

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Department of Agriculture (NMDA), proposes to repeal and replace 21.34.7. NMAC, EGG INSPECTION FEES.

PURPOSE AND SUMMARY OF THE PROPOSED RULES:

Primary proposed amendments to the current Egg Inspection Fees rule language updates the outdated fee that supports egg inspections and licensing activities.

The department's obligation to the citizens of New Mexico is to assure that eggs sold in the state are fit for human consumption and labeled properly. The current inspection fees set in rule for a case of shell eggs are collected by the department to fulfill these statutory obligations.

Proposed rule change will follow the repeal and replacement process rather than the amendment process for fees on eggs sold in New Mexico to the retailer or the consumer per case of 30 dozen (Subsection A of 21.34.7.9 NMAC). These adjustments are necessary to help offset the increased cost of services, licensing, and inspections for inflation and mandatory adjustments to staff salaries.

STATUTORY AUTHORITY: Granted to the Board of Regents of New Mexico State University under the Egg Grading Act, Chapter 25, Article 6, Sections 1 through 16, 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.nmda.nmsu.edu>) and at agency district and field offices.

Tuesday, July 29 2025 at 9am 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, 9am 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, 9am hearing:

+1 669 900 6833 or +1 719 359 4580

Meeting ID: 777 178 7960

Passcode: 328151

Thursday, July 31 2025 at 9am 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.



AVISO DE PROPUESTA DE NORMATIVA

POR EL PRESENTE SE COMUNICA que el Departamento de Agricultura de Nuevo México (NMDA) propone derogar y reemplazar la sección 21.34.7. NMAC, TARIFAS DE INSPECCIÓN DE HUEVOS.

PROPÓSITO Y RESUMEN DE LAS NORMAS PROPUESTAS:

Las principales enmiendas propuestas a la reglamentación actual sobre Tarifas de Inspección de Huevos actualizan la tarifa obsoleta que financia las inspecciones y las actividades de licenciamiento de huevos.

La obligación del departamento con los ciudadanos de Nuevo México es garantizar que los huevos vendidos en el estado sean aptos para el consumo humano y estén correctamente etiquetados. El departamento recauda las tarifas de inspección actuales establecidas en la reglamentación para una caja de huevos con cáscara para cumplir con estas obligaciones legales.

El cambio propuesto a la reglamentación seguirá el proceso de derogación y reemplazo, en lugar del proceso de enmienda, para las tarifas sobre los huevos vendidos en Nuevo México al minorista o al consumidor por caja de 30 docenas (Subsección A de la sección 21.34.7.9 NMAC). Estos ajustes son necesarios para compensar el aumento en el costo de los servicios, las licencias y las inspecciones por inflación, así como los ajustes obligatorios a los salarios del personal.

AUTORIDAD ESTATUTARIA: Otorgada a la Junta de Regentes de la Universidad Estatal de Nuevo México en virtud de la Ley de Clasificación de Huevos, Capítulo 25, Artículo 6, Secciones 1 a 16, de los Estatutos Anotados de Nuevo México, Compilación de 1978.

Se pueden descargar copias del Aviso de Propuesta de Normativa y de las normas propuestas (incluida cualquier información técnica) del sitio web del Departamento de Agricultura de Nuevo México (<https://nmdeptag.nmsu.edu/>) y de las oficinas de distrito y de campo de la agencia.

El martes 29 de julio de 2025 a las 9:00 a.m., el NMDA celebrará una audiencia pública, tanto por videoconferencia como por teléfono, y en persona, en el Auditorio Gerald Thomas Hall (Sala 194) de la Universidad Estatal de Nuevo México, ubicado en College Drive 940, Las Cruces, NM 88003.

Para unirse por videoconferencia a la audiencia del martes 29 de julio de 2025 a las 9:00 a.m.:

URL de la reunión: <https://nmsu.zoom.us/j/83992662632>

ID de la reunión: 777 178 7960

Código de acceso: 328151

O

Para unirse por teléfono a la audiencia del martes 29 de julio de 2025 a las 9:00 a. m.:

+1 669 900 6833 o +1 719 359 4580

ID de la reunión: 777 178 7960

Código de acceso: 328151

El jueves 31 de julio de 2025 a las 9:00 a.m., el NMDA celebrará una audiencia pública presencial en el Centro de Capacitación Laboral de CNM, ubicado en 5600 Eagle Rock Ave, NE, Albuquerque, NM 87113.

