

TITLE 2

DEPARTMENT OF AGRICULTURE

CHAPTER 1

ADMINISTRATION

Authority

N.J.S.A. 4:1-11, 52:14B-3(1) and (2); 52:14B-4(b);
42 U.S.C. 12101 et seq. and 28 C.F.R. 35.107.

Source and Effective Date

R.1995 d.566, effective October 4, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

Executive Order No. 66(1978) Expiration Date

Chapter 1, Administration, expires on October 4, 2000. Subchapter 4, Disability Discrimination Grievance Procedure, is exempt from the operation of Executive Order No. 66(1978).

Chapter Historical Note

Chapter 1, Administration, was originally filed and became effective prior to September 1, 1969. Subchapter 2, Organization, was readopted pursuant to Executive Order No. 66(1978) by R.1983 d.528, effective November 1, 1983. See: 15 N.J.R. 1538(a), 15 N.J.R. 1939(d). Pursuant to Executive Order No. 66(1978), Chapter 1, Administration, expired on September 3, 1990. Chapter 1 was subsequently adopted as new rules, with subchapter 1 being reserved, by R.1990 d.579, effective November 19, 1990. See: 22 N.J.R. 2865(a), 22 N.J.R. 3478(b). Subchapter 4, Disability Discrimination Grievance Procedure, was adopted as new rules by R.1993 d.274, effective June 7, 1993. See: 25 N.J.R. 1314(a), 25 N.J.R. 1338(a), 25 N.J.R. 2247(a), 25 N.J.R. July 6, 1993. Pursuant to Executive Order No. 66(1978), Subchapter 2, Organization, and Subchapter 3, Rules of Practice, were readopted as R.1995 d.566, effective October 4, 1995. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. ORGANIZATION

- 2:1-2.1 Department responsibilities
- 2:1-2.2 Tables of organization
- 2:1-2.3 Functions of departmental units

SUBCHAPTER 3. RULES OF PRACTICE

- 2:1-3.1 Purpose of rules of practice
- 2:1-3.2 Development of rules
- 2:1-3.3 Procedure to petition for a rule
- 2:1-3.4 Hearings
- 2:1-3.5 Instructions for departmental forms on file
- 2:1-3.6 Information required from the public
- 2:1-3.7 Information available to public
- 2:1-3.8 Public records; copies; fees

SUBCHAPTER 4. DISABILITY DISCRIMINATION
GRIEVANCE PROCEDURE

- 2:1-4.1 Definitions
- 2:1-4.2 Purpose
- 2:1-4.3 Required ADA notice
- 2:1-4.4 Designated ADA coordinator
- 2:1-4.5 Complaint procedure

- 2:1-4.6 Complaint contents
- 2:1-4.7 Complaint form
- 2:1-4.8 Investigation

SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. ORGANIZATION

2:1-2.1 Department responsibilities

The State Department of Agriculture is responsible for development, regulatory, service, promotion and information programs in support of agriculture and agribusiness and those natural and renewable resources associated with agriculture and open lands for the benefits of all citizens as prescribed in Titles 4, 5, 13, 24, 54 and other applicable titles in the New Jersey Statutes Annotated.

2:1-2.2 Tables of organization

Tables showing the organization of the Department and the major sections within each Division are appended to the end of this chapter.

2:1-2.3 Functions of departmental units

(a) Functions of the various units within the State Department of Agriculture are as follows:

1. The State Board of Agriculture is the head of the Department and consists of eight farmers of the State engaged in the production of farm crops or livestock. The State Board of Agriculture, with the approval of the Governor, appoints the Secretary of Agriculture who serves as the principal executive officer of the Department and secretary to the Board. The Board has the authority to establish rules and regulations for its own proceedings and for the government, control and program performance of the Department.

2. The Office of the Secretary includes the Secretary of Agriculture, an Assistant Secretary and a Chief of Staff. It is responsible for the executive management policy development, legislative liaison, public information programs and legal services for the Department and the State Board of Agriculture.

3. The Division of Administration provides personnel, budget, accounting, training and administrative support services to the divisions.

4. The Division of Animal Health is responsible for programs for the prevention, control and eradication of livestock and poultry diseases affecting such livestock, livestock products, and human health.

