

**CHAPTER 20
QUARANTINES**

Authority

N.J.S.A. 4:1-21.5, 4:6-20, 4:7-1 et seq.

Source and Effective Date

R.2000 d.345, effective July 27, 2000.
See: 32 N.J.R. 1454(a), 32 N.J.R. 3057(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 20, Quarantines, expires on January 23, 2006. See: 37 N.J.R. 3099(a).

Chapter Historical Note

Chapter 20, Quarantines, was adopted and became effective prior to September 1, 1969 with Subchapter 1, Gypsy Moth; Subchapter 2, Gooseberries and Currants; and Subchapter 3, Red Pine Scale.

Subchapter 1, Gypsy Moth, was repealed by R.1971 d.28, effective March 4, 1971. See: 3 N.J.R. 18(a), 3 N.J.R. 55(a).

Subchapter 4, Subcoccinella Viginliqualuorpunctata, was adopted as R.1974 d.153, effective June 19, 1974. See: 6 N.J.R. 254(b).

Subchapter 2, Gooseberries and Currants, and Subchapter 4, Subcoccinella Viginliqualuorpunctata, were repealed by R.1978 d.402, effective November 21, 1978. See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

Subchapter 2, White Pine Blister Rust, was adopted as new rules by R.1990 d.495, effective October 1, 1990. See: 22 N.J.R. 2070(a), 22 N.J.R. 3146(b).

Pursuant to Executive Order No. 66(1978), Chapter 20, Quarantines, was readopted as R.1995 d.523, effective August 25, 1995, and Subchapter 3, Red Pine Scale, was repealed by R.1995 d.523, effective September 18, 1995. See: 27 N.J.R. 2511(a), 27 N.J.R. 3599(b).

Subchapter 1, Golden Nematode, was recodified from N.J.A.C. 2:17-2 by R.1997 d.212, effective May 19, 1997. Subchapter 3, Ceriferus (or Japanese) Wax Scale; Subchapter 4, Mediterranean Fruit Fly; Subchapter 5, Africanized Honeybee; and Subchapter 6, Khapra Beetle were recodified from N.J.A.C. 2:22, Insect Control, by R.1997 d.212, effective May 19, 1997. See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Pursuant to Executive Order No. 66(1978), Chapter 20, Quarantines, was readopted as R.2000 d.345, effective July 27, 2000, and Subchapter 7, Postentry Quarantine, was adopted as new rules by R.2000 d.345, effective August 21, 2000. See: Source and Effective Date.

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SUBCHAPTER 1. GOLDEN NEMATODE

2:20-1.1 Golden Nematode deemed a threat to agriculture

The fact has been determined by the New Jersey State Board of Agriculture, and notice is hereby given, that a nematode (*Globodera rostochiensis*), present in the state of New York and in Canada, and not known to be present in New Jersey, constitutes a serious threat to agriculture in New Jersey.

Amended by R.1996 d.300, effective July 1, 1996.
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

2:20-1.2 Soil and sod shall not contain Golden Nematode

No soil, including sod, and sand, shall be moved from any area, known to be infested with Golden Nematode, into the State of New Jersey, except when fumigated by an approved method and certified as such, or except to laboratories approved by the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture for such purposes as set forth in the Federal regulation regarding interstate movement of soil samples

containing Golden Nematode for processing, testing or analysis, 7 C.F.R. 301.85-3(b).

Amended by R.1997 d.212, effective May 19, 1997.
See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Added provision allowing movement of infested soil to approved laboratories.

2:20-1.3 Material in violation confiscated

Material entering New Jersey in violation of this order shall be confiscated.

SUBCHAPTER 2. WHITE PINE BLISTER RUST (*CRONARTIUM RIBICOLA FISCHER*)

2:20-2.1 White pine blister rust declared a nuisance

The State Board of Agriculture has determined that white pine blister rust (*Cronartium ribicola Fischer*) is a dangerous plant disease and is hereby declared a nuisance.

