

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF PLANT INDUSTRY

Quarantines

Adopted Amendment: N.J.A.C. 2:20-2.3

Adopted Repeal and New Rule: N.J.A.C. 2:20-8.5

Adopted New Rules: N.J.A.C. 2:20-9

Proposed: May 7, 2018, at 50 N.J.R. 1191(a).

Adopted: July 25, 2018, by the State Board of Agriculture, Douglas H. Fisher, Chairman and Secretary, Department of Agriculture.

Filed: July 26, 2018, as R.2018 d.159, **without change**.

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

Effective Date: August 20, 2018.

Expiration Date: January 25, 2025.

Summary of Public Comment and Agency Response:

COMMENT: One comment was received from Jean Public who stated she is in agreement that poisonous snails be kept out of New Jersey. She also thought the New Jersey Department of Agriculture should be after the Federal Agribusiness Department to keep out of New Jersey all of those invasive foreign plants that are causing trillions of dollars of injury to our New Jersey forests. Both Federal and New Jersey ag profiteers have been loading our nurseries to allow them to sell the most injurious foreign invasive plants just for economic profiteering. The people of New Jersey are being totally harmed by the lax and totally negligent actions of both agencies, focused on profiteering, moneygrubbing and not on environmental health for the people of New Jersey. We are being ripped off daily by both Federal and State Agriculture Departments, moneygrubbing is their major function.

RESPONSE: The Department appreciates the positive feedback regarding the proposed rule about non-native phytophagous snails.

Federal Standards Statement

The adopted amendments at N.J.A.C. 2:20-8 for Asian longhorned beetle are the same as those imposed by Federal law, 7 CFR 301.51, in which the State adopted parallel restrictions on the movement of regulated articles, to control and limit the spread of Asian longhorned beetle within New Jersey. There are no Federal laws pertaining to the rules imposed at N.J.A.C. 2:20-2, White Pine Blister Rust, or 2:20-9, Non-Native Phytophagous Snails.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 2. WHITE PINE BLISTER RUST (*CRONARTIUM RIBICOLA FISCHER*)

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)-(c) (No change.)

(d) For new introductions of currants, the permittee shall provide to the Department a certification from the plant source that all plants are white pine blister rust resistant/immune cultivars. A permit may be issued following favorable scientific review and certification of the varieties by the USDA APHIS and/or the U.S. Forest Service.

Recodify existing (f)-(h) as (e)-(g) (No change in text.)

SUBCHAPTER 8. ASIAN LONGHORNED BEETLE

2:20-8.5 Quarantine area

The Secretary of the Department of Agriculture may temporarily designate any area in New Jersey as a quarantine 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 the U.S. Department of Agriculture Animal and Plant Health Inspection Service.

SUBCHAPTER 9. NON-NATIVE PHYTOPHAGOUS SNAILS

2:20-9.1 Definitions

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

“Department” means the New Jersey Department of Agriculture.

“Infested areas” mean the states of Arizona, California, Florida, Hawaii, Minnesota, New Mexico, Oregon, Texas, Washington, or any other areas that are infested with phytophagous snails that are not native to New Jersey.

“Movement” means to ship, carry, transport, offer for shipment, receive for shipment, or allow to be transported by any means.

“Non-native phytophagous snail” means any live snail, in any stage of development that feeds on plants and does not occur naturally in New Jersey including, but not limited to, the following: the brown garden snail, *Helix aspersa*; the green or burrowing snail, *H. aperta*; the pulmonate snail, *H. pomatia*; the white garden snail, *Theba pisana*; the giant African snail, *Achatha fulica*; the giant South American snail, *Megalobulimus oblongus*; the lactea snail, *Otala lactea*; and any other species determined by the Secretary to be a threat to New Jersey agriculture and added to this section pursuant to N.J.S.A. 52:14B-1 et seq. Native New Jersey species are not included.

“Plant material” means all wild, cultivated, or greenhouse-grown plants, trees, shrubs, vines, bulbous plants and roots, grafts, scions, and buds. “Plant material” includes nursery stock, annuals, bedding plants, vegetable plants, cut flowers, and decorative plants without roots.

2:20-9.2 Materials regulated

Plant materials harboring live, non-native phytophagous snails, live, non-native phytophagous snails themselves, and/or other articles capable of transporting non-native phytophagous snails shall not be moved into the State of New Jersey from an infested area.

2:20-9.3 Restrictions

(a) Raising, maintaining, and/or holding live, non-native phytophagous snails is prohibited.

(b) Movement of live, non-native phytophagous snails into or through the State in any stage of development is prohibited.

2:20-9.4 Treatment or disposal of infested materials

Regulated articles that are infested with live, non-native phytophagous snails, or materials that have been exposed to infestation by these plant pests, may be ordered destroyed or fumigated at the expense of the owner, at the direction of the Department.