5. The Division of Dairy and Commodity Regulation operates programs which foster a stable and competitive dairy industry; conducts quality assurance programs for agricultural inputs; regulates credit buyers of perishable agricultural products; and performs agricultural product grading and inspection.

6. The Division of Markets provides market development services, market news, support for agricultural cooperatives, equine programs, product promotion, and distributes Federal donated food to schools, institutions and qualified individuals.

7. The Division of Plant Industry is responsible for programs to prevent, control and eradicate pests and diseases of plants, trees and bees; conducts beneficial insect development and production; and provides seed certification and control.

8. The Division of Rural Resources provides programs and services to support farming, agricultural and rural development, soil and water conservation, agricultural statistics, and farmland retention.

9. Functions of units assigned to the State Department of Agriculture are as follows:

- i. The State Agriculture Development Committee is independent of, but allocated within, the Department of Agriculture. It administers the Farmland Preservation Program which consists primarily of cooperative easement purchase programs with local government and a soil and water conservation cost-share program with landowners; and administers the Right-to-Farm program.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

SUBCHAPTER 3. RULES OF PRACTICE

2:1-3.1 Purpose of rules of practice

The State Board of Agriculture and the New Jersey Department of Agriculture, in order to more fully represent and carry out their duties and functions, adopts this subchapter as its rules of practice.

2:1-3.2 Development of rules

(a) Rules shall be clear and concise to encourage the maximum amount of voluntary compliance by those who are regulated.

(b) Rules may be established by the Board for its own proceedings, for the governing and control of the Department, its programs, and the officers and employees of the Department.

(c) The Department shall provide the maximum amount of public participation in the review of existing or establishment of proposed rules. This shall include the use of advisory groups in rule development activities.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

2:1-3.3 Procedure to petition for a rule

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Department of Agriculture. A petition shall be in writing, shall be legible and intelligible and shall be signed by the petitioner. Each petition shall contain the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request; and
4. The statutory authority under which the Department of Agriculture may take the requested action.

(b) The Department of Agriculture shall immediately date stamp and log each document submitted as a petition. Upon filing, the Department of Agriculture shall forthwith publish the notice of petition for a rule in the New Jersey Register pursuant to the requirements of N.J.A.C. 1:30-3.6(a).

(c) No later than 30 days after receiving a petition, the Department of Agriculture shall mail to the petitioner and file for publication in the New Jersey Register, a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b). The notice of action shall include either:

1. A statement denying the petition;
2. A notice of proposed rule or a notice of pre-proposal for a rule for publication in the Register; or
3. A statement that the matter is being referred for further deliberations, the nature of which shall be specified and which shall conclude upon a date certain. The results of these further deliberations shall be mailed to the petitioner and shall be submitted for publication in the Register.

2:1-3.4 Hearings

(a) Any person who feels aggrieved by any action or inaction of the Department may request an informal meeting with the Department to settle any dispute, or seek clarification of the Department's rules and regulations. The Department shall respond, in writing, as to the results of such a meeting stating the reasons for its determination.

(b) If any dispute is required by law or regulation to be heard formally, or if the Department determines the matter a contested one, the matter shall be treated in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Such disputes will be referred to the Office of Administrative Law for hearing.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

2:1-3.5 Instructions for departmental forms on file

A description and instructions for use of the forms used in carrying out the Department's responsibilities may be obtained from the Office of the Secretary, Department of Agriculture, Trenton, NJ 08625.

Amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

2:1-3.6 Information required from the public

In the performance of its duties, the Department may require from affected members of the public certain information for the purposes of establishing a unique means of identifying its records. This unique identifying information shall be deemed confidential and not a public record and is not accessible for public examination, review or reproduction pursuant to the "Right to Know Law" (N.J.S.A. 47:1A-1 et seq.).

New Rule, R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(a).

2:1-3.7 Information available to public

(a) The public may obtain complete information or make submissions or requests concerning any Departmental programs by contacting the Office of the Secretary, Department of Agriculture, CN 330, Trenton, NJ 08625.

(b) An annual report of all Department activities is made to the Governor and Legislature. Copies are available from

the Public Information Office, N.J. Department of Agriculture, CN 330, Trenton, NJ 08625.

