

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF MARKETING AND DEVELOPMENT

Notice of Readoption

Commercial Feeding Stuffs

Readoption with Technical Changes: N.J.A.C. 2:68

Authority: N.J.S.A. 4:1-11.1 and 4:4-20.10.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Dates: April 25, 2023, Readoption;
June 5, 2023, Technical Changes.

New Expiration Date: April 25, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:68 were scheduled to expire on September 28, 2023.

The readoption of N.J.A.C. 2:68 is necessary to continue to protect farmers and consumers by determining manufacturers' compliance with the guaranteed content of animal feed and to reduce the amount of misbranded and deficient products offered for sale, thereby, ensuring the quality of feed and protecting animal growth. The Department of Agriculture ("Department" or "NJDA") utilizes the standards set forth in the most updated edition of the Official Publication of the Association of American Feed Control Officials, Inc. (AAFCO). The AAFCO standards are recognized by the industry as the most comprehensive and current available. They are accepted throughout most of the United States. In addition to the regulation of feed terms, N.J.A.C. 2:68 also utilizes the official pet food regulations, the statement of uniform interpretation and policy, and lists of new animal drugs, certifiable antibiotics, and associated warning statements, the permitted analytical variations, and the pet food protocols and affidavits as published in the most updated edition of the Official Publication of the AAFCO. N.J.A.C. 2:68 also utilizes the official methods of analysis for feed and pet foods as published in the most updated edition of the Association of Official Analytical Chemists (AOAC), or in accordance with other official methods.

When N.J.A.C. 2:68 was last readopted in 2016, it referenced the 2015 edition of the Official Publication of the AAFCO, as amended and supplemented. Presently, the latest amended and supplemented edition of the Official Publication is the 2023 edition. As technical changes, this readoption changes references to the 2015 edition of the Official Publication, as amended and supplemented, to the 2023 edition of the Official Publication, as amended and supplemented.

Similarly, when N.J.A.C. 2:68 was last readopted, it referenced the 18th edition (2015) of the official methods of analysis published by AOAC, as amended and supplemented. Presently, the latest amended and supplemented edition of the official methods of analysis published by AOAC is the 21st edition (2019). As a technical change, the readoption of 2:68 changes references to the 18th edition (2015) of the official methods of analysis published by AOAC, as amended and supplemented, to the 21st edition (2019) of official methods of analysis published by AOAC, as amended and supplemented.

This readoption of N.J.A.C. 2:68 continues the Department's use of the most updated standards adopted by AAFCO and the most updated methods of analysis adopted by AOAC, through the incorporation by reference of ongoing revisions as adopted by AAFCO and AOAC.

Copies of the AAFCO publication and the AOAC publication are on file at the NJDA (NJDA), and each is available from the organization that publishes the document. Technical changes have been made to the contact information for the NJDA, AAFCO, and AOAC at N.J.A.C. 2:68.

The Department has reviewed these rules and has determined that the rules should be readopted with technical changes. The 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.c(1), these rules are readopted 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. ASSOCIATION STANDARDS

2:68-1.1 General rules and regulations

(a) The Department of Agriculture adopts and incorporates by reference the general rules and regulations set forth in the [2015] **2023** edition of the [official publication] **Official Publication** of the Association of American Feed Control Officials, Inc., as amended and supplemented.

1.-12. (No change.)

2:68-1.2 Uniform interpretation and policy

The Department of Agriculture adopts and incorporates by reference the uniform interpretation and policy as set forth in the [2015] **2023** edition of the [official publication] **Official Publication** of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.3 Glossary; official feed terms

The Department of Agriculture adopts and incorporates by reference the glossary of official feed terms as set forth in the [2015] **2023** edition of the Official Publication of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.4 Medicated feeds

The Department of Agriculture adopts and incorporates by reference the standards for medicated feeds as set forth in the [2015] **2023** edition of the [official publication] **Official Publication** of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.5 Definitions of feed ingredients

The Department of Agriculture adopts and incorporates by reference the definitions of feed ingredients as set forth in the [2015] **2023** edition of the [official publication] **Official Publication** of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.6 Sampling and analysis

Sampling and analysis shall be conducted in accordance with methods published in the [18th] **21st** edition [(2015)] **(2019)** of the official methods of analysis of the Association of Official Analytical Chemists, which is incorporated herein by reference, as amended and supplemented, or in accordance with other recognized official methods.

2:68-1.7 Other rules and regulations

In addition to the definitions of feed ingredients and feed terms previously adopted, the Department of Agriculture adopts and incorporates by reference the official pet food regulations, the statement of uniform interpretation and policy, and lists of new animal drugs, certifiable antibiotics, and warning statements associated therewith, the permitted analytical variations and the pet food protocols and affidavits as contained in the [2015] **2023** edition of the [official publication] **Official Publication** of the Association of American Feed Control Officials, Inc., as amended and supplemented.

2:68-1.8 Obtaining copies of rules incorporated by reference

(a) A copy of [the 2015 edition of] the [official publication] **Official Publication** of the American Feed Control Officials is on file in the Director's Office, Division of Marketing and Development, New Jersey Department of Agriculture, [Health & Agriculture Building, John Fitch Plaza] **200 Riverview Plaza**, Trenton, New Jersey 08625. Copies may be procured by writing to [Jennifer Roland,] AAFCO, 1800 South Oak Street, Suite 100, Champaign, IL 61820, or by ordering [on line] **online** at www.aaeco.org.