2:20-2.2 Preventing the spread of white pine blister rust

(a) In order to prevent the spread of white pine blister rust (*Cronartium ribicola Fischer*) in the State of New Jersey, the distribution and movement of the plant material will be regulated as follows:

1. Five-needled pines (*Pinus sp.*) except such pines visibly infected with white pine blister rust, may be moved into or within New Jersey.

2. The possession or movement of plant cultivars and hybrids of European Black Currant (*Ribes nigrum L.*) into or within New Jersey is only allowed under special permit issued by the Department.

3. The possession or movement of red currant and gooseberry plants (*Ribes sp. and Grossularia sp.*) is allowed into or within New Jersey except the following municipalities, constituting a protective area: Montague, Sandyston, Walpack and Vernon Townships in Sussex County; West Milford, Ringwood Borough and Wanaque Township in Passaic County, and Jefferson Township in Morris County.

Amended by R.1995 d.523, effective September 18, 1995.

See: 27 N.J.R. 2511(a), 27 N.J.R. 3599(b).

Amended by R.2002 d.160, effective May 20, 2002.

See: 34 N.J.R. 1076(a), 34 N.J.R. 1857(a).

Rewrote (a)1 through 3; deleted (a)4.

2:20-2.3 Special permit for the importation and/or growing of plant cultivars and hybrids of European Black Currant (*Ribes nigrum L.*) in New Jersey

(a) Any person who wants to import or grow white pine blister rust resistant/immune varieties of European black currant (*Ribes nigrum L.*) plants into the State must first complete an application form, supplied by the Department, which includes the following information:

1. The name, address, and telephone number of person applying for permit;

2. The number of plants to be grown or imported during permit period listed by cultivar; and

3. A detailed map showing where the Ribes cultivars where plants will be grown during the permit period.

(b) An application is not valid as permit unless signed by authorized Department official.

(c) Plant cultivars and hybrids of *Ribes nigrum L.* shall be labeled as follows:

1. Imported plants shall be labeled with cultivar nomenclature during movement into or through the State.

2. Plants growing in the field shall be labeled with cultivar nomenclature at the beginning and end of each row.

3. If plants are moved, the grower shall provide notification to the Department, including a map of the new plant location, within seven days of movement.

(d) Only the following white pine blister rust resistant/immune cultivars are permitted:

1. "Consort";
2. "Coronet";
3. "Crusader"; and
4. "Titania."

(e) For new introductions, the permittee shall provide to the Department a certification from the plant source that all plants are white pine blister rust resistant/immune cultivars as indicated in (d) above.

(f) Inspection by the Department shall proceed as follows:

1. The permittee shall allow Department to access site where plants are grown.

2. The Department may inspect plants at least once each year during permit period to ensure freedom from white pine blister rust disease.

3. If white pine blister rust is found on less than two percent of plants of a specific cultivar, the permittee shall remove and destroy all infected plants within 10 days of an order by the Department.

4. If white pine blister rust disease is found on more than two percent of plants of a specific cultivar, the permittee shall remove and destroy all plants of the infected cultivar within 30 days of an order by the Department.

5. Any signs or symptoms of the white pine blister rust observed on any of the Ribes cultivars shall be reported by the permittee to the Department within five days.

(c) The Department shall report to APHIS any change in the number of plants at a postentry quarantine site from the number indicated in the notice of shipment.

(d) The Department shall report to APHIS any noncompliance with the terms of the postentry quarantine agreement and the postentry quarantine permit.

2:20-7.5 Right to enter premises for inspection; sanctions for interference or obstruction

(a) Persons entering into a postentry quarantine agreement shall be deemed to have acknowledged and consented to the Department's authority, without prior notice, to enter private property containing a site for the purpose of inspecting plants subject to a postentry quarantine permit for evidence of exotic pests, in accordance with 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13 and 35.

(b) Persons interfering with or obstructing the Department or an inspector in the conduct of postentry quarantine inspection and monitoring services shall be subject to the sanctions provided at 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13, 14 and 18.

2:20-7.6 Treatment or destruction of diseased or infested plants; report to APHIS

(a) If the Department finds evidence of exotic plant pests infesting or infecting plants grown under postentry quarantine, the Department shall recommend to APHIS safeguards or pest mitigation methods to be taken to control the pest.

