

CHAPTER 20 QUARANTINES

Authority

N.J.S.A. 4:1-21.2, 4:1-21.5, 4:1-21.6, 4:6-20 and 4:7-1 et seq.

Source and Effective Date

R.2006 d.6, effective November 29, 2005.
See: 37 N.J.R. 3099(a), 38 N.J.R. 124(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 20, Quarantines, expires on May 28, 2013. See: 43 N.J.R. 1203(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Subchapter 1, Gypsy Moth, was repealed by R.1971 d.28, effective March 4, 1971.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Subchapter 2, Gooseberries and Currants, and Subchapter 4, Subcoccinella Viginliqualuorpunctata, were repealed by R.1978 d.402, effective November 21, 1978.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20, Quarantines, was readopted as R.1995 d.523, effective August 25, 1995, and Subchapter 3, Red Pine Scale, was repealed by R.1995 d.523, effective September 18, 1995.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: 32 N.J.R. 1454(a), 32 N.J.R. 3057(b).

Subchapter 8, Asian Longhorned Beetle, 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, was adopted as R.2002 d.23, effective December 14, 2002. See: 34 N.J.R. 3863(a), 35 N.J.R. 395(a).

Chapter 20, Quarantines, was readopted as R.2006 d.6, effective November 29, 2005. See: Source and Effective Date. See, also, section annotations.

Subchapter 9, Pine Shoot Beetle, was adopted as emergency new rules by R.2006 d.63, effective January 13, 2006 (expires on March 14, 2006). See: 38 N.J.R. 1081(a).

Subchapter 9, Pine Shoot Beetle, was adopted as concurrent new rules by R.2006 d.149, effective May 1, 2006. See: 38 N.J.R. 1081(a), 38 N.J.R. 1813(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 20, Quarantines, was scheduled to expire on May 28, 2011. See: 42 N.J.R. 2877(a).

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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";

SUBCHAPTER 5. AFRICANIZED HONEYBEE (*APIS MELLIFERA SCUTELLATA*)

2:20-5.1 Africanized Honeybee (*Apis mellifera scutellata*); prohibitions

It has been determined by the New Jersey State Board of Agriculture that the Africanized Honeybee (*Apis mellifera scutellata*) is a dangerously injurious insect and constitutes a menace to the practice of apiculture in New Jersey. The Africanized Honeybee is not native to the State of New Jersey. The keeping or importation of Africanized Honeybees in any stage of development, including honeybees with characteristics identifiable with the subspecies (*Apis mellifera scutellata*), regardless of the purity of the genetic strains of the bees, fresh or frozen bee sperm, equipment, shipping and storage containers that have been used at an apiary, unprocessed comb, vehicles that have been used to carry regulated articles, other than fresh or frozen bee sperm, is prohibited. Any other product, article or means of conveyance of any character whatsoever, if in the determination of the Department of Agriculture, presents a risk of the spread of the Africanized Honeybee, shall be prohibited.

SUBCHAPTER 6. KHAPRA BEETLE (*TROGODERMA GRANARIUM EVERTS*)

2:20-6.1 Khapra Beetle (*Trogoderma granarium Everts*)

It has been determined by the New Jersey State Board of Agriculture that the Khapra Beetle (*Trogoderma granarium Everts*) is a dangerously injurious insect and constitutes a menace to the food and grains stocks of the State of New Jersey. The Khapra Beetle is not native to the State of New Jersey. The harboring or importation of the Khapra Beetle is prohibited. Any building, product or means of conveyance of any character whatsoever, which, if in the determination of the Department of Agriculture, presents a risk of the spread of the Khapra Beetle, shall be subject to the measures of control allowed by the Statutes of New Jersey.

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

SUBCHAPTER 7. POSTENTRY QUARANTINE

2:20-7.1 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.

“Department” means the New Jersey Department of Agriculture.

“Emergency action notification” means the United States Department of Agriculture form known as “Emergency Action Notification (PPQ Form 523),” and is a written notification issued by APHIS to a person holding a postentry quarantine agreement or permit, and/or who owns and/or is in possession of a site where plants or plant products are being grown under postentry quarantine, requiring the person to take action at the site under the direction of the Department.

