and the reason for such change; and
5. Such other information as may be required by the Director in the administration and enforcement of N.J.A.C. 2:50-4.2 and 4.3.
(b) All licensees shall report any changes to their premium programs for New Jersey producers on forms provided by the Department for such purposes, at least 15 days prior to the effective date of the proposed change and shall set forth the basis for the proposed change.
(c) Any New Jersey producer who believes that a licensee has changed its premium program or has diverted milk to another location for the purposes of circumventing N.J.A.C. 2:50-4.2 or reducing the amount payable to a New Jersey producer pursuant to N.J.A.C. 2:50-4.2 may submit a request for assistance to the Department, on forms supplied by the Department for such purposes. The Department shall investigate such complaint, in accordance with N.J.S.A. 4:12-14 and 4:12-15.

2:50-4.5 Penalties
(a) When the Department receives evidence that any licensee has changed its premium program or diverted milk to another location for the purposes of circumventing N.J.A.C. 2:50-4.2, or reducing the amount payable to a New Jersey producer pursuant to N.J.A.C. 2:50-4.2, the Director shall hold a hearing pursuant to N.J.S.A. 4:12A-35.
(b) Any licensee who has been found to have changed its premium program or diverted milk to another location for the purposes of circumventing N.J.A.C. 2:50-4.2, or reducing the amount payable to a New Jersey producer pursuant to N.J.A.C. 2:50-4.2, in violation of any of the provisions of N.J.S.A. 4:12A-35, the licensee shall be subject to the following penalties:
1. First offense: suspension of the license required pursuant to N.J.S.A. 4:12A-28, until such time as the licensee fully corrects the violation as determined by the Director.
2. Each subsequent offense: suspension of the license required pursuant to N.J.S.A. 4:12A-28, until such time as the licensee fully corrects the violation, as determined by the Director, except that after the second violation of any of the provisions at N.J.S.A. 4:12A-35 by the same licensee within a three-year period, the Director shall permanently revoke the license required pursuant to N.J.S.A. 4:12A-28.
(c) The Director shall make the initial determination as to whether to suspend or revoke a license pursuant to N.J.S.A. 4:12A-35, as provided at (b)2 above.
(d) Any licensee who is aggrieved by the determination of the Director pursuant to this section shall, upon written request, transmitted to the Department within 20 days of the decision to suspend or revoke the license, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 5. CONFIDENTIALITY
2:50-5.1 Confidentiality
The New Jersey Department of Agriculture will hold confidential any information obtained pursuant to this chapter, which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under 7 CFR 205.501 and 205.504 or the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., subject to the limitations set forth therein.

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code
Proposed: April 18, 2022, at 54 N.J.R. 677(a).
Adopted: August 1, 2022, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.
Filed: August 12, 2022, as R.2022 d.111, with non-substantial changes not requiring additional public notice and comment
Effective Date: September 6, 2022.
Expiration Date: February 9, 2029.

Summary of Public Comments and Agency Responses
Comments were received from the American Chemistry Council; Rico Fisher, Barnegat Township; International Code Council (ICC); Mitchell Malec, a retired former employee of the Department of Community Affairs (Department); New Jersey Realtors; David T. Phelan, Manahawkin; Richard A. Solits, Jr., Hamilton Township; and Scott Williamson, Hillsborough Township.

General Comments
1. COMMENT: The International Code Council (ICC) expressed support for the adoption of the 2021 International Building Code (IBC), International Residential Code (IRC), International Energy Conservation Code (IECC), International Mechanical Code (IMC), and International Fuel Gas Code (IFGC). The ICC also thanked Lieutenant Governor Sheila Y. Oliver, Commissioner; Director Edward Smith; Assistant Director Kevin Luckie; and Robert Austin for their time and effort in reviewing and updating these codes and ensuring the State continues to be a nationally recognized leader in guaranteeing the highest building safety standards for all residents.
RESPONSE: The Department thanks the ICC for their continued support in adopting the latest editions of the national model codes.
2. COMMENT: One commenter felt that there should be no amendments to the body of any of the national model codes. The commenter stated that the codes are developed through consensus meetings made up of parties that enforce the codes on a daily basis and noted that the updates often ensure that special interest groups cannot insert their particular agendas into the body of the codes. The commenter also stated that there have been several instances where New Jersey-specific issues have been incorporated into the national model codes.