(b) Upon the Department's receipt from APHIS of a copy of an emergency action notification relating to plants in postentry quarantine that show evidence of infestation or infection with an exotic plant pest, the Department shall supervise any pest mitigation methods taken to control the pest and the plants shall be subject to control measures, including destruction, in accordance with 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-8, 16 through 19, and 23.

(c) The Department shall report to APHIS any pest mitigation actions taken at the postentry quarantine site.

SUBCHAPTER 8. ASIAN LONGHORNED BEETLE

Authority

N.J.S.A. 4:1-21.2, 4:1-21.5, 4:1-21.6; and 4:7-1 et seq.

Source and Effective Date

R.2003 d.23, effective December 14, 2002.
See: 34 N.J.R. 3863(a), 35 N.J.R. 395(a)

Subchapter Historical Note

Subchapter 8, Asian Longhorned Beetle Quarantine, was adopted as Emergency New Rules by R.2002 d.365, effective October 15, 2002 (to expire December 14, 2002). See: 34 N.J.R. 3863(a).

Subchapter 8, Asian Longhorned Beetle Quarantine, was adopted as R.2002 d.23, effective December 14, 2002. See: Source and Effective Date.

2:20-8.1 Definitions

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

"APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Asian longhorned beetle" means the insect known as Asian longhorned beetle (*Anoplophora glabripennis*) in any stage of development.

"Certificate" means any document which is issued for regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for movement outside the quarantine area designated in N.J.A.C. 2:20-8.5.

"Department" means the New Jersey Department of Agriculture.

"Exposed" means determination by an inspector to be at risk for spreading Asian longhorned beetle.

"Infestation" means the presence of Asian longhorned beetle in any life stage.

"Inspector" means any person officially designated by the Department, or an employee of APHIS, authorized to enforce the provisions of this subchapter.

"Move" means to ship, carry, transport, offer for shipment, receive for shipment, or allow to be transported by any means.

"Movement" means the act of shipping, carrying, transporting, offering for shipment, receiving for shipment, or allowing to be transported by any means.

"Notification by the Department" mean an official written order issued by the Secretary of Agriculture specifying conditions found, actions the recipient shall carry out, and a specified time frame by which the order must be complied with.

"Nursery" means any premises, including greenhouses but excluding any orchard, at which plants are grown or maintained for propagation or replanting.

"Person" means an individual, firm, corporation, company, limited liability company, society, association, or other business.

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

"Quarantined area" means any area designated as a quarantined area in accordance with N.J.A.C. 2:20-8.5.

"Regulated article" means any article listed in N.J.A.C. 2:20-8.4.

"Regulated fruit, regulated plant, regulated seed, regulated tree" means any fruit, plant, seed, or tree defined as a regulated article.

2:20-8.2 Asian longhorned beetle declared a nuisance

The State Board of Agriculture declares that the Asian longhorned beetle, a dangerously injurious insect not known to be native to New Jersey, that damages hardwood trees especially maple (Norway, sugar, silver and red), birch, horsechestnut, poplar, willow, and elm by boring through bark, tunneling and girdling the tree until the tree is killed, to be a nuisance.

2:20-8.3 Restrictions on movement of plant material

No person may move any regulated articles listed at N.J.A.C. 2:20-8.4, or which are subject to the requirements of 7 C.F.R. § 301.51, Asian longhorned beetle quarantine, as amended and supplemented, and incorporated herein by reference, outside the quarantine area designated in N.J.A.C. 2:20-8.5.

2:20-8.4 Regulated articles

(a) Regulated articles are as follows:

1. Firewood, green lumber, nursery stock, or any material living, dead, cut, or fallen off logs, stumps, roots, branches or debris of half an inch or more of the following genera: Maple (*Acer* spp.), Horsechestnut (*Aesculus* spp.), Willow (*Salix* spp.), Elm (*Ulmus* spp.), Birch (*Betula* spp.), Mimosa (*Albizia julibrissin*), Hackberry (*Celtis* spp.), Ash (*Fraxinus* spp.), Sycamore/Planetree (*Platanus* spp.), Mountain Ash (*Sorbus* spp.), and Poplar (*Populus* spp.).

2. Any other product, article, or means of conveyance, of any character whatsoever, not covered by (a)1 above, when it is determined by an inspector that it presents a risk of spread of Asian longhorned beetle and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the provisions of this subchapter.

Emergency amendment, R.2004 d.345, effective August 17, 2004 (to expire October 16, 2004).

See: 36 N.J.R. 4172(a).

In (a), rewrote 1.

Administrative correction.

See: 36 N.J.R. 4327(a).

Concurrent adopted amendment, R.2004 d.419, effective October 12, 2004.

See: 36 N.J.R. 4172(a), 36 N.J.R. 4327(a), 36 N.J.R. 5087(a).

Provisions of R.2004 d.345 adopted with change incorporated at 36 N.J.R. 4327(a).

2:20-8.5 Quarantine area

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5, in order to control the spread of Asian longhorned beetle, a menace to the hardwood forests in the State of New Jersey, the following municipalities are hereby quarantined:

1. Hudson County: The City of Jersey City. That area that is bounded as follows: Beginning at the intersection of Paterson Plank Road and S. Wing Viaduct; then south to Congress Street; then west along Congress Street to Webster Avenue; then south along Webster Avenue to Bowers Street; then west along Bowers Street to Summit Avenue; then south along Summit Avenue to Fairmount Avenue; then east to Grant Street; then east along Grant Street to the shoreline of the Hudson River; then north along the shoreline of the Hudson River to the Hoboken-Jersey City border.

2. Hudson County: The City of Hoboken. That area that is bounded as follows: Beginning at the shoreline of the Hudson River east of the intersection of Hudson Street and 11th Street; then west along 11th Street to the railroad tracks; then south along the railroad tracks to the Hoboken-Jersey City border; then east along the Hoboken-Jersey City border River to the shoreline of the Hudson River; then north along the shoreline of the Hudson River to the point of the beginning.

3. Middlesex County: The Borough of Carteret. The area that is bounded as follows: Beginning at Blair Road at the Woodbridge Township border along Blair Road north to Roosevelt Avenue, continuing northeast along the Carteret-Woodbridge border to the Rahway River; east along the Rahway River to a point north of the intersection of Peter J. Sica Industrial Drive and Salt Meadow Road; south through the wetlands to Peter J. Sica Industrial Drive; south along Peter J. Sica Industrial Drive to Roosevelt Avenue; west along Roosevelt Avenue to the junction of Port Reading Avenue; and northwest along the Carteret-Woodbridge border to the point of the beginning.

4. Middlesex County: The Township of Woodbridge. The area that is bounded as follows: Beginning at Blair Road at the border of the Borough of Carteret east to the intersection of Rosewood Lane and Willow Street; southeast along Willow Street continued along the Woodbridge-Carteret border to the junction of Port Reading Avenue and Roosevelt Avenue; west southwest along Port Reading Avenue to the railroad; west along the railroad right of way to Blair Road; north along Blair Road to the point of the beginning.

5. Middlesex County: The Township of Woodbridge (Avenel Section). The area that is bounded as follows: Beginning at Blair Road at the Woodbridge-Carteret

border, west along the railroad right of way to the NJ Transit railroad right of way; north along the railroad right of way to the Woodbridge-Rahway border, then east along the Woodbridge-Rahway border to Randolph Avenue; continuing east along Randolph Avenue to Blair Road; south along Blair Road to the point of the beginning.

6. Union County: The City of Rahway. That area that is bounded as follows: Beginning at the intersection of New Brunswick Avenue and St. Georges Avenue, north along St. Georges Avenue to the Rahway-Linden border, southeast along the Rahway-Linden border to Lower Road, south along the Rahway-Linden border to the Rahway River, south along the Woodbridge-Rahway border to Randolph Avenue, west along Randolph Avenue following the Woodbridge-Rahway border to the intersection of East Inman Avenue and Leesville Avenue, northwest along East Inman Avenue to the south branch of the Rahway River, west along the south branch of the Rahway River, west along to St. Georges Avenue, to the point of the beginning.

