Discussion Points

1. In 2014, the constitutional dedication of a portion of the Corporation Business Tax revenue to farmland preservation and open space acquisition established a stable source of funding for those programs. However, the money from the constitutional dedication has yet to be allocated.

- **Question:** Did the remaining funding from the Garden State Preservation Trust funds and the 2007 and 2009 bond acts sustain farmland preservation efforts in 2015 and into 2016? Did the department or the State Agriculture Development Committee (SADC) secure additional sources of funding from local governments, federal programs, and NGOs? If so, how much was secured from each source?

**Answer:** The SADC’s farmland preservation effort was funded from three sources: Garden State Preservation Trust (GSPT) funds and the 2007 and 2009 Farmland Preservation bond funds. The SADC administers four farmland preservation programs: State Acquisition, County Grant, Municipal Grant and Nonprofit Grant.

In FY2015, SADC preserved 7,534 acres on 95 farms through its four programs for a total cost of $49.9 million. State funding of $34.4 million came from:
- GSPT fund ($6.4 million),
- 2007 bond fund ($3.5 million) and
- 2009 bond fund ($24.5 million).

State funds were matched by:
- County/municipal funds ($12.4 million) and
- Federal ($3.1 million) funds.

In FY 2016, SADC currently projects that it will between 7,000 and 8,000 acres on 99 farms through its four programs for a total cost of $54.3 million. State funding of $34.6 million associated with existing projects is expected from:
- GSPT fund ($6.5 million),
- 2007 bond fund ($2.2 million) and
- 2009 bond fund ($25.9 million).

State funds are estimated to be matched by:
- County/municipal funds of $18.2 million and
- Federal funds of $1.5 million.

- **Question:** How has the absence of the CBT appropriation in FY16 impacted the Farmland Preservation Program? Has the department or SADC missed potential opportunities to preserve farmland due to the lack of anticipated CBT funding?

**Answer:** All funding remaining from the GSPT and the 2007 and 2009 preservation bond issues has been appropriated to previously approved projects awaiting closings. Counties are the major recipient of grant funding under the Farmland Preservation Program through the County Program. The four most active counties that account for 60 percent of closings – Burlington, Warren, Gloucester and Cumberland – have 63...
pending applications but only enough funding to close five more farms. Another six counties are competing for $2.8M in competitive funding that remains. The SADC has no funding to move forward on applications totaling $2.9M recently submitted through its Nonprofit Grant Program or to fund any new applications to its State Acquisition Program. County and municipal farmland preservation projects and nonprofit farmland preservation projects are dependent on SADC funding for 50 to 80 percent of the purchase price for easements. The SADC is unable to predict how much, if any, of that decrease would result in missed versus delayed opportunities.

2. Diseases in livestock and other farm animals are always a concern to successful agriculture and to those charged with guarding the public health. For example, the department periodically reports cases of equine encephalitis and equine West Nile viruses. Last year the department indicated that three New Jersey premises were found to be infected with avian influenza in 2014, which resulted in a significant revenue loss for the New Jersey poultry industry.

In January 2016, the United States Department of Agriculture confirmed the presence of highly pathogenic H7N8 avian influenza (HPAI) in a commercial turkey flock in Dubois County, Indiana. This is a different strain than the H5 HPAI outbreak that occurred during late 2014 and 2015. There are no known cases of H7N8 infections in humans. However, since other avian influenza H7 viruses have infected people it is possible for human infections of H7N8 to occur.

**Question:** Are any current strains of avian influenza in New Jersey posing a serious threat to animal or public health?

**Answer:** Avian influenza is a common disease of wild birds, and for the most part, asymptomatic. New Jersey has a large population of wild and migratory birds which could be harboring the disease. In birds, just like flu in humans, the disease spreads mostly during the cool seasons of the year. This disease shows a seasonal pattern, disappearing during the hot months of the year and returning during the cold months. The known circulating avian influenza viruses (H2N2, H5N2) in New Jersey and North America do not cause high mortality in birds, but these viruses can and have mutated to cause outbreaks as mentioned in the question. The H5 and H7 viruses are of particular interest as they have caused highly pathogenic avian influenza. Humans and birds share some of these viruses (e.g. H1- H3, H5, H7, and H9) and some of them pose a threat to livestock and pets. Susceptible species include pigs, horses, cats and dogs, to name a few. According to the CDC, the risk of human infections at this point is low.

The Division of Animal Health (DAH) monitoring program indicates that the disease is mostly absent in New Jersey commercial poultry. The detection of low pathogenicity avian influenza in birds occurs sporadically, and one live bird market (LBM) tested positive for the virus in the past month. The status in the wildlife is fluent and changes with the seasons.
Discussion Points (Cont’d)

- **Question:** What is being done by the Division of Animal Health or other entities to keep up with the constantly emerging disease threats to animal and public health?

