

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.1995 d.199, effective April 3, 1995.
See: 26 N.J.R. 1908(b), 27 N.J.R. 1399(b).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Quarantines and Embargoes on Animals, expires on April 3, 2000.

Chapter Historical Note

Chapter 5, Quarantines and Embargoes on Animals, became effective with Subchapter 1, Hog Cholera Quarantine, adopted pursuant to N.J.S.A. 4:1-21.5 and filed on November 17, 1971 as R.1971 d.209. See: 3 N.J.R. 242(a). A termination order was filed on December 16, 1971 as R.1971 d.223. See: 4 N.J.R. 2(b).

Additional Notices of Hog Cholera Quarantine and subsequent termination orders pursuant to N.J.S.A. 4:1-21.5 were filed or effective as Emergency Rules on the following dates: April 17, 1972 as R.1972 d.72. See: 4 N.J.R. 86(a). May 22, 1972 as R.1972 d.96. See: 4 N.J.R. 116(a). May 26, 1972 as R.1972 d.104. See: 4 N.J.R. 115(c). July 7, 1972 as R.1972 d.141. See: 4 N.J.R. 180(e). July 25, 1972 as R.1972 d.144. See: 4 N.J.R. 181(a). September 3, 1972 as R.1972 d.173. See: 4 N.J.R. 230(a). September 14, 1972 as R.1972 d.180. See: 4 N.J.R. 230(b). October 25, 1972 as R.1972 d.208. See: 4 N.J.R. 260(e). November 15, 1972 as R.1972 d.227. See: 4 N.J.R. 298(b). November 21, 1972 as R.1972 d.231. See: 4 N.J.R. 299(a). November 27, 1972 as R.1972 d.235. See: 5 N.J.R. 2(a).

Additional Notices of Hog Cholera Quarantine and subsequent termination orders pursuant to N.J.S.A. 4:1-21.5 and 4:5-16 were filed or effective as Emergency Rules on the following dates: December 1, 1972 as R.1972 d.237. See: 5 N.J.R. 2(b). December 11, 1972 as R.1972 d.246. See: 5 N.J.R. 3(b). December 26, 1972 as R.1972 d.259. See: 5 N.J.R. 30(b). January 2, 1973 as R.1972 d.263. See: 5 N.J.R. 31(b). January 3, 1973 as R.1973 d.4. See: 5 N.J.R. 31(c). January 18, 1973 as R.1973 d.21. See: 5 N.J.R. 32(a). February 5, 1973 as R.1973 d.41. See: 5 N.J.R. 76(a). February 20, 1973 as R.1973 d.51. See: 5 N.J.R. 76(b).

Additional Notices of Hog Cholera Quarantine and subsequent termination orders pursuant to N.J.S.A. 4:1-21.5 and 4:5-16 were filed or effective as Emergency Rules on the following dates: February 26, 1976 as R.1976 d.61. See: 8 N.J.R. 162(a). March 15, 1976 as R.1976 d.82. See: 8 N.J.R. 162(b). April 5, 1976 as R.1976 d.101. See: 8 N.J.R. 215(b). April 13, 1976 as R.1976 d.110. See: 8 N.J.R. 215(c). May 4, 1976 as R.1976 d.132. See: 8 N.J.R. 268(a). July 20, 1976 as R.1976 d.219. See: 8 N.J.R. 370(a). August 2, 1976 as R.1976 d.243. See: 8 N.J.R. 410(a). August 13, 1976 as R.1976 d.253. See: 8 N.J.R. 410(b). August 25, 1976 as R.1976 d.268. See: 8 N.J.R. 410(c). September 8, 1976 as R.1976 d.285. See: 8 N.J.R. 451(c). September 22, 1976 as R.1976 d.299. See: 8 N.J.R. 452(a).

Subchapter 1, Hog Cholera Quarantine, was repealed and designated "Reserved" by R.1981 d.42, effective February 4, 1981. See: 13 N.J.R. 5(c), 13 N.J.R. 115(d). Subsequently, Subchapter 1, Equine Entry Restriction, was adopted pursuant to N.J.S.A. 4:1-21.5 and 4:5-1 et seq. as Emergency Rule R.1992 d.321, effective July 20, 1992. See: 24 N.J.R. 2737(a). The rules expired on September 18, 1992 and the subchapter was again designated "Reserved".

Subchapter 2, originally Equine Quarantines and Embargoes, was adopted pursuant to N.J.S.A. 4:5-6 and 4:22-21 and 22 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 and 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 2 was revised and redesignated "Equine Infectious Anemia" by R.1988 d.369, effective August 1, 1988. See: 20 N.J.R. 695(a), 20 N.J.R. 1870(a).

Subchapter 3, originally Poultry Embargo, was adopted as Emergency Rule 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: 16 N.J.R. 518(a). The Poultry Embargo rules were repealed and rules concerning Avian Influenza were adopted at Subchapter 3 by Emergency Rule R.1986 d.58, effective February 11, 1986, to expire April 12, 1986. See: 18 N.J.R. 488(a). The provisions of R.1986 d.58 were readopted by R.1986 d.148, effective April 7, 1986. See: 18 N.J.R. 938(b).

Subchapter 4, Area Quarantine for Avian Influenza, was adopted pursuant to N.J.S.A. 4:1-21.5 and 4:5-13 through 17 as Emergency Rule R.1983 d.585, effective December 1, 1983. See: 15 N.J.R. 2176(a). The rules expired on January 30, 1984 and the subchapter was designated "Reserved".

Pursuant to Executive Order No. 66 (1978), Chapter 5 expired on June 18, 1989 and 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 expired on August 21, 1994, and subsequently was adopted as new rules by R.1995 d.199. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 1. (RESERVED)

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 reacted 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 Poultry importation

(a) No live poultry originating from those designated areas or counties with confirmed cases of Avian Influenza, so designated by the New Jersey Department of Agriculture, United States Department of Agriculture, or other state Departments of Agriculture shall be allowed into New Jersey for any purpose unless inspected by or under a prior permit of the Department of Agriculture.

(b) No hatching eggs, chicks or poults shall be allowed into New Jersey from a designated area or county with confirmed cases of Avian Influenza unless inspected by or under a prior permit of the Department of Agriculture.

(c) The New Jersey Department of Agriculture may enter into agreements with the United States Department of Agriculture or the Departments of Agriculture of other states to allow the entrance of those items enumerated in (a) and (b) above, if originating from a designated county or area of Avian Influenza and from a flock operating under the National Poultry Improvement Plan which permit shall include, but not necessarily be limited to the following:

1. Certification of veterinary inspection;
2. Certification of origin;
3. Certification of transportation; and
4. Agreement to follow the rules and orders of the Department of Agriculture.

(d) Permits may be obtained from the Director of the Division of Animal Health, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625, (609) 292-3965.

Amended by R.1989 d.454, effective August 21, 1989.

See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

Punctuation and upper casing corrected.

Administrative correction to (b).

See: 22 N.J.R. 628(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 Routes: Interstate shipment through New Jersey of live poultry

(a) All trucks carrying live poultry through New Jersey for out-of-state markets must confine themselves to interstate highway system roads. All trucks carrying birds for slaughter in New Jersey must follow routes designated by the Director of the Division of Animal Health for slaughter facilities, as conditions require.

Amended by R.1989 d.454, effective August 21, 1989.

See: 21 N.J.R. 1479(a), 21 N.J.R. 2472(a).

(a)1 and 2 deleted.

SUBCHAPTER 4. (RESERVED)