



County of Fresno

DEPARTMENT OF AGRICULTURE

MELISSA CREGAN

AGRICULTURAL COMMISSIONER/
SEALER OF WEIGHTS & MEASURES

Cotton Pests Host Free Districts

District 3 – Fresno County south of Shields Avenue

District 4 – Fresno County north of Shields Avenue [Section 3595(c)].

No cotton shall be planted in Districts two, three, or four prior to March 10 of each year; [Section 3595(d)].

Method of Destruction

Shredding: All cotton stocks and debris shall be shredded by a power driven shredding device in a manner which effectively reduces stalks to a particle size, permitting burial and decomposition, and assures that bolls remaining in the field are broken open and the parts scatter. [Section 3595(f)(1)].

Tillage: Following shredding as required above, the land on which any cotton plants were growing during the preceding season shall be tilled in such a manner that stubs are uprooted and loosened from soil around their roots. Roots, plant stubs, shredding debris, and trash remaining from harvesting or cleanup operations shall be mixed with surface soil; [Section 3595(f)(2)].

It is unlawful for any person to plant, grow, cultivate, or maintain any host which is described in any regulation of the director that establishes a host-free period or host-free district, within the host-free period or host-free district after notice of the host-free period or host-free district; [Section 5783].

Any person producing cotton in violation of cotton plowdown requirements adopted pursuant to this article is subject to a civil penalty of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation. Each acre not in compliance is a separate additional violation subject to a civil penalty of five dollars (\$5.00) per acre of land not in compliance for the first violation and ten dollars (\$10.00) per acre of land not in compliance for each subsequent violation; [Section 5784(c)].

Any person producing cotton in violation of cotton planting dates adopted pursuant to this article is subject to a civil penalty of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation. Each acre not in compliance is a separate additional violation subject to a civil fine of fifty dollars (\$50.00) per acre of land not in compliance for the first violation and one hundred dollars (\$100.00) per acre of land not in compliance for each subsequent violation; [Section 5784(d)].

In addition, a court of law can issue an injunction or take other appropriate action to restrain violations of the provisions of this article; [Section 5784(e)].

The Legislature finds that any cotton plants and parts thereof not in compliance with any cotton plowdown dates adopted pursuant to this article constitute a public nuisance which immediately threatens the health and safety of the public. In addition to any other remedies provided by law, any cotton plant or part thereof not in compliance with any cotton plowdown order may be abated at the direction of the Commissioner in the county where the cotton plant or parts exist. The notice of the cotton plowdown date shall serve as notice to the owner of the plant or parts thereof that the plant or parts constitute a public nuisance if not brought into compliance with the orders by that date. Thereafter, the Commissioner may take any abatement action as is reasonably necessary to bring the plant and parts thereof into compliance. The person who produced the cotton plant and parts thereof shall pay 150 percent of all costs associated with the Commissioner's abatement of the nuisance. The producers may, when making the payment of the amount, submit a written appeal of the payment to the director; [Section 5786(a, b, c)].