  **Answer:** The DAH has active and passive monitoring programs for avian influenza. The H5 and H7 viruses are of particular interest and the Division of Animal Health monitoring system constantly checks for the presence of the virus in commercial farms, registered backyard flocks and live bird markets (LBMs). The state’s actions are backed by legislation that requires testing for birds entering the state or going to the LBMs. The program has been successful and has eliminated the chronic infections that existed in the LBM system. The work is shared between state and federal employees. The Animal Health Diagnostic Laboratory (AHDL) is also an integral part for testing and diagnosis of avian influenza and other zoonotic diseases in the state. The DAH-AHDL affords the agility needed to diagnose and report animal diseases to the state and federal animal health authorities in a timely manner. The services provided by the AHDL are not duplicated in the private sector, other agencies or universities in New Jersey. The human resources in the laboratory and at the DAH allow for the monitoring of most diseases of importance and economic and zoonotic impact in the state. These highly trained personnel monitor for disease on other livestock species, including but not limited to cattle, sheep, goats and pigs.

- **Question:** Is the program sufficiently funded?

  **Answer:** The avian surveillance program is run with state and federal funds through a cooperative agreement between the NJDA-DAH and USDA-APHIS-VS (Animal and Plant Health Inspection Service-Veterinary Services).

- **Question:** What did the department do to address the three premises in New Jersey that were infected with avian influenza in September 2014?

  **Answer:** 
  
  #1 – Samples were collected from quail at a retail live bird market in Elizabeth, N.J., on 2/11/2014, and confirmed by NVSL on 2/14/2014, for the quail species. Virus isolation was reported as negative at NVSL for this sample. The presumptive positive sample was referred from the NJDA laboratory on 2/12/2014 from a pooled tracheal swab sample collected from the market as part of routine avian influenza monitoring. No clinical signs of illness were noted in any of the poultry at the time of collection.

  The New Jersey State Department of Agriculture quarantined the market effective Thursday 2/13/2014 and ordered a 72-hour sell-down, with depopulation of the birds to be completed on Sunday 2/16/2014 and final inspection of the cleaning and disinfection of the market scheduled for Monday 2/17/2014. Swine in the market were also subject to the sell-down. Livestock (sheep and goats) in the market were removed while cleaning and disinfection was completed in the market. The final
cleaning and disinfection date was 2/17/2014, in which NJDA and USDA staff approved the market’s cleaning and disinfectant as applied.

Environmental sampling was then done at 24 hours (2/18/2014) and 48 hours (2/19/2014). Virus isolation was negative. The market was approved to re-open on 2/19/2014.

The positive quail were delivered to the market on 2/7/2014 from a wholesale distributor located in Pennsylvania and was traced to a monitored supply flock located in Lancaster County, Pennsylvania, which was last tested negative on 2/5/2014. PA Department of Agriculture staff collected traceback swab samples at this quail farm on 2/18/2014, and upon negative results, the quarantine was released. Other birds associated with this shipment were also delivered to two retail live bird markets in Pennsylvania and four live bird markets in New York. Investigations of those operations were negative for the virus.

Answer #2 - On August 22, 2014, NJDA-DAH reported Avian Influenza H7 presumptive positive results from samples collected on August 19, 2014. Samples were forwarded overnight to the NVSL on August 22, 2014 and the samples were confirmed positive by NVSL on August 25, 2014.

On August 25, 2014, a hunting preserve/breeding farm in Salem County, N.J., containing mallard ducks (approximately 44,000) and pheasants (approximately 7,200) tested positive for AI of the H7 subtype. This is a flock raised for on-premises hunting, and is not linked or related to any off-premises commercial poultry operations. There were no clinical signs or indications of illness in any of the birds on the farm.

Initial response

A five-kilometer surveillance zone, including a one-mile infected zone within the surveillance zone, was established around the infected premises to monitor flocks in the surrounding area and to detect new cases of avian influenza.

Three premises with poultry within a five-kilometer radius of the infected premises were identified and visited on August 29, 2014 by NJDA personnel. None of these non-commercial flocks had experienced increased death losses and birds on the premises were not showing clinical signs of illness. Owners of the premises were educated on clinical signs of avian influenza and were instructed to call NJDA if birds became ill or death losses increase above expected levels. Two additional non-commercial premises within a 10-kilometer radius with poultry were visited (one on 8/29/14, one on 9/5/14) and the owners were educated regarding LPAI. Birds on these premises were also free of clinical signs and had not experienced increased death losses.

Response Activities
On Sept. 2, Sept. 9 and Sept. 16, 2014 oropharyngeal swab samples from 30 pheasants were collected with negative results reported from NJDA-AHDL. The quarantine on the premises was released on Sept. 16, 2014, following the fourth negative AI test and completion of the flock plan.

