CHAPTER 2

DISEASE CONTROL PROGRAM

Authority

N.J.S.A. 4:5-4.

Source and Effective Date

Effective: March 22, 2017.
See: 49 N.J.R. 739(b).

Chapter Expiration Date

Chapter 2, Disease Control Program, expires on March 22, 2024.

Chapter Historical Note

Chapter 2, Disease Control Program, was filed and became effective prior to September 1, 1969.

Subchapter 3, Tuberculosis Control and Eradication, was adopted as R.1971 d.214, effective November 29, 1971. See: 3 N.J.R. 198(a), 4 N.J.R. 2(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Brucellosis Control and Eradication, was readopted as R.1983 d.411, effective September 7, 1983. See: 15 N.J.R. 1203(a), 15 N.J.R. 1647(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Reportable Diseases, was readopted as R.1983 d.448, effective September 29, 1983. See: 15 N.J.R. 1202(a), 15 N.J.R. 1753(a).

Pursuant to Executive Order No. 66(1978), Subchapter 3, Tuberculosis Control and Eradication, was readopted as R.1983 d.449, effective September 29, 1983. See: 15 N.J.R. 1203(b), 15 N.J.R. 1753(b).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Swine Disease Control, was readopted as R.1983 d.450, effective September 29, 1983. See: 15 N.J.R. 1204(a), 15 N.J.R. 1753(c).

Subchapter 10, Tests and Improvement Plans, was repealed by 1983 d.451, effective October 17, 1983. See: 15 N.J.R. 1204(b), 15 N.J.R. 1753(d).

Pursuant to Executive Order No. 66(1978), Subchapter 9, Fees, expired on June 11, 1984.

Pursuant to Executive Order No. 66(1978), Chapter 2, Brucellosis Control and Eradication, expired on October 18, 1988.

Subchapter 2, Brucellosis Control and Eradication, was adopted as new rules, Subchapter 5, Sheep Disease Control, was repealed and Subchapter 5, Bovine Leucosis Program, was adopted as new rules, and Subchapter 6, Nutria, was repealed and Subchapter 6, Swine Pseudorabies Virus, was adopted as new rules by R.1989 d.30, effective January 17, 1989. See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

Pursuant to Executive Order No. 66(1978), Chapter 2, Disease Control Program, expired on January 17, 1994.

Chapter 2, Disease Control Program, was adopted as new rules by R.1994 d.108, effective March 7, 1994. See: 25 N.J.R. 5387(b), 26 N.J.R. 1223(b). Pursuant to Executive Order No. 66(1978), Chapter 2 expired on March 7, 1999.

Chapter 2, Disease Control Program, was adopted as new rules by R.1999 d.183, effective June 7, 1999. See: 31 N.J.R. 571(a), 31 N.J.R. 1477(a).

Chapter 2, Disease Control Program, was readopted as R.2004 d.454, effective November 10, 2004. See: 36 N.J.R. 3324(a), 36 N.J.R. 5335(a).

Chapter 2, Disease Control Program, was readopted as R.2010 d.073, effective April 23, 2010. See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 2, Disease Control Program, was scheduled to expire on April 23, 2017. See: 43 N.J.R. 1203(a).

Chapter 2, Disease Control Program, was readopted, effective March 22, 2017. See: Source and Effective Date.

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SUBCHAPTER 1. REPORTABLE DISEASES

2:2-1.1 Enumeration of diseases and agents contagious, infectious or hazardous to the health of livestock, poultry, aquaculture or animals raised for fur

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

"Aquaculture" means the propagation, rearing and subsequent harvesting of aquatic organisms in controlled or selected environment, and their subsequent processing, packaging and marketing, and shall include, but need not be limited to, activities to intervene in the rearing process to increase production such as stocking, feeding, transplanting and providing for protection from predators.

"Aquatic organism" means an animal or plant of any species or hybrid thereof and includes gametes, seeds, eggs, sperm, larvae, juvenile and adult stages any of which is required to be in water during that stage of its life. This definition does not include birds and mammals.

"Aquatic species" means any species of fish, mollusk, crustacean, other aquatic invertebrate, amphibian, reptile or aquatic plant, but is not limited to fish and fishes.

"Cattle" includes cattle, calves, bison, buffalo and other domesticated Bovinae.

"Foreign animal disease (FAD)" is defined as an important transmissible livestock or poultry disease believed to be absent from the United States and its territories that has a potential significant health or economic impact.

"Hog Cholera" means Classical Swine Fever.

"Horses" includes horses, ponies, donkeys and mules and miniature breeds.

"Livestock" means cattle, horses, swine, small ruminants, rabbits and poultry.

"Office of International des Epizooties (OIE)" is an intergovernmental organization created by the International Agreement of January 25, 1924, signed by 28 countries, to ensure transparency in the global animal disease situation, to collect, analyze and disseminate veterinary scientific information, to provide expertise and encourage international solidarity in the control of animal diseases, within its mandate under the World Trade Organization SPS (Sanitary/PhytoSanitary) Agreement, to safeguard world trade by publishing health standards for international trade in animals, and animal products, and to improve the legal framework and resources of national veterinary services.

"Poultry" includes chickens, roosters, capons, hens, ducks, geese, turkeys, pigeon and guinea fowl (N.J.S.A. 4:5-94) and ratites (N.J.S.A. 4:2-17).

"Rabbits" include all rabbit breeds used or intended for food or fiber.

"Select agents (S. agent)" are biological agents and toxins that have the potential to pose a severe threat to public health and safety.

"Small ruminants" include sheep, goats, llama, alpaca, and farm-raised cervidae.

"Swine" include domestic and exotic porcine breeds.

"USDA-APHIS" means the United States Department of Agriculture-Animal and Plant Health Inspection Service which is responsible for protecting and promoting United States agricultural health, protecting America's animal and plant resources from agricultural pests and diseases, threats to our food supply, administering the Animal Welfare Act, and carrying out wildlife damage management activities.

"USDA HCLD" means United States Department of Agriculture list of High Consequence Livestock Diseases which

include agents or toxins deemed a severe threat to animal or plant health or products.

(b) The following diseases and agents are designated as a particular and dangerous menace to the animal health of the State. The chart below identifies categories of diseases and identifies the source location for these diseases. Diseases may be included on several or none of these lists. Those diseases not included on any list remain significant to animal health in the State of New Jersey and are therefore included in the chart.

