

This rule was filed as 20 NMAC 8.1.

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 8 NUISANCE ABATEMENT**  
**PART 2 MOSQUITO ABATEMENT AND CONTROL**

**20.8.2.1 ISSUING AGENCY:** New Mexico Environmental Improvement Board.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.2 SCOPE:** All persons having ownership of or control over any property upon which water may collect.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.3 STATUTORY AUTHORITY:** Section 74-1-8 NMSA 1978.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.4 DURATION:** Permanent.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.5 EFFECTIVE DATE:** November 30, 1995 [unless a later date is cited at the end of a section].  
[11/30/95; Recompiled 11/27/01]

**20.8.2.6 OBJECTIVE:** To prevent or control the occurrence of mosquitoes that are a nuisance or are capable of transmitting disease to man or domestic animals.  
[9/22/72; 11/30/95; Recompiled 11/27/01]

**20.8.2.7 DEFINITIONS:** As used in this part [now 20.8.2 NMAC]:

A. "abatement" means the control or elimination of mosquitoes by elimination of their breeding sources or by poisoning, spraying, or the use of biological and environmental controls, or any other method approved by the department;

B. "collection of water" includes any collection of water contained in ditches, borrow pits, pools, crop fields, ponds, streams, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, troughs, sewage oxidation ponds and lagoons, barrels, urns, cans, boxes, bottles, tubes, buckets, roof gutters, tanks of flush closets, reservoirs, vessels, receptacles of any kind, or other containers or devices which may hold water;

C. "department" means the New Mexico environment department;

D. "mosquito" means any arthropod belonging to the class insects, order diptera, family culicidae, subfamily culicinae;

E. "mosquito larvae" means the immature aquatic stages of mosquitoes occurring between the egg and pupal stages;

F. "mosquito pupae" means the aquatic stages between the larval and adult stages of mosquitoes; and

G. "person" means any individual, partnership, firm, public or private corporation, trust, estate, company, society, political subdivision or agency, or any other legal entity or their legal representatives, agents or assigns.

[9/22/72; 11/30/95; Recompiled 11/27/01]

**20.8.2.8 - 20.8.2.106 [RESERVED]**

**20.8.2.107 PROHIBITED ACTS:** No person shall create or maintain any collection of water in or on which mosquitoes breed or are likely to breed unless approved methods of abatement are employed as specified by the department. The presence of mosquito larvae or mosquito pupae, or both, in collections of water shall constitute conclusive evidence that mosquitoes are breeding there.  
[9/22/72; 11/30/95; Recompiled 11/27/01]

**20.8.2.108 APPROVED METHODS OF ABATEMENT:** Approved methods of mosquito abatement may consist of one or more of the following procedures:

- A. eliminate collections of water by filling or draining;
  - B. free collections of water of all vegetative growth, floating debris and other obstruction;
  - C. clean premises by disposal, removal or destruction of the cans, boxes, broken or empty bottles, vehicles, tires and similar articles likely to hold water;
  - D. empty collections of water every four (4) days;
  - E. stock collections of water with mosquito-destroying fish;
  - F. screen collections of water with corrosion resistant netting of at least 16 meshes to the inch each way, or with other material which will effectually prevent the ingress and egress of mosquitoes;
  - G. treat collections of water with chemicals approved by the department; or
  - H. any other method approved by the department.
- [9/22/72; 11/30/95; Recompiled 11/27/01]

**20.8.2.109 SEVERABILITY:** If any provision of application of this part is held invalid, the remainder, or its application to other situations or persons, shall not be affected.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.110 AMENDMENT AND SUPERSESION OF PRIOR REGULATIONS:** This part shall be construed as amending and superseding the Regulations Governing Mosquito Abatement and Control, EIB 72-1, filed August 23, 1972. All references to the regulations governing mosquito abatement and control in any other rule shall be construed as a reference to this part.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.111 SAVING CLAUSE:** Super-session of the regulations governing mosquito abatement and control shall not affect any administrative or judicial enforcement action pending on the effective date of this part.  
[11/30/95; Recompiled 11/27/01]

**20.8.2.112 COMPLIANCE WITH OTHER REGULATIONS:** Compliance with this part does not relieve a person from the obligation to comply with other applicable state and federal regulations.  
[11/30/95; Recompiled 11/27/01]

**HISTORY OF 20.8.2 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center. EIB 72-1, Regulations Governing Mosquito Abatement And Control, filed 8/23/1972.

History of Repealed Material: [RESERVED]