

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 17 PEST, DISEASE, AND WEED CONTROL
PART 29 PEPPER WEEVIL INTERIOR QUARANTINE AND PLOW-DOWN

21.17.29.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[7/1/97; 21.17.29.1 NMAC - Rn & A, 21 NMAC 17.29.1, 05/29/09]
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.17.29.2 SCOPE: Part 29 shall apply to producers and processors of all varieties of peppers in Dona Ana, Sierra and Luna counties within the state of New Mexico.
[7/1/97; 21.17.29.2 NMAC - Rn, 21 NMAC 17.29.2, 05/29/09]

21.17.29.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9, NMSA 1978 Compilation.
[7/1/97; 21.17.29.3 NMAC - Rn, 21 NMAC 17.29.3, 05/29/09]

21.17.29.4 DURATION: Permanent.
[7/1/97; 21.17.29.4 NMAC - Rn, 21 NMAC 17.29.4, 05/29/09]

21.17.29.5 EFFECTIVE DATE: July 1, 1997
[7/1/97; 21.17.29.5 NMAC - Rn, 21 NMAC 17.29.5, 05/29/09]

21.17.29.6 OBJECTIVE: The objective of Part 29 of Chapter 17 is to establish cultural control practices for the pepper weevil in order to protect the New Mexico sweet and chile pepper industry from this injurious pest.
[7/1/97; 21.17.29.6 NMAC - Rn, 21 NMAC 17.29.6, 05/29/09]

21.17.29.7 DEFINITIONS: [RESERVED]

21.17.29.8 PROCESSING RESIDUES: All stalks, leaves, fruit, or pods remaining from the processing of any variety of pepper shall not be transported out of the quarantine area.

A. Processing residues shall be disposed of within 48 hours of their generation.

B. Disposal of processing residues may be by transport to a landfill within the regulated areas, feeding to livestock within the regulated area, or by such other method as approved by the director of the New Mexico department of agriculture.

C. Processing residues transported for livestock feed shall be fed to livestock within 48 hours of receipt unless stored according to a method approved by the director.

[7/1/97; 21.17.29.8 NMAC - Rn, 21 NMAC 17.29.8, 05/29/09]

21.17.29.9 TREATMENT OF FIELD RESIDUES: The following cultural practices shall be performed by February 1, of each year to reduce overwintering populations and prevent increased damage to the subsequent crop:

A. Crop remnants, including any stalks, leaves, bolls and seed remaining in the fields shall be disposed of by shredding the stalks and turning under all debris by plowing, disking or chiseling.

B. All debris left in turn rows, on ditch banks, on field roads, and other areas that cannot be plowed or disked shall be gathered and burned or scattered over field areas that will be plowed or disked.

C. Such other cultural control practices as the director may determine from time to time as appropriate and necessary.

[7/1/97; 21.17.29.9 NMAC - Rn, 21 NMAC 17.29.9, 05/29/09]

21.17.29.10 DISPOSITION OF VIOLATIONS: Failure to comply with the requirements as stated above shall be in violation of this regulatory order and subject to penalties as provided under Chapter 76, Article 6, Section 9, NMSA 1978.

[7/1/97; 21.17.29.10 NMAC - Rn, 21 NMAC 17.29.10, 05/29/09]

21.17.29.11 LIABILITY DISCLAIMER: The board disclaims liability for any costs incident to inspection or compliance with the provisions of 21.17.29 NMAC.

[7/1/97; 21.17.29.11 NMAC - Rn, 21 NMAC 17.29.11, 05/29/09]

HISTORY OF 21.17.29 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 92-4, Pepper Weevil Quarantine and Plow-Down Regulation, filed 11/5/92.

NMDA Rule 93-13, Emergency Pepper Weevil Interior Quarantine, filed 7/27/93.

NMDA Rule 93-13, Amendment No. 1, Emergency Pepper Weevil Interior Quarantine, filed 8/19/93.

History of Repealed Material: [RESERVED]