

**CHAPTER 74**  
**CONTROLLED ATMOSPHERE STORAGES**

**Authority**

N.J.S.A. 4:10-26 et seq., specifically 4:10-30.

**Source and Effective Date**

R.1993 d.377, effective July 2, 1993.  
See: 25 N.J.R. 1803(a), 25 N.J.R. 3453(d).

**Executive Order No. 66(1978) Expiration Date**

Chapter 74, Controlled Atmosphere Storages, expires on July 2, 1998.

**Chapter Historical Note**

Chapter 74 was filed and became effective on July 23, 1969.

1978 Revisions: Amendments became effective November 21, 1978 as R.1978 d.402. See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

1983 Revisions: This chapter was readopted pursuant to Executive Order 66(1978), effective July 18, 1983 as R.1983 d.397. See: 15 N.J.R. 1052(a), 15 N.J.R. 1574(d).

1988 Revisions: This chapter was readopted pursuant to Executive Order 66(1978) effective July 8, 1988 as R.1988 d.368. See: 20 N.J.R. 956(b), 20 N.J.R. 1873(a).

Pursuant to Executive Order No. 66(1978), Chapter 74 was readopted as R.1993 d.377. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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**SUBCHAPTER 1. CONTROLLED ATMOSPHERE STORAGE FOR APPLES**

**2:74-1.1 Scope**

The following sections of this chapter are adopted by the State Board of Agriculture to effect administration and enforcement of Chapter 62, Laws of 1962.

**2:74-1.2 Definitions**

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

“Apples” means all varieties of the fruit commonly known as apple.

“Person” means a natural person, firm, partnership, association or corporation.

“Sealed storage room”, “Sealed storage space” or “sealed storage building” means all sealed storages in which controlled atmosphere is maintained, inferred, advertised or represented as such.

“Secretary” means the Secretary of Agriculture of the State of New Jersey.

**2:74-1.3 Construction**

(a) Each sealed storage room, space or building used as a controlled atmosphere storage facility for apples shall be constructed of materials that will permit adequate tightness for establishing and maintaining the necessary levels of carbon dioxide and oxygen gases.

(b) Each sealed storage room, space or building shall have a Fahrenheit thermometer properly installed and maintained. An approved gas analyzer for the measurement of carbon dioxide and oxygen gases shall be readily accessible to all sealed storage rooms or units.

**2:74-1.4 Registration**

(a) Any person owning or operating a controlled atmosphere room or storage building or packers or repackers of apples coming under the provisions of the Act shall apply to the Secretary on a form prescribed by the Secretary for a controlled atmosphere license and CA number. Owners or operators of such a room or storage building shall apply for a license at least 10 days before loading such room or storage. A license shall expire one year after the issuance thereof.

(b) Each owner or operator shall accompany application for license with a fee of \$10.00 per room.

(c) The Secretary shall assign each approved applicant a license number preceded by the letters NJCA.

(d) Each storage facility must be approved by the Secretary or his agent, prior to issuance of license and CA number to owner or operator thereof.

As amended, R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:74-1.5 Atmospheric and temperature controls**

(a) Each owner or operator shall make the required air components determinations daily. The oxygen content within the sealed storage shall be five percent or lower within 20 days after the storage is sealed, or in the case of artificially induced CA conditions a total accumulation of 20 days above five percent oxygen would be allowed following the initial sealing.

(b) The fruit shall be stored in a sealed storage with not more than five percent oxygen for a minimum period of 90 days, except Jonathan variety which may be removed from storage in not less than 60 days.

(c) During the storage period, storage temperatures shall be 32 degrees Fahrenheit except for normal variations, not to exceed two degrees above. For McIntosh variety storage temperatures shall be 38 degrees Fahrenheit except for normal variations, not to exceed two degrees above.

