

**CHAPTER 20
QUARANTINES**

Authority

N.J.S.A. 4:1-21.2, 4:1-21.5, 4:1-21.6, 4:6-20 and 4:7-1 et seq.

Source and Effective Date

R.2006 d.6, effective November 29, 2005.
See: 37 N.J.R. 3099(a), 38 N.J.R. 124(a).

Chapter Expiration Date

Chapter 20, Quarantines, expires on November 29, 2010.

Chapter Historical Note

Chapter 20, Quarantines, was adopted and became effective prior to September 1, 1969 with Subchapter 1, Gypsy Moth; Subchapter 2, Gooseberries and Currants; and Subchapter 3, Red Pine Scale.

Subchapter 1, Gypsy Moth, was repealed by R.1971 d.28, effective March 4, 1971. See: 3 N.J.R. 18(a), 3 N.J.R. 55(a).

Subchapter 4, *Subcoccinella Viginliqualuorpunctata*, was adopted as R.1974 d.153, effective June 19, 1974. See: 6 N.J.R. 254(b).

Subchapter 2, Gooseberries and Currants, and Subchapter 4, *Subcoccinella Viginliqualuorpunctata*, were repealed by R.1978 d.402, effective November 21, 1978. See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

Subchapter 2, White Pine Blister Rust, was adopted as new rules by R.1990 d.495, effective October 1, 1990. See: 22 N.J.R. 2070(a), 22 N.J.R. 3146(b).

Pursuant to Executive Order No. 66(1978), Chapter 20, Quarantines, was readopted as R.1995 d.523, effective August 25, 1995, and Subchapter 3, Red Pine Scale, was repealed by R.1995 d.523, effective September 18, 1995. See: 27 N.J.R. 2511(a), 27 N.J.R. 3599(b).

Subchapter 1, Golden Nematode, was recodified from N.J.A.C. 2:17-2 by R.1997 d.212, effective May 19, 1997. Subchapter 3, Ceriferus (or Japanese) Wax Scale; Subchapter 4, Mediterranean Fruit Fly; Subchapter 5, Africanized Honeybee; and Subchapter 6, Khapra Beetle were recodified from N.J.A.C. 2:22, Insect Control, by R.1997 d.212, effective May 19, 1997. See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Quarantines, was readopted as R.2000 d.345, effective July 27, 2000, and Subchapter 7, Postentry Quarantine, was adopted as new rules by R.2000 d.345, effective August 21, 2000. See: 32 N.J.R. 1454(a), 32 N.J.R. 3057(b).

Subchapter 8, Asian Longhorned Beetle Quarantine, was adopted as Emergency New Rules by R.2002 d.365, effective October 15, 2002 (to expire December 14, 2002). See: 34 N.J.R. 3863(a). Subchapter 8, Asian Longhorned Beetle Quarantine, was adopted as R.2002 d.23, effective December 14, 2002. See: 34 N.J.R. 3863(a), 35 N.J.R. 395(a)

Chapter 20, Quarantines, was readopted as R.2006 d.6. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GOLDEN NEMATODE

- 2:20-1.1 Golden Nematode deemed a threat to agriculture
- 2:20-1.2 Soil and sod shall not contain Golden Nematode
- 2:20-1.3 Material in violation confiscated

**SUBCHAPTER 2. WHITE PINE BLISTER RUST
(*CRONARTIUM RIBICOLA FISCHER*)**

- 2:20-2.1 White pine blister rust declared a nuisance
- 2:20-2.2 Preventing the spread of white pine blister rust

- 2:20-2.3 Special permit for the importation and/or growing of plant cultivars and hybrids of European Black Currant (*Ribes nigrum L.*) in New Jersey

- 2:20-2.4 Annual inspection fee

SUBCHAPTER 3. CERIFERUS (OR JAPANESE) WAX SCALE (*CEROPLASTES CERIFERUS F.*)

- 2:20-3.1 Ceriferus (or Japanese) Wax Scale (*Ceroplastes ceriferus F.*)

SUBCHAPTER 4. MEDITERRANEAN FRUIT FLY (*CERATITUS CAPITATA*)

- 2:20-4.1 Mediterranean Fruit Fly (*Ceratitus capitata*)

SUBCHAPTER 5. AFRICANIZED HONEYBEE (*APIS MELLIFERA SCUTELLATA*)

- 2:20-5.1 Africanized Honeybee (*Apis mellifera scutellata*); prohibitions

SUBCHAPTER 6. KHAPRA BEETLE (*TROGODERMA GRANARIUM EVERTS*)

