

**CHAPTER 71
GRADES AND STANDARDS**

Authority

N.J.S.A. 4:1-11.1, 4:3-11.12, 4:10-6 and 4:10-13.

Source and Effective Date

R.2003 d.434, effective October 7, 2003.
See: 35 N.J.R. 2974(a), 35 N.J.R. 5060(a).

Chapter Expiration Date

Chapter 71, Grades and Standards, expires on October 7, 2008.

Chapter Historical Note

Pursuant to Executive Order No. 66(1978), Subchapter 1, New Jersey Standards for Quality of Individual Shell Eggs, and Subchapter 2, Fruits and Vegetables, were readopted as R.1983 d.394 and d.395, respectively, effective September 1, 1983. See: 15 N.J.R. 1050(a), 15 N.J.R. 1574(a); 15 N.J.R. 1051(a), 15 N.J.R. 1574(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1988 d.370, effective July 8, 1988. See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1993 d.379, effective July 2, 1993. See: 25 N.J.R. 1801(a), 25 N.J.R. 3453(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1998 d.376, effective June 26, 1998. See: 30 N.J.R. 1459(b), 30 N.J.R. 2617(c).

Subchapter 4, Jersey Fresh Matched Funds Program, was adopted as R.1999 d.175, effective June 7, 1999. See: 31 N.J.R. 572(a), 31 N.J.R. 1478(a).

Administrative change: Pursuant to Reorganization Plan No. 03-2002, the Division of Dairy and Commodity Regulation was renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 71, Grades and Standards, was readopted as R.2003 d.434, effective October 7, 2003. See: Source and Effective Date. See, also, section annotations.

Subchapter 8, "Jersey Organic" Logo, was adopted as new rules by R.2006 d.412, effective December 4, 2006. See: 38 N.J.R. 2237(a), 38 N.J.R. 4995(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. NEW JERSEY STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

- 2:71-1.1 through 2:71-1.22 (Reserved)
- 2:71-1.23 Marketing of shell eggs
- 2:71-1.24 through 2:71-1.29 (Reserved)
- 2:71-1.30 Certificates of grade
- 2:71-1.31 Name and address on containers
- 2:71-1.32 Sealing containers
- 2:71-1.33 Registering sample of label or container
- 2:71-1.34 (Reserved)
- 2:71-1.35 Reused container
- 2:71-1.36 (Reserved)
- 2:71-1.37 Sanitary conditions
- 2:71-1.38 Labeling of eggs
- 2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising
- 2:71-1.40 Container defined

SUBCHAPTER 2. AGRICULTURAL COMMODITIES

- 2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards
- 2:71-2.2 Use of "Jersey Fresh" as the logo for the "Jersey Fresh Quality Grading Program" and "Jersey Fresh Quality Premium Program" (referred to as the "logos") on containers of certain fresh fruits, vegetables, shell eggs, cut flowers, cactus, honey, milk (whole, one percent, two percent, skim, chocolate), ice cream and ice milk
- 2:71-2.3 Fee and reporting requirements for Jersey Fresh Quality Grading Program participation
- 2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program and Premium Program
- 2:71-2.5 Commodity grades, packing requirements, packer identification and containers
- 2:71-2.6 Definitions
- 2:71-2.7 Penalties
- 2:71-2.8 Asparagus for canning or freezing
- 2:71-2.9 Diameter classifications
- 2:71-2.10 Definition of terms
- 2:71-2.11 Grade classifications of asparagus spears
- 2:71-2.12 Asparagus spears described and permitted in N.J. No. 1 grade
- 2:71-2.13 Procedure for loads received after severe wind and rain storm
- 2:71-2.14 Asparagus spears described and permitted in N.J. No. 2 grade
- 2:71-2.15 Function and need for unrestricted sampling of asparagus for processing
- 2:71-2.16 Unrestricted sampling; definition
- 2:71-2.17 Equipment and personnel required
- 2:71-2.18 Vine ripened tomatoes
- 2:71-2.19 through 2:71-2.25 (Reserved)
- 2:71-2.26 Requests; charges
- 2:71-2.27 Agreements for inspection services
- 2:71-2.28 Charges for inspection or grading and certification services; written agreements for single commodity inspection
- 2:71-2.29 Written agreements for multiple commodity inspection
- 2:71-2.30 Charges; oral agreement; trailer, car, warehouse and storage lots
- 2:71-2.31 Charges; oral agreements between Department of Agriculture and requestor
- 2:71-2.32 Hourly rate charges

