

“Holistic” means the consideration of the animal functioning as a complete, integrated unit.

“Horses” includes horses, ponies, donkeys and mules and miniature breeds.

“Humane” means marked by compassion, sympathy, and consideration for the welfare of animals.

“Hyperthermia” means an above normal temperature of the body.

“Hypothermia” means a subnormal temperature of the body.

“Induced molting” is a management practice that simulates the natural molting event and is designed to bring the entire flock in to a nonlaying and oviduct rejuvenation period. After the molt, a new plumage develops and the birds resume egg production at a higher rate with better egg quality.

“Investigation” means activities undertaken to gather information to identify a possible violation of these standards for the humane treatment of domestic livestock, set forth in N.J.A.C. 2:8-2, and includes the examination or inspection of domestic livestock or of any facility, location or vehicle where the same are kept, or of records containing information regarding domestic livestock.

“Manure management” means the collection, removal, storage and disposition of manure compatible with the land and cropping system where the manure is to be applied. Manure may be stored for several weeks to over six months, depending on the production system (laying hens, dairy). Manure management systems include but are not limited to solid storage (composting, stacking pads, bedded manure packs, etc.) or liquid storage (slurry, lagoon, etc.).

“Marketing” refers to the transfer of an animal to other producers or consumers, via private sales, auctions, etc.

“Minor violations” include actions that occur due to neglect and unintentional acts of substandard practices which do not place the animal’s life in imminent peril or do not cause protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

“Molting” is a natural seasonal event in which birds substantially reduce their food intake, cease egg production, and replace their plumage.

“NJDA” means the New Jersey Department of Agriculture.

“Non-ambulatory disabled livestock” means livestock that cannot rise from a recumbent position (downer) or that cannot walk, including, but not limited to, those with broken

appendages, severed tendons or ligaments, nerve paralysis, fractured vertebral column or metabolic conditions.

“Owner” or “person” includes a corporation; the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed or in the custody of the corporation shall be imputed to the corporation.

“Physical restraint” means the confinement or restriction of an animal or part of an animal to accomplish a required task such as vaccination, examination, feeding, milking, grooming, hoof trimming, etc., and can be accomplished manually or with devices including, but not limited to, restraint stocks, head gates, stanchions, chutes and ropes.

“Poultry” includes chickens, roosters, capons, hens, ducks, geese, turkeys, pigeon and guinea fowl (N.J.S.A. 4:5-94) and ratites (N.J.S.A. 4:2-17).

“Production level” refers to quantitative production measures for livestock, such as pounds of milk produced, average daily body weight gain, or number of eggs per clutch.

“Production stage” represents a point in the timeline of an animal’s productive period.

“Rabbits” include all rabbit breeds used or intended for food or fiber.

“Reproductive techniques” means methods used to breed and produce livestock and include, but are not limited to, artificial insemination, pregnancy checking, semen collection, embryo collection and transfer, neonatal delivery and care, pre-and postpartum care and estrous synchronization.

“Rest” means the interruption of training or work to avoid or recover from fatigue, exhaustion or over training.

“Restricted exercise” means regulating exercise to provide for certain stages of production, training, development or individual health concerns.

“Restricted feeding” means regulating feed intake to prevent the deleterious overfeeding at different stages of production and development.

“Restricted watering” means regulating water intake to prevent the deleterious effects of over watering at different stages of production and development.

“Routine husbandry practices” means those techniques commonly taught by veterinary schools, land grant colleges, and agricultural extension agents for the benefit of animals, the livestock industry, animal handlers and the public health and which are employed to raise, keep, care, treat, market and transport livestock, including, but not limited to, techniques involved with physical restraint; animal handling; animal identification; animal training; manure management; restricted feeding; restricted watering; restricted exercising;

animal housing techniques; reproductive techniques; implantation; vaccination; and use of fencing materials, as long as all other State and Federal laws governing these practices are followed.

“Severe violations” include any intentionally cruel or inhumane acts as well as actions due to neglect or substandard practices which place an animal’s life in imminent peril or which cause protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ. Nothing in this definition shall limit accepted veterinary practices or routine husbandry practices when performed in accordance with these rules.

“Small ruminants” include sheep, goats, llama, alpaca, and farm-raised *Cervidae*.