Multiple Species Diseases	FAD	S. Agent	OIE	USDA HCLD
Aflatoxin				
African Animal Trypanosomiasis	x		x	
Aujesky's disease (Psuedorabies)			x	
Bluetongue/Epizootic Hemorrhagic Dz	x		x	x
Botulism		x		
Burkholderia (pseudomallei, mallei)		x		x
Campylobacteriosis			x	
Coccidiomycosis		x		
Echinococcus/hyatidosis			x	
Foot and Mouth disease	x		x	x
Foreign Pests and Vectors of Arthropod-borne disease	x	x		
Hantavirus				
Heartwater	x		x	x
Leptospirosis			x	
Lumpy skin disease	x		x	x
New and Old World Screwworm	x		x	
Nipah Virus	x	x		x
Orthopox virus (Monkey Pox, Camel Pox)	x	x		x
Paratuberculosis			x	
Plague (Yersinia pestis)		x		
Q fever (Coxiella brunetti)		x	x	
Rabies			x	x
Ricin		x		
Rift Valley Fever	x	x	x	x
Salmonellosis			x	
Tuberculosis			x	x
Tularemia (Francisella tularensis)		x		
Vesicular stomatitis	x		x	x
Viral Hemorrhagic diseases		x		
Hemorrhagic Septicaemia	x		x	
Toxin (Shigatoxin (STEC e.coli), Staphylococcal enterotoxins, T-2 toxin)		x		x

Diseases infectious to livestock	FAD	S. Agent	OIE	USDA HCLD
Akabane	x			x
African Horse Fever	x			x
African Swine Fever	x		x	x
Anaplasmosis			x	
Anthrax		x	x	
Bovine Ephemeral Fever	x			
Brucellosis	x	x	x	
Cattle tick fever (Babesiosis)			x	
Caprine Arthritis Encephalisis (CAE)			x	
Classical Swine Fever	x		x	x
Contagious Agalactia of Sheep and Goats	x		x	
Contagious Bovine Plueropneumonia	x		x	
Contagious equine metritis (CEM)	x		x	
Contagious Caprine Plueroneumonia	x		x	

Cysticercosis			x	
Dourine	x		x	
East Coast Fever	x			
Epizootic Lymphangitis	x		x	
Equine Morbillivirus Pneumonia	x			
Equine Piroplasmosis			x	
Equine infectious anemia (EIA)			x	
Equine rhinopneumonitis (EHV-1, EHV-4)			x	
Equine viral encephalitis		x	x	
Erysipelas in swine			x	
Glanders	x		x	
Hendra Virus	x	x		x
Louping III	x			
Maedi-Visna			x	
Malignant Catarrhal Fever	x		x	x
Meliodiosis				
Menangle Virus				x
Mycoplasma (Capricolum/M.F38/mycoides mycoides, mycoides capri				x
Mucosal disease complex				
Nairobi Sheep Disease	x		x	
Parafilariasis in cattle	x			
Porcine reproductive and respiratory syndrome (PRRS)			x	
Peste Des Petits Ruminants	x		x	x
Rabies			x	
Rinderpest	x		x	x
Sheep and Goat Pox	x		x	
Swine Vesicular Diseases	x		x	
Transmissable spongiform encephalopathies (TSEs)	x		x	x
Trichinellosis			x	
Trichomonosis			x	
Tuberculosis (Mycobacterium avium, Mycobacterium bovis, and Mycrobacterium tuberculosis)			x	
Vesicular exanthema	x			

Diseases infectious to poultry	FAD	S. Agent	OIE	USDA HCLD
Asian tapeworm (Bothriocephalus acheilognathi)				
Avian infection bronchitis			x	
Avian infectious laryngotracheitis			x	
Avian influenza	x		x	x
Avian mycoplasmosis			x	
Exotic New Castle Disease (VVND)	x		x	x
Duck virus enteritis	x		x	
Erysipelas in poultry				
Fowl cholera			x	
Fowl typhoid (Salmonella gallinarum)			x	
Paracolon infestation				
Paratyphoid infection (Salmonella paratyphi)				
Psittacosis (ornithosis, chlamydiosis)			x	
Pullorum (Salmonella pullorum)			x	
Salmonella enteriditis				

Diseases infectious to aquaculture	FAD	S. Agent	OIE	USDA HCLD
Bacterial kidney disease (Renibacterium salmonarium)			x	
Baculovirus pennaci and other Baculovirus species				
Channel catfish virus				
Disseminated neoplasia blue mussel				
Enteric Redmouth (Yersinia ruckeri)				
Enteric septicemia of catfish (Edwardsiella tarda, Icctalari)			x	
Epizootic hematopoietic necrosis			x	
Furunculosis (Aeromonas salmonicida)				
Infectious hematopoietic necrosis			x	
Infectious pancreatic necrosis virus				
Juvenile oyster disease				
Koi herpes virus				
Non-endemic Protozoan and Metazoan parasites of finfish				
Onchorychus masou virus disease				
Perkinsus chesapeaki				
Pleistophora ovariae in baitfish				
Streptococcus iniae and other streptococcus species of finfish				
Spring Viremia of carp				
Taura virus			x	
Viral encephalopathy and retinopathy				
Whirling disease (Myxobolus cerebralis)				
White spot disease virus			x	
Yellowhead disease			x	
Proliferative kidney disease				
Viral hemorraghic septicemia			x	x

(c) In addition to the diseases listed in (b) above, all other foreign animal diseases and emerging diseases that pose a threat to the health of livestock, poultry, aquaculture, or animals raised for fur in the State as designated by USDA APHIS Title 9 CFR, CDC, OIE or USDA APHIS emergency declarations must also be reported.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Repealed (a)1viii-viii, xii-xv, xx and recodified accordingly; added new xv. In (a)2, repealed i-ii and added new i; repealed ix and added new viii; recodified accordingly.
Amended by R.2005 d.288, effective September 6, 2005.
See: 37 N.J.R. 1271(a), 37 N.J.R. 3281(a).
Rewrote the rule heading, added new (a), recodified former (a) as (b) and rewrote subsection, and added (c).
Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Section was "Enumeration of diseases and agents contagious, infectious, or hazardous to the health of livestock, poultry, aquaculture, or animals raised for fur". In definition "Cattle" in (a), substituted "Bovinae" for "Bovidae"; in (a), added definition "Hog Cholera"; and in (b), inserted entry "Rabies" in the Multiple Species Diseases table.