**Answer #3** - The NVSL, Ames, Iowa, confirmed an AI Matrix Suspect Positive from (2) pooled tracheal swab samples collected from heavy fowl and turkeys at a retail live bird market in West New York, N.J. Samples were collected on 11/14/2014, and confirmed by NVSL on 12/17/2014, for the both the heavy fowl and turkeys. (NVSL Accession 14-005015). NVSL reported that H2N2 was isolated from the heavy fowl. The virus was found to be of low pathogenicity. The remaining specimens were negative for avian influenza virus.

The LBM was visited by NJDA personnel on 12/19/14 to inform the owners about the results and check for sick birds or irregularities. All birds appeared to be healthy upon inspection. No sick poultry or unusual deaths had been observed. The LBM was scheduled for its quarterly cleaning and disinfection on Sunday, 1-4-15. Market was to be closed on 1-5-15 and inspected by NJDA on 1-6-15. During that inspection, environmental samples were taken.

Per State Veterinarian on 12-19-14 “Based on the lack of clinical disease and the rapid turnover of birds in this market, their compliance with regulations and the fact that this was verified with a visit to the market…we will wait for their quarterly closure in two weeks and not take any action now.”

- **Question: Has the Department adopted any monitoring and testing measures to protect the State from a potential outbreak?**

  **Answer:** The New Jersey Department of Agriculture has a comprehensive surveillance program for the prevention and control of AI viruses of concern in poultry in New Jersey. This program consists of active monitoring and sampling of commercial table-egg layer flocks, meat-type turkey slaughter plants, gamebird premises, live bird markets, poultry distributors, auction markets and hundreds of backyard flocks. The surveillance program has been exceptionally busy since the two recent outbreaks in the Midwest.

  New Jersey’s poultry industry consists of commercial table-egg layer flocks, seasonal meat-type turkey slaughter plants, game bird premises, live bird markets, poultry distributors, production/supplier flocks, auction markets and hundreds of backyard flocks. The poultry industry contributes a significant amount of income to the State’s economy and creates thousands of jobs for New Jersey residents.

  - **Question: What measures are in place to respond to an outbreak like the one in Dubois County, Indiana?**
Answer: The New Jersey Department of Agriculture has a comprehensive surveillance program for the prevention and control of AI viruses of concern in poultry in New Jersey.

The suspicion or confirmation of the presence of avian influenza on any premises in the State of New Jersey is sufficient reason for quarantine of the property by the State of New Jersey, Secretary of Agriculture. In addition, premises suspicious or positive for avian influenza may be issued movement restrictions, as appropriate and consistent with NJ state regulations, to control the possible spread and amplification of avian influenza.

Avian Influenza is a reportable disease in the State of New Jersey. Any veterinarian or other person who shall gain knowledge of the existence or suspected existence of such reportable diseases within the State shall notify the Department of Agriculture without delay, and in any case within 48 hours (Reference N.J.A.C. 2:2-1.5).

The NJDA has written plans to guide the response to cases of avian influenza independent of the pathogenicity (high or low).

The NJDA’s emergency response to AI, as it pertains to animals, includes: enhancing current disease surveillance; animal epidemiological investigation; movement restrictions and quarantines; vaccination; dissemination of educational and disease information; animal mortality management; animal appraisal; and decontamination. The plan fully supports New Jersey Emergency Support Function #11 (NJESF#11) – Agriculture Annex to the New Jersey State Emergency Operations Plan and supports the USDA 2016 HPAI Preparedness and Response Plan. Activation of all or parts of the AI emergency response plan will occur when:

• An AI virus of concern (H5 and H7 HPAI) is described as a presumptive diagnosis by a licensed veterinarian within the State of New Jersey or a neighboring state, or
• An AI virus of concern (H5 and H7 HPAI) is confirmed within the State of New Jersey or a neighboring state, or
• The State Veterinarian deems it necessary

Division of Animal Health veterinarians and animal health technicians will investigate all reported cases of avian influenza and cases of suspected avian influenza within 24 hours. These individuals have been trained in the principles of biosecurity and avian influenza sample collection procedures and have the necessary supplies to collect and ship, in a bio-secure manner, diagnostic specimens or whole birds to the NJDA-AHDL.

There are several options that the State Veterinarian can take to eliminate a H5/H7 positive flock, including:

• Depopulation and Disposal
• Controlled Marketing (such as limiting which birds can be sold and to whom).
Discussion Points (Cont’d)

- Vaccination (in limited situations, as mass vaccine is not readily available).
- Testing Out of Quarantine

In cases of highly pathogenic avian influenza the USDA will provide additional funding for the eradication of the disease.

- Question: What funding sources are used for monitoring and testing?

  Answer: The avian surveillance program is run with state and federal funds as described above.

