

**AGRICULTURE  
DIVISION OF MARKETING AND DEVELOPMENT**

**Adopted Amendments:** *N.J.A.C. 2:71-2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 7.2 and 7.3*

**Adopted New Rules:** *N.J.A.C. 2:71-7.6, 7.7 and 7.8*

**Adopted Repeals:** *N.J.A.C. 2:71-2.8 through 2.17*

**Adopted Repeal and New Rule:** *N.J.A.C. 2:71-7.1*

**Grades and Standards – Jersey Grown**

Proposed: April 6, 2009 at *41 N.J.R. 1296(a)*.

Adopted: September 1, 2009 by the State Board of Agriculture and Douglas H. Fisher, Secretary of Agriculture.

Filed: September 2, 2009 as R.2009 d.296, **without change**.

Authority: *N.J.S.A. 4:1-11.1, 4:3-11.12 and 4:10-13*.

Effective Date: October 5, 2009.

Expiration Date: February 23, 2014.

**SUBCHAPTER 7. "JERSEY GROWN" LOGO**

**2:71-7.1 Scope and purpose**

(a) A New Jersey farmer, grower or producer of agricultural or horticultural products is permitted to make application to the New Jersey Department of Agriculture for the use of the "Jersey Grown" logo if they satisfy the following:

1. A New Jersey producer of nursery stock or plant material, who is certified pursuant to *N.J.A.C. 2:16* to sell or distribute nursery stock or plant material and who complies with the requirements set forth in 2:71-7.4;
2. A New Jersey grower of cut Christmas trees who complies with the requirements set forth in *N.J.A.C. 2:71-7.5*;
3. A New Jersey grower of turfgrass sod who complies with the requirements set forth in *N.J.A.C. 2:16-7* and 2:71-7.6;
4. A New Jersey firewood producer who complies with the requirements set forth in *N.J.A.C. 13:47C-3.1* and 2:71-7.7; or
5. A New Jersey sunflower seed (not for human consumption) producer who complies with the requirements set forth in

**2:71-7.2 Definitions**

For the purposes of this subchapter, the following words and terms shall have the following meanings unless the context clearly indicates otherwise.

"Grower" means, but is not limited to, any person who raises, grows or propagates cut Christmas trees or turfgrass sod, whether for profit or other reasons, or whether outdoors or indoors.

### 2:71-7.3 Use of the "Jersey Grown" logo

(a) The New Jersey Department of Agriculture approves the use of "Jersey Grown" in conjunction with the New Jersey map symbol under provisions of *N.J.S.A. 4:10-5* and *4:10-15* as an official emblem for identifying New Jersey produced plant material, turfgrass sod, firewood, sunflower seeds (not for human consumption) and cut Christmas trees.

(b) Persons, firms, partnerships, corporations or associations must first obtain a valid nursery certificate, issued by the Division of Plant Industry pursuant to *N.J.A.C. 2:16*, before applying to utilize the "Jersey Grown" logo on plant material or nursery stock. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on cut Christmas trees must be licensed in accordance with this section and comply with the requirements of- *N.J.A.C.2:71-7.5*. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on turfgrass sod must be licensed in accordance with this section and comply with the requirements of *N.J.A.C. 2:71-7.6*. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on firewood must be licensed in accordance with this section and comply with the requirements of *N.J.A.C. 13:47C-3.1* and *2:71-7.7*. Persons, firms, partnerships, corporations or associations utilizing the "Jersey Grown" logo on sunflower seeds (not for human consumption) must be licensed in accordance with this section and comply with the requirements of *N.J.A.C. 2:71-7.8*. No nursery certificate is needed for cut Christmas trees, turfgrass sod, firewood or sunflower seeds (not for human consumption).