2:2-1.2 Provision for Statement of Imminent Peril

Whenever a disease outbreak occurs in New Jersey or in neighboring states that has all the symptoms of being severely devastating by contagious or infectious properties, the Secretary of Agriculture may immediately issue a Statement of Imminent Peril and take necessary steps to prevent spread of the disease to New Jersey livestock and poultry.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

2:2-1.3 Provision for epidemic of emergent proportion

Whenever a disease outbreak occurs in New Jersey that appears severely devastating and contagious, the Secretary of Agriculture may declare an epidemic of emergent proportion exists and take whatever steps may be necessary to prevent its spread even before the causative agent may be identified.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

2:2-1.4 Indemnification

The Division of Animal Health shall have the authority to destroy or order sent to slaughter any animals it deems necessary to prevent the spread of the diseases that threaten the viability of the industry. For each animal slaughtered to prevent the spread of disease, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition, if funds are available shall be paid an indemnity not to exceed the market value of the animal, if funds for such indemnity are provided.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

2:2-1.5 Notice of existence of dangerous diseases

Any veterinarian or other person (including but not limited to any auctioneer, broker, dealer, licensed swine farmer, racing commission official, extension agent, etc.) who shall gain knowledge of the existence or suspected existence of such diseases, as set forth in N.J.A.C. 2:2-1.1, within the State shall notify the Department of Agriculture without delay, and in any case within 48 hours.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added text "including but not . . . extension agent, etc."

SUBCHAPTER 2. BRUCELLOSIS CONTROL AND ERADICATION

2:2-2.1 Scope

This subchapter concerns vaccination, testing, quarantine, disposition of reactors, and indemnification of brucellosis reactors. All rules apply to bovine animals. Milk-producing goats and swine are exempt from the requirements for official vaccination, but all other rules must be met. Except as otherwise indicated, swine are subject to all rules in this subchapter.

Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
Swine included within scope.
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substantially amended.

2:2-2.2 Official calfhood Brucella vaccination

Only USDA approved Brucella vaccine shall be used for official calfhood Brucella vaccination. Such dosage shall be administered in conformity with the uniform methods and rules of the bovine brucellosis eradication program as published by the United States Department of Agriculture APHIS-91-1.

Amended by R.1981 d.173, effective June 4, 1981.
See: 13 N.J.R. 114(b), 13 N.J.R. 318(a).
Deleted injection requirement of five cubic centimeters of vaccine per animal, and added "such dosage ... APHIS-91-1."
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Deleted "Brucella abortus vaccine and substituted "USDA approved Brucella vaccine".

2:2-2.3 Vaccination of female bovine animals

(a) Female bovine animals will be considered to be officially calfhood Brucella vaccinated only when all of the requirements below are met:

1. Approved Brucella abortus vaccine shall be properly injected before the expiration date of the vaccine;

2. The calves shall be four through eight months of age or from 120 to 365 days when vaccinated;

3. The vaccinated calves shall be identified by an ear tag or tattoo and marked as officially calfhood Brucella vaccinated animals by a special tattoo as prescribed by the New Jersey Department of Agriculture; and

4. A vaccination report shall be submitted within 15 days of vaccination to the New Jersey Department of Agriculture on forms provided by it.

(b) The New Jersey Department of Agriculture is not responsible for an unfavorable effect that might be attributed to or resulting from the vaccination.

(c) The New Jersey Department of Agriculture shall provide vaccine to accredited private veterinary practitioners to conduct official calfhood Brucella vaccination, provided all laws, regulations, and policies are complied with and reports are submitted within the prescribed period.

R.1971 d.105, effective July 2, 1971.
See: 3 N.J.R. 146(c); 3 N.J.R. 98(a).
Amended by R.1975 d.233, effective August 1, 1975.
See: 7 N.J.R. 290(a), 7 N.J.R. 399(a).
Amended by R.1981 d.288, effective August 6, 1981.
See: 13 N.J.R. 256(a), 13 N.J.R. 471(a).
(a)2: "four" was "two"; "eight" was "six"; "120 to 239" was "60 to 180".
Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(a), 14 N.J.R. 833(a).
New (a) added; old (a) redesignated as (b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substantially amended.
Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Deleted former (a); recodified (b) through (d) as (a) through (c); in the introductory paragraph of (a), substituted a colon for a period at the end; in (a)1 and (a)2, substituted a semicolon for a period at the end; in (a)2, substituted "365" for "239"; and in (a)3, inserted a comma following "tattoo" and substituted "; and" for a period at the end.

2:2-2.4 Conformity of brucellosis tests with Federal methods

The official brucellosis tests shall be conducted in conformity with the uniform methods and rules of the bovine brucellosis eradication program as published by the United States Department of Agriculture APHIS-91-1, as revised. Copies are filed with and may be received by writing to: Director, Division of Animal Health, N.J. Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, PO Box 330, Trenton, New Jersey 08625-0330.

Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1980 d.237, effective June 2, 1980.
See: 12 N.J.R. 247(a), 12 N.J.R. 377(c).
Amended by R.1980 d.422, effective September 30, 1980.
See: 12 N.J.R. 377(a), 12 N.J.R. 627(b).
"Eradication" was "eradicate". July 1977 revision date deleted for present "as revised".

2:2-2.5 Tests conducted by the New Jersey Department of Agriculture

(a) Official tests for brucellosis shall be conducted only by the New Jersey Department of Agriculture or other officially authorized personnel under the Department's supervision.

(b) No brucellosis test shall be conducted without written permission of the New Jersey Department of Agriculture.

Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:2-2.6 Department or accredited veterinarians to draw blood samples

Blood samples for official brucellosis tests shall be drawn by New Jersey Department of Agriculture personnel or by accredited veterinarians under its supervision.

Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
(a): Department of Agriculture "veterinarians" changed to "personnel".
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substantially amended.

2:2-2.7 Herd owner responsibilities: employing private veterinarian

(a) The owner or custodian of any herd shall stable all animals eligible for test and shall provide proper restraint for the collection of blood samples by the veterinarian.

(b) If the owner refuses to permit an authorized veterinarian to draw blood samples for an official brucellosis test, he or she may employ an accredited private veterinary practitioner to draw the blood samples within a specified time. This testing shall be accomplished at no cost to the State of New Jersey.

Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Recodified from 2.8.

2:2-2.8 Identification of animals

(a) Each animal shall be identified by an official ear tag or breed registration tattoo.

(b) Under unusual circumstances, the New Jersey Department of Agriculture may grant permission to identify animals by other means.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (a), inserted "an official" and "breed registration".

2:2-2.9 Times established for brucellosis tests

(a) The New Jersey Department of Agriculture may subject any herds to a blood test for brucellosis whenever it is deemed necessary.

(b) Officially vaccinated dairy heifers under 20 months of age and heifers of the beef breeds under 24 months except those that are parturient, springers or post-parturient need not be routinely tested.

(c) All dairy herds producing milk for sale shall be brucellosis ring tested at a minimum, every six months.

