



New Mexico Department of Agriculture

Marketing and Development Division

MSC 5600

New Mexico State University

P.O. Box 30005

Las Cruces, NM 88003-8005

Phone: (575) 646-2752

<http://www.nmda.nmsu.edu>

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MEMORANDUM

TO: Produce Industry
FROM: Jeff Witte
SUBJECT: Inspection fees for Produce

This external policy established inspection fees for produce effective November 13, 2008 and supersedes New Mexico Department of Agriculture (NMDA) Rule 93-15, signed by the director/secretary of NMDA On December 1, 1993, and filed with the New Mexico Records Center on December 1, 1993.

Under the authority of the Produce Marketing Act [76-15-10 to 76-15-22, NMSA 1978], NMDA is Authorized to establish and collect fees for produce inspections. Following is the schedule of inspection fees for regular users:

- a. Onions: four and one half cents (\$.045) per standard container.
- b. Potatoes: eight cents (\$.08) per one hundred (100) pounds.
- c. Pinto Beans: \$ 35.00 per hour with a two hour minimum.
- d. All other fruits and vegetables: four and one half cents (\$.045) per standard container.

Special charges:

A. Fulltime users:

1. Guarantee with a Memo of Understanding (MOU): two (2) week minimum plus applicable overtime, One thousand (\$1,250.00) per week or Two hundred eighty (\$280.00) per day, per inspector if

package rate does not cover costs.

2. Upon (8) hours working time on any day or forty (40) hours working time in any week, the person requesting inspection shall be assessed a charge of seventeen (\$17.50) per hour for the overtime. If the (\$17.50) does not cover the overtime cost, charges will be assessed accordingly.
3. Mileage rate will be that specified in the Per Diem and Mileage Act [10-8-4, NMSA 1978]. All users of the Inspection service will be charged roundtrip mileage from base office to inspection point(s)
4. A minimum of four hours will be charged on Saturday, Sundays and Holidays.
5. Temperature: two and one half cents (\$.025) per container or the hourly rate
6. Additional certificates: fifteen dollars (\$15.00) per certificate.

B. Occasional users and hourly work:

1. Thirty five (\$35) per hour with a two (2) hour minimum and multiples of one half ($\frac{1}{2}$) hour thereafter, with the total fee not to be less than the schedule of Inspection fees. An additional overtime charge of seventeen dollars and fifty cents (\$17.50) per hour will be assessed before 8 a.m. and after 5 p.m., Monday through Friday and on Saturdays, Sundays, and holidays. If the (\$17.50) does not cover the overtime cost, charges will be assessed accordingly. Travel time between inspection point and base office of the inspector shall be included in the hourly and overtime calculations. Occasional users of the service are classified as out of the normal request or not needing a fulltime inspector.
2. Mileage rate will be that specified in the Per Diem and Mileage Act [10-8-4, NMSA 1978]. All users of the Inspection service will be charged roundtrip mileage from base office to inspection point(s)
3. A minimum of four hours will be charged on Saturday, Sundays and Holidays.
4. Temperature: two and one half cents (\$.025) per container or the hourly rate.
5. Additional certificates: fifteen dollars (\$15.00) per certificate.

In the event that a state or federal marketing agreement, marketing order, or commodity commission requires an inspection program, the director/secretary is authorized to negotiate an inspection fee for such a program. Whenever it is anticipated that scheduled fees will not cover all costs, an appropriate charge will be made, and at no time will the charge be less than the equivalent scheduled fee. The director/secretary of NMDA is authorized to determine assessments for these special circumstances.