“Exotic plant pest” means a plant pest not known to exist in the United States.

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

“Notice of shipment” means the United States Department of Agriculture form known as “Notice of Shipment and Report of Inspection of Imported Plants To Be Grown Under Postentry Quarantine (PPQ Form 236)” issued by APHIS at a port of entry. This form serves to notify the Department of a release by APHIS from a port of entry of a kind and number of plants to a person holding a postentry quarantine permit for the purpose of growing such plants under postentry quarantine.

“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.

“Plant pest” means any pest of plants, agricultural commodities, horticultural products, nursery stock, or non-cultivated plants. This includes, but is not limited to, insects, snails, nematodes, fungi, viruses, bacterium, microorganisms, mycoplasma-like organisms, weeds, plants or parasitic higher plants.

“Postentry quarantine” means a restriction on the growth and movement of plants imported to the United States of America pursuant to 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, for the purpose of determining whether the plants are infested or infected with plant pests not discernible by port-of-entry inspection, for a period of six months after importation of *Chrysanthemum* spp., for a period of one year after importation of *Dianthus* spp., and for a period of two years after importation for all other plants.

“Postentry quarantine agreement” means the United States Department of Agriculture form known as “Agree-

ment for Postentry Quarantine—State Screening Notice (PPQ Form 546)” issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service. This form serves to notify the Department of the pendency of a person’s application for a postentry quarantine permit and indicates the terms and location within a space of dimensions of a proposed postentry quarantine. A copy of this APHIS form may be obtained by writing to the Division of Plant Industry, Department of Agriculture, PO Box 330, Trenton, NJ 08625-0330, or telephoning (609) 292-5442.

“Postentry quarantine permit” means the United States Department of Agriculture form known as “Import Permit for Plants and Plant Products (PPQ Form 597)” issued by APHIS to a person approved by APHIS to receive plants subject to postentry quarantine.

“Site” means premises owned, rented, or otherwise in possession of a person who entered into a postentry quarantine agreement, specified in the postentry quarantine agreement as the actual location where plants subject to postentry quarantine will be grown.

2:20-7.2 Importation of foreign plants under postentry quarantine permit

Any plants eligible for entry into the United States of America subject to postentry quarantine for which APHIS issues a postentry quarantine permit, for the purposes of being grown in New Jersey, shall be held and grown under postentry quarantine in accordance with the requirements of 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference, except that the Department shall limit the volume of plant importations to no more than 500 pieces, per species, per year, per person.

2:20-7.3 Department review of postentry quarantine agreement

(a) Upon the Department’s receipt from APHIS of a postentry quarantine agreement, the Department shall review the agreement to determine whether the Department will provide inspection and monitoring services in accordance with the terms of the postentry quarantine agreement.

(b) The Department’s determination shall be based on the availability of Departmental resources to undertake the provision of inspection and monitoring services in accordance with the terms of the postentry quarantine agreement, taking into consideration the availability of technically trained State inspectors, and the numbers of sites and plants already growing in postentry quarantine as to which the Department has undertaken to provide inspection and monitoring services. The Department’s determination also shall be based on whether the terms of the proposed postentry quarantine, as articulated in the postentry quarantine agreement, are conducive to an effective and efficient quarantine for the inspection of monitoring of plants and the identification and elimination of exotic plant pests, taking into consideration the type and number of plants in relation to the size and physical characteristics of the site.

(c) If the Department determines that the terms of the postentry quarantine agreement on their face are beyond the available resources of the Department, the Department shall report to APHIS as soon as practicable that the Department declines to undertake the postentry quarantine agreement.

(d) Unless the Department has declined to undertake the postentry quarantine agreement in accordance with (c) above, then one or more inspectors shall meet with the person who is a party to the postentry quarantine agreement and shall inspect sites indicated in the postentry quarantine agreement.