(b) A copy of [the 18th edition of] the official methods of the Association of Official Analytical Chemists (AOAC) is on file in the State Chemists Office, NJPHEAL, 3 Schwarzkopf Drive, Ewing, New Jersey 08628. Copies may be procured by contacting AOAC [Customer Service]

at [(301) 924-7077 Ext. 170] (800) 379-2622, or by ordering online at www.aoac.org.

(a)

DIVISION OF MARKETING AND DEVELOPMENT

Notice of Readoption

Commercial Fertilizers and Soil Conditioners

Readoption: N.J.A.C. 2:69

Authority: N.J.S.A. 4:9-15.26 and 15.33.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: April 25, 2023.

New Expiration Date: April 25, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 2:69 were scheduled to expire on January 26, 2024.

The readoption of N.J.A.C. 2:69 protects farmers and consumers by determining the manufacturer's compliance with the guaranteed content of commercial fertilizers and soil conditioners; reduces the amount of misbranded and deficient products offered for sale, and thereby insures the quality and quantity of fertilizers and soil conditioners and promoting crop yield. Chapter 69 contains one subchapter that sets labeling and distribution standards, establishes the general methodology for sampling and laboratory analyses that help to promote uniformity in State fertilizer standards with respect to inspection techniques and adequate labeling, and provides a procedure by which the State Board of Agriculture annually determines the commercial values of primary plant nutrients.

The Department of Agriculture has reviewed these 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.c(1), these rules are readopted and shall continue in effect for a seven-year period.

(b)

DIVISION OF AGRICULTURAL AND NATURAL RESOURCES

Notice of Readoption

Aquaculture Development

Readoption with Technical Changes: N.J.A.C. 2:89

Authority: N.J.S.A. 4:27-1 et seq.

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Dates: April 25, 2023, Readoption;
June 5, 2023, Technical Changes.

New Expiration Date: April 25, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:89 were scheduled to expire on October 26, 2023.

The rules establish an Aquatic Organism Health Management Plan designed to protect public and private aquaculturists and wild aquatic populations from the importation of non-endemic disease-causing organisms, and assist in facilitating the exportation and importation of aquatic species into and out of the State. It includes disease reporting and quarantine requirements as set forth at N.J.S.A. 4:5-1 et seq. These rules continue the established aquaculture policy framework that begun in 2004, to continue to foster the orderly development of aquaculture. This framework consists of an Aquatic Farmer License issued upon completion and approval of the Application for Aquatic Farmer License and acquisition of any additional permits that may be required by the New Jersey Department of Environmental Protection (NJDEP) or any other agency.

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. 2:89-1.1(c) and 6.2 to correct statutory citation errors, and at N.J.A.C. 2:89-1.2, 2.4, and 5.1 to update agency or organization and publication names, to update a weblink, and to update certain contact details. The 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.c(1), these rules are readopted with technical changes and shall continue in effect for a seven-year period.

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

SUBCHAPTER 1. GENERAL PROVISIONS

2:89-1.1 Purpose and scope

(a)-(b) (No change.)

(c) Pursuant to 7 U.S.C. § [2204(g)] **2204g**, licensed aquatic farmers are required to provide annual production information for the census of agriculture.

2:89-1.2 Definitions

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

...

["NJDHSS"] "**NJDOH**" means the New Jersey Department of Health [and Senior Services].

...

SUBCHAPTER 2. AQUATIC FARMER LICENSE

2:89-2.4 Aquaculture application

(a) The application set forth [in] **at** Appendix A shall include the information set forth [in] **at** (a)1 through 4 below. The application set forth [in] **at** Appendix B shall include the information set forth [in] **at** (a)1 and 2 below.

1.-3. (No change.)

4. Relevant permits: A list of all currently held and additional permits that are required by the NJDEP, [NJDHSS] **NJDOH**, or other appropriate agency. A preliminary assessment of required permits is provided in the application included at Appendix A.

SUBCHAPTER 5. AQUATIC ORGANISM HEALTH MANAGEMENT

2:89-5.1 Notice or existence of disease of concern

(a) Any veterinarian or other person (including, but not limited to, any auctioneer, broker[s], dealer, aquaculturist, extension agent, etc.) who shall gain knowledge of the existence or suspected existence of a reportable disease of finfish, mollusks, or crustaceans within the State, which is subject to an emergency declaration by USDA-APHIS or which is identified by the [Office des International Epizooties (OIE)] **World Organization for Animal Health (WOAH)**, in the "[International] Aquatic Animal Health Code," which is adopted as amended and supplemented and incorporated herein by reference, must notify the Department without delay, but not more than 48 hours after gaining such knowledge.

1. [These standards may be obtained by contacting SMPF, Inc., 100 East 42nd Street, Suite 1510, New York, NY 10017. In addition, a] **A** copy of this publication is available online at [www.oie.int/eng/normes/fcode/Asummry.htm] <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/aquatic-code-online-access/>.

2. (No change.)

SUBCHAPTER 6. IMPORT OF AQUATIC ORGANISMS FOR THE PURPOSE OF AQUACULTURE

2:89-6.2 Release of finfish

Nothing in this chapter shall permit the release of domestically raised finfish into the waters of the State other than in private, closed ponds with no inlet from nor outlet to waters of the State without prior written