3. The “New Jersey Rural Microenterprise Act,” enacted into law in January 2016 (P.L.2015, c.275), expands the economic activity that may take place on preserved farmland to support the viability of family farms in the State. The law authorizes certain preserved farm owners to apply for a special permit that would allow them to undertake a rural microenterprise on the farm. Rural microenterprises could include (1) customary rural activities, such as snow plowing, bed and breakfasts, bakeries, woodworking, and craft-based businesses, and (2) agriculture support services, such as veterinary practices, seed suppliers, and tractor or equipment repair shops.

- Question: Does the department have a sense as to how many preserved farms may take advantage of this opportunity and how much economic activity it could generate? Has it undertaken any studies to determine the potential economic benefit to preserved farms and the viability of farming in the future?

  Answer: Pursuant to the New Jersey Rural Microenterprise Act, special permits are available only for those farms preserved prior to January 12, 2006 without an exception area or other area excluded from the farmland preservation deed restrictions at the time of preservation. Approximately 830 farms were preserved under the State Farmland Preservation Program prior to that date without an exception area and potentially could qualify for a special permit. While some owners of farms preserved without an exception area have expressed interest in the past in pursuing the types of economic opportunities provided for in the Act, the SADC is unable to predict how many eligible owners of preserved farms will choose to apply for a special permit or the magnitude of the resulting economic benefit. The SADC is drafting rules to implement the law. Once they are adopted, applications can commence and the agency can calculate demand.

4a. The law defines a “special occasion event” as a “wedding, lifetime milestone event, or other cultural or social event as defined by the appropriate county agriculture development board” (CADB). P.L.2014, c.16 (C.4:1C-32.7 et seq.) established a pilot program authorizing special occasion events, such as weddings, lifetime milestone events, or other cultural or social events, to be conducted at wineries on preserved farmland under certain circumstances. The State Agriculture Development Committee (SADC) is tasked with administering this 44-month pilot program. The first full reporting year of the pilot program was completed in 2015.
Discussion Points (Cont’d)

Section 3 of P.L.2014, c.16 (C.4:1C-32.9) allows the SADC or a CADB to order an audit of a participating winery engaged in conducting special occasion events.

- **Question:** Please list by county each winery that is participating in the pilot program.

  **Answer:** Pursuant to P.L. 2014, ch. 16, wineries that conduct special occasion events on a preserved farm, other than on an exception area, are subject to the law’s provisions and required to participate in the SADC’s pilot program. Participating wineries must annually register with the SADC. The first deadline for registration was October 15, 2015, and registration is required every March 31st thereafter for the duration of the pilot program. The following wineries currently are subject to the pilot program:

  **Cape May County**
  Cape May Winery and Vineyards
  Willow Creek Winery

  **Ocean County**
  Laurita Winery

  **Hunterdon County**
  Unionville Vineyards
  Old York Cellars

  The SADC recently learned of a newly opened winery on a preserved farm in Burlington County and has reached out to the owner to determine whether the winery is conducting special occasion events subject to the pilot program and its registration/reporting requirements.

- **Question:** Please indicate which CADBs have adopted definitions in accordance with the law and specify what each CADB has qualified as a special occasion event.

  **Answer:** The following CADBs have notified the SADC that they have adopted a definition of special occasion event for their county: Cape May, Cumberland, Gloucester, Monmouth and Ocean. Copies of the definitions are attached.

- **Question:** Has the SADC or any CADB ordered any audits? Please describe the scope and results of any audit conducted.

  **Answer:** No audits have been ordered pursuant to P.L. 2014, c.16. The SADC did not anticipate that audits would be ordered before wineries submitted their first annual income certifications to their CADBs. Under the law, each winery in the pilot program is required to annually certify to their CADB that the winery’s gross income from special occasion events accounted for less than 50 percent of the winery’s annual gross income during the prior calendar year. The deadline for participating
wineries to submit their first annual certifications (for calendar year 2015) was March 31, 2016. CADBs are required to forward copies of those certifications to the SADC.

The SADC has contracted with a CPA with expertise in providing financial services to wineries to assist it in developing rules for any audit the SADC may order in accordance with the law.

4b. Special occasion events are one instrument used to market a farm’s agricultural output. The Department previously suggested, in its FY16 discussion points response, that the pilot program’s results “will be helpful in informing any future decision-making regarding winery special occasion events.”

- **Question:** Please provide any data collected relating to the results of the program so far, such as the number of events hosted at participating wineries, the number of new or returning visitors to participating wineries, and any feedback, informal or otherwise, provided by the participating wineries concerning cooperation with local government entities and tourism or business groups.

