

**TITLE 21        AGRICULTURE AND RANCHING**  
**CHAPTER 17    PEST, DISEASE, AND WEED CONTROL**  
**PART 36        PECAN WEEVIL INTERIOR QUARANTINE**

**21.17.36.1        ISSUING AGENCY:** New Mexico State University, New Mexico Department of Agriculture.  
[21.17 36.1 NMAC - N/E, 1/27/2017]

**21.17.36.2        SCOPE:** Part 36 of Chapter 17 applies to any person(s) transporting regulated articles out of, or within the designated quarantine area.  
[21.17 36.2 NMAC - N/E, 1/27/2017]

**21.17.36.3        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.  
[21.17 36.3 NMAC - N/E, 1/27/2017]

**21.17.36.4        DURATION:** 3/28/2017  
[21.17 36.4 NMAC - N/E, 1/27/2017]

**21.17.36.5        EFFECTIVE DATE:** January 27, 2017.  
[21.17 36.5 NMAC - N/E, 1/27/2017]

**21.17.36.6        OBJECTIVE:** The objective of Part 36 of Chapter 17 is to prevent further spread of pecan weevil to New Mexico counties not known to be infested based on the findings from the office of the director of the department of agriculture. The findings of the director include pecan weevil being initially identified in residential pecan trees in Clovis and Roswell New Mexico in December 2016 and January 2017. The findings have also determined that there has been a significant increase in pecan weevil infested residential trees in Artesia and Hobbs, New Mexico, where eradication efforts are already underway. In order to protect the economic viability of New Mexico's pecan industry, it is necessary to restrict the movement of in-shell pecans out of the identified areas, in order to reduce the risk of exposing pecan trees in other pecan weevil free regions, orchards, and processing facilities in the state to pecan weevil.  
[21.17 36.6 NMAC - N/E, 1/27/2017]

**21.17.36.7        DEFINITIONS:**

**A.        "Pecan weevil"** synonyms to include: *curculio caryae* (Horn) and nomenclature that refers to any viable developmental stage of pecan weevil.

**B.        "Board"** 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.

**C.        "Certificate"** synonym to include 'state phytosanitary certificate', 'compliance document', 'compliance agreement' or any other document issued by the department indicating that a regulated article has been found or believed to be free of pecan weevil in accordance to restrictions outlined in Section 21.17.36.10 NMAC.

**D.        "Department"** means the New Mexico department of agriculture and authorized staff.

**E.        "Developmental stage"** includes adult, pupae, larvae, and egg.

**F.        "Inspection"** visual inspection of in-shell pecan nuts and any plant associated plant material related to the harvest, cleaning, or other processes related to pecan by a department authorized agent.

**G.        "Infested"** reasonable expectation that regulated articles may harbor any developmental stage of pecan weevil. All regulated articles originating within a quarantine area will be considered infested, unless accompanied by a certificate.

**H.        "Regulated article"** all pecan related entities capable of harboring any live developmental stage of pecan weevil including in-shell pecans, plant material related to production or harvesting of pecan, and related equipment.

[21.17.36.7 NMAC - N/E, 1/27/2017]

**21.17.36.8 PECAN WEEVIL INTERIOR QUARANTINE:** Pecan weevil is not known to be a widespread pest of pecan in New Mexico. In order to prevent further spread of pecan weevil in the state, the director hereby orders and declares that regulated articles originating from quarantined areas may not be transported out of the quarantined area except under restrictions herein described.  
[21.17.36.8 NMAC - N/E, 1/27/2017]

**21.17.36.9 QUARANTINE AREAS:** quarantined area defined as the areas within the city limits of Artesia, Clovis, Hobbs, and Roswell, New Mexico.  
[21.17.36.9 NMAC - N/E, 1/27/2017]

**21.17.36.10 RESTRICTIONS:** A certificate must accompany all regulated articles that will be transported out of the quarantine area. A certificate may be issued either directly by the department or under a compliance agreement for regulated articles that comply with one or more of the following appropriate certification restrictions:

- A.** sold, traded, or gifted in a manner that ensures regulated articles meet the phytosanitary requirements of the receiving location and are transported in a department approved manner;
- B.** all regulated articles treated at zero degrees fahrenheit for 168 continuous hours, or treated using other department approved treatment methods;
- C.** based on inspection of a representative sample in which no regulated article exhibit signs indicative of being infested with pecan weevil or are infested with pecan weevil;
- D.** originating in the quarantined area but believed by the department not to be currently infested with pecan weevil.

[21.17.36.10 NMAC - N/E, 1/27/2017]

**21.17.36.11 DISPOSAL:** Disposal of regulated articles within the quarantine area will be conducted in a manner that prevents further spread of pecan weevil within or out of the quarantine area. Any regulated item arriving in, or being transported through, any non-quarantined area without prior certification from the department is subject to immediate disposal to prevent the spread or establishment of the pecan weevil in the non-quarantined area. The disposal will be at the expense of the owners or his agents and under the direction of the department.  
[21.17.36.11 NMAC - N/E, 1/27/2017]

**21.17.36.12 EXEMPTIONS:** The director may authorize specific exemptions to this rule or authorize additional certification requirements or restrictions.  
[21.17.36.12 NMAC - N/E, 1/27/2017]

**21.17.36.13 DISPOSITION OF VIOLATIONS:** Failure to comply with the requirements as stated above shall be a violation of this rule and subject to penalties as provide under Chapter 76, Article 6, Section 9, NMSA 1978.  
[21.17.36.13 NMAC - N/E, 1/27/2017]

**21.17.36.14 LIABILITY DISCLAIMER:** The board disclaims liability for any costs incident to inspection or compliance with the provisions of this rule.  
[21.17.36.14 NMAC - N/E, 1/27/2017]

**HISTORY OF 21.17.36 NMAC: [RESERVED]**  
[21.17.36 NMAC - N/E, 1/27/2017]