- 2:20-6.1 Khapra Beetle (*Trogoderma granarium Everts*)

SUBCHAPTER 7. POSTENTRY QUARANTINE

- 2:20-7.1 Definitions
- 2:20-7.2 Importation of foreign plants under postentry quarantine permit
- 2:20-7.3 Department review of postentry quarantine agreement
- 2:20-7.4 Departmental inspection and monitoring; reporting to APHIS
- 2:20-7.5 Right to enter premises for inspection; sanctions for interference or obstruction
- 2:20-7.6 Treatment or destruction of diseased or infested plants; report to APHIS

SUBCHAPTER 8. ASIAN LONGHORNED BEETLE

- 2:20-8.1 Definitions
- 2:20-8.2 Asian longhorned beetle declared a nuisance
- 2:20-8.3 Restrictions on movement of plant material
- 2:20-8.6 Right of access
- 2:20-8.7 Notification of infestation, treatment order
- 2:20-8.8 Conditions of movement, certification
- 2:20-8.4 Regulated articles
- 2:20-8.5 Quarantine area

SUBCHAPTER 1. GOLDEN NEMATODE

2:20-1.1 Golden Nematode deemed a threat to agriculture

The fact has been determined by the New Jersey State Board of Agriculture, and notice is hereby given, that a nematode (*Globodera rostochiensis*), present in the state of New York and in Canada, and not known to be present in New Jersey, constitutes a serious threat to agriculture in New Jersey.

Amended by R.1996 d.300, effective July 1, 1996.
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

2:20-1.2 Soil and sod shall not contain Golden Nematode

No soil, including sod, and sand, shall be moved from any area, known to be infested with Golden Nematode, into the

State of New Jersey, except when fumigated by an approved method and certified as such, or except to laboratories approved by the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture for such purposes as set forth in the Federal regulation regarding interstate movement of soil samples containing Golden Nematode for processing, testing or analysis, 7 C.F.R. 301.85-3(b).

Amended by R.1997 d.212, effective May 19, 1997.
See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Added provision allowing movement of infested soil to approved laboratories.

2:20-1.3 Material in violation confiscated

Material entering New Jersey in violation of this order shall be confiscated.

SUBCHAPTER 2. WHITE PINE BLISTER RUST (*CRONARTIUM RIBICOLA FISCHER*)

2:20-2.1 White pine blister rust declared a nuisance

The State Board of Agriculture has determined that white pine blister rust (*Cronartium ribicola Fischer*) is a dangerous plant disease and is hereby declared a nuisance.

2:20-2.2 Preventing the spread of white pine blister rust

(a) In order to prevent the spread of white pine blister rust (*Cronartium ribicola Fischer*) in the State of New Jersey, the distribution and movement of the plant material will be regulated as follows:

1. Five-needled pines (*Pinus* sp.) except such pines visibly infected with white pine blister rust, may be moved into or within New Jersey.
2. The possession or movement of plant cultivars and hybrids of European Black Currant (*Ribes nigrum* L.) into or within New Jersey is only allowed under special permit issued by the Department.
3. The possession or movement of red currant and gooseberry plants (*Ribes* sp. and *Grossularia* sp.) is allowed into or within New Jersey except the following municipalities, constituting a protective area: Montague, Sandyston, Walpack and Vernon Townships in Sussex County; West Milford, Ringwood Borough and Wanaque Township in Passaic County, and Jefferson Township in Morris County.

Amended by R.1995 d.523, effective September 18, 1995.
See: 27 N.J.R. 2511(a), 27 N.J.R. 3599(b).

Amended by R.2002 d.160, effective May 20, 2002.
See: 34 N.J.R. 1076(a), 34 N.J.R. 1857(a).

Rewrote (a)1 through 3; deleted (a)4.

2:20-2.3 Special permit for the importation and/or growing of plant cultivars and hybrids of European Black Currant (*Ribes nigrum* L.) in New Jersey

(a) Any person who wants to import or grow white pine blister rust resistant/immune varieties of European black cur-

rant (*Ribes nigrum* L.) plants into the State must first complete an application form, supplied by the Department, which includes the following information:

1. The name, address, and telephone number of person applying for permit;
 2. The number of plants to be grown or imported during permit period listed by cultivar; and
 3. A detailed map showing where the *Ribes* cultivars where plants will be grown during the permit period.
- (b) An application is not valid as permit unless signed by authorized Department official.
- (c) Plant cultivars and hybrids of *Ribes nigrum* L. shall be labeled as follows:

1. Imported plants shall be labeled with cultivar nomenclature during movement into or through the State.
 2. Plants growing in the field shall be labeled with cultivar nomenclature at the beginning and end of each row.
 3. If plants are moved, the grower shall provide notification to the Department, including a map of the new plant location, within seven days of movement.
- (d) Only the following white pine blister rust resistant/immune cultivars are permitted:

1. "Consort";
2. "Coronet";
3. "Crusader"; and
4. "Titania."

