

CHAPTER 5

QUARANTINES AND EMBARGOES ON ANIMALS

Authority

N.J.S.A. 4:5-1 through 3 and 4:5-94 through 106.

Source and Effective Date

R.2000 d.224, effective June 5, 2000.
See: 32 N.J.R. 733(a), 32 N.J.R. 2045(a).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Quarantines and Embargoes on Animals, expires on June 5, 2005.

Chapter Historical Note

Chapter 5, Quarantines and Embargoes on Animals, was adopted as R.1971 d.209, effective November 17, 1971. See: 3 N.J.R. 242(a).

Subchapter 1, Hog Cholera Quarantine, was repealed by R.1981 d.42, effective February 4, 1981. See: 13 N.J.R. 5(c), 13 N.J.R. 115(d).

Subchapter 1, Equine Entry Restriction, was adopted as Emergency New Rules by R.1992 d.321, effective July 20, 1992, expired September 18, 1992.

Subchapter 2, Equine Quarantines and Embargoes, was adopted as R.1973 d.233, effective August 30, 1973. See: 5 N.J.R. 254(a), 5 N.J.R. 327(a). Pursuant to Executive Order No. 66(1978), Subchapter 2 expired on April 3, 1984.

Subchapter 2, Equine Quarantines and Embargoes, was adopted as new rules by R.1984 d.221, effective June 18, 1984. See: 16 N.J.R. 578(a), 16 N.J.R. 1471(a).

Subchapter 3, Poultry Embargo, was adopted as Emergency New Rules by R.1983 d.572, effective November 21, 1983, to expire January 20, 1984. See: 15 N.J.R. 2048(a). The provisions of R.1983 d.572 were readopted by R.1984 d.59, effective March 19, 1984. See: 15 N.J.R. 2048(a), 16 N.J.R. 518(a).

Subchapter 4, Area Quarantine for Avian Influenza, was adopted as Emergency New Rules by R.1983 d.585, effective December 1, 1983, expired January 30, 1984. See: 15 N.J.R. 2176(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on June 18, 1989.

Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.1989 d.454, effective August 21, 1989. See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on August 21, 1994.

Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.1995 d.199, effective April 3, 1995. See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

Subchapter 1, Livestock Prohibition, was adopted as Emergency New Rules by R.1995 d.451, effective July 24, 1995, to expire September 22, 1995. See: 27 N.J.R. 2976(a). The provisions of R.1995 d.451 were readopted by R.1995 d.595, effective November 20, 1995. See: 27 N.J.R. 2976(a), 27 N.J.R. 4695(a).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, expired on April 3, 2000. See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

Pursuant to Executive Order No. 66(1978), Chapter 5, Quarantines and Embargoes on Animals, was adopted as new rules by R.2000 d.224,

effective June 5, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. LIVESTOCK PROHIBITION

2:5-1.1 Livestock prohibition—vesicular stomatitis

(a) All livestock, and wild and exotic animals, to be imported from states which have been identified as being affected with the contagious viral disease known as vesicular stomatitis must first obtain a permit for entry by telephone at (609) 292-3965 or by fax at (609) 633-2550 (weekdays, 8:45 A.M.-4:45 P.M., EDT).

(b) Permits will be granted only for those animals that are accompanied by an approved Certificate of Veterinary Inspection which includes a statement that:

1. The animals have been examined and found free of evidence of vesicular stomatitis;
2. During the 30 days prior to shipment, the animals have not been within 10 miles of any premises on which vesicular stomatitis has been diagnosed within 60 days;
3. The animals have not been exposed to any animal which has been vaccinated with vesicular stomatitis vaccine, of any kind, within the last 30 days; and
4. The animals must have a negative test for vesicular stomatitis performed by an approved laboratory within 10 days of shipment.

(c) Animals imported into New Jersey under such a permit shall be automatically quarantined for 14 days, and shall be isolated from other livestock until the quarantine expires or the animal(s) is released by the State Veterinarian or his or her representative.

