

New Mexico Department of Agriculture
Seed Standards and Classifications Rule Rulemaking
Hearing

Moderated by Les Owen, Deputy Director
Thursday, July 31, 2025
9:59 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

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

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

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

Candie Sweetser, New Mexico Department of Agriculture

Vanessa Fisher, New Mexico Department of Agriculture

Bradley Lewis, 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 Seed Standards and Classifications rule, Title 21, Chapter 18, Part 4 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 Seed Standards and Classifications rule were made available in strikethrough version and in clean copy form as you walked in. If you require a copy, please hold up your hand and one will be provided to you.

The day and date is Thursday, July 31, 2025, and the time is 10 a.m. This hearing is being held in person at the Central New Mexico Community College Workforce Training Center in 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 available from the department's webpage. Following a

1 summary of the proposed primary amendments, the public
2 will be provided an opportunity to provide testimony
3 regarding the proposed amendments.

4 Ms. Laney will now provide a summary of
5 the public notices, primary proposed amendments to the
6 Seed Standards and the Classifications rule, and any
7 related information.

8 MS. LANEY: Good morning. I'm Katie
9 Laney, an assistant division director with New Mexico
10 Department of Agriculture. The Seed Standards and
11 Classification rule was promulgated under the
12 authority of the New Mexico Seed Law to establish a
13 list of prohibited and restricted noxious weed seeds,
14 set germination standards for vegetable seeds, set
15 tolerances for seed -- sorry -- set tolerances for
16 testing of seed, set guidelines for the sampling and
17 testing of seeds, and set fees to be charged for seed
18 testing when done at the request or the benefit of a
19 person, firm, or individual.

20 Public notices for this hearing were
21 established as follows and in accordance with state
22 law: June 24, 2025, in the New Mexico Register;
23 June 24, 2025, in the Albuquerque Journal; June 24,
24 2025, in New Mexico, Santa Fe -- I'm sorry -- in the
25 Santa Fe New Mexican in Spanish and English; and

1 June 25, 2025, in the Las Cruces Sun News.

2 Hearing notices were also posted on New
3 Mexico Sunshine Portal, at the New Mexico Department
4 of Agriculture District Station Office in Albuquerque,
5 and on New Mexico Department of Agriculture's website
6 in Spanish and English.

7 Copies of the proposed rule were made
8 available at New Mexico Department of Agriculture Las
9 Cruces main office and laboratory building, New Mexico
10 Department of Agriculture Veterinary Diagnostic
11 Service Laboratory in Albuquerque, New Mexico
12 Department of Agriculture Peanut Grading Station in
13 Portales, and on the department's webpage.

14 Notification and the proposed rule were
15 sent to the New Mexico Economic Development's Small
16 Business Regulatory Advisory Commission and to the
17 Legislative Council Service. As of today, New Mexico
18 Department of Agriculture has not received findings
19 from either. Notice of public hearing was sent to
20 past seed lab customers.

21 Although the amendments are relatively
22 few, the age of the Seed Certification and Standards
23 rule requires a repeal and replacement process to
24 address updates to standard -- to style and format in
25 conjunction with New Mexico Department of

1 Agriculture's proposed amendments.

2 Primary proposed amendments to the Seed
3 Standards and Classification rule include removing the
4 table in Section 21.18.4.10, Germination Standards for
5 Vegetable Seeds, and replacing with reference to the
6 Federal Seed Act; updating Section 21.18.4.11, Methods
7 of Sampling, to include reference to the Federal Seed
8 Act and the Association of Official Seed Analysts;
9 updating 21.18.4.13, Fee Schedules for Seed Testing,
10 to help offset the increased cost of services due to
11 inflation and mandatory adjustments to staff salary.

12 The last fee adjustment to Section
13 21.18.4.13, Fee Schedule for Seed Testing, was made in
14 1986. Proposed seed testing fee increases are for
15 grass seed: complete test, \$20 to \$45; purity only,
16 \$12 to \$24; germination only, \$12 to \$24; weed only,
17 \$6 to \$16. For seed other than grass: complete test,
18 \$10 to 25; purity only, \$6 to \$15; germination only,
19 \$6 to \$15; weed only, \$6 to \$16; tetrazolium test for
20 viability, \$20 to \$30; add vigor-cold test fee for
21 25 -- of \$25; and hourly charges for unusual samples
22 from \$10 to \$45.

23 The expected budget revenue for
24 updating 21.18.4.13 NMAC is approximately \$42,000
25 annually as opposed to the annual receipt of

1 approximately \$21,000 under the current fee structure.
2 We compared the cost in five state laboratories
3 including Colorado, Idaho, Nevada, Texas, and Utah.
4 The proposed fees are still below the average of these
5 states, but provide budgetary assistance for the seed
6 laboratory operations.

7 MR. OWEN: Thank you, Ms. Laney.

8 New Mexico Department of Agriculture
9 has not received any written comments from the public
10 prior to this hearing. However, staff identified that
11 tetrazolium was misspelled in the proposed rule and
12 this will be corrected.

13 We will now open the floor for
14 comments. Please begin by stating your name and
15 affiliation for the record. Please raise your hand
16 and I will call on you. At this time, I will begin
17 accepting comments. Please restrict your comments to
18 the proposed content of the rule.

19 Is there anyone wishing to comment?
20 Seeing none, we will close the public oral comment
21 period for this hearing. Written comments will be
22 accepted until 5 p.m. Thursday, July 31, 2025. All
23 public comments will be presented to the
24 secretary/director of New Mexico Department of
25 Agriculture, Mr. Jeff Witte, and will be submitted for

1 consideration to the New Mexico State University Board
2 of Regents.

3 Submitted comments and either a
4 transcript of today's hearing and/or the recording
5 will be available from the New Mexico Department of
6 Agriculture's webpage.

7 Thank you for participating. We are
8 closing this hearing at 10:06 a.m.

9 (Whereupon, at 10:06 a.m., the
10 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

[10 - certify]

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[increased - proposed]

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