

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.700. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Board--The board of directors of the Texas Boll Weevil Eradication Foundation, Inc.
- (2) Boll weevil--The meaning assigned by Texas Agriculture Code, §74.002.
- (3) Central collection point--All cotton warehouses, cotton compresses, and other venues collecting harvested and ginned cotton that was produced within a maintenance area, as described and defined in these rules. "Central collection point" shall include a cotton gin only when:
 - (A) the cotton in question ships directly from the gin to a user or exporter of cotton, and is not stored at a domestic warehouse or compress, and then only for those bales that ship directly; or
 - (B) when a cotton gin agrees to serve as a central collection point.
- (4) Commissioner--The Commissioner of agriculture.
- (5) Foundation--The Texas Boll Weevil Eradication Foundation, Inc., a Texas nonprofit corporation.
- (6) Department--The Texas Department of Agriculture.

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.701. Authority and Purpose.

The Texas Agriculture Code, §74.202 provides the commissioner of agriculture with the authority, by rule, to designate boll weevil and pink bollworm eradication maintenance areas for the continued protection of the cotton industry.

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.702. West Texas Maintenance Area.

(a) The West Texas Maintenance Area shall consist of the following eleven (11) existing contiguous eradication zones: El Paso/Trans Pecos, Northern Rolling Plains, Northwest Plains, Panhandle, Permian Basin, Rolling Plains Central, Southern High Plains/Caprock, Southern Rolling Plains, Northern High Plains, St. Lawrence, and Western High Plains.

(b) In each of the eleven (11) existing contiguous eradication zones listed in subsection (a) of this section, the commissioner has determined that:

- (1) the boll weevil has been eradicated;
- (2) the zone has satisfied any debt owed to the Foundation;
- (3) the cotton grower steering committee for each zone was consulted by the Foundation regarding the inclusion of the zone in the West Texas maintenance area; and
- (4) the Foundation board has requested that each zone be included in the West Texas maintenance area.

(c) In order to support eradication efforts and to prevent re-infestation in the eleven (11) eradication zones listed in subsection (a) of this section, the following seven (7) additional counties, contiguous to the existing eradication zones within the West Texas Maintenance Area, but not previously included in an eradication zone, are included in the West Texas Maintenance Area: Sterling, Sutton, Edwards, Bandera, Real, Kimble, and Kerr.

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.703. West Texas Maintenance Area - Maintenance Fees.

(a) A maximum per-bale maintenance fee shall be assessed on all cotton grown in the West Texas Maintenance Area. The fee shall be set by the Commissioner on an annual basis and shall be in an amount up to a maximum of \$1.50 per bale.

(b) The Board shall submit an annual recommendation to the Commissioner by March 15 regarding the maintenance fee to be used each crop year. Each year, prior to submitting its recommendation to the Commissioner, the Board shall consult with the cotton grower steering committees within the West Texas Maintenance Area to develop a maintenance fee recommendation to submit to the Commissioner.

(c) The Board shall consider the following factors, as applied to the West Texas Maintenance Area, when determining the annual maintenance fee recommendation:

- (1) number of cotton acres;
- (2) potential for reinfestation;
- (3) the length of the growing season;
- (4) epidemiology;
- (5) historical weather conditions;
- (6) expected costs of maintenance program; and
- (7) need for an adequate reserve to respond to potential re-infestations in a rapid, effective manner.

(d) The Commissioner shall consider the Board's recommendation, and may accept, reject or modify the Board's recommendation.

(e) The Commissioner shall set the annual per-bale maintenance fee by April 1 each year.

(f) The Board shall provide the information regarding the current crop year's fee to the central collection points described in §3.704 of this subchapter (relating to West Texas Maintenance Area - Collection of Maintenance Fees) by certified mail including the duty to collect the maintenance fee, the amount of the annual fee, and instructions regarding the remittance of the fee to the Foundation.

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.704. West Texas Maintenance Area - Collection of Maintenance Fees.

(a) The first central collection points receiving and shipping cotton produced in the West Texas Maintenance Area shall collect the per-bale maintenance fee on all cotton produced in the area, beginning upon receipt of the notifications from the Commissioner and the Foundation, and continuing until such time as the Commissioner gives notice otherwise.

(b) Beginning on the effective date of this subchapter and continuing for each year thereafter, until such time as the Commissioner gives notice otherwise, the first central collection points shall forward all West Texas Maintenance Area maintenance fees to the Foundation, for cotton grown in the year 2015 or later, on the following schedule:

(1) for all cotton that is sold, paid and shipped by February 15, and not previously submitted and reported, submit to the Foundation by March 1;

(2) for all cotton that is sold, paid and shipped by May 15, and not previously submitted and reported, submit to the Foundation by June 1; and

(3) for all cotton that is sold, paid and shipped by September 15, and not previously submitted and reported, submit to the Foundation by October 1.

(c) The first central collection point shall submit a report with each maintenance fee submission listing all West Texas Maintenance Area cotton received and shipped and the maintenance fees and remitted from such cotton proceeds, on a form promulgated by the Foundation.

(d) In the event a central collection point collects and remits a maintenance fee on cotton that was produced outside of the West Texas Maintenance Area, and the cotton producer from whom the fee was collected submits a refund request, along with documentation demonstrating that the cotton was not produced in the West

Texas Maintenance Area, to the Foundation, the Foundation shall issue a maintenance fee refund to such cotton producer.

