

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Department of Agriculture (NMDA), proposes to repeal and replace 21.18.4.1 et. seq. NMAC, SEED STANDARDS AND CLASSIFICATIONS.

PURPOSE AND SUMMARY OF THE PROPOSED RULES:

Primary proposed amendments to the current Seed Standards and Classifications rule language updates the fee schedule for testing seeds that support the state seed laboratory for analyzing samples submitted by constituents. The amendments update seed name and scientific names in the prohibited and restricted noxious weed seeds. Lastly, the rule amendments update the germination standards for vegetable seed and methods of sampling, inspecting, analyzing, testing and examination of seed by referencing the Federal Seed act 7 CFR part 201.

The departments obligation to the citizens of New Mexico is to assure that seeds sold in the state are labeled properly and meet the standards placed upon the label. The current fee schedule set in rule for seed testing by the department to recoup costs of testing and examine samples requested by outside persons or entities from the department.

Proposed rule changes will follow the repeal and replacement process rather than the amendment process for seed standards and classifications. These adjustments are necessary to help offset the increased cost seed testing and analysis for inflation and mandatory adjustments to staff salaries. The proposed changes also clean up the prohibited and noxious weed names and species as well as adopt the Federal Seed Act 7 CFR part 201 for methods of sampling and testing as well as germination standards which clean up the rule.

STATUTORY AUTHORITY: Granted to the Board of Regents of New Mexico State University under the New Mexico Seed Law, Chapter 76, Article 10, Sections 11 through 22, New Mexico Statutes Annotated, 1978 Compilation.

Copies of the Notice of Proposed Rulemaking and proposed rules (including any technical information) are available by electronic download from the New Mexico Department of Agriculture website (<https://www.nmdeptag.nmsu.edu>) and at agency district and field offices.

Tuesday, July 29 2025 at 10am NMDA will host a public video/telephonic and in-person hearing at Gerald Thomas Hall Auditorium (Rm 194), New Mexico State University, located at 940 College Drive in Las Cruces, NM, 88003.

Join via Video for Tuesday, July 29, 2025, 10am hearing:

Meeting URL: <https://nmsu.zoom.us/j/83992662632>

Meeting ID: 777 178 7960

Passcode: 328151

Or

Join via Phone for Tuesday, July 29, 2025, 10am hearing:

+1 669 900 6833 or +1 719 359 4580

Meeting ID: 777 178 7960

Passcode: 328151

Thursday, July 31 2025 at 10am NMDA will host a public in-person hearing at the CNM workforce Training Center located at 5600 Eagle Rock Ave, NE in Albuquerque, NM, 87113.

Oral comments will be accepted at the hearing from members of the public and any interested parties.

Written comments will be accepted until 5:00pm on July 31, 2025. Comments may be submitted via email to 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, 1050 Stewart Street, 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.