

RULES PERTAINING TO THE QUARANTINE AGAINST IMPORTATION
OF SYMPTOMLESS CARRIERS OF PEACH MOSAIC
INTO MESA COUNTY. COLORADO

STATEMENT OF BASIS AND PURPOSE

These rules are adopted pursuant to the Pest Control Act, §§ 35-4-110 and 116, C.R.S. (1997).

The purposes of these rules are to enforce the provisions of the quarantine against the importation of symptomless carriers of peach mosaic into Mesa County, Colorado, to recover the actual costs to offset the cash funds expended for services performed by the Commissioner in imposing the quarantine and to specify how such actual costs shall be recovered.

1.00 DEFINITIONS

- A. "Commissioner" means the Commissioner of the Colorado Department of Agriculture, or the Commissioner's designee.
- B. "Department" means the Colorado Department of Agriculture.
- C. "Peach producers" means all persons who produce peaches in Mesa County, Colorado.
- D. "Prohibited material" means that nursery stock for which a quarantine is imposed against importation into Mesa County, Colorado.
- E. "Quarantine" means the quarantine against importation of symptomless carriers of peach mosaic into Mesa County, Colorado, adopted April 3, 1998.

2.0 ENFORCEMENT

- A. Any person who has reason to believe that prohibited material will be or has been shipped into Mesa County, Colorado may notify the Department, Division of Plant Industry. This notification may be accomplished by phoning (303) 239-4142 or (303) 239-4153.
- B. The Commissioner shall conduct all investigations of the alleged violations of the quarantine.
- C. Pursuant to § 35-4-109, C.R.S. (1997), any shipment of

prohibited material found by the Commissioner to be in violation of the quarantine shall be removed from Mesa County, Colorado within forty-eight (48) hours or it shall be destroyed by the Commissioner.

3.00 COSTS

- A. The full cost (direct and indirect cost) incurred by the Department for activities associated with investigations pursuant to Section 2.00 above shall be billed to the peach producers, through their designated representative, on a quarterly basis.

- B. The Department shall recover all legal costs from the peach producers incurred as a result of promulgating, implementing, and enforcing the quarantine and these rules at the rate charged by the Department of Law to the Department for legal services. The peach producers shall be billed quarterly, through their designated representative, for any such legal costs.

Effective Date: May 30, 1998