Emergency New Rule, R.1995, d.451, effective July 24, 1995 (expires September 22, 1995).
See: 27 N.J.R. 2976(a).
Adopted concurrent proposal, R.1995 d.595, effective November 20, 1995.
See: 27 N.J.R. 2976(a), 27 N.J.R. 4695(a).

SUBCHAPTER 2. EQUINE INFECTIOUS ANEMIA

2:5-2.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Equine infectious anemia (EIA)” means an infectious and contagious disease of equidae caused by a transmissible virus, known colloquially as swamp fever.

“Infected animal” means an animal which has been examined by two or more official tests and is positive to both.

“Official test” means the equine infectious anemia agar gel immuno-diffusion procedure recognized and controlled by the United States Department of Agriculture as conducted by the New Jersey Department of Agriculture’s Division of Animal Health Laboratory.

“Official test requirements” means blood samples taken by accredited veterinarians, tested by the Department of Agriculture Laboratory.

“Slaughter buyers” means one who purchases horses for the express purpose of slaughter for human consumption.

New Rule, 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 definitions of “herd”, “herd test”, “natural additions”, “New Jersey EIA certified free equidae (herd)”, “non-certified additions” and “non-certified horse/herd”; added definition for “slaughter buyers”.

2:5-2.2 Quarantining and branding of infected equine infectious anemia horses

(a) When the disease of equines known as equine infectious anemia exists or is suspected to exist in any horse or stable of horses, the Department may cause to be administered the test most appropriate to ascertain the presence or absence of EIA, swamp fever.

(b) All horses having a positive equine infectious anemia test will be quarantined to the premise. Authorized veterinary agents of the Department will properly identify the positive horses and rebleed them to make sure the proper horse has been quarantined.

(c) The owner or custodian shall confine, present, control and restrain such animal(s) for examination tests and identification as necessary.

(d) Animal(s) during the testing period shall be confined and not moved from the premises. Identification marks or devices affixed for the purpose of the test shall not be altered or defaced.

(e) Animals found to be infected with EIA must be permanently identified by a method prescribed by the Department. Infected animals may be humanely destroyed, or moved on a permit issued by an authorized agent under the direction of the Director of Animal Health. Permits will be issued to move animals to slaughter plants, research facilities and to a new location provided the location meets the requirements of the Department.

(f) Positive animals that are not to be destroyed shall be quarantined to the premise and must be kept separate and apart from all other horses on the premise in tightly screened quarters and be supplied with separate equipment.

(g) As EIA is an infectious disease of equines for which there is no known cure, official positive animals shall be permanently identified by being freeze branded with an identification number on the left side of the neck in a humane manner by an authorized agent. The identification number shall be preceded by the coding number 22A.

(h) The Department will not be liable for any loss of value of the branded horse or for any indemnity for a horse that is voluntarily destroyed.

Amended by R.1974 d.256, effective September 19, 1974.
See: 6 N.J.R. 295(b), 6 N.J.R. 386(c).
Amended by R.1988 d.369, effective August 1, 1988.
See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).
Administrative correction to (g).
See: 22 N.J.R. 628(a).

2:5-2.3 Importation for immediate slaughter

The provisions of the foregoing sections of this subtitle notwithstanding, any horse or other equidae may be imported for immediate slaughter, and only for such purpose, without a health certificate or negative test for equine infectious anemia by making application to the Division of Animal Health, New Jersey Department of Agriculture and by complying with the provisions set forth in an application agreement required by the Division of Animal Health prior to importation.

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).
 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.251, effective May 29, 2003.

See: 35 N.J.R. 1699(a), 35 N.J.R. 2861(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: 35 N.J.R. 1699(a).

The concurrent proposal of Subchapter 4, Exotic Newcastle Disease (END), was adopted by R.2003 d.251, effective May 29, 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 disease affecting all species of birds, to be a threat to all avian species.

Amended by R.2003 d.251, effective July 7, 2003.

See: 35 N.J.R. 1699(a), 35 N.J.R. 2861(a).

Inserted “disease” following “animal”.

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.