

2:71-2.13 Procedure for loads received after severe wind and rain storm

(a) Loads delivered after severe wind and rain storms are likely to have varying amounts of dirt or sand in the tips or under the scales.

1. Each processor knows the capacity of his plant machinery to remove such dirt.

2. It is the responsibility of the inspector to notify the receiver when loads show excessive dirt or sand in the tips or under scales.

3. If the load is accepted the inspector should sample and grade it as he normally does without regard for dirt or sand.

4. After establishing the percentages the inspector should write the statement "Except for dirt or sand" across the certificate. This provides a basis for settlement on these loads when accepted by the receiver.

(b) Loads which are rejected by the receiver need not be sampled and graded.

2:71-2.14 Asparagus spears described and permitted in N.J. No. 2 grade

(a) Shape:

1. Flat spears which are not deformed by abnormal growth of spear or tip.

2. Crooked or curved spears that are not actually curled or do not show badly deformed tip.

(b) "Broken tips" refer to spears with not more than two segments missing from tip or with extreme tip missing but fairly well covered by lower scales and general head shape retained.

(c) "Spreading tips" refer to spears with tip branches not exceeding $\frac{3}{4}$ inch length (exclusive of head) and not sprangled out from spear.

(d) "Scars (fresh or healed)" refer to hail, insects, mechanical or other means. Spears with shallow scars that do not aggregate more than $\frac{1}{4}$ inch in diameter in the area extending $4\frac{1}{2}$ inches from the tip end or scars on the remaining green portion of the spear aggregating not more than $\frac{1}{2}$ inch in diameter.

(e) "Insect eggs" refer to spears with not more than a total of six eggs provided that not more than three eggs are within the area extending a distance of $4\frac{1}{2}$ inches from the tip end.

(f) "Disease, discolored scales, rust" refers to spears with not more than four discolored scales in the area extending $4\frac{1}{2}$ inches from the tip end or all scales discolored on remaining green portion.

(g) "Freezing" refers to spears not showing dark green watery, glazy, wrinkled or pebbly areas on the stalk.

(h) "Culls" refer to spears of asparagus which have defects, from any cause, in excess of those permitted in N.J. No. 2 Grade.

(i) "Butt" refers to that part of a spear in excess of the maximum length specified shall be classified as a butt and if a contract between processor and grower restricts the amount of white on a spear, the white in excess of the amount specified shall be classified as a butt; and in either case the remaining portion of the spear shall be considered as meeting the grade requirements in regard to these factors.

(j) "Green color" refers to any shade of green or that shade of purple which will blanch green. The amount of green color shall be determined by measuring the distance from the extreme tip to the lowest point at which the spear is entirely of a green color.

2:71-2.15 Function and need for unrestricted sampling of asparagus for processing

(a) The grading of asparagus for processing is one of the principal functions of the service provided by the State for inspection and classification of products according to standards.

(b) Producers who contract with processors and others on the basis of contract or grade specifications are paid in accordance with the percentage of pay-weight delivered. These percentages of pay-weight and other factors are established for each load or lot by analysis of samples in accordance with contract specifications or State standards. Since accuracy of determination of these percentages is entirely dependent upon the sample analyzed from each load or lot graded, it is imperative that truly representative samples be obtained from each load or lot. Such truly representative samples may be obtained only when the entire load or lot is made accessible for unrestricted sampling.

R.1970 d.20, eff. Jan. 27, 1970.

See: 2 N.J.R. 12(a); 2 N.J.R. 29(b).

2:71-2.16 Unrestricted sampling; definition

(a) All inspection and grading of asparagus for processing, as performed by the New Jersey Department of Agriculture, shall be on the basis of unrestricted sampling.

(b) Unrestricted sampling means that any and all containers designated by the official inspector as containers to be sampled from a load or lot of asparagus shall be made available to the inspector for sampling.

R.1970 d.20, effective Jan. 27, 1970.

See: 2 N.J.R. 12(a); 2 N.J.R. 29(b).

2:71-2.17 Equipment and personnel required

(a) All applicants requesting inspection and grading services on asparagus for processing, as provided by the New Jersey Department of Agriculture, shall provide such equipment and personnel as are necessary to make all loads or lots of asparagus accessible for unrestricted sampling.

(b) The Secretary shall deny inspection and grading services to any applicant who does not provide such equipment and personnel as are needed to insure unrestricted sampling of asparagus for processing.

R.1970 d.20, effective Jan. 27, 1970.
See: 2 N.J.R. 12(a); 2 N.J.R. 29(b).