“State Veterinarian” means the Director, Division of Animal Health, NJDA.

“Swine” include domestic and exotic porcine breeds.

“Training techniques” refer to techniques used to teach an animal appropriate responses to cues, usually with respect to getting it to stop, stand still or move in a certain manner. The cues employed may include, but are not restricted to, the use of restraining devices such as halters or neck/leg bands, tethers, motivational devices, correction devices or repetitive routines.

“Transport” means the process of carrying domestic livestock in a vehicle from one location to another and does not include the process of loading and unloading either on or off a vehicle.

“Vector” means a living organism that serves to carry infections or toxins from one animal to another.

“Water quality” refers to the acceptability of water sources for animal consumption with respect to the presence of contaminants, accessibility and quantity. Acceptable water quality means that the water is provided in ways that minimize contamination by urine, feces and other materials but is accessible to the animals. It may be provided from natural sources or manmade containers and must be provided in sufficient quantities to prevent dehydration. Signs of dehydration include sunken eyes, increased capillary refill time of the gums, and/or skin that tents when pinched. Human standards for potability are not required but there should not be contaminants present in amounts that discourage the animals from drinking adequate amounts.

“Weight measurement devices” mean an objective method to measure or estimate the weight of livestock and include the use of scales and/or weight tapes, recognizing that weight tapes and scales are most effectively used to measure weight gain or loss relative to previous measurements performed in the same manner by the same individual using the same equipment.

“Well-being” means good health and welfare.

(b) Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

Amended by R.2005 d.207, effective July 5, 2005.

See: 36 N.J.R. 2586(a), 37 N.J.R. 2465(b).

Amended “Hyperthermia”, “Minor violations”, “Routine husbandry practices”, and “Severe violations”.

SUBCHAPTER 2. STANDARDS FOR CATTLE

2:8-2.1 General provisions

(a) This subchapter establishes humane standards for the humane raising, treatment, care, marketing, and sale of cattle, pursuant to the authority accorded by N.J.S.A. 4:22-16.1.

1. All determinations as to whether these humane standards for cattle have been met shall take into account age, breed, type, physiologic condition, size, production level/stage of development of the animal, the daily maintenance requirements necessary for the particular animal, and environmental conditions.

2:8-2.2 Feeding

(a) Each animal shall be assessed individually for purposes of determining compliance with the humane standards for cattle feeding set forth in this section. Compliance with these standards shall not be determined by averaging the treatment or condition in a herd or group of animals.

(b) Each animal must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition, as determined according to the criteria set forth in (b)1 and 2 below.

1. Body condition can be measured by direct measurement using a weight scale, when available, or by indirect measurement using a weight tape, when available; or

2. The NJDA adopts and incorporates by reference the following BCS methods:

i. For dairy cows, (hereinafter referred to as BCS-Dairy) using the scoring method set forth in Patton R.A., Bucholtz H.F., Schmidt M.K., and F.M. Hall, Body Condition Scoring—A Management Tool, Department of Animal Science, Michigan State University, East Lansing, Michigan. September 1988. Copies of this document may be procured by contacting Dr. Herbert Bucholtz, Professor, Dept. Animal Science, 2265 H Anthony Hall, Michigan State University, E. Lansing, MI 48824. Phone: 517-355-8432; Fax: 517-432-0147; Email: bucholtz@msu.edu.

2:8-3.5 Marketing and sale

(a) The driver of the transport vehicle, and/or any person who is present in the vehicle for purposes of transporting the horses, shall be responsible for the welfare of the horses at all times during transport.

(b) Horses transported for any purpose must be handled (loaded and off-loaded) and transported in a manner that minimizes injury, illness and death.

1. During loading and unloading, the horses' owner or owner's agent, if present, shall be responsible for handling horses.

2. If the horses' owner or owner's agent is absent, the driver of the transport vehicle, and/or any person who is present in the vehicle for purposes of transporting the horses, shall be responsible for the welfare of the horses.

(c) Horses must be transported with minimal delay.

(d) Horses shall be provided with adequate ventilation during transport.

(e) During transport, the horses' environment must provide relief from the elements that result in hyperthermia or hypothermia detrimental to the horses' health.

(f) Horses must be transported in a manner that complies with the Commercial Transportation of Equines to Slaughter, 9 C.F.R. § 88.

