

**TITLE 21        AGRICULTURE AND RANCHING**  
**CHAPTER 17    PEST, DISEASE, AND WEED CONTROL**  
**PART 32        COTTON PEST EMERGENCY ACTION**

**21.17.32.1        ISSUING AGENCY:** New Mexico State University, New Mexico Department of Agriculture  
[08-14-98; 21.17.32.1 NMAC - Rn, 21 NMAC 17.32.1, 12-13-02; A, 5/29/09]  
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

**21.17.32.2        SCOPE:** Any person producing cotton or owning land on which cotton is grown in areas with cotton pest control districts established by referendum in New Mexico.  
[08-14-98, A, 06-15-99; 21.17.32.2 NMAC - Rn & A, 21 NMAC 17.32.2, 12-13-02]

**21.17.32.3        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.  
[08-14-98; 21.17.32.3 NMAC - Rn, 21 NMAC 17.32.3, 12-13-02]

**21.17.32.4        DURATION:** Permanent.  
[08-14-98, A, 06-15-99; 21.17.32.4 NMAC - Rn, 21 NMAC 17.32.4, 12-13-02]

**21.17.32.5        EFFECTIVE DATE:** June 15, 1999, unless a different date is cited at the end of a section or paragraph.  
[08-14-98, A, 06-15-99; 21.17.32.5 NMAC - Rn, 21 NMAC 17.32.5, 12-13-02]

**21.17.32.6        OBJECTIVE:** The objective of Part 32, Chapter 17 is to prevent the further spread of cotton pests in the designated control districts.  
[08-14-98; 21.17.32.6 NMAC - Rn & A, 21 NMAC 17.32.6, 12-13-02]

**21.17.32.7        DEFINITIONS:**

A. "Control districts" means the designated areas duly established under New Mexico statute wherein a program to suppress or eradicate cotton pests is administered.

B. "Control committee" means persons elected by the cotton producers in a designated control district to carry out an eradication program.

C. "Department" means the New Mexico department of agriculture.

D. "Director" means the director of the New Mexico department of agriculture.

E. "Producer" means any person producing cotton plants.

[08-14-98, A, 06-15-99; 21.17.32.7 NMAC - Rn & A, 21 NMAC 17.32.7, 12-13-02]

**21.17.32.8        EMERGENCY ACTION:** In order to prevent the spread of regulated cotton pests in the control districts, the director will take emergency action. As a response to a request from the control committee for assistance, when a producer and/or owner refuses to allow trapping or treatment of a cotton field by the control district, to treat the crop with an efficacious pesticide, or to destroy the host crop in accordance with the Pest Control Act and the regulating state statute, the director will act in accordance with the provisions of the Pest Control Act and shall:

A. Make reasonable inspection of the field with the consent of the owner/producer or by court order.

B. If the field is found to be infested by a regulated cotton pest, give notice to the owner/producer that the host crop will be plowed within three days, if abatement action is not taken by the producer.

[08-14-98; 21.17.32.8 NMAC - Rn & A, 21 NMAC 17.32.8, 12-13-02]

**21.17.32.9        DISPOSITION OF VIOLATORS:**

A. Failure to comply with Subsection B of 21.17.32.8 NMAC as stated above shall be a violation of this rule. The director may take any appropriate measures including, but not limited to:

(1) taking emergency action;

(2) disposing of the host;

(3) eradication of the pest.

B. When a continuing threat of the spread of a pest exists, the director may take emergency action necessary and may assess an emergency action fee to recover the cost of the emergency action, not to exceed \$1,000 per field, against the property owner and/or operator.

C. If it becomes necessary for the department to contract with someone to plow down the cotton, the control committee which requested the assistance will reimburse the department the actual cost.  
[08-14-98; 21.17.32.9 NMAC - Rn, 21 NMAC 17.32.9, 12-13-02]

**21.17.32.10 GENERAL RULES:** The board disclaims any liability for any costs incident to inspection or compliance with the provisions of this rule.  
[08-14-98; 21.17.32.10 NMAC - Rn, 21 NMAC 17.32.10, 12-13-02]

**HISTORY OF 21.17.32 NMAC:** [RESERVED]