2:71-2.18 through 2:71-2.25 (Reserved)**2:71-2.26 Requests; charges**

Requests may be made of the Department by producers, dealers, shippers, processors, brokers, retailers or other commercial parties to a transaction involving fruits and vegetables to have the fruits or vegetables inspected or graded and certified on official certificates by qualified employees of the Department. A charge shall be made for such services. Such charge shall be paid by the requestor of such services.

R.1978 d.114, effective March 30, 1978.
See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).
Administrative Correction.
See: 25 N.J.R. 3453(b).

2:71-2.27 Agreements for inspection services

(a) Agreements for inspection services of five or more consecutive days duration must be made in writing with the Secretary of the Department of Agriculture.

(b) Agreements for inspection services of trailer, car, warehouse and storage lots may be made orally with an authorized representative of the Division of Regulatory Services.

R.1978 d.114, effective March 30, 1978.
See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).

2:71-2.28 Charges for inspection or grading and certification services; written agreements for single commodity inspection

(a) Charges for inspection or grading and certification services of five or more consecutive days duration, performed pursuant to a written agreement between the New Jersey Department of Agriculture and the requester of the services, shall be made according to the following schedule:

1. Basic schedule for all products:

i. A charge of \$500.00 per five day week (Monday through Friday) or 40 hours or less for each inspector;

ii. A charge of \$18.75 per hour, or portion thereof, for all hours worked over 40 in the five day week (Monday through Friday), or for all hours over eight hours per day;

iii. There will be at least a four hour minimum charge of \$75.00 assessed for each inspector assigned work on Saturday and/or Sunday; and a charge of \$18.75 per hour, or portion thereof, for the actual hours worked by each inspector on Saturday and/or Sunday in excess of four hours;

iv. There will be at least a four hour minimum charge of \$75.00 assessed for each inspector assigned work on legal State holidays occurring Monday through Friday; and a charge of \$18.75 per hour, or portion thereof, for the actual hours worked by each inspector on legal State holidays occurring Monday through Friday in excess of four hours; and

v. Official mileage will be charged at the prevailing State rate per mile starting and ending where the inspector officially reports for duty.

2. Charges for inspection or grading and certification of fruit and vegetables other than potatoes for fresh market:

i. A charge of \$0.08 will be made for all packages inspected or graded and certified in excess of 3,333 packages during the seven day week (Saturday through Friday).

3. Charges for inspection or grading and certification of potatoes for the fresh market:

i. A charge of \$0.08 per hundredweight for all hundredweight inspected or graded and certified in excess of 3,333 hundredweight during the seven day week (Saturday through Friday).

R.1978 d.114, eff. March 30, 1978.
See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).
As amended, R.1979 d.58, eff. February 13, 1979.
See: 11 N.J.R. 2(a), 11 N.J.R. 117(a).
As amended, R.1980 d.140, eff. April 3, 1980.
See: 12 N.J.R. 102(a), 12 N.J.R. 248(b).
As amended, R.1982 d.75, eff. March 15, 1982 (operative April 25, 1982).
See: 14 N.J.R. 66(a), 14 N.J.R. 277(a).

(a)1i: "\$300.00" was "\$290.00"; (a)1ii: "\$11.25" was "\$10.88"; (a)1iii: "\$45.00" was "\$43.52"; (a)1iv: "\$13.50" was "\$12.25"; (a)2i: "4,285" was "4,140"; (a)3i: "3,750" was "3,625".
As amended, R.1983 d.312, effective August 1, 1983.
See: 15 N.J.R. 462(a), 15 N.J.R. 1245(a).

In (a)1iv. added "not to exceed light hours per day" and last sentence.

As amended, R.1984 d.301, eff. July 16, 1984.
See: 16 N.J.R. 946(a), 16 N.J.R. 1966(a).

Section substantially amended.
Amended by R.1986 d.147, effective May 5, 1986.
See: 18 N.J.R. 448(a), 18 N.J.R. 938(c).

Charges were raised.
Amended by R.1987 d.354, effective September 8, 1987.
See: 19 N.J.R. 901(a), 19 N.J.R. 1641(a).

Increase of fee charges for inspection and grading of farm products.
Amended by R.1988 d.370, effective August 1, 1988.
See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Charge raised to \$0.06 in excess of 6,545 packages from \$0.02 in excess of 4,000 packages.
Amended by R.1990 d.318, effective June 18, 1990.
See: 22 N.J.R. 1242(c), 22 N.J.R. 1914(a).

