

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the New Mexico Department of Agriculture (NMDA), pursuant to the Pest Control Act, Sections 76-6-1 to 76-6-9, NMSA 1978, proposes to amend 21.17.28 NMAC, PECAN WEEVIL EXTERIOR QUARANTINE.

**PURPOSE AND SUMMARY OF THE PROPOSED RULES:** New Mexico's Pecan Weevil Exterior Quarantine rule was promulgated in 1969 for the purpose of reducing the risk of importing pecan weevil in to New Mexico from weevil infested areas exterior to New Mexico, areas of West Texas, Arizona, and California. The rule requires all in-shell pecans and other regulated articles that originated in pecan weevil quarantined counties to undergo a cold storage treatment to kill pecan weevil prior to entry into the state.

The amendments remove several West Texas counties from New Mexico's list of quarantined counties, add a cold-storage treatment post-entry requirement, and added a second cold storage treatment option.

**STATUTORY AUTHORITY:** Granted to the board of regents of New Mexico state university under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9, NMSA 1978 Compilation.

Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the New Mexico Department of Agriculture website (<https://www.nmda.nmsu.edu>)

**Monday, November 15, 2021** at 2:00 pm NMDA will host a public video/telephonic and in person hearing at the New Mexico Department of Agriculture, at 3190 S. Espina, Las Cruces, NM, on the corner of Espina and Gregg.

Join via Video:

Meeting URL: <https://nmsu.zoom.us/j/93257469511>

Meeting ID: 932 5746 9511

Passcode: 538839

Join via Phone:

+1 669 900 6833 or +1 253 215 8782

Meeting ID: 932 5746 9511

Passcode: 538839

Oral comments will be accepted at the hearing from members of the public and any interested parties. Written comments will be accepted through 5:00 pm on November 15, 2021. Comments may be submitted via email to [comments@nmda.nmsu.edu](mailto:comments@nmda.nmsu.edu) or may be filed by sending original copies to:

New Mexico Department of Agriculture, Office of Director  
MSC 3189, PO Box 30005, 3190 S. Espina, Las Cruces, NM 88003-8005

Only signed statements, proposals or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, NMDA reserves the right to require that original signatures be provided to verify the electronic or facsimile signature.

**SPECIAL NEEDS:** If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact NMDA at (575) 646-3702 at least one week prior to the meeting or as soon as possible.

The Director will consider all oral comments, and will review all timely submitted written comments and responses.