(g) Horses not moved from an auction barn, transfer station or similar location shall have access to water in holding pens, and if held longer than 24 hours, access to feed in accordance with 9 C.F.R. § 313.2(e).

1. These are maximum times without feed and water and are not in addition to transportation times.

2:8-3.6 Care and treatment

(a) Sick or injured horses shall be promptly treated or humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) 2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented.

2. A copy of the 2000 Report of the AVMA Panel on Euthanasia is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road—Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.

3. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.

(b) Dead horses must be promptly removed from contact with live horses within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) Proper medical care for the diagnosis or management of injury or disease must be provided to sick, injured, or non-ambulatory disabled horses.

1. Nothing in these rules shall prohibit owners from providing medical care and treatment to their own animals provided it is performed in a sanitary manner, in such a way to minimize pain, and in compliance with all local, State and Federal laws.

(d) All horses for public hire must have routine hoof care, medical care, and sufficient strength and rest to maintain their health to be used for the purpose for which they were hired.

(e) Proper hoof care should be provided.

(f) Nothing in these rules shall prohibit tattooing, branding, and castrating or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.

2:8-3.7 Exceptions

Exceptions to the standards set forth in this subchapter may be made for horses provided the horses are under the direct care of a veterinarian who can provide a medically supportable written explanation for the conditions.

SUBCHAPTER 4. STANDARDS FOR POULTRY**2:8-4.1 General provisions**

(a) This subchapter establishes standards for the humane raising, treatment, marketing, and sale of poultry pursuant to the authority accorded by N.J.S.A. 4:22-16.1.

1. All determinations as to whether the standards for poultry have been met shall take into account the age, breed, type, physiologic condition, size, production level/stage of development of the animal, the daily maintenance requirements necessary for poultry, and environmental conditions.

2:8-4.2 Feeding

(a) Each bird shall be assessed individually for purposes of determining compliance with the standards for feeding of poultry set forth in this section. Compliance with these

standards shall not be determined by averaging the treatment or condition in a flock or group of birds.

(b) Each bird must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition.

(c) Exceptions to feeding requirements for poultry are as follows:

1. Day-old poultry may be transported without feed, provided said poultry are delivered within 72 hours of hatching, and feed is provided immediately following unloading.

2. Birds may be transported without feed in accordance with the United States Postal Regulations, 39 C.F.R. § 111.5. (US Postal Service Domestic Mail Manual, § C022 Perishables; Subsection 3.1, Day-old poultry, Subsection 3.3 Adult fowl, Subsection 3.4 Adult Chickens.)

3. Feed may be withdrawn from adult poultry during an induced molt, provided that the following conditions are met:

i. Maximum length of feed withdrawal is 14 days. Feed withdrawal begins when all feed troughs are empty.

ii. Mortality and body weight loss shall be monitored daily throughout the molt, and feed must be returned immediately if the average weight loss exceeds 30 percent of pre-molt weight, or if mortality exceeds 1.2 percent during the feed withdrawal.

2:8-4.3 Watering

(a) Each bird shall be assessed individually for purposes of determining compliance with the standards for watering poultry set forth in this section. Compliance with these standards shall not be determined by averaging the treatment or condition in a flock or group of birds.

1. Each bird must have daily access to water in sufficient quantity and quality to satisfy the bird's physiologic needs.

2. During induced molting of poultry, sufficient water shall be available to satisfy the maintenance requirements of each bird.

(b) Exceptions to watering requirements are as follows:

1. Day-old poultry may be transported without water, provided said poultry are delivered within 72 hours of hatching, and water is provided immediately following unloading.

2. Birds may be transported without water in compliance with the United States Postal Regulations 39 C.F.R. § 111.5. (US Postal Service Domestic Mail Manual, § C022 Perishables; Subsection 3.1, Day-old poultry, Subsection 3.3 Adult fowl, Subsection 3.4 Adult Chickens.)

2:8-4.4 Keeping

(a) The birds' environment must provide relief from the elements, such as excessive wind, excessive temperature and excessive precipitation, that result in hyperthermia or hypothermia detrimental to the birds' health.

(b) Relief under (a) above can be accomplished with natural features of the environment including, but not limited to, trees, land windbreaks, overhangs, or other natural weather barriers or constructed shelters.