**Answer:** To date, the SADC has received 2015 registration forms from four of the five wineries in the pilot program. Those registration forms were due by October 15, 2015. Registration forms for 2016, as well as income certification forms for calendar year 2015, were due to the SADC by March 31, 2016. As of April 1, three of the five wineries had submitted those forms, which are under review for completeness. The registration forms received to date list a variety of special occasion events, including weddings, bridal and baby showers, birthday and anniversary parties, funeral/memorial gatherings, corporate events and conferences, fundraisers, grill nights, yoga, singing competitions, food truck events and festivals (other than wine festivals that are otherwise permitted.) While wineries are required to include the anticipated frequency of special occasion events and the dates to the extent known at the time of registration, events are scheduled on an ongoing basis throughout the year so total numbers of events are unavailable at this time. More detailed information and feedback on the number, nature and role of special occasion events in wineries’ marketing efforts will be solicited through the annual questionnaires to wineries.

5. Pollinator species, such as bees, birds, bats, and butterflies, are essential partners of farmers in producing much of the food supply throughout the United States and here in the Garden State. The honeybee is essential to New Jersey agriculture because it pollinates about a third of the food that people consume.

- **Question:** What is the current health status of the bee population in the State?

**Answer:** Overall, the health of the colonies remains rather good, despite the extreme weather conditions some areas of the state experienced. The main factor for good colony health is the proper management of Varroa mites. Good management practices involving timely and effective Varroa mite control allows colonies to be healthy and
strong enough to safely overwinter. The vast majority of winter death losses experienced by beekeepers in the state were directly attributed to poor Varroa mite control. The Department, in cooperation with members of the New Jersey Beekeepers Association, developed a beekeeping calendar to remind beekeepers what needs to be accomplished for their hives on a month-to-month basis. The Department is committed to improve the health of the beekeeping industry by continually educating beekeepers to improve their management of parasites and diseases through lectures, workshops and working with the beekeeping associations throughout the state.

**Question: What is the current status of the economic health of the beekeeping industry in the State?**

**Answer:** In general, honey prices and the demand for pollination services are at a historic high in the state. The Department’s focus is on parasite and disease management, along with working with the New Jersey Beekeeping Association to educate current and new beekeepers about proper and new management techniques to keep bee colonies healthy and vigorous.

The number of residents interested in becoming beekeepers has increased over the past few years. For example, during the 2015 season, New Jersey had 1,976 registered beekeepers, up from 1,814 in 2014; they kept bees in 2,654 apiaries, up from 2,419 in 2014. Unofficial estimates indicate that there could be anywhere between 3,500 and 4,000 beekeepers in the state.

- **Question: How much do commercial beekeepers charge to provide pollination services to the agricultural community in the State? Have the cost of pollination services by commercial beekeepers remained constant over time?**

**Answer:** The costs of pollination services for blueberry and cranberry crops ranged this year from $72 to $130 per colony. Pollination costs have been steadily on an increase for the past eight years because of demand. The economics of commodities are a key factor that drives the prices received for these pollination services.

**Question: To what extent do New Jersey farms rely on non-New Jersey beekeepers for pollination verses New Jersey beekeepers?**

**Answer:** In addition to our own beekeepers, last year a total of 17,000 honeybee colonies were brought into New Jersey from Florida, Maryland, Louisiana and South Carolina for the commercial pollination of fruit crops, blueberries and cranberries. Over the past two years, the trend has begun to flatten out for the number of colonies requested. There are a handful of large migratory commercial beekeepers in New Jersey, which typically supply about two-thirds of the colonies needed for pollination services to their agricultural customers and only one-third are imported from various states.
Discussion Points (Cont’d)

- **Question:** What efforts has the department taken to investigate the harmful effects of neonicotinoids on bees in the State?

**Answer:** When effectively managed and applied, neonicotinoids have been shown not to have ill effects on honeybees. For the past four years, the Department has participated in the USDA National Honeybee survey, examining pesticide levels in pollen throughout the United States, along with a pollen grant with the New Jersey Beekeepers Association, examining pesticide levels found in stored pollen by land use area. The only finding of neonicotinoids were discovered in stored pollen collected in the suburban land use area setting.

The Department has developed a pesticide pamphlet for use as an educational tool handed out at outreach events, fairs and lectures, which urge all residents to exercise safety and follow the label when applying pesticides to minimize impacts on bee populations. Thus, the Department focuses on outreach and education to those using neonicotinoids to ensure their proper application and management.

**Question:** Has the department taken any measures to ban or reduce the use of insecticides containing neonicotinoids?

**Answer:** The Department has taken no actions for the banning of neonicotinoid pesticides in the state. The New Jersey Department of Environmental Protection has the regulatory authority in New Jersey to regulate or ban pesticide usage. These types of pesticides are valuable tools for use in controlling agricultural pests on crops and the environment, as long as they are properly applied by licensed pesticide applicators according to the label. In fact, the use of neonicotinoids helps facilitate greater use of Integrated Pest Management programs that include the use of beneficial biological controls of pests and reduces the use of more harmful pesticides.

