

CHAPTER 3

LIVESTOCK AND POULTRY IMPORTATION

Authority

N.J.S.A. 4:5-54 through 75.

Source and Effective Date

R.2005 d.37, effective December 17, 2004.
See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Chapter Expiration Date

Chapter 3, Livestock and Poultry Importation, expires on December 17, 2009.

Chapter Historical Note

Chapter 3, Livestock and Poultry Importation, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 3, Livestock and Poultry Importation, was readopted as R.1983 d.452, effective September 29, 1983. See: 15 N.J.R. 1205(a), 15 N.J.R. 1754(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Livestock for Immediate Slaughter, expired on January 8, 1986.

Pursuant to Executive Order No. 66(1978), Chapter 3, Livestock and Poultry Importation, expired on June 18, 1989.

Chapter 3, Livestock and Poultry Importation, was adopted as new rules by R.1989 d.455, effective August 21, 1989. See: 21 N.J.R. 1477(a), 21 N.J.R. 2470(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Livestock and Poultry Importation, was readopted as R.1994 d.399, effective July 7, 1994. See: 26 N.J.R. 1908(a), 26 N.J.A.C. 3159(a). Pursuant to Executive Order No. 66(1978), Chapter 3 expired on July 7, 1999.

Chapter 3, Livestock and Poultry Importation, was adopted as new rules by R.1999 d.258, effective August 16, 1999, and former 2:5-3.1, Poultry importation, and 2:5-3.4, Routes: Interstate shipment through New Jersey of live poultry, were readopted by R.1999 d.258, effective July 15, 1999, and recodified as 2:3-6.4 and 2:3-6.5 and amended by R.1999 d.258, effective August 16, 1999. See: 31 N.J.R. 1399(a), 31 N.J.R. 2325(a).

Chapter 3, Livestock and Poultry Importation, was readopted as R.2005 d.37, effective December 17, 2004. Subchapter 5. Goat Importation, was adopted as a new rule by R.2005 d.37. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL REQUIREMENTS

2:3-1.1 Definitions

(a) The following words and terms, as used in this chapter, shall have the following meanings. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage or general usage as reflected by definition in a standard dictionary, such as Webster's.

"Approved livestock facility" shall mean a facility as described in 9 C.F.R. Part 71.20.

"Custom slaughter operation" shall mean a slaughtering operation as described in 9 C.F.R. Part 303.1.

"Department" shall mean the New Jersey Department of Agriculture. For purposes of actions authorized by these rules, the Department may act through the State Veterinarian.

"Recognized slaughtering establishment" shall mean a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. §§ 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. §§ 451 et seq.).

"State Veterinarian" means Director, Division of Animal Health, New Jersey Department of Agriculture.

"Waybill" shall mean a document setting forth:

1. The name and address of the origin of the livestock or poultry imported for slaughter;
2. The type and quantity of such livestock or poultry being moved;
3. The name and address of the establishment to which such livestock or poultry are being moved; and
4. The date of the movement of such livestock or poultry into the establishment.

(b) Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

New Rule, R.2005 d.37, effective January 18, 2005.

See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Former N.J.A.C. 2:3-1.1, Interstate health certificate to accompany animals entering State, recodified to N.J.A.C. 2:3-1.2.

2:3-1.2 Interstate health certificate to accompany animals entering State

All livestock and poultry moved into New Jersey, except for slaughter, shall be accompanied by an official Certificate of Veterinary Inspection approved by the livestock disease control agency of the state of origin. A Poultry Inspection Certificate conforming with the requirements of N.J.A.C. 2:9-1.3 may be used for poultry being transported directly to live bird markets and auction markets in lieu of the Certificate of Veterinary Inspection. A Veterinary Services (VS) Form 9-3 may be used for poultry in lieu of the Certificate of Veterinary Inspection.

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.455, effective August 21, 1989.

See: 21 N.J.R. 1477(a), 21 N.J.R. 2470(a).

Reference to Certificate of Veterinary Inspection and to NPIP Form 3-B, added.

Amended by R.2001 d.283, effective August 20, 2001.

See: 33 N.J.R. 1886(a), 33 N.J.R. 2806(a).

Inserted sentence following first sentence, substituted "9-2" for "3-8" and inserted "other than live poultry markets" in last sentence.

Recodified from N.J.A.C. 2:3-1.1 and amended by R.2005 d.37, effective January 18, 2005.

See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Rewrote the section. Former N.J.A.C. 2:3-1.2, Contents of Certificate of Veterinary Inspection, recodified to N.J.A.C. 2:3-1.4.

2:3-1.3 Livestock and poultry for slaughter

(a) No livestock or poultry shall be imported into New Jersey for slaughter except in accordance with both the general requirements set forth in (a)1 through 5 below, and the specific requirements contained in N.J.A.C. 2:3-2 through 11 for each specific class of animal.

