

New Mexico Department of Agriculture  
Egg Inspection Fees Rule Rulemaking Hearing

Moderated by Les Owen, Deputy Director  
Thursday, July 31, 2025  
8:59 a.m.

Central New Mexico Community College Workforce  
Training Center  
5600 Eagle Rock Avenue Northeast  
Albuquerque, NM 87113

Reported by: James Cogswell

JOB NO: 7452800

A P P E A R A N C E S

List of Attendees:

Les Owen, Deputy Director, New Mexico Department of  
Agriculture

Uriel Fuentes, Assistant Division Director, New Mexico  
Department of Agriculture

Katie Laney, Assistant Division Director, New Mexico  
Department of Agriculture

Steve Baca, Assistant Division Director, New Mexico  
Department of Agriculture

Bradley Lewis, New Mexico Department of Agriculture

Candie Sweetser, New Mexico Department of Agriculture

Vanessa Fisher, New Mexico Department of Agriculture

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P R O C E E D I N G S

MR. OWEN: Good morning. At this time, we will start the hearing that addresses the proposed repeal and replacement of the Egg Inspection Fees rule, Title 21, Chapter 34, Part 7 of the New Mexico Administrative Code.

My name is Les Owen, and I am deputy director with the New Mexico Department of Agriculture. Today I will be officiating this hearing. Please make sure that you have signed in for the record and that your cell phone is off or silenced. Thank you.

Copies of the proposed amendments to the Egg Inspection Fees rule were made available in strikethrough version and in cleanup copy form as you walked in. If you require copies, please hold your hand up and they will be provided to you.

For -- the day and date is Thursday, July 31, 2025, and the time is 9 a.m. This hearing is being held in person at the Central New Mexico Community College Workforce Training Center, Albuquerque, New Mexico, 5600 Eagle Rock Avenue Northeast. This is the published date, time, and location for this hearing.

A transcript of today's hearing will be

1 available from the department's webpage. Following a  
2 summary of the proposed primary amendments, the public  
3 will have an opportunity to provide testimony  
4 regarding the proposed amendments.

5 Mr. Fuentes will now provide a summary  
6 of the public notices, proposed primary amendments to  
7 the Egg Inspection Fees rule, and any related  
8 information.

9 MR. FUENTES: Good morning. I am Uri  
10 Fuentes, an assistant division director with the New  
11 Mexico Department of Agriculture. The Egg Inspection  
12 Fees rule was promulgated under the authority of the  
13 Egg Grading Act, which established egg standards, egg  
14 dealers' licenses, egg inspection fees, and assures  
15 that the eggs sold in the state are fit for human  
16 consumption and labeled properly.

17 Public notices for the hearing were  
18 published as follows and in accordance with state  
19 laws: June 24, 2025, in the New Mexico Register;  
20 June 24, 2025, in the Albuquerque Journal; June 24,  
21 2025, in the Santa Fe New Mexican in Spanish and  
22 English; June 25, 2025, in the Las Cruces Sun News.

23 Hearing notices were also posted on the  
24 New Mexico Sunshine Portal, at New Mexico Department  
25 of Agriculture District Office in Albuquerque, and on

1 the New Mexico Department of Agriculture's website in  
2 Spanish and English.

3 Copies of the proposed rule were made  
4 available at the New Mexico Department of Agriculture  
5 Las Cruces main office and lab building, New Mexico  
6 Department of Agriculture Veterinary Diagnostic  
7 Services Lab in Albuquerque, New Mexico Department of  
8 Agriculture Peanut Grading Station in Portales, and on  
9 the department's website.

10 Notification and the proposed rule were  
11 sent to the New Mexico Economic Development --  
12 Development Small Business Regulatory Advisory  
13 Commission and to the Legislative Council Service. As  
14 of today, New Mexico Department of Agriculture has not  
15 received findings from either. Notice of public  
16 hearings were also emailed to current egg dealers.

17 Although the amendment -- amendments  
18 are few, the age of the Egg Inspection Fees rules  
19 required a repeal and replacement process to address  
20 updates to style and format in conjunction with the  
21 New Mexico Department of Agriculture's proposed  
22 amendments.

23 Primary proposed amendments to the Egg  
24 Inspection Fees rule include proposed fees changed  
25 from 12 cents per case for 30 dozen to 15 cents per

1 case, 30 dozen. The last fee adjustment to the Egg  
2 Inspection Fees rule was 1985. An adjustment to the  
3 fees is necessary to help offset the increased cost of  
4 services, licensing, and the inspections due to  
5 inflation and mandatory adjustments to staff salaries.

6 The amendment updates the updated --  
7 outdated fee that supports egg inspections, licensing  
8 activities, and promoting the poultry industry in  
9 accordance with the Egg Grading Act 25.6.1 through  
10 25.6.16. The fees collected support portions of 11  
11 inspection staff and two office staff salaries. The  
12 staff complete inspections three to four times a year  
13 at retail locations that sell eggs in New Mexico. In  
14 the past three years, staff have completed 826  
15 inspections, and 107 or 12.95 percent resulted in stop  
16 sales on eggs.

17 In the past five years, the egg  
18 inspection fees have maintained the program's  
19 activities -- have -- haven't maintained the program's  
20 activities. The program is on average \$40,601 short  
21 annually. Based on the estimate from the past five  
22 years' revenue of egg sales, the increase to 15 cents  
23 per case would generate \$37,000.

24 Other states have similar inspection  
25 fees, but comparisons are challenging since they

1 charge other fees and have some -- significantly more  
2 egg dealers and producers. For example, Louisiana's  
3 fees -- fee is 16 cents per case for shell eggs with  
4 an additional fee for egg products. Indiana's fees  
5 are 11 cents per case, but revenue is generated by  
6 their approximate 290 producers.

7 New Mexico has 66 dealers with only 4  
8 in-state dealers and no commercial egg producers. To  
9 fulfill the statutory obligations, fees must be  
10 increased to support inspectors' salaries, for  
11 inspections, and department costs.

12 MR. OWEN: Thank you, Mr. Fuentes.

13 New Mexico Department of Agriculture  
14 has not received any written comments prior to this  
15 hearing.

16 We will now open the floor for  
17 comments. Please begin by stating your name and  
18 affiliation for the record. Your comments and  
19 questions should be limited to the contents of the  
20 rule. Please raise your hand and I will call up on  
21 you to come up to the table to provide comments. I  
22 will now begin accepting comments.

23 Is there anyone else wishing to  
24 comment? Seeing none, we will close the public oral  
25 comment period for this hearing. Written comments

1 will be accepted until 5 p.m. Thursday, July 31, 2025.  
2 All public comments will be presented to the  
3 secretary/director of the New Mexico Department of  
4 Agriculture, Mr. Jeff Witte, and will be submitted for  
5 consideration to the New Mexico State University Board  
6 of Regents.

7 Submitted comments and either a  
8 transcript of today's hearing and/or recording will be  
9 available from the New Mexico Department of  
10 Agriculture's webpage.

11 Thank you all for participating. We  
12 will close this hearing at 9:06 a.m.

13 (Whereupon, at 9:06 a.m., the  
14 proceeding was concluded.)  
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CERTIFICATE

I, JAMES COGSWELL, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



August 14, 2025

JAMES COGSWELL  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, RACHEL HUFF, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

August 14, 2025

A handwritten signature in black ink that reads "Rachel L. Huff". The signature is written in a cursive, flowing style.

RACHEL HUFF

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