**2:74-1.6 Records**

(a) Each owner or operator shall maintain a record for each on an approved form, or forms, which shall include the following:

1. Owner or operator's name and address, room number, date of sealing, date of opening, capacity in bushels, lot identification and number of bushels within each lot;
2. Daily readings of percentage of carbon dioxide, percentage of carbon dioxide and oxygen, percentage of oxygen; and room temperature as recorded from instruments approved for the purpose;
3. All records shall be subject to review by the Secretary or his agents at any time for a period of at least one year.

**2:74-1.7 Invoice for sale of apples**

(a) All persons selling, offering for sale or transporting for sale within this State apples coming under the provisions of this Act shall furnish the buyer an invoice covering each sale of such apples where the quantity exceeds five bushels.

1. Except as provided in (b) below, each container in each lot or lots for which an invoice is required shall be marked with the CA number assigned to the owner or operator of the controlled atmosphere room or storage building in which the apples were kept.
2. Each invoice shall be marked with the CA number marked on the containers covered by such invoice.

(b) Consumer size containers (10 pounds or less) of apples packed in master containers need not be marked with a CA number provided each container bears conspicuously on the outside or on an insert, or stuffer with, in which is readily readable from the outside, the name and address of the person who owns the apples; and further provided that each master container shall be marked with the CA number assigned to the owner or operators of the controlled atmosphere facility in which the apples were kept.

**2:74-1.8 Verification of procedure**

(a) Each owner or operator shall submit to the Secretary within 25 days after date of sealing; a report in writing, for each room showing room number, date of sealing and quantity contained therein by variety and lot numbers or other identification marks.

(b) Each owner or operator shall submit to the Secretary a report in writing for each room showing room number, date of sealing, air components determinations and temperature when the oxygen level is reduced to five per cent (not later than the 21st day after date of sealing, the oxygen level not withstanding), and approximately 30 and 60 and 90 days after the date the oxygen level was reduced to five per cent. The Jonathan variety will not require the 90 day report.

As amended, R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

**2:74-1.9 Representation that requirements have been met**

No person shall advertise, label or otherwise represent that apples have been exposed to controlled atmosphere storage unless such apples have been stored in a facility licensed by the Secretary under the provisions of the Act and the rules and regulations pursuant thereto.

**2:74-1.10 Requirements for trade**

No person shall sell, exchange, expose or offer for sale apples represented as having been exposed to controlled atmosphere storage unless such apples have been stored in a facility licensed by the Secretary under the provisions of the Act and the rules and regulations pursuant thereto.

**2:74-1.11 Requirements for storage facility**

(a) No person shall operate a facility for the storage of apples that is represented as being a controlled atmosphere storage facility unless it has been licensed by the Secretary under the provisions of this Act and the rules and regulations pursuant thereto.

(b) When apples have been stored in another state which has laws governing controlled atmosphere storage of apples similar to the provisions in effect in New Jersey and the apples have been stored in compliance with those provisions, such apples may be represented as having been exposed to controlled atmosphere storage when sold in New Jersey if the state in which the apples were stored permits apples stored in New Jersey in compliance with the New Jersey law to be represented as having been exposed to controlled atmosphere storage when sold in that state.

(c) When apples have been stored in another state which does not have laws governing controlled atmosphere storage similar to the provisions in effect in New Jersey but the apples have been stored in facilities and under conditions comparable to that required under this Act, such apples may be represented as having been exposed to controlled atmosphere storage when sold in New Jersey only when owners or operators of these storages, packers or repackers, have been licensed and assigned a CA number and can furnish satisfactory proof to the Secretary or his agent, that the apples have been stored in facilities and under conditions comparable to that required under this Act and the rules and regulations pursuant thereto.

**2:74-1.12 Penalty**

(a) Any person who violates any provision of this Act or the rules and regulations issued pursuant thereto shall be liable to a penalty of not less than \$100.00 nor more than \$500.00 for each offense.

(b) Each day of violation shall be deemed a separate offense.

**2:74-1.13 (Reserved)**

As amended, R.1978 d.402, eff. November 21, 1978.  
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).