Se aceptarán comentarios orales del público y de cualquier parte interesada. Se aceptarán comentarios escritos hasta las 5:00 p. m. del 31 de julio de 2025. Los comentarios pueden enviarse por correo electrónico a comments@nmda.nmsu.edu o enviarse mediante el envío de copias originales a:

New Mexico Department of Agriculture, Office of Director

MSC 3189, P.O. Box 30005, 1050 Stewart Street, Las Cruces, NM 88003-8005

Solo se aceptarán declaraciones, propuestas o comentarios firmados. Se aceptarán firmas escaneadas o electrónicas que cumplan con los requisitos de los tribunales federales y estatales, en el entendido de que, en caso de disputa con

respecto a una firma, el NMDA se reserva el derecho de exigir la presentación de firmas originales para verificar la firma electrónica o facsímil.

NECESIDADES ESPECIALES: Si usted es una persona con discapacidad que necesita un lector, amplificador, intérprete de lenguaje de señas cualificado o cualquier otro tipo de ayuda o servicio auxiliar para asistir o participar en la audiencia o reunión, comuníquese con el NMDA al (575) 646-3702 al menos una semana antes de la reunión o lo antes posible.

El Director considerará todos los comentarios orales y revisará todos los comentarios y respuestas escritos presentados oportunamente.



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STATE RECORDS CENTER

2025 SEP 23 AM 9:15

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 34 DAIRY AND EGG PRODUCERS
PART 7 EGG INSPECTION FEES

21.34.7.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.2 SCOPE: All producers, dealers and retailers of shell eggs sold or offered for sale in New Mexico.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university,
under the Egg Grading Act, Chapter 25, Article 6, Sections 1 through 16, New Mexico Statutes Annotated, 1978
Compilation.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.4 DURATION: Permanent.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited in the history note at the end of
a section.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.6 OBJECTIVE: This part establishes the inspection fee on eggs sold to the retailer or to the
consumer.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.7 DEFINITIONS: "Egg dealer" means any person, firm, partnership or corporation that buys
eggs directly from the farmers or from any other source for the purpose of reselling them at wholesale.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.8 [RESERVED]

21.34.7.9 EGG INSPECTION FEE:
A. The inspection fee on eggs sold in New Mexico to the retailer or to the consumer shall be fifteen
cents (.15) per case of 30 dozen.
B. The fee shall be paid by the egg dealer or producer who packages the eggs for sale to the retailer
or consumer.
[21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.10 [RESERVED]

HISTORY OF 21.34.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center
and Archives under:

NMDA Rule No. DOA 71-2, Regulatory Order No. 2, Egg Inspection Fees, filed 5/19/1971.

NMDA Rule No. 83-4, Egg Inspection Fees, filed 5/12/1983.

NMDA Rule No. 85-7, Egg Inspection Fees, filed 9/24/1985.

History of Repealed Material:

21.34.7 NMAC – Egg Inspection Fees, filed 7/1/1997, was repealed and replaced by 21.34.7 NMAC – Egg
Inspection Fees, effective 10/7/2025.

21.34.7 EGG INSPECTION FEES RULE REPEAL AND REPLACE
RULEMAKING HEARING

Moderated by Les Owen
Tuesday, July 29, 2025
9:00 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

A P P E A R A N C E S

List of Attendees:

Les Owen, Deputy Director NMDA

Roxanne Chepsongol, Division Director NMDA

Vanessa Fisher, Host

1 P R O C E E D I N G S

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

7 My name is Les Owen, and I am Deputy
8 Director with the New Mexico Department of
9 Agriculture. Today, I will be officiating this
10 hearing.

11 Please make sure you have signed in for
12 the record and that your cell phone is off or
13 silenced. Thank you.

14 Copies of the proposed amendments to
15 the Egg Inspection Fees Rule were made available in
16 strikethrough version and in clean copy form as you
17 walked in.

18 If you require copies, please hold your
19 hand up and they will be provided to you. For our
20 virtual participants, electronic copies are available
21 on the department's website at nmdeptag.nmsu.edu.

22 The day and date is Tuesday, July 29,
23 2025, and the time is 9:00 a.m. This hearing is being
24 held personally in person and virtually in New Mexico
25 State University's Gerald Thomas Hall Auditorium,

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1 located at 940 College Drive, Las Cruces, New Mexico.
2 This is the published date, time, and location for
3 this meeting.

4 This hearing is being recorded, and
5 either a transcript of today's hearing or the
6 recording will be available from the department's
7 webpage.

8 Following a summary of the proposed
9 primary amendments, the public will have an
10 opportunity to provide testimony regarding the
11 proposed amendments.

12 Mrs. Chepsongol will now provide a
13 summary of the public notices proposed primary
14 amendments today, inspection fees rule, and any
15 related information.

16 MS. CHEPSONGOL: Good morning. I'm
17 Roxanne Chepsongol, Division Director with the New
18 Mexico Department of Agriculture.

