

TITLE 2

DEPARTMENT OF AGRICULTURE

CHAPTER 1
ADMINISTRATION

- 2:1-4.6 Complaint contents
2:1-4.7 Complaint form
2:1-4.8 Investigation

Authority

N.J.S.A. 4:1-11, 52:14B-3(1) and (2); 52:14B-4(b);
42 U.S.C. 12101 et seq. and 28 C.F.R. 35.107.

Source and Effective Date

R.1995 d.566, effective October 4, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Administration, expires on October 4, 2000. Subchapter
4, Disability Discrimination Grievance Procedure, is exempt from the
operation of Executive Order No. 66(1978).

Chapter Historical Note

Chapter 1, Administration, was originally filed and became effective
prior to September 1, 1969. Subchapter 2, Organization, was readopt-
ed pursuant to Executive Order No. 66(1978) by R.1983 d.528, effective
November 1, 1983. See: 15 N.J.R. 1538(a), 15 N.J.R. 1939(d). Pursu-
ant to Executive Order No. 6(1978), Chapter 1, Administration, expired
on September 3, 1990. Chapter 1 was subsequently adopted as new
rules, with subchapter 1 being reserved, by R.1990 d.579, effective
November 19, 1990. See: 22 N.J.R. 2865(a), 22 N.J.R. 3478(b).
Subchapter 4, Disability Discrimination Grievance Procedure, was
adopted as new rules by R.1993 d.274, effective June 7, 1993. See: 25
N.J.R. 1314(a), 25 N.J.R. 1338(a), 25 N.J.R. 2247(a), 25 N.J.R. July 6,
1993. Pursuant to Executive Order No. 66(1978), Subchapter 2, Orga-
nization, and Subchapter 3, Rules of Practice, were readopted as
R.1995 d.566, effective October 4, 1995. See: Source and Effective
Date. See, also, section annotations.

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SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. ORGANIZATION

2:1-2.1 Department responsibilities

The State Department of Agriculture is responsible for
development, regulatory, service, promotion and informa-
tion programs in support of agriculture and agribusiness and
those natural and renewable resources associated with agri-
culture and open lands for the benefits of all citizens as
prescribed in Titles 4, 5, 13, 24, 54 and other applicable
titles in the New Jersey Statutes Annotated.

2:1-2.2 Tables of organization

Tables showing the organization of the Department and
the major sections within each Division are appended to the
end of this chapter.

2:1-2.3 Functions of departmental units

(a) Functions of the various units within the State De-
partment of Agriculture are as follows:

1. The State Board of Agriculture is the head of the
Department and consists of eight farmers of the State
engaged in the production of farm crops or livestock.
The State Board of Agriculture, with the approval of the
Governor, appoints the Secretary of Agriculture who
serves as the principal executive officer of the Depart-
ment and secretary to the Board. The Board has the
authority to establish rules and regulations for its own
proceedings and for the government, control and program
performance of the Department.

2. The Office of the Secretary includes the Secretary
of Agriculture, an Assistant Secretary and a Chief of
Staff. It is responsible for the executive management
policy development, legislative liaison, public information
programs and legal services for the Department and the
State Board of Agriculture.

3. The Division of Administration provides personnel,
budget, accounting, training and administrative support
services to the divisions.

4. The Division of Animal Health is responsible for programs for the prevention, control and eradication of livestock and poultry diseases affecting such livestock, livestock products, and human health.

5. The Division of Dairy and Commodity Regulation operates programs which foster a stable and competitive dairy industry; conducts quality assurance programs for agricultural inputs; regulates credit buyers of perishable agricultural products; and performs agricultural product grading and inspection.

6. The Division of Markets provides market development services, market news, support for agricultural cooperatives, equine programs, product promotion, and distributes Federal donated food to schools, institutions and qualified individuals.

7. The Division of Plant Industry is responsible for programs to prevent, control and eradicate pests and diseases of plants, trees and bees; conducts beneficial insect development and production; and provides seed certification and control.

8. The Division of Rural Resources provides programs and services to support farming, agricultural and rural development, soil and water conservation, agricultural statistics, and farmland retention.

9. Functions of units assigned to the State Department of Agriculture are as follows:

- i. The State Agriculture Development Committee is independent of, but allocated within, the Department of Agriculture. It administers the Farmland Preservation Program which consists primarily of cooperative easement purchase programs with local government and a soil and water conservation cost-share program with landowners; and administers the Right-to-Farm program.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

SUBCHAPTER 3. RULES OF PRACTICE

2:1-3.1 Purpose of rules of practice

The State Board of Agriculture and the New Jersey Department of Agriculture, in order to more fully represent and carry out their duties and functions, adopts this subchapter as its rules of practice.

2:1-3.2 Development of rules

(a) Rules shall be clear and concise to encourage the maximum amount of voluntary compliance by those who are regulated.

(b) Rules may be established by the Board for its own proceedings, for the governing and control of the Department, its programs, and the officers and employees of the Department.

(c) The Department shall provide the maximum amount of public participation in the review of existing or establishment of proposed rules. This shall include the use of advisory groups in rule development activities.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

2:1-3.3 Procedure to petition for a rule

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Department of Agriculture. A petition shall be in writing, shall be legible and intelligible and shall be signed by the petitioner. Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request; and
4. The statutory authority under which the Department of Agriculture may take the requested action.

(b) The Department of Agriculture shall immediately date stamp and log each document submitted as a petition. Upon filing, the Department of Agriculture shall forthwith publish the notice of petition for a rule in the New Jersey Register pursuant to the requirements of N.J.A.C. 1:30-3.6(a).

(c) No later than 30 days after receiving a petition, the Department of Agriculture shall mail to the petitioner and file for publication in the New Jersey Register, a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b). The notice of action shall include either:

1. A statement denying the petition;
2. A notice of proposed rule or a notice of pre-proposal for a rule for publication in the Register; or
3. A statement that the matter is being referred for further deliberations, the nature of which shall be specified and which shall conclude upon a date certain. The results of these further deliberations shall be mailed to the petitioner and shall be submitted for publication in the Register.

2:1-3.4 Hearings

(a) Any person who feels aggrieved by any action or inaction of the Department may request an informal meeting with the Department to settle any dispute, or seek clarification of the Department's rules and regulations. The Department shall respond, in writing, as to the results of such a meeting stating the reasons for its determination.