

See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).
 Recodified from 2:5-2.4 by R.1995 d.199, effective April 3, 1995.
 See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).
 Prior text at 2:5-2.3, Horses consigned to auction markets, repealed.

2:5-2.4 Test requirements for transport

(a) No horse or other equidae six months or more of age, unless exempted by the provisions of N.J.A.C. 2:5-2.5 or 2.6 shall be transported on any public highway with the state unless the custodian of such animal has in his or her possession during the period of such movement a report of a negative agar gel immunodiffusion test for equine infectious anemia for such animal taken within the past 24 months.

1. Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey State Department of Agriculture.

2. Said test shall have been conducted during the 24 months prior to transportation.

3. Said test report shall include the following.

i. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;

ii. The name and address of the owner;

iii. The date the test was conducted; and

iv. The name and address of the laboratory that conducted the test.

4. Said test reports shall be signed by a duly licensed accredited veterinarian and also must be either:

i. Embossed by the laboratory where the test was conducted; or

ii. Signed or otherwise endorsed by the Chief Livestock Health Officer of the state or country of origin of the said animal.

New Rule, R.1979 d.136, effective April 3, 1979.
 See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).
 Amended by R.1988 d.369, effective August 1, 1988.
 See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).
 Amended by R.1989 d.270, effective May 15, 1989.
 See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).
 Changed test requirement from 12 to 24 months.
 Recodified from 2:5-2.5 and amended by R.1995 d.199, effective April 3, 1995.
 See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

2:5-2.5 Test requirements for sale or other change of ownership

(a) No horse or other equidae six months or more of age, unless exempted by provisions of this section or N.J.A.C. 2:5-2.6 shall be sold, exchanged, bartered or given away unless such animal has been subjected to an agar gel immunodiffusion test for equine infectious anemia and re-

acted negatively within 90 days prior to such transfer to ownership.

1. Said test shall have been conducted by a laboratory approved for the purpose by the United States Department of Agriculture and by the New Jersey Department of Agriculture.

2. At the time of such transfer of ownership, the transferor shall deliver personally or by certified mail to the transferee, a copy of the report of such negative test. The negative test report shall include:

i. A complete description of the animal including name, registration number if any, breed, brand, tattoo if any, sex, age and color;

ii. The name and address of the owner;

iii. The date the test was conducted; and

iv. The name and address of the laboratory that conducted the test.

3. Said test reports shall be signed by a duly licensed-accredited veterinarian and also must be either:

i. Embossed by the laboratory where the test was conducted; or

ii. Signed by the Chief Livestock Health Officer of the state or country of origin of the said animal.

New Rule, R.1979 d.136, effective April 3, 1979.
 See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).
 Amended by R.1988 d.369, effective August 1, 1988.
 See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).
 Amended by R.1989 d.270, effective May 15, 1989.
 See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).
 Eliminated reference to "certified free herds".
 Recodified from 2:5-2.6 and amended by R.1995 d.199, effective April 3, 1995.
 See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

2:5-2.6 Other authorized movement or transfer

(a) The provisions of N.J.A.C. 2:5-2.4 and 2.5 shall not apply to any horse or other equidae which is imported, sold, exchanged, bartered, given away or transported under permit from the Director of the Division of Animal Health, New Jersey Department of Agriculture for purposes of immediate slaughter, research, return to the state, country or farm of its origin, or other authorized purpose provided written authorization for such movement or transfer is obtained in advance thereof from the Director.

1. In the case of importation or transport, such authorization must be in the possession of the custodian of the animal at all times during such movement.

2. In the case of change of ownership or transport for the purpose of immediate slaughter, the aforesaid permit may be issued by an accredited veterinarian or an employee of the Department of Agriculture authorized in writing by the Director.

3. Horses imported or purchased for slaughter may be purchased only by a registered slaughter buyer. Persons may become registered by application to the Director of the Division of Animal Health on forms available from him or her. Registered slaughter buyers shall maintain and make available to the Division a record of sales including dates, identification of animal and destination. Failure to maintain such records will be cause for removing the registered designation.

(b) The provisions of N.J.A.C. 2:5-2.5 shall not apply to any horse claimed in any claiming race conducted by any race track licensed by the New Jersey State Racing Commission and such horse need not be retested for equine infectious anemia provided such horse and all other horses admitted to said track had been tested and found negative for the disease within 24 months prior to the date of the claim.

New Rule, R.1979 d.136, effective April 3, 1979.
See: 11 N.J.R. 114(b), 11 N.J.R. 223(a).
Amended by R.1988 d.369, effective August 1, 1988.
See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).
Amended by R.1989 d.270, effective May 15, 1989.
See: 21 N.J.R. 92(a), 21 N.J.R. 1384(a).