1. The livestock or poultry imported for slaughter shall be accompanied by a waybill;
2. The livestock or poultry imported for slaughter shall be transported directly to an approved livestock facility, custom slaughter operation, recognized slaughtering establishment or to a private residence for the purpose of slaughter;
3. The livestock or poultry imported for slaughter shall be slaughtered within 10 days of arrival in the State of New Jersey;
4. All approved livestock facilities, custom slaughter operations, recognized slaughtering establishments, and private residences as described in (b)2 above shall maintain all waybills for a period of six months and must present such waybills upon demand by the State Veterinarian or other employee or agent of the New Jersey Department of Agriculture, Division of Animal Health; and
5. Livestock and poultry for slaughter shall not be used or sold for any other purpose than slaughter, except that livestock and poultry for slaughter may be sold to custom slaughter operations.

“Qualified pseudorabies negative herd” shall mean a herd as defined in 9 C.F.R. Part 85.1, incorporated herein by reference, as amended and supplemented.

“Validated brucellosis-free herd” shall mean a herd as defined in 9 C.F.R. Part 78.1, incorporated herein by reference, as amended and supplemented.

“Validated brucellosis-free state” shall mean a state as defined in 9 C.F.R. Part 78.1, incorporated herein by reference, as amended and supplemented.

(b) A copy of the documents set forth in (a) above may be obtained electronically at www.access.gpo.gov/nara/cfr/waisidx_04/9cfr78_04.html and www.access.gpo.gov/nara/cfr/waisidx_04/9cfr85_04.html.

(c) A copy of the documents set forth in (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625.

Amended by R.2005 d.37, effective January 18, 2005.
See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Designated the introductory paragraph as (a); added (b), (c).

2:3-3.3 Brucellosis testing

(a) All imported swine shall be negative to an official brucellosis test within 30 days prior to entry.

(b) Swine that originate from a validated brucellosis-free state or a validated brucellosis-free herd are exempt from brucellosis testing. For a validated brucellosis-free herd, the Certificate of Veterinary inspection must include the validated brucellosis-free herd number of the herd of origin and the date on which the herd of origin was last tested for brucellosis.

2:3-3.4 Pseudorabies testing

(a) The Department hereby adopts and incorporates by reference the definitions of “Stage IV State/Area” and “Stage V State/Area” established under “Pseudorabies Eradication State–Federal–Industry Uniform Methods and Rules” (United States Department of Agriculture, 2003, APHIS 91–55–071, as amended and supplemented.)

(b) A copy of the document referred to in (a) above may be obtained electronically at www.aphis.usda.gov/oa/pubs/umr.html.

(c) A copy of the document referred to in (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625.

(d) All imported swine shall be negative to an official pseudorabies test within 30 days prior to entry. Swine shall be held in quarantine on the farm of destination separate

and apart from all native animals until retested negative not less than 30 nor more than 60 days following importation.

(e) Swine that originate from a pseudorabies Stage IV or V State/Area or originate from a qualified pseudorabies negative herd are exempt from pseudorabies testing. For a qualified pseudorabies negative herd, the Certificate of Veterinary Inspection shall include the qualified pseudorabies negative herd number of the herd of origin, and the date on which the herd of origin was last tested for pseudorabies.

(f) Importation into the State of New Jersey of swine vaccinated for pseudorabies is prohibited unless a permit has been issued by the State Veterinarian. Permits may be obtained as described in N.J.A.C. 2:3-1.9.

Amended by R.2001 d.283, effective August 20, 2001.
See: 33 N.J.R. 1886(a), 33 N.J.R. 2806(a).

In (a), substituted “Pseudorabies Eradication” for “Brucellosis Control/Eradication”, “1999” for “1990”, and “047” for “016”.

Amended by R.2005 d.37, effective January 18, 2005.
See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Rewrote the section.

2:3-5.5 (Reserved)

Repealed by R.2005 d.37, effective January 18, 2005.
36 N.J.R. 4275(a), 37 N.J.R. 256(a).

SUBCHAPTER 4. SHEEP IMPORTATION

2:3-4.1 Compliance and importation requirements

In addition to the general requirements for importation set forth at N.J.A.C. 2:3-1.1 through 1.6, all sheep moved into New Jersey, except those imported for slaughter, shall meet the specific requirements of this subchapter.

Amended by R.2005 d.37, effective January 18, 2005.
See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Rewrote the section.

2:3-4.2 Bluetongue

All sheep from states with endemic Bluetongue, as determined by the United States Department of Agriculture, except sheep imported for slaughter, must be tested negative within 30 days prior to entry.