**Question:** Has the department conducted testing on the levels of neonicotinoids present in plants and in the soil?

**Answer:** No

**Question:** What actions are being taken to protect native bees?

**Answer:** The State Apiarist has developed information on ways to provide plantings for pollinators and incorporated this information to educate the general public about these pollinator issues.

6. After years of being nearly last in the nation for its participation in the federal School Breakfast program, New Jersey is now showing strong improvements. The State recently moved to 23rd nationally, compared to a previous ranking several years ago of 46th for participation in this critical child nutrition program.
Discussion Points (Cont’d)

According to section 2 of P.L.2003, c.4 (C.18A:33-10), a public school in the State which has 20 percent or more of the enrolled students in the school on October 1 of the preceding year eligible for free or reduced meals under the federal School Lunch Program or federal School Breakfast Program, is required to establish a school breakfast program in the school.

To increase the number of students participating in the school breakfast program, P.L.2014, c.66 (C.18A:33-11.1) established the “Breakfast After the Bell” program. This program encourages public and nonpublic schools participating in the federal School Breakfast Program to incorporate school breakfast in the first-period classroom or during the first few minutes of the day.

- **Question:** How many schools in the State are currently required to establish a school breakfast program?
  
  **Answer:** 1,477

- **Question:** In 2014 and 2015, how many schools with breakfast programs had participation rates below 50 percent?
  
  **Answer:** 1,024

- **Question:** Did these schools submit a revised school breakfast plan to increase breakfast participation rates?
  
  **Answer:** 488 of them did. Working within the constraints of the federal regulations on these issues, it is difficult to compel a greater response.

- **Question:** Did the revised breakfast plans help increase student participation rates?
  
  **Answer:** With less than a full school year having passed since the submission of the latest plans in November 2015, it is difficult to tell what the final result of those plans of action will be. Other factors include administrative support, advocacy efforts, a change in food-service provider leadership, and most importantly, community support.

- **Question:** What impact has the Breakfast After the Bell program had on increasing student participation rates in school breakfast programs? Were there any impediments to the successful implementation of the program? If so, what problems did schools encounter? Is the department helping schools to solve those problems?
  
  **Answer:** Participating New Jersey schools often report a significant increase in student participation after implementation of the Breakfast After the Bell Program. With the momentum of the CEP program and the increase in the number of schools participating in CEP the breakfast participation will likely also increase. In fact, 82 percent of principals surveyed throughout the country report an increase in breakfast participation after Breakfast After the Bell implementation, according to a FRAC report released in November of 2015.
Discussion Points (Cont’d)

Yet impediments to successful implementation of Breakfast After the Bell programs do still exist. Many administrators report concerns regarding loss of instructional time, additional duties and time required by teachers, foodservice workers and custodial staff, and overall concerns regarding program logistics and training. Because Breakfast After the Bell programs require a commitment from various stakeholders within a school administration, barriers can be high if one or more parties are in disagreement or logistics are not effectively addressed.

The Division of Food and Nutrition has worked hard to address these impediments by offering technical assistance, promoting Breakfast After the Bell programs on both an individual basis and through conferences, and working to recognize and celebrate the success of those schools who have successfully implemented the program. In addition, we have partnered with the Advocates for the Children of New Jersey, who have done an outstanding job raising awareness and providing resources to schools throughout the state. The USDA Foods program has provided a variety of fruits and vegetables to add to the selections on the breakfast menu. Additionally, our Farm to School Program is working to raise awareness of buying local and creating school gardens that can also increase participation in breakfast by providing a teaching tool using the foods grown at breakfast.

- **Question:** *What are the goals of the department regarding the participation rate of students for the School Breakfast Program in the next three years?*

**Answer:** As of the recently released FRAC report, New Jersey has moved up to 23rd in the nation, making it one of the fastest-improving states in the nation on this issue. NJDA has worked closely with the School Breakfast Coalition, and The staff at the Division of Food & Nutrition provides ongoing support through training and technical assistance.

Note that per New Jersey law NJSA18A: 33-10, public schools in which 20 percent or more of the enrolled students are eligible for free or reduced-price meals by October 1st of each school year shall establish a School Breakfast Program in the following school year and must submit to the New Jersey Department of Agriculture (NJDA) an implementation plan. The Division prepares letters for the affected schools and provides support as needed through implementation.

In addition, NJAC § 2:36-1.6 requires schools whose breakfast participation rate falls below 50 percent to submit a revised school breakfast plan to include changes designed to increase breakfast participation. The Division prepares letters for the affected schools and provides support as needed to increase participation. Via a joint memo between the Department of Agriculture and Department of Education dated January 17, 2012, schools were prompted to think creatively to increase participation in the School Breakfast Program, including changing service models to “Breakfast in the Classroom.” If this method of service is selected, it “could be considered part of instructional time.”
In November 2015, a law was signed encouraging a public or non-public school participating in the Federal School Breakfast Program to increase the number of participating students in the program by establishing a “breakfast after the bell” program, C.18A:33-11.1. NJDA has included this encouragement in the above referenced correspondence to schools.