Deleted (c) and changed reference in (b) for period of one year prior to date of claim to 24 months prior to date of claim.
Amended by R.1989 d.454, effective August 21, 1989.
See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

At (a), new 3 added regarding requirements for purchase for slaughter.
Recodified from 2:5-2.7 and amended by R.1995 d. 199, effective April 3, 1995.
See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

SUBCHAPTER 3. AVIAN INFLUENZA

2:5-3.1 (Reserved)

Recodified to N.J.A.C. 2:3-6.4 by R.1999 d.258, effective August 16, 1999.
See: 31 N.J.R. 1399(a), 31 N.J.R. 2325(a).

2:5-3.2 Vehicles

No vehicle shall be used in the transport of poultry, poultry products, feed, litter or manure in New Jersey unless the vehicle is cleaned, outside and in, so as to prevent the transport of the disease prior to every entrance to a market, auction, farm, slaughterhouse, receiving point or station. The driver shall make an affirmative showing that the vehicle has been so treated and has made no intermediate stops prior to entrance.

2:5-3.3 Equipment

The reuse of crates, flats or containers of any kind capable of transporting poultry or poultry products shall not be permitted except when properly cleaned and disinfected.

2:5-3.4 (Reserved)

Recodified to N.J.A.C. 2:3-6.5 by R.1999 d.258, effective August 16, 1999.
See: 31 N.J.R. 1399(a), 31 N.J.R. 2325(a).

SUBCHAPTER 4. EXOTIC NEWCASTLE DISEASE (END)

Authority

N.J.S.A. 4:1-21.5 and 4:5-1 et seq.

Source and Effective Date

R.2003 d.170, effective April 2, 2003.
See: 35 N.J.R. 1699(a).

Subchapter Historical Note

Subchapter 4, Exotic Newcastle Disease (END), was adopted as Emergency New Rules by R.2003 d.170, effective April 2, 2003 (to expire June 1, 2003). See: Source and Effective Date.

2:5-4.1 Definitions

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

“Accredited veterinarian” means a veterinarian approved by the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture and the State Veterinarian, New Jersey, to perform functions required by cooperative State-Federal-industry animal disease-control and eradication programs.

“Avian products” means products or materials including, but not limited to: eggs, poultry waste, equipment used for processing eggs, and equipment used for housing, feeding, watering, or otherwise caring for birds of any type.

“Avian species” means any domesticated bird, any wild bird and any hatching eggs which are kept, maintained, held or raised in captivity.

“Department” means the New Jersey Department of Agriculture.

“Exotic Newcastle Disease” is a highly contagious fatal paramyxovirus of avian species.

“Live poultry market” means a facility or operation that offers live poultry for sale and slaughter.

“Recognized slaughtering establishment” means a slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. §§ 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. §§ 451 et seq.), or a state-inspected slaughtering establishment.

2:5-4.2 Exotic Newcastle Disease declared a threat

The State Board of Agriculture declares that Exotic Newcastle Disease (END), which is a contagious and highly fatal viral foreign animal affecting all species of birds, to be a threat to all avian species.

2:5-4.3 Avian embargo

No avian species or avian products originating from or which have transited through counties containing avian species diagnosed with END, and counties adjoining these infected counties, will be allowed entry into the State of New Jersey.

2:5-4.4 Permit procedure

(a) No live birds or hatching eggs of any avian species may enter the State of New Jersey without first having obtained a permit for entry from the New Jersey Department of Agriculture, Division of Animal Health.

1. In order to obtain a permit to bring live birds or hatching eggs of any avian species into the State of New Jersey, the applicant must provide to the New Jersey Department of Agriculture, Division of Animal Health a certification demonstrating that the birds did not originate from or transit through counties containing poultry diagnosed with END, or counties adjoining these infected counties.

2. This permit shall be required in addition to all other regulatory requirements of the United States Department of Agriculture, the New Jersey Department of Agriculture, the New Jersey Department of Environmental Protection, or any other Federal or State agency, including, but not limited to, requirements for permits or inspection certificates.

3. Where a veterinary health certificate, VS FORM 9-3, or New Jersey Poultry Inspection Certificate is required by N.J.A.C. 2:3, the permit number issued in accordance with this subchapter shall appear on that document. Where live birds or hatching eggs to be moved into the State of New Jersey are exempt from or not covered by the requirements of N.J.A.C. 2:3, the birds shall be accompanied by documentation identifying the permit issued in accordance with this section.

4. Permits may be obtained by contacting the New Jersey Department of Agriculture, Division of Animal Health, at (609) 292-3965, Monday through Friday, 8:45 A.M. to 4:45 P.M.

2:5-4.5 Exceptions

Exceptions to the requirements of this chapter may be made only with written approval of the New Jersey State Veterinarian based upon his or her epidemiological evaluation and risk determination.