19 The Egg Inspection Fees Rule was
20 promulgated under the authority of the Egg Grading
21 Act, which establishes egg standards, egg dealer
22 licenses, egg inspection fees, and assures the eggs
23 sold in the state are fit for human consumption and
24 are labeled properly.

25 Public notices of this hearing were

1 published as follows, and in accordance with the state
2 laws: June 24, 2025, in the New Mexico Register; June
3 24, 2025, in the Albuquerque Journal; June 24, 2025,
4 in the Santa Fe New Mexican in Spanish and in English;
5 June 25, 2025, in the Las Cruces Sun News.

6 Hearing notices were also posted on the
7 New Mexico Sunshine Portal at New Mexico Department of
8 Agriculture District Station in Albuquerque and on the
9 New Mexico Department of Agriculture's website in
10 Spanish and English.

11 Copies of the proposed rule were made
12 available at the New Mexico Department of Agriculture,
13 Las Cruces main office and Lab building, New Mexico
14 Department of Agriculture Veterinary Diagnostic
15 Services Lab in Albuquerque, New Mexico Department of
16 Agriculture Peanut Grading Station in Portales and on
17 the department's website.

18 Notification and the proposed rule were
19 sent to New Mexico Economic Developments, Small
20 Business Regulatory Authority Commission, and to the
21 Legislative Council Service. As of today, New Mexico
22 Department of Agriculture has not received findings
23 from either. Notice of the public hearing was also
24 emailed to current egg dealers.

25 Although the amendments are few, the

1 age of the Egg Inspection Fees Rule required a repeal
2 and replace process to address updates to style and
3 format in conjunction with the New Mexico Department
4 of Agriculture's proposed amendments.

5 Primary proposed amendments to the Egg
6 Inspection Fees Rule: Proposed fees change from 12
7 cents per case, which is 30 dozen to 15 cents per case
8 for 30 dozen. The last fee adjustment to the egg
9 inspection fees was 1985.

10 An adjustment to the fees is necessary
11 to help offset the increased costs of services,
12 licensing and inspections due to inflation and
13 mandatory adjustments to staff salaries.

14 The amendment updates the outdated fees
15 and supports egg inspections, licensing activities and
16 promoting the poultry industry in accordance with the
17 Egg Grading Act 25-6-1 through 25-6-16.

18 The fees collected support portions of
19 eleven inspection staff and two office staff salaries.
20 These staff complete inspections three to four times a
21 year at retail locations that sell eggs in New Mexico.
22 In the past three years, staff have completed 826
23 inspections and 107 or 12.5% resulted in stop sales on
24 eggs.

25 In the past five years, the egg

1 inspection fees haven't maintained the program's
2 activities. The program is on average short \$40,601
3 annually. Based on an estimate from the past five
4 years revenue of egg sales, the increase to 15 cents
5 per case would generate \$37,000.

6 Other states have similar eggs
7 inspection fees, but comparisons are challenging since
8 they charge other fees and have a significantly more
9 egg dealers and producers.

10 For example, Louisiana's fee is 16
11 cents per case for shell eggs with additional --
12 additional fees for egg products. Indiana's fees are
13 11 cents per case, but revenue is generated by
14 approximately 290 producers. New Mexico has 66
15 dealers and only 4 in-state dealers and no commercial
16 egg producers.

17 To fulfill statutory requirements, fees
18 must increase to support inspector salaries for
19 inspections and department costs. Thank you.

20 MR. OWEN: Thank you, Mrs. Chepsongol.
21 New Mexico Department of Agriculture has not received
22 any written comments prior to this hearing.

23 We'll now open the floor for comments.
24 Please begin by stating your name and affiliation for
25 the record. Your comments and questions should be

1 limited to the contents of the rule.

2 Please raise your hand and -- and wait
3 until I call on you. At this time, I will begin
4 accepting comments.

5 Seeing none, we will now accept
6 comments from virtual participants. Please use the
7 raise your hand function and I will call on you.

8 Is there anyone else wishing to
9 comment? Seeing none, we will close the public oral
10 comment period for this hearing.

11 Written comments will be accepted until
12 5:00 p.m., Thursday, July 31, 2025. All public
13 comments will be presented to the Secretary/Director
14 of New Mexico Department of Agriculture, Mr. Jeff
15 Witte, and will be submitted for consideration to the
16 New Mexico State University Board of Regents.

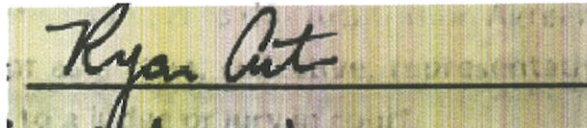
17 Submitted comments, and either a transcript of today's
18 hearing and/or the recording will be available from
19 the New Mexico Department of Agriculture's website.