SUBCHAPTER 3. PLANT MATERIALS

- 2:71-3.1 Standards for plant material

SUBCHAPTER 4. JERSEY FRESH MATCHED FUNDS PROGRAM

- 2:71-4.1 Purpose and scope
- 2:71-4.2 Definitions
- 2:71-4.3 Application procedure
- 2:71-4.4 Requirements of grant recipients
- 2:71-4.5 Restrictions

APPENDIX A APPLICATION FOR "JERSEY FRESH" DEVELOPMENT AND/OR PROMOTIONAL FUNDS

APPENDIX B AFFIDAVIT OF PERFORMANCE

SUBCHAPTER 5. MARKING OPEN AND CLOSED PACKAGES OF POTATOES

- 2:71-5.1 General provisions; purpose
- 2:71-5.2 Grades on potato package
- 2:71-5.3 Markings of potato package
- 2:71-5.4 Tags

- 2:71-5.5 Invoices and/or manifests (bills of lading)
 2:71-5.6 Prohibition of sale
 2:71-5.7 Responsibility of packer or repacker

SUBCHAPTER 6. "JERSEY BRED" LOGO

- 2:71-6.1 Scope and purpose
 2:71-6.2 Definitions
 2:71-6.3 Use of "Jersey Bred" as the logo for any "Jersey Bred Program"
 2:71-6.4 Horses
 2:71-6.5 4-H market lambs

SUBCHAPTER 7. "JERSEY GROWN" LOGO

- 2:71-7.1 Scope and purpose
 2:71-7.2 Definitions
 2:71-7.3 Use of the "Jersey Grown" logo
 2:71-7.4 Plant material and nursery stock
 2:71-7.5 Cut Christmas trees

SUBCHAPTER 8. "JERSEY ORGANIC" LOGO

- 2:71-8.1 Scope and purpose
 2:71-8.2 Definitions
 2:71-8.3 Use of the "Jersey Organic" logo
 2:71-8.4 Licensing
 2:71-8.5 Penalties

SUBCHAPTER 1. NEW JERSEY STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

2:71-1.1 through 2:71-1.22 (Reserved)

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

2:71-1.23 Marketing of shell eggs

(a) Any eggs which are marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for consumer grades AA, A or B as published in the Federal Register volume 20, number 22, February 1, 1955, part 56 subpart C, known as the Code of Federal Regulations Governing the Grading of Shell Eggs and United States Standards Grades and Weight Classes for Shell Eggs, (7 CFR part 56, subpart C) effective July 1, 1971, and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed the rules and regulations of the New Jersey State Board of Agriculture:

1. Exception: restricted eggs may be marketed in accordance with the exemption provisions in the Federal Egg Products Inspection Act (Public Law 91-597) and the USDA Regulation Governing the Inspection of Eggs and Egg Products (7 CFR Part 59), and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture.

As amended, R.1975 d.358, eff. January 1, 1976.
 See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.24 through 2:71-1.29 (Reserved)

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

2:71-1.30 Certificates of grade

(a) For the inspection or classification of shell eggs or poultry and the issuance of a certificate of the grade or other classification of such product, the fees and charges for the services of department personnel shall be the same as the current fee schedule of the Agricultural Marketing Service of USDA, as amended, 7 CFR parts 55, 56, 59 and 60.

As amended, R.1970 d.119, eff. October 1, 1970.
 See: 2 N.J.R. 69(c), 2 N.J.R. 89(a).
 As amended, R.1977 d.339, eff. September 7, 1977.
 See: 9 N.J.R. 354(b), 9 N.J.R. 451(b).
 As amended, R.1978 d.115, eff. March 30, 1978.
 See: 10 N.J.R. 90(a), 10 N.J.R. 182(c).
 As amended, R.1978 d.402, eff. November 21, 1978.
 See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.31 Name and address on containers

(a) The name and address of the packer or distributor shall be considered prominently designated on a container of eggs when in bold-faced type not less than 1/16 inch in height.