New Rule, R.2005 d.37, effective January 18, 2005.
See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

SUBCHAPTER 5. GOAT IMPORTATION

2:3-5.1 Compliance and importation requirements

In addition to the general requirements for importation, N.J.A.C. 2:3-1.1 through 1.6, all goats to be imported, except for those destined for slaughter, shall meet the specific requirements of this subchapter.

2:3-5.2 Definitions

(a) As used in this subchapter, the Department hereby adopts and incorporates by reference definitions of the following words and terms, found in the Code of Federal Regulations, as amended and supplemented, unless the context clearly indicates otherwise:

“Accredited-free state or zone” shall mean a state or zone as defined in 9 C.F.R. Part 77.5.

“Accredited herd” shall mean a herd as defined in the “Bovine Tuberculosis Eradication Uniform Methods and Rules” (United States Department of Agriculture, 1999, APHIS 91-45-011.)

“Goats” shall mean animals of the genus *Capra* as defined in the “Bovine Tuberculosis Eradication Uniform Methods and Rules” (United States Department of Agriculture, 1999, APHIS 91-45-011.)

“Wethers” shall mean castrated male goats.

(b) A copy of the documents referred to in (a) above may be obtained electronically at www.aphis.usda.gov/oa/pubs/umr.html and www.access.gpo.gov/nara/cfr/waisidx_04/9cfr77_04.html.

(c) A copy of the documents referred to in (a) above is on file in the State Veterinarian’s Office, Division of Animal Health, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, Trenton, NJ 08625.

2:3-5.3 Tuberculosis testing

(a) All goats to be imported shall be negative to an official tuberculosis test within 60 days prior to entry.

(b) Goats to be imported that originate from an accredited-free state or zone or from an accredited herd shall be exempt from testing. The Certificate of Veterinary Inspection shall include the date on which the herd of origin was last tuberculin tested, and a statement by the accredited veterinarian that the goats to be imported were included in the most recent test of the herd of origin and testing with negative results occurred within one year prior to the date of movement, or were natural additions to the herd.

2:3-5.4 Tuberculosis test for imported goats

In addition to the tests required by N.J.A.C. 2:3-5.3, the Department may require goats imported to be tested for tuberculosis if in its judgment such testing would be necessary to prevent introduction of the disease.

2:3-5.5 Brucellosis testing

(a) All goats to be imported four months of age or over shall be negative to an official brucellosis test within 30 days prior to entry.

(b) Wethers shall be exempt from brucellosis testing.

SUBCHAPTER 6. EQUINE IMPORTATION**2:3-6.1 Compliance with subchapter and importation requirements**

In addition to the general requirements for importation, N.J.A.C. 2:3-1.1 through 1.6, all equidae moved into New Jersey shall meet the specific requirements of this subchapter.

Recodified from N.J.A.C. 2:3-5.1 and amended by R.2005 d. 37, effective January 18, 2005.

See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Amended N.J.A.C. reference. Former N.J.A.C. 2:3-6.1, Compliance with subchapter and importation requirements, recodified to N.J.A.C. 2:3-7.1.

2:3-6.2 Official test for equine infectious anemia

(a) “Official test for equine infectious anemia,” as used in this subchapter, means the equine infectious anemia agar gel immuno-diffusion (AGID) procedure or the Enzyme Linked Immunosorbant Assay (ELISA) procedure as conducted in accordance with (b) below.

(b) All imported equidae shall have had a negative official test for equine infectious anemia conducted at a jointly approved United States Department of Agriculture—New Jersey Department of Agriculture laboratory within the past 12 months. Equidae younger than six months and accompanied by a dam that has a negative official test within the past 12 months are exempt from this testing requirement.

Amended by R.2001 d.283, effective August 20, 2001.

See: 33 N.J.R. 1886(a), 33 N.J.R. 2806(a).

Added sentence.

Recodified from N.J.A.C. 2:3-5.2 and amended by R.2005 d. 37, effective January 18, 2005.

See: 36 N.J.R. 4285(a), 37 N.J.R. 256(a).

Former N.J.A.C. 2:3-6.2, Pullorum testing, recodified to N.J.A.C. 2:3-7.2.

SUBCHAPTER 7. POULTRY AND HATCHING EGG IMPORTATION**2:3-7.1 Compliance with subchapter and importation requirements**

(a) In addition to the general requirements for importation, N.J.A.C. 2:3-1.1 through 1.6, no poultry or hatching eggs shall be moved into New Jersey except in conformity with the specific requirements of this subchapter, and N.J.A.C. 2:9, Avian Influenza.

(b) For purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise:

1. “Auction market” means a business where producers, wholesalers, poultry distributor/dealers and retailers meet to purchase, trade or sell poultry.