(d) All MCI test eligible cattle as defined in the USDA, APHIS-91-1 are to be back tagged when presented to any auction market. The Department shall supply the necessary tags and glue. Auction markets shall be responsible for correlation in their market records of back tag numbers with their market method of identifying individual cattle. Back tags may be applied at locations other than auction markets when the Department deems its advisable.

(e) Market swine for slaughter: All breeding swine, sows, and boars over six months of age shall be individually identified as to herd of origin before mixing with other swine. Such identification shall be by either slap tattoo, official ear tags or other approved identification. The auction market shall be responsible for correlation in their market records of tattoos, individual ear tags or other approved identification with their market method of identification. The market shall be responsible for recording the farm or herd of origin of all swine so identified and shall be responsible for maintenance of these records.

(f) Swine herds: The complete herd test shall include all breeding swine over six months of age. All swine being held for slaughter purposes are exempt from herd test requirements and shall be maintained separate and apart from breeding swine. All swine tested shall be identified with an official ear tag, tattoo, or other permanent identification, as permitted by the New Jersey Department of Agriculture.

R.1973 d.273, effective September 20, 1973.
See: 5 N.J.R. 254(b), 5 N.J.R. 327(c).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
(e) and (f) added.
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Amended (d) and (e).
Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (c), inserted "at a minimum" and substituted "six" for "three".

2:2-2.10 Blood tests on suspicious reaction

All herds of cattle with suspicious reaction to the brucellosis ring test of the milk shall be subjected to immediate blood tests for brucellosis.

2:2-2.11 Quarantine on disclosure of brucellosis reactor

Any herd in which a brucellosis reactor or reactors are disclosed shall be quarantined. Any brucellosis suspect shall be quarantined until epidemiology or further testing determines the status of the individual animal.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added text "Any brucellosis suspect . . .".

2:2–2.12 Conditions for quarantine release

(a) For other than cattle and swine, a herd quarantined for brucellosis shall remain under quarantine until the following conditions have been met, at which time a written release from quarantine shall be issued.

1. The reactor or reactors have been sent to slaughter.

2. The barn or barns and stable area have been thoroughly cleaned and disinfected.

3. The herd has passed at least three consecutive negative tests. The first test shall not be conducted less than 30 days after the reactor or reactors are removed for slaughter. The second test shall not be conducted less than 30 days after the first negative test. The third retest shall be conducted not less than 60 days after the second negative test.

4. The New Jersey Department of Agriculture is satisfied that the aforementioned conditions have been met and that the infection no longer exists.

(b) Cattle or swine herds quarantined for brucellosis are to remain under quarantine until conditions are as stated in the Brucellosis Eradication Recommended Uniform Methods and Rules, USDA, APHIS–91–1. These rules can be obtained from the Division of Animal Health, PO Box 330, Trenton, New Jersey 08625–0330.

Amended by R.1972 d.251, effective December 12, 1972.
See: 4 N.J.R. 258(a), 5 N.J.R. 3(d).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
(a): "For other than cattle and swine" added.
(b) added.
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Moved footnote to (b).

2:2–2.13 Tagging, segregation and slaughter of brucellosis reactors

(a) All cattle, goats and swine positive to an official brucellosis test shall not again be presented for test, but shall be immediately identified as set forth in the recommended rules and regulations in USDA, APHIS–91–1 (see N.J.A.C. 2:2–2.12(b)).

(b) All cattle, goats and swine positive to an official brucellosis test shall be moved to slaughter within 15 days under a permit issued by the Department of Agriculture.

(c) Such reactors shall be moved only to livestock auction markets or to slaughtering establishments approved by the New Jersey Department of Agriculture.

Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
(a) and (b): swine included.
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Changed cross reference from 2.13 to 2.12.

2:2–2.14 Brucellosis reactor eligible for indemnification

(a) To be eligible for indemnity, a brucellosis reactor must meet all the requirements of this subchapter, including the following conditions:

1. Have previously been tested in New Jersey without positive reaction; have been born in New Jersey and was not previously old enough to be subjected to a brucellosis test; or have been officially calfhood brucella vaccinated and was not previously old enough to be subjected to a brucellosis test.

2. If moved into New Jersey from another state or country, have been moved in accordance with applicable laws and regulations, and have passed an official test in New Jersey.

3. Never was brucella vaccinated at 12 months of age or older.

4. Have been slaughtered within 15 days of appraisal. Under unusual circumstances, this period may be extended to 30 days.

5. The barn or barns and stable area have been properly cleaned and disinfected within 15 days from the time the reactors were removed. Under unusual circumstances, this period may be extended to 30 days.

6. Have on file with the New Jersey Department of Agriculture an acceptable official report concerning salvage and post-mortem inspection of the animal, and cleaning and disinfection of the premises.

7. If reactors are eligible for indemnity, they shall be moved to an auction market for sale, or three bids in writing must be obtained, and the animals must be sold to the highest bidder.

8. All female cattle are to have been officially calfhood brucella vaccinated and bear proof of such vaccination. The following items shall constitute proof of vaccination.

i. An official vaccination tattoo;

ii. An official ear tag;

iii. An official vaccination certificate; or

iv. An official interstate health certificate.

(b) For each bovine animal slaughtered to prevent the spread of brucellosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto, shall, subject to the provisions of N.J.S.A. 4:5–93.32, be paid an indemnity not to exceed $1,000 for a purebred animal and $750.00 for a grade animal. Nonregistered or

grade bulls or animals considered by the Department to be of no breeding value shall be appraised at slaughter prices. In the case of registered animals, the owner shall furnish the certificate of registration to the Department. The indemnity paid by the Federal government plus the indemnity of the State plus the salvage, if any, shall not exceed the appraised value of the animal. The cost of disposal of animals destroyed because of brucellosis shall be borne by the owner.

(c) For each porcine animal slaughtered to prevent the spread of brucellosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto shall be paid an indemnity not to exceed 100 percent of the appraised value of the animal. The maximum indemnity shall be $50.00 for registered, inbred, or hybrid breeding swine and $25.00 for all other breeding swine. Registration papers must be presented on all claims for registered swine.

As amended by R.1973 d.64, effective March 8, 1973.
See: 5 N.J.R. 102(b).
As amended by R.1978 d.302, effective September 1, 1978.
See: 10 N.J.R. 314(a), 10 N.J.R. 415(a).
As amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
As amended by R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
(a)3: "nine" months changed to "12"; (a)8 added.
(c) added.
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substantially amended.

2:2–2.15 Market cattle and goats to go to immediate slaughter

All cattle not born in New Jersey and exceeding 500 pounds in weight and all goats delivered to any regularly established auction market shall be consigned for immediate slaughter purposes only. The buyer will keep the above mentioned animals isolated from all other farm stock and will slaughter or present for slaughter at a recognized slaughter establishment within 15 days of the purchase date.

