

21.18.4 NMAC SEED STANDARDS AND CLASSIFICATIONS RULE
RULEMAKING HEARING

Moderated by Les Owen
Tuesday, July 29, 2025
10:00 a.m.

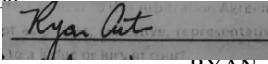

Gerald Thomas Hall Auditorium, New Mexico State
University
940 College Drive (Room 194)
Las Cruces, NM 88003

Reported by: Ryan Auten

JOB NO: 7452797

<p>1 A P P E A R A N C E S</p> <p>2 List of Attendees:</p> <p>3 Les Owen, Deputy Director NMDA</p> <p>4 Katie Laney, Assistant Division Director NMDA</p> <p>5 Katie Crayton, NMDA Healthy Soil Program via Zoom</p> <p>6 Vanessa Fisher, Host</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 940 College Drive, Las Cruces, New Mexico. This is</p> <p>2 the published date, time, and location for this</p> <p>3 hearing.</p> <p>4 This hearing is being recorded, and</p> <p>5 either a transcript of today's hearing or the</p> <p>6 recording will be available from the department's</p> <p>7 webpage.</p> <p>8 Following a summary of the proposed</p> <p>9 primary amendments, the public will be provided an</p> <p>10 opportunity to provide testimony regarding the</p> <p>11 proposed amendments.</p> <p>12 Ms. Laney will now provide a summary of</p> <p>13 the -- of the public notices, primary proposed</p> <p>14 amendments to the Seed Standards and Classifications</p> <p>15 Rule, and any related information.</p> <p>16 MS. LANEY: Good morning. I'm Katie</p> <p>17 Laney, an Assistant Division Director with New Mexico</p> <p>18 Department of Agriculture.</p> <p>19 The Seed Standards and Classification</p> <p>20 Rule was promulgated under the authority of the New</p> <p>21 Mexico Seed Law to establish a list of prohibited and</p> <p>22 restricted noxious weed seeds, set germination</p> <p>23 standards for vegetable seeds, set tolerances for seed</p> <p>24 testing of seeds, set guidelines for sampling and</p> <p>25 testing of seeds, and set fees to be charged for seed</p> <p style="text-align: right;">Page 4</p>
<p>1 P R O C E E D I N G S</p> <p>2 MR. OWEN: Good morning. At this time,</p> <p>3 we'll start the hearing that addresses the proposed</p> <p>4 repeal and replacement of the Seed Standards and</p> <p>5 Classifications Rule, Title 21, Chapter 18, Part 4 of</p> <p>6 the New Mexico Administrative Code.</p> <p>7 My name is Les Owen, and I am Deputy</p> <p>8 Director with the New Mexico Department of</p> <p>9 Agriculture. Today, I will be officiating this</p> <p>10 hearing.</p> <p>11 Please make sure that you have signed</p> <p>12 in for the record and that your cell phone is off or</p> <p>13 silenced. Thank you.</p> <p>14 Copies of the proposed amendments to</p> <p>15 the Seed Standards and Classifications Rule were made</p> <p>16 available in strikethrough version and in include copy</p> <p>17 form as you walked in.</p> <p>18 If you require a copy, please hold up</p> <p>19 your hand and one will be provided to you. For our</p> <p>20 virtual participants, electronic copies are available</p> <p>21 on the department's website at nmdeptag.nmsu.edu.</p> <p>22 The day and date is Tuesday, July 29,</p> <p>23 2025, and the time is 10:00 a.m. This hearing is</p> <p>24 being held in person and virtually in New Mexico State</p> <p>25 University's Gerald Thomas Hall Auditorium, located at</p> <p style="text-align: right;">Page 3</p>	<p>1 testing when done at the request or for the benefit of</p> <p>2 a person, firm, or individual.</p> <p>3 Public notices for this hearing were</p> <p>4 published as following and in accordance with state</p> <p>5 laws: June 24, 2025, in the New Mexico Registrar; June</p> <p>6 24, 2025, in the Albuquerque Journal; June 24, 2025,</p> <p>7 in the New Mexico -- pardon, in the Santa Fe New</p> <p>8 Mexican in Spanish and English; and June 25, 2025, in</p> <p>9 the Las Cruces Sun News.</p> <p>10 Hearing notices were also posted on the</p> <p>11 New Mexico Sunshine Portal at the New Mexico</p> <p>12 Department of Agriculture District Station in</p> <p>13 Albuquerque and on the New Mexico Department of</p> <p>14 Agriculture website in Spanish and English.</p> <p>15 Copies of the proposed rule were made</p> <p>16 available at the New Mexico Department of</p> <p>17 Agriculture's Las Cruces main office and laboratory</p> <p>18 building, the New Mexico Department of Agriculture</p> <p>19 Veterinary Diagnostic Service Laboratory in</p> <p>20 Albuquerque, the New Mexico Department of Agriculture</p> <p>21 Peanut Grading Station in Portales, and on the</p> <p>22 department's website.</p> <p>23 Notification and the proposed rule were</p> <p>24 sent to the New Mexico Economic Development Small</p> <p>25 Business Regulatory Advisory Commission and to the</p> <p style="text-align: right;">Page 5</p>