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the "Jersey Grown" logo shall be permitted to attach or have it imprinted upon any documents related to their nursery stock, plant material, turfgrass sod, firewood, sunflower seeds (not for human consumption) or cut Christmas trees or to employ its use in advertising or in any manner whatsoever. Layout of proposed advertising to be used for the marketing of "Jersey Grown" plants and nursery stock shall be submitted for approval by the Division of Marketing and Development, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the "Jersey Grown" logo in marketing New Jersey produced plant materials, nursery stock, turfgrass sod, firewood, sunflower seeds (not for human consumption) and cut Christmas trees shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal the name, address and nursery certificate of the user, the type of plant material, nursery stock or cut Christmas tree for which the user

is seeking a license and other such information as is deemed necessary for enforcement of the "Jersey Grown" program. The Department will hold confidential any information provided in the application, which constitutes proprietary commercial or financial information, or is otherwise protected from disclosure under the Open Public Records Act, *N.J.S.A. 4:1A-1* et seq., subject to the limitations set forth therein.

(e)-(h) (No change.)

(i) All nursery stock marketed under the logo program shall be propagated and/or be grown in New Jersey for a period of at least six months under the conditions set forth in this section and *N.J.A.C. 2:71-7.4*. All cut Christmas trees marked under the logo program shall be propagated and/or be grown in New Jersey for a period of at least four years prior to retail sale under the conditions set forth in *N.J.A.C. 2:71-7.5*. All turfgrass sod marketed under the logo shall be grown in New Jersey for a period of at least eight months prior to retail sale under the conditions set forth in *N.J.A.C. 2:71-7.6*. All firewood marketed under the program shall be harvested from trees grown in New Jersey private forestlands managed under an approved woodland management plan or from State lands in accordance with the New Jersey Forest Service Commercial Firewood Program. All sunflower seeds (not for human consumption) marketed under the program shall be grown in New Jersey under the conditions set forth in *N.J.A.C. 2:71-7.8*.

(j) Any licensed producer using the "Jersey Grown" logo for nursery stock or plant material without satisfying the requirements set forth in this section and *N.J.A.C. 2:71-7.4*, any licensed grower using the "Jersey Grown" logo for cut Christmas trees without satisfying the requirements set forth in this section and *N.J.A.C. 2:71-7.5*, any licensed grower using the "Jersey Grown" logo for turfgrass sod without satisfying the requirements set forth in this section and *N.J.A.C. 2:71-7.6*, any licensed producer using the "Jersey Grown" logo for firewood, any licensed producer using the "Jersey Grown" logo for sunflower seeds (not for human consumption) without satisfying the requirements set forth in this section and *N.J.A.C. 2:71-7.7*, any unlicensed or uncertified producer or grower using the "Jersey Grown" logo or anyone violating any provision of *N.J.S.A. 4:10-14* shall be subject to a penalty of not more than \$ 50.00 for the first offense and not more than \$ 100.00 for each subsequent offense, except for violations of *N.J.S.A. 4:10-5*, which penalty shall be \$ 50.00.

#### 2:71-7.7 Firewood

(a) All firewood marketed under the program shall meet or exceed the New Jersey Office of Weights and Measures standards set forth at *N.J.A.C. 13:47C-3.1*, Cordwood and Firewood.

(b) All firewood marketed under the program shall be harvested from trees grown in New Jersey from private forestlands managed under an approved forest management plan, or from State lands in accordance with the New Jersey State Lands Management Review Procedure.

(c) All firewood marketed under the program shall conform to the requirements set forth at *N.J.A.C. 2:20, Quarantines*, to ensure that firewood is not moved outside regulated areas unless accompanied by a valid certificate or limited permit issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service or the Department.

(d) Licensed individuals or entities must satisfy all the conditions set forth in *N.J.A.C. 2:71-7.3* and *N.J.S.A. 4:10-5* and *4:10-14*.

Note: 2:71-7.7 (b) is in the process of being amended to read as follows:

*(b) All firewood marketed under the program shall be harvested from trees grown in New Jersey from private forestlands managed under an approved forest management plan approved by a certified Forester, certified by the Society of American Foresters or other certification entity which can demonstrate comparable rigor, or from State lands, following approval by the Department of Environmental Protection's Division of Parks and Forestry, New Jersey Forest Service, P.O. Box 404, Trenton, NJ 08625-0404.*