(e) For new introductions, the permittee shall provide to the Department a certification from the plant source that all plants are white pine blister rust resistant/immune cultivars as indicated in (d) above.

(f) Inspection by the Department shall proceed as follows:

1. The permittee shall allow Department to access site where plants are grown.
2. The Department may inspect plants at least once each year during permit period to ensure freedom from white pine blister rust disease.
3. If white pine blister rust is found on less than two percent of plants of a specific cultivar, the permittee shall remove and destroy all infected plants within 10 days of an order by the Department.
4. If white pine blister rust disease is found on more than two percent of plants of a specific cultivar, the permittee shall remove and destroy all plants of the infected cultivar within 30 days of an order by the Department.
5. Any signs or symptoms of the white pine blister rust observed on any of the *Ribes* cultivars shall be reported by the permittee to the Department within five days.

(g) No new plants may be propagated from existing plants unless authorized in writing by the Department.

(h) Conditions for permit amendment, expiration or revocation are as follows:

1. The permit shall expire five years from date of issuance.

2. At the end of the permit period, the permittee shall remove and destroy all permitted plants unless the permit is amended and approved by the Department. A permittee who violates this section may be subject to penalty action by the Department as authorized by N.J.S.A. 4:7-18.

3. If any additional plants are to be received by the permittee during this period, the permittee shall amend his or her permit application in writing. Such amendment shall include written certification from the source of the plants that they are white pine blister rust resistant varieties. A map of the proposed planting site shall also be submitted with the request for permit amendment.

4. The Department may revoke the permit at any time if it determines that the permittee did not follow permit conditions or if plants appear to be a cause of spread of white pine blister rust.

New Rule, R.2002 d.160, effective May 20, 2002.
See: 34 N.J.R. 1076(a), 34 N.J.R. 1857(a).

2:20-2.4 Annual inspection fee

(a) The Department shall assess a fee for inspections necessary to implement this permit.

(b) A fee of \$75.00 will be charged annually for inspection of a growing site containing fewer than two acres.

(c) A fee of \$75.00 plus \$4.00 per acre, or part thereof, will be charged annually for inspection of a growing site containing two acres or more.

(d) Determination of the inspection fee is based only on those lands on which *Ribes* cultivars are actually growing.

(e) The grower shall be entitled to one reinspection at no additional charge.

(f) Fees for additional reinspections of a *Ribes* location, due to failure on the part of the grower to control white pine blister rust disease, as prescribed on the inspection report, shall be assessed for each location reinspected using the fee schedule in (b) and (c) above.

(g) The inspection fee shall be payable within 30 days of receipt of invoice.

(h) A late fee of \$5.00 shall be assessed if payment is not received within 15 days of the due date printed on the original invoice.

(i) Failure to pay the fee may result in the revocation of the permit.

(j) All fees shall be paid to the New Jersey Department of Agriculture, Division of Plant Industry, PO Box 330, Trenton, NJ 08625-0330.

New Rule, R.2002 d.160, effective May 20, 2002.
See: 34 N.J.R. 1076(a), 34 N.J.R. 1857(a).

SUBCHAPTER 3. CERIFERUS (OR JAPANESE) WAX SCALE (*CEROPLASTES CERIFERUS F.*)

2:20-3.1 Ceriferus (or Japanese) Wax Scale (*Ceroplastes ceriferus F.*)

It has been determined by the New Jersey State Board of Agriculture that the Ceriferus (or Japanese) Wax Scale (*Ceroplastes ceriferus F.*) is a dangerously injurious insect and constitutes a menace to the trees and shrubs of the State of New Jersey. The Ceriferus (or Japanese) Wax Scale is not native to the State of New Jersey. The harboring or importation of the Ceriferus (or Japanese) Wax Scale is prohibited. Any building, product or means of conveyance of any character whatsoever, which, in the determination of the Department of Agriculture, presents a risk of the spread of the Ceriferus (or Japanese) Wax Scale, shall be subject to the measures of control allowed by the Statutes of New Jersey.