Charges increased.
Amended by R.1992 d.375, effective October 5, 1992.
See: 24 N.J.R. 2321(a), 24 N.J.R. 3513(a).

Revised text.
Amended by R.1995 d.456, effective August 21, 1995.
See: 27 N.J.R. 2035(a), 27 N.J.R. 3155(d).

Charges were raised.

2:71-2.29 Written agreements for multiple commodity inspection

(a) Charges for written agreements shall be made according to the following schedule.

- i. A charge of \$1,000 per five day week (Monday through Friday) or 40 hours or less for each inspector for the inspection and/or grading of more than one commodity;
- ii. A charge of \$36.00 per hour, or portion thereof, for all hours worked over 40 in the five day week (Monday through Friday), or for all hours over eight hours per day;
- iii. There will be at least a four hour minimum charge of \$144.00 assessed for each inspector assigned work on Saturday and/or Sunday;
- iv. A charge of \$36.00 per hour, or portion thereof, for the hours worked by each inspector on legal State holidays occurring Monday through Friday;
- v. There will be at least a four hour minimum charge of \$144.00 assessed for each inspector assigned work on legal State holidays occurring Monday through Friday; and
- vi. A charge of \$0.08 will be made for all packages (other than potatoes) inspected or graded and certified in excess of 6,667 packages during the seven day week (Saturday through Friday).

Amended by R.1990 d.318, effective June 18, 1990.
See: 22 N.J.R. 1242(c), 22 N.J.R. 1914(a).
Charges increased
Amended by R.1992 d.375, effective October 5, 1992.
See: 24 N.J.R. 2321(a), 24 N.J.R. 3513(a).

Revised text.

Amended by R.1995 d.456, effective August 21, 1995.
See: 27 N.J.R. 2035(a), 27 N.J.R. 3155(d).
Charges were raised.

2:71-2.30 Charges; oral agreements; trailer, car, warehouse and storage lots

(a) Charges for inspection or grading and certification services performed to an oral agreement between the New Jersey Department of Agriculture and the requester, for all trailer, car, warehouse and storage lots, shall be made according to the schedule detailed below. A minimum of \$25.00 for inspection or grading and certification services shall be charged. However, if the conditions listed in N.J.A.C. 2:71-2.30 are met, the charges shall be calculated according to the hourly rate schedule set out in N.J.A.C. 2:71-2.31.

1. Basic charge schedule for products other than potatoes:
 - i. A charge of \$0.15 per container for all containers;
2. Basic charge schedule for potatoes:
 - i. A charge of \$0.18 per hundredweight;
 - ii. All other size containers and bulk loads shall be converted to hundredweight equivalents. Charges for these equivalents shall be at the rate of \$0.18 per hundredweight.
3. Phytosanitary certificates:
 - i. No charge will be made for such certificates;
 - ii. The Deputy Director, Division of Dairy and Commodity Regulation, may be contacted for information on counties, requiring additional declaration statements.
4. Delayed inspections: Delayed inspections are those inspections requiring more than two hours to complete (exclusive to travel time) due to delays of any kind not attributable to the inspector. Additional charges for delayed inspections shall be assessed according to the following schedule:
 - i. \$18.00 per hour charged in half hour increments.
 - ii. The minimum charge shall be \$9.00.
5. Saturday, Sunday and legal State holiday inspections: For inspections performed on Saturdays, Sundays or legal State holidays a per man-hour rate will be charged in addition to the regular fee and shall be assessed according to the following schedule:
 - i. \$12.00 per hour charged in half hour increments.
 - ii. The minimum charge shall be \$6.00.

R.1978 d.114, eff. March 30, 1978.
See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).
As amended, R.1980 d.140, eff. April 3, 1980.
See: 12 N.J.R. 102(a), 12 N.J.R. 248(b).

As amended, R.1982 d.75, eff. March 15, 1982 (operative April 25, 1982).

See: 14 N.J.R. 66(a), 14 N.J.R. 277(a).

(a): "\$12.00" was "\$11.00";

(a)5i.: "\$7.00" was "\$6.00".

As amended, R.1984 d.301, eff. July 16, 1984.

See: 16 N.J.R. 946(a), 16 N.J.R. 1966(a).

Section substantially amended.

Amended by R.1986 d.147, effective May 5, 1986.

See: 18 N.J.R. 448(a), 18 N.J.R. 938(c).

Charges were received.

Amended by R.1988 d.370, effective August 1, 1988.