R.1981 d.40, effective February 4, 1981.
See: 13 N.J.R. 5(a), 13 N.J.R. 115(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added "not born in New Jersey and"; substituted "500" for "200".

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, with the cooperation and supervision of the New Jersey Department of Agriculture (see N.J.A.C. 2:2–2.12(b)).

R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

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, Trenton, New Jersey 08625–0330.

R.1982 d.237, effective August 2, 1982.
See: 14 N.J.R. 487(b), 14 N.J.R. 833(a).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added "or a certificate of Veterinary Inspection".

2:2–2.18 Brucellosis testing for intrastate movement

(a) All test eligible cattle moving between herds intrastate must be negative to an official test for brucellosis within 30 days prior to movement. Exempt from testing are:

1. Cattle originating from certified brucellosis-free herds;

2. Official calfhood vaccinates under 18 months of age; and

3. Steers and spayed heifers.

R.1982 d.360, effective October 18, 1982.
See: 14 N.J.R. 865(a), 14 N.J.R. 1154(a).

SUBCHAPTER 3. TUBERCULOSIS CONTROL AND ERADICATION

2:2–3.1 Scope of subchapter, statutory authorization

The program for control and eradication of bovine tuberculosis is largely delineated by law, N.J.S.A. 4:5–1 et seq. This subchapter supplements the provisions of the law and are established under authority there provided.

2:2–3.2 Official tuberculin test

(a) The official tuberculin test shall be the intradermal injection method.

(b) Other methods may be used when authorized by the New Jersey Department of Agriculture.

2:2–3.3 Times established for tuberculin tests

(a) Cattle shall be required to undergo tuberculin testing whenever the Secretary of Agriculture has determined, by traceback or other epidemiological studies, that testing is necessary to delineate the health status of the herd.

(b) Testing shall be performed according to procedures under 9 C.F.R. § 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
Trenton, New Jersey 08625–0330

Amended by R.1973 d.274, effective September 20, 1973.
See: 5 N.J.R. 255(a), 5 N.J.R. 327(d).
Amended by R.1984 d.222, effective June 18, 1984.
See: 16 N.J.R. 782(a), 16 N.J.R. 1469(a).
"three" years changed to "five" years.
Repealed and New Rule, R.1990 d.201, effective April 2, 1990.
See: 22 N.J.R. 3333(a), 22 N.J.R. 1116(a).

2:2–3.4 Quarantine of herd during tests

(a) At the time herds are being subject to test, they shall be placed in quarantine until the tests are completed and the results made known.

(b) Herds in which reaction occurs shall remain in quarantine until released by the Secretary of Agriculture.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substituted "occurs" for "occur".

2:2–3.5 Fees to private veterinarians

The New Jersey Department of Agriculture shall be authorized to engage private veterinary practitioners to tuberculin test animals which cannot be tested by its regularly employed staff.

Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Deleted old text and substituted new.

2:2–3.6 Indemnification

(a) For each bovine animal slaughtered to prevent the spread of tuberculosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto, shall, subject to the provisions of N.J.S.A. 4:5–27, be paid an indemnity not to exceed $1,000 for a purebred animal and $750.00 for a grade animal.

(b) The indemnity paid by the Federal government plus the indemnity of the State plus the salvage, if any, shall not exceed the value of the animal. The cost of disposal of animals destroyed because of tuberculosis shall be borne by the owner.

R.1973 d.65, effective March 8, 1973.
See: 5 N.J.R. 102(c).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Deleted text "of the appraised value of".

SUBCHAPTER 4. SWINE DISEASE CONTROL

2:2–4.1 USDA Swine Health Protection Act adopted, supplemented

(a) The New Jersey Department of Agriculture adopts the rules and regulations of the Swine Health Protection Act, Title 9 CFR 166.1–166.15 APHIS, USDA as the official rules and regulations of the New Jersey Program.

(b) In addition, the State Board of Agriculture promulgates the rules found in this subchapter.

New Rule, R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Repealed old rule "Subchapter to implement State statutes".

2:2–4.2 Compliance with statute and rules for license issuance

Licenses shall be issued to any persons who comply with all provisions of the statute and all provisions of this subchapter.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substituted "this subchapter" for "rules and regulations".

2:2–4.3 Minimum floor space

The minimum floor space shall be five square feet per animal for hogs up to 100 pounds, 7½ square feet per animal for hogs from 100 to 150 pounds, and nine square feet per animal for hogs over 150 pounds.

2:2–4.4 Drainage of buildings

(a) Shelters and feeding areas shall be constructed to provide for satisfactory drainage.

(b) There shall be no pools of stagnant water within these areas.

2:2–4.5 Facilities for out-of-State animal shipments

(a) There shall be reasonable facilities for holding out-of-State shipments separate for a period of 30 days.

(b) These facilities shall be adequately cleaned and disinfected before the introduction of new animals.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Changed 10 to 30.

2:2–4.6 Water supply

(a) There shall be a sufficient supply of water for cleaning.

(b) There shall be a sufficient supply of clean water available for all swine to drink at all times.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

Added (b).

2:2–4.7 Garbage truck specifications

Garbage trucks or containers shall be leak-proof and covered.

2:2–4.8 Equipment for certain operations

When the operation feeds a ton or less of garbage a day, there must be enough equipment to heat treat all the garbage at one time.

2:2–4.9 Size and construction of vats, containers and covers

(a) Vats or containers shall be large enough to insure that contents will not boil over during heat treatment.

(b) Covers shall be made of solid material, shall be tight, and shall be so constructed that water of condensation will return to the garbage rather than escape.

2:2–4.10 Thermometers

Each licensee must have at least one functioning thermometer, capable of registering to at least 212 degrees Fahrenheit, and suitable for measuring the temperature of garbage being heat treated.

2:2–4.11 Period for accomplishing heat treatment of garbage

Heat treatment of all garbage shall be accomplished within 48 hours of receipt of that garbage on the premises and must be fed or otherwise disposed of within 72 hours of cooking. Exception to this requirement may be made by the Secretary of Agriculture on the recommendation of the inspector.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Original 4.11 Heat treated garbage defined was repealed.

2:2–4.12 Holding areas/containers for untreated garbage

Untreated garbage shall be stored in covered, leakproof containers until treated. The covers shall be constructed so as to prohibit rodents, other wild animals, birds, and any escaped swine from access to the garbage or any drainage associated.

New Rule, R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

2:2–4.13 Fuel supply

An adequate supply fuel shall be maintained at all times.

2:2–4.14 Facility for temperature determination and inspection

A suitable facility adjacent to the truck, vat or container, shall be provided to facilitate the safe determination of the temperature and the inspection of the garbage being heat treated.

2:2–4.15 Garbage spillage

No garbage shall spill or boil over during heat treating.

2:2–4.16 Garbage feeding on ground

Garbage shall not be fed on the ground.

2:2–4.17 Trash on premises; storage; removal

The premises shall be kept free of bones, cans, paper, glass and other trash and these shall be stored in containers until removed from premises.

2:2–4.18 Feeding platforms

Feeding platforms shall be cleaned before each feeding.

2:2–4.19 Solid waste disposal

(a) Solid wastes, such as residual garbage and manure removed from pens, feeding platforms and buildings, shall be disposed of by any method that is in compliance with State and local ordinances and/or Agricultural Management Practices.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substantially amended.

2:2–4.20 Liquid wastes

Liquid wastes, including wash water and urine, shall not pollute receiving waters nor become a nuisance or health hazard.

2:2–4.21 Dead animal removal

Dead animals shall be removed immediately and held in covered rat proof containers until final disposition in accordance with local ordinances.

Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added text "in accordance with local ordinances".

2:2–4.22 Rodent and insect control

Each operation shall maintain an adequate program of rodent and insect control.

2:2–4.23 (Reserved)

2:2–4.24 (Reserved)

As amended, R.1970 d.89, eff. July 31, 1970.
See: 2 N.J.R. 53(a), 2 N.J.R. 69(a).
As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:2-4.25 Premises concentrating swine for public sales construed as livestock market

Any farm or premises where swine are concentrated for public sale shall be considered a livestock market under this subchapter, except where only the swine raised on the premises are offered for sale.

2:2-4.26 Quarantine of premises suspected of hog cholera infection

(a) Premises suspected of infection with hog cholera shall be quarantined until determination is made by the cooperating agencies that the disease is or is not present.

(b) Once official confirmation of hog cholera exists, such premises shall remain under quarantine until program agents are satisfied that exposure no longer exists.

2:2-4.27 Notice of hog cholera illness

(a) Swine owners shall promptly report to their accredited veterinarians or to an agent of the New Jersey Department of Agriculture any illness in their herd suggestive of hog cholera.

(b) The accredited veterinarian shall promptly notify an agent of the Division of Animal Health of the State Department of Agriculture or the office of Veterinary Services, United States Department of Agriculture.

As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).

2:2-4.28 Removal of swine dead of hog cholera; construction of trucks

(a) Swine dead of hog cholera shall be removed under official supervision from a quarantined premises in trucks constructed of, or lined with, impervious material and which do not permit the escape of any liquid and are covered in such a way that the contents shall not be openly exposed to insects.

(b) Such removal shall be to a rendering plant whose processes include rendering temperatures sufficient to destroy the virus of hog cholera.

(c) Carcasses of swine dead of hog cholera may be disposed of by methods approved by the New Jersey Department of Agriculture in accordance with applicable local, State and Federal law and accepted science under official supervision of an agent of the Department in lieu of rendering.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Rewrote (c).

2:2-4.29 Cleaning and disinfecting trucks

Trucks hauling market hogs to slaughter from quarantined premises shall be cleaned and disinfected at the unloading point or at a designated return point under official supervision.

2:2-4.30 Investigation of suspected hog cholera; access to premises

Agents of the New Jersey Department of Agriculture and the United States Department of Agriculture, Animal Health Division, shall be permitted access to any swine farm at any time for the purpose of investigating suspected hog cholera.

2:2-4.31 Indemnity for swine destroyed by hog cholera

(a) Once official confirmation has been had of hog cholera in a herd of swine, the following measures shall apply, as long as funds are available:

1. All infected and exposed swine on the premises alive at the time initial notification of the disease was made to the official cooperating agencies shall be appraised under the following rules:

i. The schedule as set forth below shall apply in respect to appraisal of swine for meat, feeding, or breeding, but in no instance shall the appraisal exceed the actual value of the animal. The basis for appraisal will be established by averaging the quotations from three of the major quality feeder and slaughter swine markets in the United States. Swine may be appraised in groups provided they are of the same type or of the same value per pound. Swine shall be appraised at their actual value for meat, feeding or breeding purposes except that in the case of grade animals only females shall be eligible for appraisal based on breeding values and that no such appraisal shall exceed three times the animal's meat or feeding value. Swine presented for appraisal as purebreds shall be accompanied by their certificate of pure breeding.

ii. Expenses for the care and feeding of swine held for destruction and the expense of destruction, burial, incineration and/or transportation and other expenses incidental to their slaughter will be the responsibility of the owner of the swine.

iii. Any indemnity claim for swine destroyed shall contain owner certification that the swine were, or were not, covered by a mortgage. If the owner states that there is a mortgage, forms furnished by the cooperating agencies shall be signed by the owner and by each person holding a mortgage on the swine consenting to the payment of any indemnity allowed to the person specified thereon.

iv. The New Jersey Department of Agriculture agrees to pay the owner of swine destroyed for hog cholera not to exceed 50 percent of the difference between the appraised value of each swine so destroyed and the net salvage received by the owner thereof. State indemnity shall not exceed $100.00 per head for

purebred, inbred or hybrid swine and for breeding swine, or $50.00 for all other swine and in no case shall State indemnity exceed 50 percent of the difference between the appraised value of each swine so destroyed and the net salvage, if any, received by the owner.

v. No indemnity will be paid until the premises and associated vehicles are cleaned and disinfected in a manner approved by the cooperating agencies.

vi. Following disclosure of hog cholera infection on a premises, prompt depopulation of all swine, indemnity payments by the cooperating agencies and premises disinfection, restocking of such premises with swine will be permitted provided owners and/or operators of such a swine farm follow recommendations of the cooperating agencies for the prevention of hog cholera. Failure to follow such agencies shall render owners and/or operators ineligible for indemnity should hog cholera reinfection occur on such premises.

vii. Any swine owner who has willfully violated any rules of the Department will be ineligible for indemnity.

viii. Feeder swine moving intra-State must be ear tagged by the owner with tags supplied by the Department and recorded in triplicate on an owner's certificate, one copy of which must accompany the swine to destination, one copy to be forwarded to the Division of Animal Health, and one copy to be retained by the owner.

As amended, R.1970 d.89, eff. July 31, 1970.
See: 2 N.J.R. 53(a), 2 N.J.R. 69(a).
As amended, R.1972 d.191, eff. September 27, 1972.
See: 4 N.J.R. 178(a), 4 N.J.R. 260(a).
As amended, R.1973 d.305, eff. October 25, 1973.
See: 5 N.J.R. 326(b), 5 N.J.R. 363(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Incorporated v with iv and recodified vi-ix as v-viii.
Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In the introductory paragraph of (a), inserted a comma following "apply"; and in (a)1vii, deleted ", that would result in the herd," following "Department".

2:2-4.32 Swine consigned to livestock markets

(a) Swine offered for sale at livestock markets for other than immediate slaughter shall be individually identified by ear tag, tattoo or other approved individual identification, and shall be so recorded on the market records as to farm of origin.

(b) Swine for immediate slaughter shall also be identified either by slap tattoo, individual ear tag or other approved individual identification and recorded in the market records as to the farm of origin.

As amended, R.1972 d.131, effective July 1, 1972.
See: 4 N.J.R. 114(b), 4 N.J.R. 180(a).
As amended, R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Substituted "form of" for "form or" and added text "or other approved individual identification".

2:2-4.33 Quarantine of swine after sale

The swine shall be held in quarantine on the farm of the buyer for 30 days.

Amended by R.1972 d.131, effective July 1, 1972.
See: 4 N.J.R. 114(b), 4 N.J.R. 180(a).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:2-4.34 Disinfecting following sale of swine

Following the sale of swine, the pens, runways and the sales ring shall be cleaned and disinfected with an approved disinfectant.

2:2-4.35 Indemnity of infected swine in sale market

No indemnity shall be paid on swine found to be infected with hog cholera while in an approved sale market in the eradication area.

Amended by R.1971 d.45, effective March 26, 1971.
See: 3 N.J.R. 34(a), 3 N.J.R. 55(c).

2:2-4.36 Authority of Secretary of Agriculture or his or her agents

The Secretary of Agriculture or his or her authorized agent shall have the authority to enter any premises on which swine are kept, and have the power to have appraisal and order the disposal of any and all swine that have been exposed to hog cholera.

R.1972 d.242, effective December 1, 1972.
See: 5 N.J.R. 3(a).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Repealed (b).

2:2-4.37 Swine pseudorabies vaccination

(a) No person shall vaccinate swine for pseudorabies unless a permit has been issued by the Department. Permits may be granted only to veterinarians licensed in the State.

(b) No person or firm shall sell, distribute or give away any pseudorabies vaccine unless they have received permission from the Department.

(c) All premises at which garbage has been fed to swine in violation of this subchapter shall be quarantined for a minimum of 30 days during which time no garbage cooked or uncooked may be fed. The 30-day period commences after cleanup and disinfection is approved by Department personnel. The quarantine may be released by testing negative of all or a statistically significant amount of swine for hog cholera and African swine fever or observation and examination of all swine by veterinarians of the Department or USDA and found

to be disease free. The selection of the release method shall be at the discretion of the State veterinarian.

(d) All waste feeding swine farms or suspected waste feeding swine farms shall be inspected regularly to assure compliance with garbage feeding rules.

(e) A licensee shall notify an inspector or veterinarian immediately upon detection of illness or death not normally associated with the licensee's operation in animal species on the licensee's premises.

R.1977 d.367, effective September 30, 1977.
See: 9 N.J.R. 402(a), 9 N.J.R. 502(b).
Amended by R.1989 d.30, effective January 17, 1989.
See: 20 N.J.R. 2419(a), 21 N.J.R. 154(a).
Added new (c)-(e).

SUBCHAPTER 5. BOVINE LEUCOSIS PROGRAM

2:2-5.1 Scope and authority

The Division of Animal Health shall make rules and conduct a voluntary program leading to the eradication of the bovine leucosis virus from individual herds and may designate the animals in those herds as New Jersey Bovine Leucosis Free.

2:2-5.2 Definitions

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

"Bovine leucosis" means a disease of cattle caused by the bovine leukemia virus which is of economic significance.

"Infected animal" means an animal examined by the recognized testing method and found to be infected with the bovine leucosis virus.

"Official test" means the test recognized by the United States Department of Agriculture.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In definition "Official test", substituted the second occurrence of "test" for "bovine leukemia agar gel immunodiffusion procedure".

2:2-5.3 Procedures

(a) To be eligible for the bovine leucosis program, the following requirements shall be met:

1. All animals in a herd shall be included in an initial test.

2. Owners shall actively implement a culling program of animals found to be infected.

3. Owners shall practice those husbandry methods which reduce the spread of infection.

4. Owners will conduct retests according to a schedule to be cooperatively developed between the owner and the Division of Animal Health based upon the findings. Failure to follow the agreed upon schedule will exclude the herd from the official program.

5. Herds that have had at least one completely negative free herd test, and any additional testing that is required if they comply with (a)3 and 4 above, shall be designated "Leucosis Free" for a period of one year.

6. A "Leucosis Free" status shall be maintained by retesting all cattle over seven months between 340 and 390 days after the date of achieving "Leucosis Free Status". The results of such retesting must be negative for all cattle in the herd to be identified as Leucosis Free for another year.

2:2-5.4 Costs and fees

(a) Cattle owners will enter into a Memorandum of Agreement with the Division of Animal Health containing the following:

1. All costs shall be borne by the owner.

2. The owner agrees to comply with the rules of the program, but is free to withdraw at any time.

3. Accredited veterinarians will sample and identify animals and counsel owners.

4. The Division of Animal Health will provide information to accredited veterinarians, laboratory services, and interpretive and planning assistance.

5. The Division of Animal Health will provide information regarding the disease and program to the owners.

(b) The Division of Animal Health fee schedule for diagnostic laboratory services appears in N.J.A.C. 2:10-1.2(d).

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Rewrote (b).

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 9 C.F.R. §§ 85.1-85.13 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, Trenton, NJ 08625-0330.

SUBCHAPTER 7. POULTRY DISEASE CONTROL

2:2-7.1 National Plan adopted, supplemented

(a) The State Board of Agriculture adopts the rules and regulations of the National Poultry Improvement Plan of the United States Department of Agriculture as the official rules and regulations of the New Jersey Program.

(b) In addition, the State Board of Agriculture promulgates the rules and regulations found in the following sections of this chapter.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (a), deleted "and Turkey" following "Poultry" and substituted "Plan" for "Plans".

2:2-7.2 General regulations

(a) All poultry hatcheries and flocks within New Jersey must qualify as National Plan hatcheries. All hatcheries and flocks shipping to New Jersey must qualify as United States pullorum-typhoid clean; or they must meet equivalent requirements for pullorum-typhoid control under official supervision.

(b) All poultry, except water fowl, shown in public exhibitions in New Jersey must originate from United States pullorum-typhoid clean or equivalent flocks, or have a negative pullorum-typhoid test within 90 days of the movement to the public exhibition.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Deleted former (b); and recodified (c) as (b).

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

(a) All breeding birds to be tested shall be selected and banded at the discretion of a veterinarian or inspector of the New Jersey Department of Agriculture or by qualified testing agents under Department supervision.

(b) The pullorum-typhoid test shall be done by representatives of the New Jersey Department of Agriculture or qualified testing agents under Department supervision.

(c) Testing agents shall take a minimum biannual one-day course of training as prescribed by the New Jersey Department of Agriculture and shall pass a written examination on National Poultry Improvement Plan (NPIP) rules and sanitation and a practical test to prove their ability to select and test birds for pullorum-typhoid diseases before being certified. A minimal registration fee of $10.00 will be charged for this training, and will include a vial of pullorum-typhoid antigen.

(d) Testing agents will be charged at cost plus a reasonable administrative fee not to exceed $10.00 for a vial of pullorum-typhoid antigen. Additional shipping charges may apply.

(e) Applications for certification of participating flocks shall be made in writing, sufficiently in advance to permit the early scheduling of work by the Department of Agriculture.

(f) Certification or recertification will be denied pursuant to provisions of NPIP or violation of these rules.

(g) Certification of participating flocks by the Department will be subject to a reasonable charge based upon travel, time and cost of testing materials.

(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.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (a), substituted "at the discretion of" for the first occurrence of "by"; in (c), inserted "biannual" and rewrote the last sentence; added new (d) and (g); recodified former (d) and (e) as (e) and (f) and former (f) as (h); in (e), inserted "or participating flocks"; and rewrote (h).

2:2-7.4 Reporting and quarantine provisions

(a) Pullorum-typhoid diseases are reportable diseases under N.J.A.C. 2:2-1.1 and must be reported by any veterinarian or other person to the New Jersey Department of Agriculture.

(b) Upon receipt of a report of pullorum-typhoid, the Division of Animal Health shall direct the immediate investigation by an authorized representative to determine the origin and avenue of transmission of the infection.

(c) The flocks or hatching eggs deemed to be infected with pullorum-typhoid shall be quarantined. Quarantined flocks or any portion thereof shall not be removed from the premises where the infection was detected or disposed of except in accordance with the written permission of the Department of Agriculture.

SUBCHAPTER 8. RECORDS OF CATTLE, SHEEP AND SWINE DEALERS

2:2-8.1 Official livestock recordkeeping system

(a) Each license holder will use an official livestock record book or alternative recordkeeping system that includes, with respect to the livestock in the transaction; the official identification, breed, color, sex, name and address of premises from which the livestock was moved; date of movement and name and address of premises to which the livestock was then consigned or sold; and the date of the transaction.

(b) All livestock record books or alternative livestock records shall be provided to the New Jersey Department of Agriculture upon demand or request.

(c) License holders will be expected to use reasonable care and diligence to preserve and protect the livestock record book or alternative recordkeeping system.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
Section was "Official livestock record book". Rewrote the section.

2:2-8.2 Content of record

The record shall include:

(a) All ear tag numbers; identification tattoo numbers excepting vaccination tattoos, registration numbers of purebreds carried by the animal at time of purchase or exchange and at the time of sale or slaughter;

(b) The name and address of the person from whom purchased or if purchased at a commission sale the name and address of the dealer;

(c) The name of the person to whom sold or exchanged;

(d) The date the animal was purchased and date the animal was sold;

(e) The breed and sex of each animal purchased.

2:2-8.3 When records are to be made

(a) When any livestock is purchased or exchanged, the required information relating to such transaction shall be recorded immediately upon completion of the transaction.

(b) When the animal is sold, the required information relating to the sale or exchange shall be recorded immediately upon completion of that transaction.

2:2-8.4 Manner of keeping records

(a) The records required by this subchapter shall be recorded and kept in a livestock record book except that upon request of a license holder the Secretary of Agriculture may authorize the license holder to use another type of record book, ledger or alternative recordkeeping system provided that the other type of record book, ledger or alternative recordkeeping system will permit the recording of information relating to livestock transactions required by N.J.A.C. 2:2-8.1(a), in a manner that will, in the opinion of the Secretary of Agriculture, accomplish the purposes and objectives of N.J.A.C. 2:2-8.1(a).

(b) He must be willing to make such record available upon request for inspection by any authorized representatives of the Department or of the Animal Health Division of the United States Government.

(c) Information relative to a livestock transaction, which is entered in a livestock record book or alternative recordkeeping system shall be accurate and legible in each detail and it shall not be altered, obliterated, defaced or erased.

(d) If, after information relative to a livestock transaction has been entered in a record book or alternative livestock recordkeeping system, it is found that the information so recorded is in some part in error, the correct information relative to that particular transaction shall be reentered in the next available space without altering or changing the original entry, except to note that the record is corrected by a later entry or as noted in (d)1 below.

1. Errors can be corrected with a strike-out and initials.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (a) and (c), inserted "or alternative recordkeeping system" throughout; in (a), deleted "New Jersey Department of Agriculture" preceding the first occurrence of "livestock", substituted a comma for "or" following the second and third occurrences of "book", inserted "required by N.J.A.C. 2:2-8.1(a),", and the second occurrence of "of Agriculture" and substituted the second occurrence of "N.J.A.C. 2:2-8.1(a)" for "these regulations"; in (c), inserted a comma following "transaction"; in the introductory paragraph of (d), deleted "cattle" preceding the first occurrence of "record", inserted "or alternative livestock recordkeeping system", inserted a comma following "original entry", inserted "or as noted in (d)1 below", and deleted "in the record book" following "space"; and added (d)1.

2:2-8.5 Preservation of records; surrender

(a) The records of livestock sales and purchases required by this subchapter shall be kept and retained in possession of the license holder for a period of 10 years.

(b) Failure to renew the license annually shall require the return of such record books to the New Jersey Department of Agriculture. The same requirement shall also apply to those persons whose license has been suspended or revoked.

(c) New Jersey Department of Agriculture livestock record books shall be delivered into the possession of any agent of the New Jersey Department of Agriculture or of the United States Department of Agriculture immediately upon request of such agent.

Amended by R.2010 d.073, effective May 17, 2010.
See: 41 N.J.R. 4349(a), 42 N.J.R. 925(a).
In (a), substituted "for a period of 10 years" for "only during such period as he holds the required license".

2:2-8.6 Effective date of subchapter

These rules and regulations shall take effect July 1, 1966.