Amended by R.1997 d.212, effective May 19, 1997.
See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

SUBCHAPTER 4. MEDITERRANEAN FRUIT FLY (*CERATITUS CAPITATA*)

2:20-4.1 Mediterranean Fruit Fly (*Ceratitus capitata*)

It has been determined by the New Jersey State Board of Agriculture that the Mediterranean Fruit Fly (*Ceratitus capitata*) is a dangerously injurious insect and constitutes a menace to the fruits and vegetables of the State of New Jersey. The Mediterranean Fruit Fly is not native to the State of New Jersey. The harboring or importation of the Mediterranean Fruit Fly is prohibited. Any building, product or means of conveyance of any character whatsoever, which, in the determination of the Department of Agriculture, presents a risk of the spread of the Mediterranean Fruit Fly, shall be subject to the measures of control allowed by the Statutes of New Jersey.

Amended by R.1997 d.212, effective May 19, 1997.
See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Creek to the Rahway River; then west along the Rahway River to the Rahway-Linden border, then north along the Rahway-Linden border to Lower Road, then northwest along the Rahway-Linden border to St. Georges Avenue, then north along St. Georges Avenue to the point of the beginning.

(b) The Secretary of Agriculture may temporarily designate any nonquarantined area in New Jersey as a quarantined area, if the Secretary has reason to believe that Asian longhorned beetle is present based on positive confirmation of Asian longhorned beetle by the Department, or by USDA APHIS.

Emergency amendment, R.2004 d. 345, 348, effective August 17 and 19, 2004 (to expire October 16 and 18, 2004).

See: 36 N.J.R. 4172(a), 4174(a).

In (a), added 3 through 7.

Adopted concurrent amendments, R.2004 d.419 and d.420, effective October 12, 2004.

See: 36 N.J.R. 4172(a), 36 N.J.R. 4174(a), 36 N.J.R. 5087(a), 36 N.J.R. 5087(b).

Provisions of R.2004 d.345 and d.348 adopted without change.

Emergency amendment, R.2005 d. 45, effective December 27, 2004 (to expire February 25, 2005).

See: 37 N.J.R. 357(a).

In (a), rewrote 6, 7.

Adopted concurrent amendment, R.2005 d.99, effective April 4, 2005.

See: 37 N.J.R. 357(a), 37 N.J.R. 1051(a).

In (a), rewrote 6 and 7.

Emergency amendment, R.2005 d.320, effective August 25, 2005, (to expire October 24, 2005).

See: 37 N.J.R. 3727(a).

In (a), rewrote 7.

Adopted concurrent amendments, R.2006 d.6 and d.7, effective January 3, 2006.

See: 37 N.J.R. 3099(a), 37 N.J.R. 3727(a), 38 N.J.R. 124(a), 38 N.J.R. 124(b).

Provisions of R.2005 d.320 adopted without change; in (a), deleted 1 and 2 and recodified existing 3-7 as 1-5.

2:20-8.6 Right of access

(a) Duly authorized representatives of the Department may enter upon any lands or premises, public or private, within the

State for the purpose of making necessary inspections for Asian longhorned beetle, and for the removal of condemned trees.

(b) Persons interfering with or obstructing the Department or an inspector in the conduct of inspections for Asian longhorned beetle shall be subject to the sanctions provided at 7 C.F.R. § 301.51, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13, 14 and 18.

2:20-8.7 Notification of infestation, treatment order

A written Notice of Infestation—Treatment Order will be issued to the affected person by the Secretary of Agriculture, following positive confirmation of Asian longhorned beetle by the Department. The recipient shall have all plant material specified in the order treated to eradicate Asian longhorned beetle in a manner approved by the Secretary of Agriculture, including the destruction of infected trees. The notice or order shall specify a time, not less than three days from its date, within which it must be complied with.

2:20-8.8 Conditions of movement, certification

(a) No firewood, green lumber, logs, nursery stock, or other regulated articles may be moved from the quarantined area, unless accompanied by written approval issued by the Department, or as is permitted in accordance with the requirements at 7 C.F.R. § 301.51-4.

(b) A person whose stock has been tested to the satisfaction of the Department and found free from Asian longhorned beetle; wishing to move regulated plants shall be provided with a certificate issued by the Department.

(c) The Department reserves the right to charge an inspection fee, pursuant to N.J.A.C. 2:18, to recover costs associated issuing an inspection certificate.