<p>1 Legislative Council Service.</p> <p>2 As of today, New Mexico Department of</p> <p>3 Agriculture has not received findings from either.</p> <p>4 Notice of public hearing was sent to past seed lab</p> <p>5 customers.</p> <p>6 Although the amendments are relatively</p> <p>7 few, the age of the Seed Classifications and Standard</p> <p>8 Rule requires a repeal and replacement process to</p> <p>9 address updates, styles, and format in conjunction</p> <p>10 with New Mexico Department of Agriculture's proposed</p> <p>11 amendments.</p> <p>12 The primary proposed amendments to the</p> <p>13 Seed Standards and Classifications Rules include</p> <p>14 removing the table in section 21.18.4.10 Germination</p> <p>15 Standards for Vegetable Seeds, and replacing with a</p> <p>16 reference to the Federal Seed Act; updating section</p> <p>17 21.18.4.11 Methods of Sampling, to include reference</p> <p>18 to the Federal Seed Act and the association of</p> <p>19 official seed analysts; updating 21.18.4.13 Fee</p> <p>20 Schedules for Seed Testing, to help offset increased</p> <p>21 costs of service due to inflation and mandatory</p> <p>22 adjustments for staff salary.</p> <p>23 The last fee adjustment to the section</p> <p>24 21.18.4.13 Fee Schedule for Seed Testing was made in</p> <p>25 1986.</p> <p style="text-align: right;">Page 6</p>	<p>1 Please begin by stating your name and affiliation for</p> <p>2 the record. Please raise your hand and wait until I</p> <p>3 call on you.</p> <p>4 At this time, we will begin accepting</p> <p>5 comments. Please restrict your comments to the</p> <p>6 proposed content of the rule.</p> <p>7 We will now accept comments from</p> <p>8 virtual participants. Please use the raise your hand</p> <p>9 function and I will call on you. Please remember to</p> <p>10 state your name and affiliation for the record.</p> <p>11 Is there anyone else wishing to</p> <p>12 comment? Seeing none, we will close the public oral</p> <p>13 comment period for this hearing.</p> <p>14 Written comments will be accepted until</p> <p>15 5:00 p.m., Thursday, July 31, 2025. All public</p> <p>16 comments will be presented to the Secretary/Director</p> <p>17 of New Mexico Department of Agriculture, Mr. Jeff</p> <p>18 Witte, and will be submitted for consideration to the</p> <p>19 New Mexico State University Board of Regents.</p> <p>20 Submitted comments, and either a</p> <p>21 transcript of today's hearing and/or the recording</p> <p>22 will be available from the New Mexico Department of</p> <p>23 Agriculture's webpage.</p> <p>24 Thank you for participating. We will</p> <p>25 close the hearing at 10:08 a.m.</p> <p style="text-align: right;">Page 8</p>
<p>1 Proposed seed testing fee increases are</p> <p>2 as following: for grass seed complete test was at \$20</p> <p>3 to \$45, purity only \$12 to \$24, germination only \$12</p> <p>4 to \$24, weed seed testing only \$6 to \$16; for seed</p> <p>5 other than grass seed complete test \$10 to \$25, purity</p> <p>6 only \$6 to \$15, germination only \$6 to \$15, weed only</p> <p>7 \$6 to \$16; tetrazolium testing for viability \$20 to</p> <p>8 \$30; add vigor-cold testing fee for \$25; and hourly</p> <p>9 charges for unusual samples from 10 to \$45.</p> <p>10 The expected budget revenue for</p> <p>11 updating 21.18.4.13 NMAC is approximately \$42,000</p> <p>12 annually as opposed to the annual receipt of</p> <p>13 approximately \$21,000 under the current fee structure.</p> <p>14 We compared the cost of five state</p> <p>15 laboratories including Colorado, Idaho, Nevada, Texas,</p> <p>16 and Utah. The proposed fees are still below the</p> <p>17 average of these states but provide budgetary</p> <p>18 assistance for the seed laboratory operations.</p> <p>19 MR. OWEN: Thank you, Ms. Laney.</p> <p>20 New Mexico Department of Agriculture</p> <p>21 has not received any written comments from the public</p> <p>22 prior to this hearing. However, staff identified that</p> <p>23 tetrazolium was misspelled in the proposed rule and</p> <p>24 will be corrected.</p> <p>25 We'll now open the floor for comments.</p> <p style="text-align: right;">Page 7</p>	<p>1 (Whereupon, the meeting concluded at</p> <p>2 10:08 a.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 9</p>

<p>1 CERTIFICATE</p> <p>2 I, RYAN AUTEN, the officer before whom the</p> <p>3 foregoing proceedings were taken, do hereby certify</p> <p>4 that any witness(es) in the foregoing proceedings,</p> <p>5 prior to testifying, were duly sworn; that the</p> <p>6 proceedings were recorded by me and thereafter reduced</p> <p>7 to typewriting by a qualified transcriptionist; that</p> <p>8 said digital audio recording of said proceedings are a</p> <p>9 true and accurate record to the best of my knowledge,</p> <p>10 skills, and ability; that I am neither counsel for,</p> <p>11 related to, nor employed by any of the parties to the</p> <p>12 action in which this was taken; and, further, that I</p> <p>13 am not a relative or employee of any counsel or</p> <p>14 attorney employed by the parties hereto, nor</p> <p>15 financially or otherwise interested in the outcome of</p> <p>16 this action.</p> <p>17 </p> <p>18 RYAN AUTEN</p> <p>19 Notary Public in and for the</p> <p>20 State of New Mexico</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 10</p>	
<p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, VENUS COLE, do hereby certify that this</p> <p>3 transcript was prepared from the digital audio</p> <p>4 recording of the foregoing proceeding, that said</p> <p>5 transcript is a true and accurate record of the</p> <p>6 proceedings to the best of my knowledge, skills, and</p> <p>7 ability; that I am neither counsel for, related to,</p> <p>8 nor employed by any of the parties to the action in</p> <p>9 which this was taken; and, further, that I am not a</p> <p>10 relative or employee of any counsel or attorney</p> <p>11 employed by the parties hereto, nor financially or</p> <p>12 otherwise interested in the outcome of this action.</p> <p>13 </p> <p>14</p> <p>15 VENUS COLE</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 11</p>	

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