See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Basic charge schedules raised throughout section.

Amended by R.1990 d.318, effective June 18, 1990.

See: 22 N.J.R. 1242(c), 22 N.J.R. 1914(a).

Charges increased and charges for Saturday, Sunday and legal holidays established.

Amended by R.1995 d.456, effective August 21, 1995.

See: 27 N.J.R. 2035(a), 27 N.J.R. 3155(d).

Charges were raised.

2:71-2.31 Charges; oral agreements between Department of Agriculture and requestor

(a) Charges for inspection or grading and certification services performed pursuant to an oral agreement between the New Jersey Department of Agriculture and the requestor shall be made according to the hourly rate schedule set out in N.J.A.C. 2:71-2.31 when:

1. A restricted inspection of large lots is to be made and the requestor asks that the certificate show the total count or volume of the lot;
2. A requested inspection is not completed for any reason whatsoever not attributable to the inspector or when an inspection is complete and no official certification is issued;
3. A requested inspection involves bulk or bin lots of products, except potatoes.

R.1978 d.114, eff. March 30, 1978.

See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).

As amended, R.1980 d.140, eff. April 3, 1980.

See: 12 N.J.R. 102(a), 12 N.J.R. 248(b).

As amended, R.1984 d.301, eff. July 16, 1984.

See: 16 N.J.R. 946(a), 16 N.J.R. 1966(a).

Section substantially amended.

2:71-2.32 Hourly rate charges

(a) The hourly rate charges shall be made according to the following schedule:

1. A charge of \$22.00 per hour, or portion thereof, for regular work hours, 8:00 A.M. to 5:00 P.M. on regular workdays, Monday through Friday;
2. A charge of \$33.00 per hour, or portion thereof, for work started or completed between 6:00 P.M. and 7:00 A.M. on regular workdays, Monday through Friday;
3. A charge of \$33.00 per hour, or portion thereof, for work performed on Saturdays, Sundays, or legal State holidays at the request of the requester.

R.1978 d.114, eff. March 30, 1978.

See: 10 N.J.R. 90(b), 10 N.J.R. 182(b).

As amended, R.1980 d.140, eff. April 3, 1980.

See: 12 N.J.R. 102(a), 12 N.J.R. 248(b).

As amended, R.1982 d.75, eff. March 15, 1982 (operative April 25, 1982).

See: 14 N.J.R. 66(a), 14 N.J.R. 277(a).

(a)1: "\$12.00" was "\$11.00"; (a)2: "\$18.00" was "\$16.50"; (a)3: "\$18.00" was "\$16.50."

As amended, R.1984 d.301, eff. July 16, 1984.

See: 16 N.J.R. 946(a), 16 N.J.R. 1966(a).

Section substantially amended.

Amended by R.1986 d.147, effective May 5, 1986.

See: 18 N.J.R. 448(a), 18 N.J.R. 938(c).

Charges for hourly rates were raised.

Amended by R.1988 d.370, effective August 1, 1988.

See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Hourly rate charges raised.

Amended by R.1990 d.318, effective June 18, 1990.

See: 22 N.J.R. 1242(c), 22 N.J.R. 1914(a).

Charges increased.

Amended by R.1995 d.456, effective August 21, 1995.

See: 27 N.J.R. 2035(a), 27 N.J.R. 3155(d).

Charges were raised.

SUBCHAPTER 3. PLANT MATERIALS

2:71-3.1 Standards for plant material

(a) The State Board of Agriculture adopts and promulgates as Official New Jersey Grades the United States Standards for the following plant materials:

1. Asparagus plumosa;
2. Christmas trees; and
3. Tomato plants.

SUBCHAPTER 4. JERSEY FRESH MATCHED FUNDS PROGRAM

Authority

N.J.S.A. 4:1-22.2.

Source and Effective Date

R.1999 d.175, effective June 7, 1999.

See: 31 N.J.R. 572(a), 31 N.J.R. 1478(a).

2:71-4.1 Purpose and scope

(a) This subchapter sets forth an application procedure for Jersey Fresh Matched Funds and sets forth the criteria upon which the New Jersey Department of Agriculture shall evaluate applications.

(b) The Jersey Fresh Matched Funds program provides matching funds grants to organizations whose proposed projects meet the criteria set forth in this subchapter and to be utilized for the market development, promotion and advertisement of New Jersey farm products. Such organizations shall be required to match their Jersey Fresh Matched Funds grant on at least a dollar for dollar basis.