TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 17 PEST, DISEASE, AND WEED CONTROL
PART 51 CONTROL OF WOOD DESTROYING PESTS

21.17.51.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture.
[21.17.51.1 NMAC - Rp. 21.17.51.1 NMAC, 04/01/2027]
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.17.51.2 SCOPE: Part 51 shall apply to all commercial applicators applying pesticides in structures for the control of wood destroying pests or persons making recommendations for pesticides for the control of wood destroying pests in structures.
[21.17.51.2 NMAC - Rp. 21.17.51.2 NMAC, 04/01/2027]

21.17.51.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 1978 Compilation.
[21.17.51.3 NMAC - Rp. 21.17.51.3 NMAC, 04/01/2027]

21.17.51.4 DURATION: Permanent.
[21.17.51.4 NMAC - Rp. 21.17.51.4 NMAC, 04/01/2027]

21.17.51.5 EFFECTIVE DATE: April 01, 2027, unless a late date is cited at the end of a section.
[21.17.51.5 NMAC - Rp. 21.17.51.5 NMAC, 04/01/2027]

21.17.51.6 OBJECTIVE: The objective of Part 51 of Chapter 17 is to establish certification, supervision, and record keeping requirements for persons treating structures for wood destroying organisms, principally termites.
[21.17.51.6 NMAC - Rp. 21.17.51.6 NMAC, 04/01/2027]

21.17.51.7 DEFINITIONS: [**RESERVED**]

21.17.51.8 TESTING AND EXPERIENCE REQUIREMENTS:

A. Certified applicators shall have at least one year of experience in the classification of wood destroying pest control, have attended four hours of approved training and pass the required certification examination in category 7D, wood destroying pest control, and shall attend four hours of approved training annually thereafter.

B. Wood destroying pest operators shall have attended four hours of initial, approved training and pass a special test on the proper use for controlling wood destroying pests. Furthermore, wood destroying pest operators shall attend four hours of approved training annually thereafter.

C. Any person who performs inspections for wood destroying pests shall be licensed as a wood destroying pest operator, pest management consultant or commercial applicator in category 7D, and shall meet the training requirements in Subsection A of 21.17.51.8 NMAC.

D. Failure to meet the annual training requirements shall result in loss of certification in category 7D.
[21.17.51.1 NMAC - Rp. 21.17.51.9 NMAC, 04/01/2027]

21.17.51.9 DIRECT SUPERVISION: No pesticide shall be recommended, mixed or applied for the control of wood destroying pests except by an applicator, pest management consultant, public pest management consultant, or licensed wood destroying pest operator certified in category 7D, wood destroying pest control.
[21.17.51.9 NMAC - Rp. 21.17.51.1 NMAC, 04/01/2027]

21.17.51.10 RECORDS:

A. In addition to any other records required under the Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 1978 Compilation, each person certified in category 7D -- wood destroying pest control shall keep the following:

(1) name of the person for whom the pesticide was applied;

(2) mailing address of the person for whom the pesticide was applied;

(3) location of the treated property;

(4) brand name(s) and U.S. environmental protection agency registration number(s) of the pesticide(s);

(5) concentration expressed in percentage by weight and volume (gallons) of the pesticide applied;

(6) name of the certified applicator or wood destroying pest operator who was in direct supervision of the application at the job site;

(7) detailed drawing on graph paper of the foundation plan of the structure treated showing the type of building construction and the areas treated.

B. Records shall be accessible to the department for inspection and copying during normal business hours.

[21.17.51.10 NMAC - Rp. 21.17.51.10 NMAC, 04/01/2027]

HISTORY OF 21.17.51 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 83-5, Control of Wood Destroying Pests, filed 12/13/1983.

NMDA Rule 89-1, Control of Wood Destroying Pests, filed 3/30/1989.

History Of Repealed Material: [RESERVED]

Other History:

21.17.51 NMAC – Control of Wood Destroying Pests, filed 7/1/1997, was repealed and replaced by 21.17.51 NMAC – Control of Wood Destroying Pests, effective 04/01/2027.