(e) Maintenance fees collected and received by the Foundation are not state funds.

Texas Administrative Code

TITLE 4	AGRICULTURE
PART 1	TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 3	BOLL WEEVIL ERADICATION PROGRAM
SUBCHAPTER K	MAINTENANCE PROGRAM
RULE §3.705	East Texas Maintenance Area

(a) The East Texas Maintenance Area shall consist of the following four (4) existing contiguous eradication zones: Northern Blacklands, Southern Blacklands, South Texas/Wintergarden, and Upper Coastal Bend.

(b) In each of the four (4) existing contiguous eradication zones listed in subsection (a) of this section, the Commissioner has determined that:

- (1) the boll weevil has been functionally eradicated;
- (2) the zone has satisfied any debt owed to the Foundation;
- (3) the cotton grower steering committee for each zone was consulted by the Foundation regarding the inclusion of the zone in the East Texas maintenance area; and
- (4) the Foundation board has requested that each zone be included in the East Texas Maintenance Area.

Source Note: The provisions of this §3.705 adopted to be effective November 13, 2016, 41 TexReg 9011

Texas Administrative Code

TITLE 4	AGRICULTURE
PART 1	TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 3	BOLL WEEVIL ERADICATION PROGRAM
SUBCHAPTER K	MAINTENANCE PROGRAM
RULE §3.706	East Texas Maintenance Area - Maintenance Fees

(a) A maximum per-bale maintenance fee shall be assessed on all cotton grown in the East Texas Maintenance Area. The fee shall be set by the Commissioner on an annual basis and shall be in an amount up to a maximum of \$5 per bale.

(b) The Board shall submit an annual recommendation to the Commissioner by March 15 regarding the maintenance fee to be used each crop year. Each year, prior to submitting its recommendation to the Commissioner, the Board shall consult with the cotton grower steering committees within the East Texas Maintenance Area to develop a maintenance fee recommendation to submit to the Commissioner.

(c) The Board shall consider the following factors, as applied to the East Texas Maintenance Area, when determining the annual maintenance fee recommendation:

- (1) number of cotton acres;
- (2) potential for reinfestation;
- (3) the length of the growing season;
- (4) epidemiology;
- (5) historical weather conditions;
- (6) expected costs of maintenance program; and
- (7) need for an adequate reserve to respond to potential re-infestations in a rapid, effective manner.

(d) The Commissioner shall consider the Board's recommendation, and may accept, reject or modify the Board's recommendation.

(e) The Commissioner shall set the annual per-bale maintenance fee by April 1 each year.

(f) The Board, on annual basis, shall provide the following information by certified mail to the central collection points described in §3.707 of this subchapter (relating to East Texas Maintenance Area - Collection of Maintenance Fees): the duty to collect the maintenance fee, the amount of the annual fee, and instructions on remittance of the fee to the Foundation.

Source Note: The provisions of this §3.706 adopted to be effective November 13, 2016, 41 TexReg 9011

Texas Administrative Code

TITLE 4	AGRICULTURE
PART 1	TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 3	BOLL WEEVIL ERADICATION PROGRAM
SUBCHAPTER K	MAINTENANCE PROGRAM
RULE §3.707	East Texas Maintenance Area - Collection of Maintenance Fees

(a) The first central collection points receiving and shipping cotton produced in the East Texas Maintenance Area shall collect the per-bale maintenance fee on all cotton produced in the area, beginning upon receipt of notifications from the Commissioner and the Foundation, and continuing until such time as the Commissioner gives notice otherwise.

(b) Beginning on the effective date of this subchapter and continuing for each year thereafter, until such time as the Commissioner gives notice otherwise, the first central collection points shall forward all East Texas Maintenance Area maintenance fees to the Foundation, for cotton grown in the year 2017 or later, on the following schedule:

(1) for all cotton that is sold, paid and shipped by February 15, and not previously submitted and reported, submit to the Foundation by March 1;

(2) for all cotton that is sold, paid and shipped by May 15, and not previously submitted and reported, submit to the Foundation by June 1; and

(3) for all cotton that is sold, paid and shipped by September 15, and not previously submitted and reported, submit to the Foundation by October 1.

(c) The first central collection point shall submit a report with each maintenance fee submission listing all East Texas Maintenance Area cotton received and shipped and the maintenance fees and remitted from such cotton proceeds, on a form promulgated by the Foundation.

(d) In the event a central collection point collects and remits a maintenance fee on cotton that was produced outside of the East Texas Maintenance Area, and the cotton producer from whom the fee was collected submits a refund request to the Foundation, along with documentation demonstrating that the cotton was not produced in the East Texas Maintenance Area, the Foundation shall issue a maintenance fee refund to such cotton producer.

(e) Maintenance fees collected and received by the Foundation are not state funds.

TEXAS ADMINISTRATIVE CODE: As in effect on 6/18/2026.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 3. BOLL WEEVIL ERADICATION PROGRAM

SUBCHAPTER K. MAINTENANCE PROGRAM

§3.711. Penalty and Remedies.

A violation of this subchapter is subject to an administrative penalty not to exceed \$5,000 per violation, as prescribed in §12.020 of the Texas Agriculture Code. Each day a violation continues may be considered a separate violation for purposes of a penalty assessment.