7. Union County: The City of Linden. That area that is bounded as follows:

Beginning at the intersection of St. Georges Avenue and Wood Street, east on Wood Street to Curtis Street; then north on Curtis Street to Baltimore Street; then east on Baltimore Street to Dill Avenue; then north on Dill Avenue to Grant Street; then southeast on Grant Street to Alberta Avenue; then northeast on Alberta Avenue to County 616 (Park Avenue); then southeast on County 616 (Park Avenue) to US 1; then north on US 1 to the Linden-Elizabeth City border (Allen Street); then southeast along the Linden-Elizabeth City border (Allen Street) to the east side of the New Jersey Turnpike right of way; then south along the New Jersey Turnpike right of way to Marshes Creek; then southeast along Marshes Creek to the Rahway River; then west along the Rahway River to the Rahway-Linden border, then north along the Rahway-Linden border to Lower Road, then northwest along the Rahway-Linden border to St. Georges Avenue, then north along St. Georges Avenue to the point of the beginning.

(b) The Secretary of Agriculture may temporarily designate any nonquarantined area in New Jersey as a quarantined area, if the Secretary has reason to believe that Asian longhorned beetle is present based on positive confirmation of Asian longhorned beetle by the Department, or by USDA APHIS.

Emergency amendment, R.2004 d. 345, 348, effective August 17 and 19, 2004 (to expire October 16 and 18, 2004).

See: 36 N.J.R. 4172(a), 4174(a).

In (a), added 3 through 7.

Adopted concurrent amendments, R.2004 d.419 and d.420, effective October 12, 2004.

See: 36 N.J.R. 4172(a), 36 N.J.R. 4174(a), 36 N.J.R. 5087(a), 36 N.J.R. 5087(b).

Provisions of R.2004 d.345 and d.348 adopted without change. Emergency amendment, R.2005 d. 45, effective December 27, 2004 (to expire February 25, 2005).

See: 37 N.J.R. 357(a).

In (a), rewrote 6, 7.

Adopted concurrent amendment, R.2005 d.99, effective April 4, 2005.

See: 37 N.J.R. 357(a), 37 N.J.R. 1051(a).

In (a), rewrote 6 and 7.

Emergency amendment, R.2005 d.320, effective August 25, 2005, (to expire October 24, 2005).

See: 37 N.J.R. 3727(a).

In (a), rewrote 7.

2:20-8.6 Right of access

(a) Duly authorized representatives of the Department may enter upon any lands or premises, public or private, within the State for the purpose of making necessary inspections for Asian longhorned beetle, and for the removal of condemned trees.

(b) Persons interfering with or obstructing the Department or an inspector in the conduct of inspections for Asian longhorned beetle shall be subject to the sanctions provided at 7 C.F.R. § 301.51, as amended and supplemented, incorporated herein by reference, and N.J.S.A. 4:7-13, 14 and 18.

2:20-8.7 Notification of infestation, treatment order

A written Notice of Infestation—Treatment Order will be issued to the affected person by the Secretary of Agriculture, following positive confirmation of Asian longhorned beetle by the Department. The recipient shall have all plant material specified in the order treated to eradicate Asian longhorned beetle in a manner approved by the Secretary of Agriculture, including the destruction of infected trees. The notice or order shall specify a time, not less than three days from its date, within which it must be complied with.

2:20-8.8 Conditions of movement, certification

(a) No firewood, green lumber, logs, nursery stock, or other regulated articles may be moved from the quarantined area, unless accompanied by written approval issued by the Department, or as is permitted in accordance with the requirements at 7 C.F.R. § 301.51-4.

(b) A person whose stock has been tested to the satisfaction of the Department and found free from Asian longhorned beetle, wishing to move regulated plants shall be provided with a certificate issued by the Department.

(c) The Department reserves the right to charge an inspection fee, pursuant to N.J.A.C. 2:18, to recover costs associated issuing an inspection certificate.