Recodified from 2:1-3.6 and amended by R.1995 d.566, effective November 6, 1995.
See: 27 N.J.R. 2825(a), 27 N.J.R. 4279(b).

2:1-3.8 Public records; copies; fees

(a) All records which are required by law to be made, maintained, or kept on file shall be considered public records. This includes records of all public meetings of the New Jersey State Board of Agriculture and all other Boards, Committees or Councils of the Department. Such records are available for reasonable inspection, under supervision, during regular working hours at the main offices of the New Jersey Department of Agriculture, John Fitch Plaza, Trenton, New Jersey.

(b) Any person may obtain copies of public records by written request upon payment of a fee as follows:

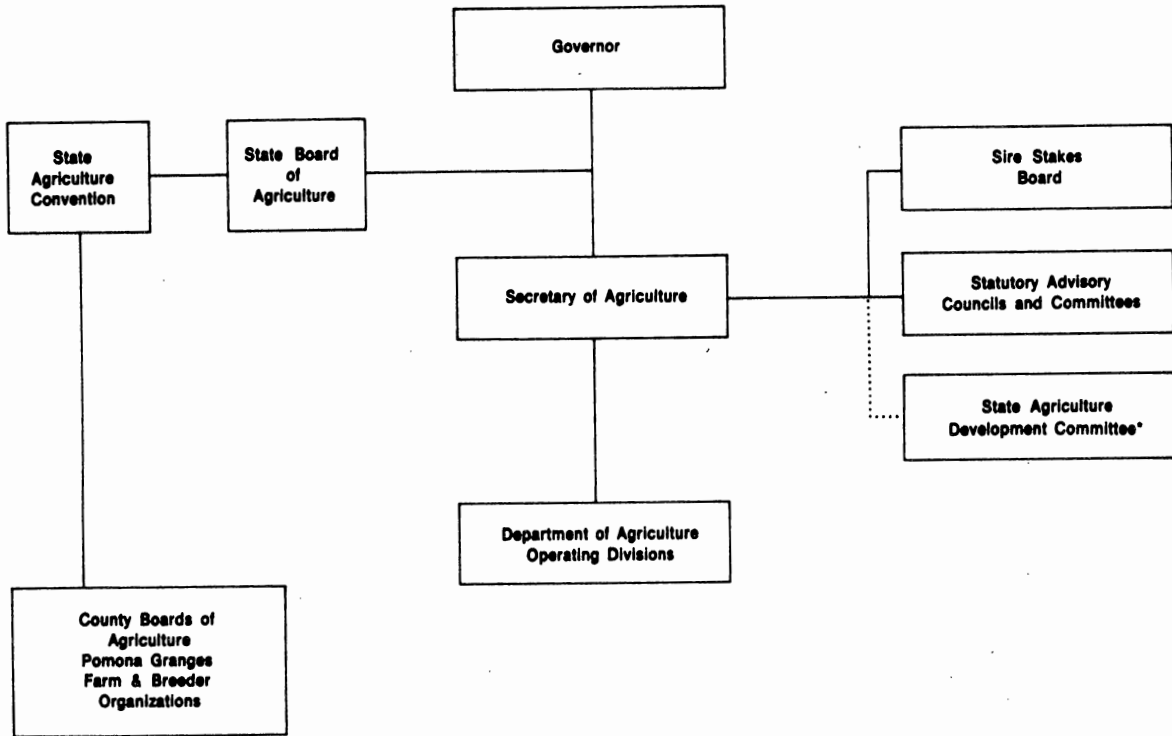
1. First page to tenth page: \$0.50 per page;
2. Eleventh page to 20th page: \$0.25 per page;
3. All pages over 20: \$0.10 per page.

(c) The Department may charge the costs of any delivery service over and above ordinary Postal Service rates for any requested overnight, express or other special delivery service.

(d) Records may be requested for transmittal by a telefacsimile machine upon payment, for cost reimbursement, at the rate of \$5.00 per page.

(e) Records may be requested for transmittal by a computer diskette upon payment, for cost reimbursement, at the rate of \$15.00 per diskette.

(f) Payment shall be made by check payable to the New Jersey Department of Agriculture.



*The State Agriculture Development Committee is independent of, but allocated within, the Department of Agriculture.