1. In consumer graded eggs this designation shall be preceded by the words "Produced and Packed by", "Packed and Distributed by", "Packed for and Distributed by", or "Distributed by", whichever is the correct expression of fact.

2. The street address of the packer or distributor need not be shown provided the name is listed in a current public directory.

(b) For the purposes of this section, "consumer graded eggs" are defined to mean eggs offered for sale to consumers at the retail level.

As amended, R.1978 d.402, eff. November 21, 1978.
 See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.32 Sealing containers

All containers of loose eggs, produced in New Jersey whether graded or ungraded destined for New Jersey identified pack, shall be sealed with gummed tape at least 2½ inches wide in a manner marked with the name and address of the New Jersey producer partly on the tape and partly on the container. Only those eggs in containers thus taped and marked may be used for packing into New Jersey identified cartons.

As amended, R.1978 d.402, eff. November 21, 1978.
 See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.33 Registering sample of label or container

A sample of any label or container on which appears the name "New Jersey" or "Jersey" or the name of any county or municipality within this State, except as it appears in the name and address of the packer or distributor, shall be registered with the department.

2:71-1.34 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.35 Reused container

A container is deemed reused when any person refills the container with eggs, and it shall be the responsibility of such

person to have markings on the container which are unmistakably those of the packer.

2:71-1.36 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

(b) All promotion and advertising with grant money shall be generic in nature. Organizations which receive matched fund grants shall not promote or advertise individual brand names or company names with grant money.

APPENDIX A

NEW JERSEY DEPARTMENT OF AGRICULTURE APPLICATION FOR "JERSEY FRESH" DEVELOPMENT AND/OR PROMOTIONAL FUNDS

The undersigned hereby applies for matched funds to be used in market development programs and/or promotion of New Jersey grown or produced agricultural commodities during calendar year _____.

In consideration of the receipt of such funds, the undersigned agrees:

- 1. To provide an equal amount of monetary funds for the specified purpose.
2. To use the New Jersey Department of Agriculture Jersey Fresh promotion theme, slogan and/or logo in conjunction with their programs.
3. To submit to the New Jersey Department of Agriculture a notarized listing of expenditures at the completion of the promotional program.

ORGANIZATION _____ ADDRESS _____ CITY _____ STATE _____ ZIP _____ TELEPHONE _____ VENDOR FEDERAL ID # _____ SIGNATURE _____ DATE _____

AMOUNT OF MATCHED FUNDS REQUESTED FROM THE NEW JERSEY DEPARTMENT OF AGRICULTURE \$ _____

SCHEDULED DATE OF EVENT (IF APPLICABLE) _____ Return this application by _____ to Al Murray, New Jersey Department of Agriculture, Division of Markets, PO Box 330, Trenton, New Jersey 08625-0330. PLEASE BE SURE TO ATTACH A W-9 FORM.

Purpose of Organization

- 1. Please describe your organization, its purpose or mission.

JERSEY FRESH MATCHED FUNDS APPLICATION PART II

(Use separate sheets as needed)

- 1. Explain in detail how your proposed project will benefit the New Jersey Agricultural Industry, and complement the existing Jersey Fresh program.
2. Include the estimated number of people, projected participants, audience, or targeted individuals (i.e., the number of people who you anticipate benefiting from your project).
3. Outline promotional program and provide a breakdown of estimated costs of all components of the program.

APPENDIX B

NEW JERSEY DEPARTMENT OF AGRICULTURE AFFIDAVIT OF PERFORMANCE

The undersigned hereby acknowledges the receipt of \$ _____ on or about _____ from the New Jersey

Department of Agriculture used in a program of market development, promotion, and/or education of New Jersey grown or produced agricultural commodities.

The undersigned attests that he/she/it contributed monetary funds to at least match (on a dollar for dollar basis) those provided by the New Jersey Department of Agriculture in the amount of \$ _____ and that a total of \$ _____ was expended for the following program(s).

The following is an itemization of all expenditures directly incurred with the use of Jersey Fresh Matched Funds. ATTACH PAID INVOICES, CANCELED CHECKS OR OTHER RECEIPTS which show your total expenditures. (Attach additional sheets as required.)

ORGANIZATION _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

SIGNATURE _____ TITLE _____

Subscribed and sworn to before me this _____ day of _____ 19____

Notary Public of New Jersey

RETURN THIS FORM BEFORE _____ to Al Murray, NJ Department of Agriculture, Division of Markets, PO Box 330, Trenton, New Jersey 08625-0330.

SUBCHAPTER 5. MARKING OPEN AND CLOSED PACKAGES OF POTATOES

2:71-5.1 General provisions; purpose

The following sections of this subchapter are adopted by the State Board of Agriculture to effect administration and enforcement of chapter 116, Laws of 1963, and chapter 164, Laws of 1974, under authority prescribed therein.

As amended, R.1975 d.81, eff. April 1, 1975. See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.2 Grades on potato package

(a) Every package of potatoes shall be classified as meeting the requirements of one of the United States grades, or of "unclassified", or of "culls".

(b) Use of such terms as "ungraded", "field run", "pick outs", or any other term, not specified in the act, to indicate grade or quality, is prohibited.

2:71-5.3 Markings of potato package

(a) All required marking shall be clear and legible, plainly painted, stenciled or stamped.

(b) Labels used in connection with transparent film type packages shall, if inserted, be placed face out in a conspicuous manner and position.

(c) All packages shall contain the required markings whether they are master containers or packages within master containers.

(d) The following schedule of labeling shall prevail:

1. For packages containing less than 10 pounds, all required marking shall be at least 3/16 inch in height.
2. For packages containing 10 or more and less than 50 pounds, all required marking shall be at least 3/8 inch in height.
3. For packages containing 50 pounds or more, all required markings shall be at least 5/8 inch in height.

(e) Whenever the words "unclassified" or "culls" are used, they shall be at least one inch in height.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.4 Tags

When tags are used, all required markings shall be at least 3/8 inch in height, and whenever the words "unclassified" or "culls" are used, they shall be at least one inch in height.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).

2:71-5.5 Invoices and/or manifests (bills of lading)

All persons selling, offering for sale or transporting for sale in this State potatoes in open or closed packages for processing or repacking purposes shall furnish the buyer an invoice and/or manifest covering each sale of such potatoes stating that the potatoes are for processing or repacking. Any lot of potatoes not accompanied by such document shall be considered as coming under the provisions of this act.

As amended, R.1975 d.381, eff. January 1, 1976.
See: 7 N.J.R. 538(b), 8 N.J.R. 54(a).

2:71-5.6 Prohibition of sale

(a) Packages of potatoes found improperly marked in violation of the act shall be tagged or otherwise appropriately identified by the secretary or his duly authorized representative, thus giving notice that such packages are misbranded, mislabeled or misrepresented, and warning all persons not to remove or dispose of such potatoes, by sale or otherwise, until such potatoes are properly branded or labeled, and permission to dispose of them has been granted by the secretary or his duly authorized representative.

(b) It shall be a violation of the act, or the rules and regulations pursuant thereto, for any person to remove or dispose of potatoes so seized, by sale or otherwise, without this permission.

2:71-5.7 Responsibility of packer or repacker

(a) Final determination of compliance with the act and its regulations shall be based upon the facts available at the time and place of inspection. The possessor, however, is responsible for maintaining the grade, whether he be grower, packer or repacker, shipper, dealer, distributor or retailer. Lots of potatoes that fail to comply with the act and its regulations shall be relabeled or regraded to meet compliance.

(b) In interpreting the word "person" in chapter 164, Laws of 1974, the New Jersey Department of Agriculture shall assess a penalty against the individual found responsible for the violation at the specific place involved.

As amended, R.1975 d.81, eff. April 1, 1975.
See: 7 N.J.R. 91(a), 7 N.J.R. 190(b).
As amended, R.1975 d.126, eff. May 16, 1975.
See: 7 N.J.R. 247(a).

SUBCHAPTER 6. "JERSEY BRED" LOGO

Authority

N.J.S.A. 4:1-3, 4:10-1 et seq. and 4:10-16 et seq.

Source and Effective Date

R.2004 d.6, effective January 5, 2004.
See: 35 N.J.R. 3749(a), 36 N.J.R. 169(a).

2:71-6.1 Scope and purpose

A New Jersey producer of horses or 4-H market lambs or an organization of New Jersey producers of horses or 4-H market lambs is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Bred" logo in marketing their horses or 4-H market lambs.

2:71-6.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Born" means brought forth by birth.

"Foaled" means to give birth to a horse or pony.

"4-H market lamb" means a lamb raised by a member of a 4-H program to be sold at a State or county market or fat lamb sale.

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

"Producer" means a farmer that owns and maintains animals in New Jersey.

2:71-6.3 Use of "Jersey Bred" as the logo for any "Jersey Bred Program"

(a) The New Jersey Department of Agriculture approves the use of Jersey Bred in conjunction with the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 and 4:10-15 as an official emblem for identifying New Jersey bred horses and 4-H market lambs.

(b) Only those persons, firms, partnerships, corporations or associations licensed to use the Jersey Bred logo shall be permitted to attach or have it imprinted upon any documents related to their horses and 4-H market lambs or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of Jersey Bred horses and 4-H market lambs shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(c) Any person, firm, partnership, corporation or association wishing to employ the Jersey Bred logo to be used in marketing New Jersey produced horses and 4-H market lambs shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name and address of the user, the type of animal for which the user is seeking a license and other such information as is deemed necessary for enforcement of the Jersey Bred program. The Department will hold confidential any information provided in the application which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., subject to the limitations set forth therein.

(d) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1. Licenses shall be renewed annually upon application filed with the Department 60 days prior to the date of July 1.

(e) A fee of \$30.00 shall accompany the application form and shall be made payable to the New Jersey Farm Products Publicity Fund. If an applicant is deemed ineligible, the fee shall be refunded.

(f) When a license holder discontinues use of the Jersey Bred logo, fails to renew his or her license when required or has his or her license revoked, he or she shall be prohibited from its use in any manner, including, but not limited to, stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(g) The configuration of the Jersey Bred Logo is as follows:



(h) All horses and 4-H market lambs marketed under the "logo" program shall be produced in New Jersey under the conditions set forth in N.J.A.C. 2:71-6.4 and 6.5.

(i) Any licensed producer using the Jersey Bred logo for horses and 4-H market lambs without satisfying the requirements set forth in N.J.A.C. 2:71-6.4 and 6.5, any unlicensed producer using the Jersey Bred logo, or anyone violating any provision of N.J.S.A. 4:10-14 shall be subject to a penalty of not more than \$50.00 for the first offense and not more than \$100.00 for each subsequent offense, except for violations of N.J.S.A. 4:10-5 which penalty shall be \$50.00.

(j) After the second violation of any part of this subchapter by the same licensed producer during the same calendar year, the license to use the Jersey Bred logo shall be revoked for the remainder of the license year. A preliminary determination of revocation made by the Department shall be reviewed and approved by the State Board.

(k) Orders for penalties or to enjoin continuing violations may be enforced by summary action brought in the name of the Department in Superior Court or Municipal Court.

(l) Upon revocation of a license, a producer may reapply for a license for the next license year.

2:71-6.4 Horses

(a) A Jersey Bred pleasure horse shall meet all requirements set forth in N.J.A.C. 2:34-2.1(b).

(b) A Jersey Bred Standardbred shall meet all requirements set forth in N.J.A.C. 2:32-2.2.

(c) A Jersey Bred Thoroughbred shall meet all requirements set forth in N.J.A.C. 13:70-6.53.

2:71-6.5 4-H market lambs

All 4-H market lambs born in the State of New Jersey will be eligible for the use of the Jersey Bred logo as long as the ewe has been in the State for the last trimester (50 days) of her pregnancy.

SUBCHAPTER 7. "JERSEY GROWN" LOGO

Authority

N.J.S.A. 4:1-23 and 4:10-16 et seq.

Source and Effective Date

R.2004 d.201, effective June 7, 2004.
See: 36 N.J.R. 626(a), 36 N.J.R. 2715(b).

Subchapter Historical Note

Subchapter 7, "Jersey Grown" Logo, was adopted as R.2004 d.201, effective June 7, 2004. See: Source and Effective Date.

2:71-7.1 Scope and purpose

A New Jersey producer who is certified pursuant to N.J.A.C. 2:16 to sell or distribute nursery stock or plant material is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo in marketing their nursery stock and plant material. In addition, a New Jersey grower who complies with the requirements set forth in N.J.A.C. 2:71-7.3 and 7.5 is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo in marketing their cut Christmas trees.

Amended by R.2006 d.424, effective December 4, 2006.
See: 38 N.J.R. 3345(a), 38 N.J.R. 4994(a).

Added final sentence.

2:71-7.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Agriculture" means the production of plants and animals useful to man, including all forms of farm products and farm production.

"Certificate" means a document authorized or prepared by a duly authorized Federal or State regulatory official that affirms, declares, or verifies that an article, nursery stock, plant, product, shipment or any other officially regulated article meets phytosanitary (quarantine), nursery inspection, pest freedom, plant registration or certification, or other set of legal requirements (N.J.S.A. 4:7-15 et seq.).

"Certification" means the act, by a duly authorized regulatory official of the Department, of affirming, declaring, or verifying compliance with nursery inspection, pest freedom, plant registration or certification, or any other set of legal requirements.

"Cut Christmas tree" means sheared stock of the coniferous species which are normally cut and marketed as Christmas trees or holiday trees and include the following species:

1. Leyland Cypress (*Cupressocyparis Leylandii*);
2. Douglas Fir (*Pseudotsuga Menziesii*);
3. Balsam Fir (*Abies Balsamea*);
4. Canaan Fir (*Abies Balsamea* var. *Phanerolepis*);
5. Red Fir (*Abies Magnifica*);

6. White Fir (*Abies Concolor*);
7. Fraser Fir (*Abies Fraseri*);
8. Grand Fir (*Abies Grandis*);
9. Noble Fir (*Abies Procera*);
10. White Spruce (*Picea Glauca*);
11. Blue Spruce (*Picea Pungens*);
12. Norway Spruce (*Picea Abies*);
13. Eastern Red Cedar (*Juniperus Virginiana*);
14. Red Pine (*Pinus Resinosa*);
15. White Pine (*Pinus Strobus*);
16. Southwestern White Pine (*Pinus Strobiformis*);
17. Virginia Pine (*Pinus Virginiana*); and
18. Scotch Pine (*Pinus Sylvestris*).

"Grower" means, but is not limited to, any person who raises, grows, or propagates cut Christmas trees, whether for profit or other reasons, or whether outdoors or indoors.

"Nursery" means any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed direct to a customer.

"Nursery Certificate" is a document issued by the Department indicating that the nursery stock was inspected pursuant to N.J.S.A. 4:7-15 et seq. and certified to be apparently free of dangerously injurious insects, highly invasive weed plants and plant diseases. The certificate is valid for one calendar year or until a subsequent inspection finds infestation of dangerously injurious plant pests or diseases.

"Nursery stock" means all plants, trees, shrubs, and vines grown for sale, as well as grafts, cuttings, and buds and other parts of plants that may be sold for propagation, whether cultivated or wild; but shall not include herbaceous annuals or plants, flowers, vines or cuttings grown under glass and commonly known as florists' stock.

"Plant material" includes any part of a plant, tree, aquatic plant, plant product, plant material, shrub, vine, fruit, rhizome, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pit.

"Plant pest" includes, but is not limited to: any pest of plants, agricultural commodities, crop seed, farm products, horticultural products, nursery stock, or non-cultivated plants. This includes, but is not limited to: insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma like organisms, weeds, plants, or parasitic higher plants.

"Producer" means a farmer who raises, grows, propagates or maintains, for profit or other reasons, outdoors or indoors, any horticultural product, plant material or nursery stock in New Jersey.