

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 17 PEST, DISEASE, AND WEED CONTROL
PART 33 RED IMPORTED FIRE ANT INTERIOR QUARANTINE

21.17.33.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[8/14/98; 21.17.33.1 NMAC - Rn & A, 21 NMAC 17.33.1, 05/29/09]
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.17.33.2 SCOPE: Part 33 shall apply to all persons transporting regulated articles intrastate from
quarantined areas of New Mexico.
[8/14/98; 21.17.33.2 NMAC - Rn, 21 NMAC 17.33.2, 05/29/09]

21.17.33.3 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.
[8/14/98; 21.17.33.3 NMAC - Rn, 21 NMAC 17.33.3, 05/29/09]

21.17.33.4 DURATION: Permanent
[8/14/98; 11/13/98; 2/12/99; 4/30/99; 21.17.33.4 NMAC - Rn, 21 NMAC 17.33.4, 05/29/09]

21.17.33.5 EFFECTIVE DATE: August 14, 1998, unless a different date is cited at the end of a section or
paragraph.
[8/14/98; 21.17.33.5 NMAC - Rn, 21 NMAC 17.33.5, 05/29/09]

21.17.33.6 OBJECTIVE: The objective of Part 33, Chapter 17 is to prevent the further spread of the red
imported fire ant to counties of New Mexico not known to be infested.
[8/14/98; 21.17.33.6 NMAC - Rn, 21 NMAC 17.33.6, 05/29/09]

21.17.33.7 DEFINITIONS:

A. **"Board"** means the board of regents of New Mexico state university or any officer or employee
to whom authority to act in their stead has been or hereafter may be delegated.

B. **"Department"** means the New Mexico department of agriculture.

C. **"Infestation"** means actually infested or infected with a pest, or so exposed to infestation that it
would be reasonable to believe that an infestation exists.

D. **"Certificate"** a document issued or authorized by the board indicating that a regulated article is
not contaminated with a pest.

[8/14/98; 21.17.33.7 NMAC - Rn, 21 NMAC 17.33.7, 05/29/09]

21.17.33.8 RED IMPORTED FIRE ANT EMERGENCY QUARANTINE:

A. Pest: Red imported fire ant, *Solenopsis invicta* Buren.

B. Areas under quarantine: Dona Ana county, New Mexico.

C. Regulated articles:

(1) the red imported fire ant in any living stage of development;

(2) soil, compost, decomposed manure, humus, muck and peat, separately or with other things,

except potting soil that is shipped in original containers in which the soil was placed after commercial preparation;

(3) plants with roots and soil attached; except houseplants grown in the home and not for sale;

(4) grass sod;

(5) baled hay and baled straw stored in direct contact with the ground;

(6) used mechanized soil-moving equipment, unless removed of all non-compacted soil;

(7) any other product, articles, or means of conveyance of any character whatsoever, not covered by

this subsection, are regulated articles when it is determined that they present a risk of spreading red imported fire
ants and the person in possession thereof has been so notified.

[8/14/98; 21.17.33.8 NMAC - Rn, 21 NMAC 17.33.8, 05/29/09]

21.17.33.9 RESTRICTIONS:

A. A certificate must accompany regulated articles moved out of the quarantined area.

B. Certificates may be issued by the department or under the authority of a compliance agreement if the regulated articles:

- (1) have originated in certified imported fire ant free premises in a quarantined area and have not been exposed to infestation while within the quarantined area; or
- (2) upon examination, have been found to be free of imported fire ant infestations; or
- (3) have been treated to destroy infestations in accordance with approved procedures; or
- (4) have been grown, produced, manufactured, stored or handled in such a manner that infestation would be precluded.

C. Certificates shall be securely attached to the outside of the container in which the articles are moved except where the certificate is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate.

[8/14/98; 21.17.33.9 NMAC - Rn, 21 NMAC 17.33.9, 05/29/09]

21.17.33.10 EXCEPTIONS: The following regulated articles are exempted from certification requirements:

- A. soil samples of one pound or less which are packaged so that no soil will be spilled in transit;
- B. soil samples of any size collected and shipped to any United States army corps of engineers soil laboratory;
- C. compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized or compressed;
- D. other exemptions may be granted upon departmental review.

[8/14/98; 21.17.33.10 NMAC - Rn, 21 NMAC 17.33.10, 05/29/09]

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

[8/14/98; 21.17.33.11 NMAC - Rn, 21 NMAC 17.33.11, 05/29/09]

21.17.33.12 LIABILITY DISCLAIMER: The board disclaims liability for any costs incident to inspection or compliance with the provisions of this rule.

[8/14/98; 21.17.33.12 NMAC - Rn, 21 NMAC 17.33.12, 05/29/09]

HISTORY OF 21.17.33 NMAC: [RESERVED]