

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Special Hearing Rules Board of Public Utilities

Readoption with Amendment: N.J.A.C. 1:14

Proposed: December 16, 2013, at 45 N.J.R. 2523(a).

Adopted: March 31, 2014, by Laura Sanders, Acting Director, Office of Administrative Law.

Filed: May 20, 2014, as R.2014 d.104, **without change**.

Authority: N.J.S.A. 52:14F-5.e, f, and g.

Effective Date: May 20, 2014, Readoption;
June 16, 2014, Amendment.

Expiration Date: May 20, 2021.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the contested case hearing procedures, of which the rules readopted with amendment are a part, are promulgated in implementation of the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq., and are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 1:14.

Full text of the adopted amendment follows:

1:14-14.4 Interlocutory review

(a) (No change.)

(b) If the BPU determines to conduct an interlocutory review, the BPU shall issue a decision, order, or other disposition of the review no later than the next scheduled Board meeting on or after the 20th day following that determination.

(c) (No change.)

AGRICULTURE

(b)

DIVISION OF ANIMAL HEALTH

Avian Influenza

Readoption with Amendments: N.J.A.C. 2:9

Proposed: January 21, 2014, at 46 N.J.R. 155(a).

Adopted: April 23, 2014, by the State Board of Agriculture and Douglas Fisher, Secretary, Department of Agriculture.

Filed: May 15, 2014, as R.2014 d.101, **without change**.

Authority: N.J.S.A. 4:1-11, 4:1-21.2, 4:1-21.5, 4:5-1 et seq., and 4:5-94 et seq.

Effective Dates: May 15, 2014, Readoption;
June 16, 2014, Amendments.

Expiration Date: May 15, 2021.

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 State agencies that adopt, readopt, or amend State regulations

that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. In an effort to provide a minimum national standard for the prevention and control of low pathogenicity avian influenza, the United States Department of Agriculture (USDA) promulgated general guidelines entitled "Prevention and Control of H5 and H7 Low Pathogenicity Avian Influenza in the Live Bird Marketing System, Uniform Standards for a State-Federal-Industry Cooperative Program" (Uniform Standards), effective October 20, 2004 (APHIS 91-55-076). A copy of this publication can be obtained by contacting FOIA Officer, Tonya Woods, FOIA Director, Legislative and Public Affairs, Freedom of Information Act, 4700 River Road, Unit 50, Riverdale, MD 20737, (301) 851-4102 (telephone), (301) 734-5941 (fax), e-mail: foia.officer@aphis.usda.gov. The rules readopted with amendments impose standards that are substantially the same as, but do not exceed, those suggested by the USDA in the Uniform Standards. A Federal standards analysis is not required because there are no Federal requirements or standards on this issue. Rather, the Uniform Standards are guidelines intended to assist states in meeting their goals for prevention and control of avian influenza in the live bird marketing system.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 2:9.

Full text of the adopted amendments follows:

SUBCHAPTER 1. INDEMNIFICATION AND DISPOSAL

2:9-1.1 Indemnities

(a) (No change.)

(b) Indemnity shall be paid for any bird destroyed pursuant to an order of the Department, subject to availability of funds. Appraisal value for all birds will be determined by either Animal and Plant Health Inspection Service (APHIS)-developed valuation lists or by APHIS' Appraisal-Indemnity-Compensation Specialist (AICS).

(c)-(d) (No change.)

2:9-1.2 Disposal costs

(a) The disposal costs of any birds destroyed pursuant to a directive of or by the Department shall be paid, subject to the availability of funds, as follows:

1. Should the owner undertake to dispose of the birds pursuant to the directives of the Department, the owner shall submit the disposal bill to the Department. If the Department finds the bill reasonable, the Department shall reimburse the bill, or such costs as the Department deems reasonable.

(b) (No change.)

SUBCHAPTER 2. GENERAL PROVISIONS

2:9-2.1 Definitions

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

... "Assistant District Director" means the Animal and Plant Health Inspection Service (APHIS) veterinarian who is assigned by the Administrator of the APHIS to supervise and perform official duties of APHIS in a specified state or states. Information as to the name and address of the Regional Director for the state or states concerned can be obtained by writing to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road, Unit 84, Riverdale, MD 20737-1234.

"Certificate of Veterinary Inspection" means an official document, which includes:

1. (No change.)

2. A statement made by the examining veterinarian that includes the date, a statement of negative avian influenza status, and lab accession number(s) of qualifying tests;