7. The production and sale of genetically modified agricultural crops and farm animals is a controversial issue throughout the country.

- **Question:** To what extent is New Jersey’s agriculture industry dependent upon genetically modified plants and animals? What would be the economic impact of a federal or State “GMO” labeling law on New Jersey’s agricultural industry?

**Answer:** Genetically modified crops (GMCs, GM crops, or biotech crops) are plants used in agriculture, the DNA of which has been modified using genetic-engineering techniques. In most cases, the aim is to introduce a new trait to the plant which does not occur naturally in the species. Examples in food crops include resistance to certain pests, diseases, or environmental conditions, reduction of spoilage, or resistance to chemical treatments (e.g. resistance to an herbicide), or improving the nutrient profile of the crop. Examples in non-food crops include production of pharmaceutical agents, biofuels, and other industrially useful goods, as well as for bioremediation.

More than 60 genetically modified crops have been approved for U.S. food and feed supplies: Corn (20 varieties); Oilseed Rapeseed/Canola (11 varieties); Cotton (11 varieties); Tomato (6 varieties); Potato (4 varieties); Soybean (3 varieties); Sugar Beet (3 varieties); Squash (2 varieties); Cantaloupe, Rice, Flax, Raddicchio, Papaya, Alfalfa and Wheat.

More than 85 percent of soybeans grown in the United States are transgenic (containing some level of genetic modification, GM cotton is grown on more than 70 percent of cotton fields, and GM corn is grown on about 50 percent of corn acreage. Many of the other crops have either been taken off the market, such as potato, sugar beet, flax, and tomato, or have never been commercially grown, such as wheat and rice, due to market opposition.

The New Jersey Department of Agriculture notes that the U.S. Food and Drug Administration holds the position that there is no significant nutritional or compositional difference between foods produced with GMO ingredients and their conventional counterparts. While some consumers, food marketers, vendors, and producers have called for mandatory, state-imposed labeling of food products made with GMO ingredients, it is noted that the U.S. Food and Drug Administration already has guidelines, first published in 2001, to direct those producers who wish to
voluntarily label food products as either being produced or not produced using GMO ingredients.

It is also noted that the National Organic Program excludes the use of GMO ingredients as a prerequisite to using the USDA’s “Organic” marketing seal, thus providing another avenue for consumers to choose products.

8. A number of natural gas pipelines have been proposed for construction in the State over the past few years. Some of these pipelines, if built, will likely cross farmland, and perhaps even preserved farmland.

- **Question:** What is the position of the department and the State Agriculture Development Committee on the construction of natural gas pipelines on farmland? What impacts, if any, do or could these pipelines have on the economic and agricultural viability of the farms they cross?

**Answer:** The SADC has a statutory role pursuant to the Agriculture Retention and Development Act (ARDA), N.J.S.A. 4:1C-11, et seq., to review a proposed natural gas pipeline project to evaluate the degree to which the project has an unreasonably adverse effect on lands in agricultural development areas (ADAs) – areas identified by counties where agriculture is the preferred use of the land. A pipeline company is required to file a notice of intent with the SADC or CADB, which provides an opportunity for the agencies to review the project, evaluate its impact on agricultural activities in the ADA and, if necessary, explore alternatives with the applicant to avoid or minimize impacts on agricultural resources. If the SADC or CADB finds that a project would adversely impact the ADA or State agricultural preservation and development policies, either agency may direct that no action be taken for 60 days. This allows for a public hearing to be held and a written report to be issued and made public containing recommendations, in order to inform the condemnation process and pipeline project.

The ARDA does not permit conveyance of gas or other utility rights of way easements once a farm is preserved. However, a pipeline company may cross preserved farmland if the Federal Energy Regulatory Commission (FERC) grants the pipeline company a certificate of necessity for the project. The issuance of the certificate provides the pipeline company with overriding Federal authority to preempt ARDA and to seek a court-approved condemnation of preserved farmland. The SADC is actively involved throughout FERC’s public participation and comment process for interstate pipeline projects to avoid preserved farmland and, where that is not possible, to minimize those impacts.

Although farmland impacted by natural gas pipeline development often can continue to be farmed under the terms of the typical pipeline easement, there are associated impacts. Soils within the pipeline easement and temporary workspaces may be subject to erosion and coverage with base material, which may limit their productivity.
value. Use of herbicides, coatings and other chemicals associated with pipeline construction and testing may be a consideration for organic farming operations. Pipeline easements often include restrictions on the placement of agricultural infrastructure and buildings, and limitations on the use of fencing and the production of trees and shrubs, including orchards and vineyards.