(e) After it has conducted the site inspection described in (d) above, the Department shall report to APHIS:

1. Whether the site is of adequate size to contain the number of plants proposed for postentry quarantine, taking into account potential increase in number to the extent authorized under 7 C.F.R. § 319.37-7, as amended and supplemented, incorporated herein by reference;
2. Its recommendations for appropriate revisions to the postentry quarantine permit toward ensuring an effective and efficient quarantine for the inspection and monitoring of plants and the identification and elimination of exotic plant pests, taking into consideration the type and number of plants in relation to the size and physical characteristics of the site; and
3. Whether the Department declines or accepts to undertake the postentry quarantine pursuant to the terms of the postentry quarantine agreement, based upon its consideration of the factors described in (b) above. The Department may condition its acceptance on APHIS’ revision of the terms of the postentry quarantine agreement in accordance with the Department’s recommendations issued pursuant to (e)2 above.

2:20-7.4 Departmental inspection and monitoring; reporting to APHIS

(a) Upon APHIS’ issuance of a notice of shipment of plants with respect to which the Department has agreed to provide inspection and monitoring services, the Department shall inspect and monitor plants in postentry quarantine for a minimum two years following APHIS’ release of the plants from the port of entry, at least once during the first year and at least once during the second year. The purpose of the Department’s inspection shall be to check for evidence of exotic plant pests and to ascertain the kind and number of plants at a site and whether the permit holder is in compliance with the terms of the postentry quarantine agreement and the postentry quarantine permit.

(b) The Department shall report to APHIS any evidence of exotic plant pests found by inspectors.

(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

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 of New Jersey, the following municipalities are hereby quarantined:

1. Middlesex County: The Borough of Carteret. The area that is as 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 the Arthur Kill River; south along the Arthur Kill River to the point where Roosevelt Avenue meets the Arthur Kill River; south along Roosevelt Avenue to the junction of Port Reading Avenue; and northwest along the Carteret-Woodbridge border to the point of the beginning.

2. 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.

3. 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.

4. 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 eastern border of Rahway River Park (Union County Park); north along the eastern border of Rahway River Park to the Clark-Rahway border; northeast along the Clark-Rahway border 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 to St. Georges Avenue; to the point of the beginning.

5. Union County: The City of Linden. The entire City of Linden.

6. Union County: The Borough of Roselle. The area that is bounded as follows: Beginning at the intersection of Locust Street (County Road 619) and West Grand Avenue (Union County 610); east on West Grand Avenue to the Roselle Borough-Elizabeth City border; southeast along the Roselle Borough-Elizabeth City border to Saint Georges Avenue (State Highway 27); southwest along Saint Georges Avenue (State Highway 27) to Wood Street (County Road 617); northwest on Wood Street to East 5th

Avenue; northeast along East 5th Avenue to Locust Street; north along Locust Street to the point of beginning.

7. Union County: Elizabeth City. The area that is bounded as follows: Beginning on West Grand Avenue at the Roselle Borough-Elizabeth City border; east on West Grand Avenue to Chilton Street; south on Chilton Street to South Street; east on South Street to Broad Street; south on Broad Street to Summer Street; east on Summer Street to the Elizabeth River; southeast on the Elizabeth River to the Arthur Kill River; south along the Arthur Kill River to the Linden-Elizabeth City border; northwest along the Linden-Elizabeth City border to Rahway Avenue (State Highway 27); southwest on Rahway Avenue to the Roselle Borough-Elizabeth City border; northwest along the Roselle Borough-Elizabeth City border to the point of the beginning.

8. Union County: Township of Clark. The area that is bounded as follows: Beginning at the intersection of the eastern border of the Rahway River Park (Union County Park) and the Clark-Linden border; south along the eastern border of Rahway River Park (Union County Park) to the Clark-Rahway border; east along the Clark-Rahway border to the Clark-Linden border; northwest along the Clark-Linden border 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.

Adopted concurrent amendments, R.2006 d.6 and d.7, effective January 3, 2006.

See: 37 N.J.R. 3099(a), 37 N.J.R. 3727(a), 38 N.J.R. 124(a), 38 N.J.R. 124(b).

Provisions of R.2005 d.320 adopted without change; in (a), deleted 1 and 2 and recodified existing 3-7 as 1-5.

Emergency amendment, R.2006 d.168, effective April 12, 2006 (to expire June 11, 2006).

See: 38 N.J.R. 1875(a).

In (a), added 6 and 7; in (a)1, inserted "the confluence of Cross Creek; south along Cross Creek to Peter J. Sica Industrial Drive"; and in (a)5, inserted "northeast along Saint Georges Avenue (State Highway 27) the

Roselle Borough-Linden border to the Linden-Elizabeth City border; southeast along the Linden-Elizabeth City border".

Emergency amendment, R.2006 d.239, effective May 31, 2006 (to expire July 30, 2006).

See: 38 N.J.R. 2739(a).

Rewrote (a)1, 4-7 and added 8.

Concurrent adopted amendment, R.2006 d.282, effective August 7, 2006.

See: 38 N.J.R. 1875(a), 38 N.J.R. 2739(a), 38 N.J.R. 3159(b).

Provisions of R.2006 d.168, d.239 adopted with changes incorporated at 38 N.J.R. 2739(a).

Adopted concurrent amendment, R.2006 d.316, effective September 5, 2006.

See: 38 N.J.R. 2739(a), 38 N.J.R. 3529(a).

Provisions of R.2006 d.239, adopted without change.

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.

SUBCHAPTER 9. PINE SHOOT BEETLE

2:20-9.1 Adoption of the Federal Pine Shoot Beetle Quarantine Standards

(a) The Department hereby adopts and incorporates by reference the following parts of the Federal Pine Shoot Beetle Quarantine, 7 CFR §301.50 et seq., effective Jan. 28, 1993, as amended and supplemented:

1. Section 301.50 – Restrictions on interstate movement of regulated articles;
2. Section 301.50-1 – Definitions;
3. Section 301.50-2 – Regulated articles;
4. Section 301.50-4 – Conditions governing the interstate movement of regulated articles from quarantined areas;
5. Section 301.50-5 – Issuance and cancellation of certificates and limited permits;
6. Section 301.50-6 – Compliance agreements and cancellation;
7. Section 301.50-7 – Assembly and inspection of regulated articles;
8. Section 301.50-8 – Attachment and disposition of certificates and limited permits;
9. Section 301.50-9 – Costs and charges; and
10. Section 301.50-10 – Treatments.

(b) A copy of the Federal Pine Shoot Beetle Quarantine is available by contacting the Director's Office, Division of Plant Industry, New Jersey Department of Agriculture, Health and Agriculture Building, John Fitch Plaza, P.O. Box 330, Trenton, New Jersey 08625.

2:20-9.2 Definitions

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

“APHIS” or “USDA-APHIS” means the United States Department of Agriculture Animal and Plant Health Inspection Service.

“Compliance Agreement” means a written agreement between APHIS or the Department and a person engaged in growing, handling, or moving regulated articles, in which the person agrees to comply with the provisions of this Subchapter and 7 CFR §301.50 et seq.

“Department” means the New Jersey Department of Agriculture.

“Infestation” means the presence of the pine shoot beetle in any life stage or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

“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.

“NJDA Certificate” means the document issued for a regulated article by an N.J. inspector to a person operating under a compliance agreement, which represents that such article is eligible for movement outside the quarantine area designated in N.J.A.C. 2:20-9.6.

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

“N.J. Secretary of Agriculture” means the official appointed as the Secretary of Agriculture for the New Jersey Department of Agriculture.

“N.J. quarantined area” means any area designated as quarantined in accordance with N.J.A.C. 2:20-9.5.

“N.J. regulated article” means any article listed in N.J.A.C. 2:20-9.5 and 7 CFR §301.50-2.

“Notification by the Department” means an official written order issued by the N.J. Secretary of Agriculture specifying conditions found, actions the recipient shall carry out, and a specified timeframe 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.

“Pine shoot beetle” means the insect known as pine shoot beetle (*Tomicus piniperda*) in any stage of development.

“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.

“Plant product” means every agricultural, horticultural, viticultural, and vegetable product of the soil, hay, dried beans, and cut flowers; and raw pine materials for pine wreaths and garlands.

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

(b) The words, terms and phrases set forth in (a) above are to be used in addition to and in conjunction with the words, terms and phrases set forth in 7 CFR §301.50-1.

2:20-9.3 Pine shoot beetle declared a nuisance

The State Board of Agriculture declares the pine shoot beetle, a dangerously injurious insect not known to be native to New Jersey that damages coniferous trees especially pine (Scots, red, and eastern white pine), balsam fir, Norway spruce and larch, to be a nuisance.

2:20-9.4 Restrictions on movement of plant material

No person may move any N.J. regulated articles listed in N.J.A.C. 2:20-9.5 or 7 CFR §301.50-2 outside the N.J. quarantine area designated in N.J.A.C. 2:20-9.6 unless in compliance with this subchapter or 7 CFR §§301.50 et seq.

2:20-9.5 N.J. regulated articles

(a) N.J. regulated articles are as follows:

1. Pine products (*Pinus spp.*), as follows:
 - i. Bark nuggets (including bark chips);
 - ii. Christmas trees;
 - iii. Logs with bark attached;
 - iv. Lumber with bark attached;
 - v. Nursery stock;
 - vi. Raw pine materials for pine wreaths and garlands;
 - vii. Stumps; and
 - viii. Any other regulated article listed in 7 CFR §301.50-2; and
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 N.J. inspector that it presents a risk of spread of the pine shoot beetle and the person in possession thereof has written notice that the product, article, or means of conveyance is subject to the provisions of this subchapter.

2:20-9.6 N.J. quarantine area

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 or 4:7-1, in order to control the spread of pine shoot beetle, the following counties are hereby quarantined: Bergen, Hunterdon, Passaic, Sussex and Warren.

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

2:20-9.7 Conditions of movement, certification

(a) N.J. regulated articles may not be moved from the N.J. quarantined area unless accompanied by a NJDA certificate, limited permit or other written approval issued by the Department or by USDA APHIS, or as permitted in accordance with the requirements at (d) and (e) below or at 7 CFR §301.50-4.

(b) A person wishing to move N.J. regulated articles out of an N.J. quarantine area may request that the Department or APHIS conduct an inspection of their N.J. regulated articles. If the N.J. regulated articles are found to be free from infestation of the pine shoot beetle after the Department or APHIS inspection, the person shall be provided with a certificate issued by the Department or by APHIS.

(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.

(d) An N.J. regulated article subject to quarantine may be moved from a location outside the N.J. quarantine area, through the N.J. quarantine area, to a destination outside the N.J. quarantine area without a certificate or limited permit, if the following conditions are met:

1. During October, November or December, or when the ambient air temperature is below 50 degrees Fahrenheit, and passage through the quarantine area is made without stopping except for refueling or traffic conditions;
2. During January through September, and when the ambient air temperature is at or above 50 degrees Fahrenheit, if the article subject to quarantine is moved through the quarantine area in an enclosed vehicle or is completely enclosed by a covering (such as canvas, plastic or other loosely woven cloth) adequate to prevent access by the pine shoot beetle; and
3. The county and state of origin of the regulated article are indicated on the waybill or shipping document.

(e) An N.J. regulated article subject to quarantine may be moved from a location within the N.J. quarantine area, through an area outside the N.J. quarantine area, to a destination in the N.J. quarantine area, without a certificate or limited permit if the following conditions are met:

1. During October, November or December, or when the ambient air temperature is below 50 degrees Fahrenheit, and passage through the quarantine area is made without stopping except for refueling or traffic conditions;
2. During January through September, and when the ambient air temperature is at or above 50 degrees Fahrenheit, if the article subject to quarantine is moved through the quarantine area in an enclosed vehicle or is completely enclosed by a covering (such as canvas, plastic or other loosely woven cloth) adequate to prevent the escape of the pine shoot beetle; and
3. The county and state of origin and the final destination of the article subject to quarantine are indicated on the waybill or shipping document.