20 Thank you all for participating. We
21 will close this hearing at 9:09 a.m. Thank you.

22 (Whereupon, the meeting concluded at
23 9:09 a.m.)
24
25

CERTIFICATE

I, RYAN AUTEN, 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.

A rectangular area containing a handwritten signature in black ink. The signature appears to read "Ryan Auten". Below the signature is a horizontal line.

RYAN AUTEN

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, VENUS COLE, 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.



VENUS COLE

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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.

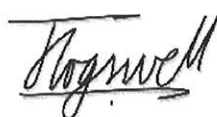
13 (Whereupon, at 9:06 a.m., the
14 proceeding was concluded.)
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CERTIFICATE

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



RACHEL HUFF

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EGG INSPECTION FEES

-----THERE WERE NO COMMENTS-----

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 34 DAIRY AND EGG PRODUCERS
PART 7 EGG INSPECTION FEES

21.34.7.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
 [MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.2 SCOPE: All producers, dealers and retailers of shell eggs sold or offered for sale in New Mexico.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university,
 under the Egg Grading Act, Chapter 25, Article 6, Sections 1 through 16, New Mexico Statutes Annotated, 1978
 Compilation.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.4 DURATION: Permanent
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited in the history note at the end of
 a section.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.6 OBJECTIVE: This part establishes the inspection fee on eggs sold to the retailer or to the
 consumer.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.7 DEFINITIONS: "Egg dealer" means any person, firm, partnership or corporation that buys
 eggs directly from the farmers or from any other source for the purpose of reselling them at wholesale.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.8 [RESERVED]

21.34.7.9 EGG INSPECTION FEE:
A. The inspection fee on eggs sold in New Mexico to the retailer or to the consumer shall be-fifteen
 cents (.15) per case of 30 dozen.
B. The fee shall be paid by the egg dealer or producer who packages the eggs for sale to the retailer
 or consumer.
 [21.34.7.1 NMAC – Rp, 21.34.7.1 NMAC, 10/07/2025]

21.34.7.10 [RESERVED]

HISTORY OF 21.34.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center
 and Archives under:

NMDA Rule No. DOA 71-2, Regulatory Order No. 2, Egg Inspection Fees, filed 5/19/1971.

NMDA Rule No. 83-4, Egg Inspection Fees, filed 5/12/1983.

NMDA Rule No. 85-7, Egg Inspection Fees, filed 9/24/1985.

History of Repealed Material: [RESERVED]

FILED WITH
STATE RECORDS CENTER

2025 SEP 23 AM 9:15

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 34 DAIRY AND EGG PRODUCERS
PART 7 EGG INSPECTION FEES

21.34.7.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
 [MSC 3189, P. O. Box 30005, Las Cruces, New Mexico 88003-8005, Telephone: (575) 646-3007]
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.2 SCOPE: All producers, dealers and retailers of shell eggs sold or offered for sale in New Mexico.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university,
 under the Egg Grading Act, Chapter 25, Article 6, Sections 1 through 16, New Mexico Statutes Annotated, 1978
 Compilation.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.4 DURATION: Permanent.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited in the history note at the end of
 a section.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.6 OBJECTIVE: This part establishes the inspection fee on eggs sold to the retailer or to the
 consumer.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.7 DEFINITIONS: "Egg dealer" means any person, firm, partnership or corporation that buys
 eggs directly from the farmers or from any other source for the purpose of reselling them at wholesale.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.8 [RESERVED]

21.34.7.9 EGG INSPECTION FEE:
 A. The inspection fee on eggs sold in New Mexico to the retailer or to the consumer shall be-fifteen
 cents (.15) per case of 30 dozen.
 B. The fee shall be paid by the egg dealer or producer who packages the eggs for sale to the retailer
 or consumer.
 [21.34.7.1 NMAC - Rp, 21.34.7.1 NMAC, 10/7/2025]

21.34.7.10 [RESERVED]

HISTORY OF 21.34.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center
 and Archives under:

NMDA Rule No. DOA 71-2, Regulatory Order No. 2, Egg Inspection Fees, filed 5/19/1971.

NMDA Rule No. 83-4, Egg Inspection Fees, filed 5/12/1983.

NMDA Rule No. 85-7, Egg Inspection Fees, filed 9/24/1985.

History of Repealed Material:

21.34.7 NMAC – Egg Inspection Fees, filed 7/1/1997, was repealed and replaced by 21.34.7 NMAC – Egg
 Inspection Fees, effective 10/7/2025.