When it is not possible to avoid farmland, the SADC recommends that a pipeline company adopt an agricultural impact minimization plan and will work with the company to help develop it. This type of plan details construction standards and measures that will be taken to minimize any pipeline impacts on farmland and agricultural operations.

9. The gypsy moth is a destructive insect pest that infests New Jersey's forests. Through the department's volunteer Gypsy Moth Suppression Program, an insecticide treatment is used to combat gypsy moths. To monitor the success of the treatments, the department conducts an annual defoliation and ground egg mass survey. The department’s annual results from the gypsy moth defoliation survey showed a major increase in tree damage from gypsy moth caterpillars in 2015. An estimated 290,696 acres of trees in 175 municipalities in 20 counties were defoliated as compared to 1,330 acres in 24 towns in 11 counties in 2014.

The department is responsible for delineating treatment areas for the Gypsy Moth Suppression Program as well as applying for U.S.D.A. Forest Service cost sharing funds which, if approved, results in a 50 percent reimbursement of the treatment cost for the participating municipalities.

- **Question:** What reasons can the department provide for the sharp increase in damage from gypsy moths in 2015?

**Answer:** The dramatic increase in gypsy moth damage identified in 2015 is a result of “blow in” of caterpillars from significant infestations in adjacent states. This is the natural method of spread of gypsy moth populations called “ballooning.” Upon hatching from eggs in early spring, gypsy moth caterpillars migrate to the tops of trees and spin a small strand of silk. Being very small and light they are carried by winds to infest new areas of lands. If the winds are strong enough, they can be carried over 30 miles.

**Question:** Is the current use of spray treatments no longer effective?

**Answer:** The use of spray treatments against this is an effective method of population control. The Department’s Gypsy Moth program is an IPM based program that annually monitors and identifies areas containing defoliating populations of gypsy moths. In the past, the Department had reared, released and established a variety of egg, larval and pupal parasites that help control gypsy moth populations throughout the state in untreated areas. By exclusively using naturally occurring pesticides (Btk) in the program, the parasite populations can build up adding another layer of control.
Discussion Points (Cont’d)

against gypsy moth populations. To get the most effective control using Btk products the material must be applied when the caterpillars are very small and are susceptible to the spores and crystals which make up the spray material. Treatments can only be conducted in May through early June and are at least 75-percent effective in reducing populations.

- **Question:** What amount of resources is the department allocating from the FY 2016 and FY 2017 budgets, respectively, to reduce the damage caused by gypsy moths?

  **Answer:** The Department would continue to provide staff to monitor the populations, conduct ground surveys, request federal assistance and work with the affected municipalities to provide spraying services (if needed) for FY2016 and FY2017.

- **Question:** Has the department applied for cost sharing for treating gypsy moths?

  **Answer:** Yes, Federal cost sharing funding is provided by the United States Forest service only when suppression activities are going to be conducted. The Department applies for these funds when a suppression project is planned.

- **Question:** If so, how much money has been received and for which municipalities?

  **Answer:** Depending on the federal budget the federal funding typically provides a maximum of a 50-percent match, however this year, due to competition for federal suppression funds by other regional states, they can provide a 30-percent reimbursement of the program costs. This fiscal year, the Department has been allocated $418,900 to cover gypsy moth suppression costs.

  This year’s federal allotment will provide an estimated 31-percent reimbursement ($295,291) for the treatment of 17,487 acres in 19 municipalities and one County Park Commission in Cape May, Hunterdon, Morris, Passaic, Salem, Sussex and Warren Counties.

- **Question:** Has any other federal funding been received for gypsy moth suppression?

  **Answer:** No other federal funding source is available for gypsy moth suppression.

- **Question:** Has the volunteer-based gypsy moth suppression program been effective in reducing the impact of these pests in the areas where the program is active?

  **Answer:** Yes, during periods of gypsy moth defoliation, a significant difference can easily be seen between treated and untreated areas. Post-treatment evaluations are conducted in all of the treatment blocks to determine if population reduction occurred.
and the Division compares treated versus untreated defoliation levels, with treated areas showing significantly better results.

- **Question:** Please identify any hurdles that the program has faced. Have any municipalities been reluctant to participate in the program, and if so, why?

**Answer:** The Department provides this service to municipalities which is solely funded through federal and municipal monies. Some major hurdles include the uncertainty of the level of federal funding, and new municipal administrations which are unaware of the impacts of gypsy moth.

There are always municipalities that decline participation in the program. Meetings are conducted with all the affected municipalities defining the federal, state and municipality responsibilities for the program. Some reasons given in the past are the financial commitments the participating municipalities have to bear for costs of resident notifications and treatments. Federal reimbursements are provided to the participating municipalities after spray operations are concluded for the season. Others are unwilling to do the additional work associated with participation in the program and some are unaware of the consequences of gypsy moth infestations.