

603-052-0160

Definitions

As used in OAR 603-052-0165 to 603-052-0185, unless the context requires otherwise:

(1) "Host Tree" means Pear (*Pyrus* spp.), apples (*Malus* spp.) and Hawthorns (*Crataegus* spp.) and may include other rosaceous hosts of Apple Maggot (*Rhagoletis pomonella*) deemed necessary by the Oregon Department of Agriculture.

(2) "Insect" means Codling Moth (*Laspeyresia pomonella*), Apple Maggot (*Rhagoletis pomonella*), and Pear Pyslla (*Psylla pyricola*).

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77; AD 16-1981, f. 7-24-81, ef. 8-7-81

603-052-0165

Control Area

A control area as authorized by ORS 570.405 to 570.415 is hereby created for the control of the insects Codling Moth, Apple Maggot and Pear Psylla within the boundaries of Jackson County, Oregon.

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77; AD 16-1981, f. 7-24-81, ef. 8-7-81

603-052-0170

Intent and Purpose

It is the intent and purpose of OAR 603-052-0160 to 603-052-0185 to prevent the build-up and spread of insects from tree to tree and orchard to orchard, particularly from areas not properly treated, or from areas untreated or abandoned, to commercial pear and apple trees or orchards. It is also the intent and purpose of said rules to

reduce the use of pesticides within the control area so as to decrease insect resistance to pesticides. Also, it is the intent and purpose of said sections to more effectively carry out insect control efforts by enabling area-wide spraying programs of commercial orchards in the control area.

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77

603-052-0175

Control by Spraying

(1) All host trees including, but not limited to, those in commercial orchards and those on residential, public, and abandoned property within the control area which are in near proximity to commercial pear and apple orchards, shall be sprayed by the owner or person in possession thereof by using the agricultural chemicals at the rate, at the times and in the manner recommended by Oregon State University (whether by its own publications, approval of other publications, or otherwise).

(2) In order to determine whether the Apple Maggot has infested any of the control area, and to determine the emergence dates of the adult Apple Maggot in the control area, the Department or its contractors may annually inspect any of the areas described in section (1) of this rule.

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77; AD 16-1981, f. 7-24-81, ef. 8-7-81

603-052-0180

Inspection Procedures

In order to determine whether the provisions of OAR 603-052-0175 have been complied with by the persons obligated to do so, the Department may inspect any field, orchard, residential

property, public property, or abandoned property within the control area. If such person has been found to have failed, neglected, or refused to comply with the provisions of such rule, the Department may by written order delivered or mailed to the owner or person in possession, direct that the host plants or host trees be removed and destroyed in accordance with the provisions of OAR 603-052-0185. The Department may consult with any ad hoc plant pest control advisory committee established in the control area in order to ascertain whether adequate insect controls have been undertaken by particular persons and whether such persons have been advised of the necessity to control the described insects.

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77

603-052-0185

Control Procedures

(1) The notice of the Department referred to in OAR 603-052-0180 may direct that infested pear and apple trees be completely uprooted; cut off near the ground level and the stump immediately treated with an effective herbicide; or killed in place so as not to harbor insect pests. Additionally, the Department may direct that any subsequent sprouts or regrowth of such trees also be killed.

(2) If it is determined that the order described in OAR 603-052-0180 has not been complied within five days after its issuance, the failure to so comply shall be deemed to be a violation of ORS 570.410 and subject the person to whom the order was directed to the penalty provisions of ORS 570.990.

Stat. Auth.: ORS 561 & ORS 570_Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415_Hist.: AD 3-1977, f. 2-9-77, ef. 3-1-77