1. Constructed shelters shall:

i. Be of sufficient size to provide adequate space for each bird seeking shelter within to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest;

ii. Be structurally sound;

iii. Have a safe interior surface, reasonably free of injurious matter;

iv. Maintain air quality by natural or mechanical ventilation;

v. Minimize extremes in environmental temperature; and

vi. Be maintained at a level of repair such that they continue to fulfill the requirements of (b)1i through v above.

(c) If enclosed yards are used to contain poultry, the following conditions shall be met:

1. Sharp objects that pose an actual threat to the birds shall be minimized to prevent an unreasonable risk of injury to the birds.

2. If stationary objects that pose a risk of injury cannot be removed, reasonable efforts must be made to minimize contact of the poultry with these objects by fencing off or covering the object, or through similar means.

(d) Cage housing, not including transport crates, shall be:

1. Of sufficient size to allow each bird to stand upright in the cage without having its head protrude through the top of the cage, lie down, get up, walk, spread its wings, move its head freely, turn around and rest;

2. Constructed to minimize the risk of injury or entrapment; and

3. Constructed to minimize soiling of birds by fecal material from birds in cages above them.

(e) Floor housing shall provide:

1. Each bird enough room to stand, lie down, get up, walk, spread its wings, move its head freely, turn around and rest; and

2. A sufficient number of nesting boxes for laying hens seeking access to a nesting box.

(f) Constructed floor surfaces on which poultry are kept must provide a suitable environment for poultry health.

(g) Poultry shall be provided with an environment that supports poultry health.

2:8-4.5 Marketing and sale

(a) The driver of the transport vehicle, and/or any person who is present in the vehicle for purposes of transporting the poultry, shall be responsible for the welfare of the birds at all times during transport.

(b) Poultry transported for any purpose must be handled (loaded and off-loaded) and transported in a manner that minimizes injury, illness and death.

1. During loading and unloading, the birds' owner or owner's agent, if present, shall be responsible for handling poultry.

2. If the birds' owner or owner's agent is absent, the driver of the transport vehicle, and/or any person who is present in the vehicle for purposes of transporting the poultry, shall be responsible for the welfare of the animals.

(c) Poultry may be mailed in compliance with the United States Postal Regulations Federal rule 39 C.F.R. § 111.5. (US Postal Service Domestic Mail Manual, § C022 Perishables; Subsection 3.1, Day-old poultry, Subsection 3.3 Adult fowl, Subsection 3.4 Adult Chickens.)

(d) Birds that are transported by any method other than mailing shall be:

1. Transported with minimal delay;
2. Provided with adequate ventilation during transport; and
3. Protected from the elements in order to minimize illness or mortality.

(e) Crates, trays or carts for transport must be:

1. Designed in such a manner that loading, transport, and removal of birds may be carried out with minimal injury or mortality;
2. Designed to remain intact during normal processing;
3. Constructed to confine the birds; and
4. Ventilated properly.

(f) During transport, the birds' environment must provide relief from the elements that result in hyperthermia or hypothermia detrimental to the birds' health.

(g) Consideration shall be given to minimize exposure of poultry during transport to excessive solar radiation and excessive precipitation.

(h) Mortality in broilers or turkeys shall not exceed 1.0 percent during transport and mortality in spent hens shall not exceed 2.5 percent during transport.

(i) Birds shall not be transported for more than 24 hours without access to feed and water.

(j) Once delivered to the destination, birds must not be kept in transport crates, trays or carts for longer than 18 hours.

2:8-4.6 Care and treatment

(a) Sick or injured poultry must be promptly treated or removed within 24 hours and humanely euthanized.

1. The NJDA adopts and incorporates by reference the acceptable methods of euthanasia as set forth in the American Veterinary Medical Association (AVMA) 2000 Report of the AVMA Panel on Euthanasia (JAVMA, Vol. 218, No. 5, March 1, 2001) as amended and supplemented.

2. The NJDA adopts and incorporates by reference the AVMA position on disposal of unwanted chicks, poults and pipped eggs (1999) as amended and supplemented.

3. A copy of the documents listed in subsections (a)1 and 2 above is on file in the Director's Office, Division of Animal Health, NJDA, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625. Copies may be procured by contacting the AVMA at 1931 North Meacham Road—Suite 100, Schaumburg, IL 60173. Phone: 847-925-8070; Fax: 847-925-1329; Website: <http://www.avma.org/>; Email: avmainfo@avma.org.

4. Euthanasia shall be performed only by knowledgeable individuals who are skilled in the method used.

5. Birds must be euthanized prior to disposal.

(b) Dead poultry must be promptly removed from contact with live birds within 24 hours and disposed of in a manner consistent with all applicable Federal, State and local regulations governing disposal.

(c) Proper medical care for the diagnosis or management of injury or disease must be provided to sick or injured poultry.

1. Nothing in these rules shall prohibit owners from providing medical care and treatment to their own animals provided it is performed in a sanitary manner, in such a way to minimize pain, and in compliance with all local, State and Federal laws.

(d) Birds shall be inspected immediately prior to beginning an induced molt. Sick birds shall be removed from the flock before molting.

(e) All life-supporting mechanical equipment, including, but not limited to, feeders, drinkers, and ventilation systems, shall be inspected at least once daily and maintained in functioning order.

2:8-4.7 Handling of poultry

(a) Birds shall be caught, carried and removed in a manner that minimizes injury to the bird.

(b) All doors and openings through which birds are moved shall be large enough to provide passage of birds without injury to the bird.

(c) Catching and transport protocols shall minimize the number of times a bird is handled between capture and rehousing or slaughter.

(d) The time between capture and slaughter shall be minimized to the extent possible consistent with food safety considerations.

(e) Nothing in these rules shall prohibit beak-trimming or other routine husbandry practices provided that they are performed in a sanitary manner by a knowledgeable individual and in such a way as to minimize pain.

1. Beaks of chickens shall not be trimmed after eight weeks of age, except that therapeutic beak trimming may be done at any age if an outbreak of cannibalism occurs in a non-beak-trimmed flock.

2. Beaks of turkeys shall not be trimmed after 24 weeks of age.

(f) Toe trimming may be performed on male broiler breeder chicks and poults, but shall be limited as follows:

1. No toe trimming can be performed on chickens after one day of age.

2. No toe trimming can be performed on turkeys after seven days of age.

2:8-4.8 Exceptions

(a) Exceptions to the standards set forth in this subchapter may be made for poultry provided the practices meet one or more of the following conditions:

1. The poultry are under the direct care of a veterinarian who can provide a medically supportable written explanation for the conditions; and/or

2. To the extent permitted by law, poultry may be confined in a vehicle or vessel for up to 28 consecutive hours without unloading for feeding and watering in accordance with 49 U.S.C. § 80502.

i. For purposes of determining this period of confinement, time spent in loading and unloading is not included.

SUBCHAPTER 5. STANDARDS FOR RABBITS

2:8-5.1 General provisions

(a) This subchapter establishes standards for the humane raising, treatment, care, marketing, and sale of rabbits, pursuant to the authority accorded by N.J.S.A. 4:22-16.1.

1. All determinations as to whether these standards for rabbits have been met shall take into account age, breed, type, physiologic condition, size, production level/stage of development of the animal, the daily maintenance requirements necessary for that particular animal, and environmental conditions.

2:8-5.2 Feeding

(a) Each rabbit shall be assessed individually for purposes of determining compliance with the standards for the feeding of rabbits set forth in this section. Compliance with these standards shall not be determined by averaging the treatment or condition in a herd or group of animals.

1. Each rabbit must have daily access to sufficient and nutritious feed to allow for growth and maintenance of an adequate body condition.

2:8-5.3 Watering

(a) Each rabbit shall be assessed individually for purposes of determining compliance with the standards for watering rabbits set forth in this section. Compliance with these standards shall not be determined by averaging the treatment or condition in a herd or group of animals.

1. Each rabbit shall have daily access to water in sufficient quantity and quality to satisfy the animal's physiologic needs as evidenced by the rabbit's hydration status.

2:8-5.4 Keeping

(a) The rabbits' environment must provide relief from the elements, such as excessive wind, excessive temperature and excessive precipitation, that result in hyperthermia or hypothermia detrimental to the rabbits' health.

(b) Relief under (a) above can be accomplished with natural features of the environment including, but not limited to, trees, land windbreaks, overhangs or other natural weather barriers, or constructed shelters.

1. Where constructed shelters are provided, they shall: