

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Department of Agriculture (NMDA), proposes to repeal and replace 21.17.50 NMAC, PEST, DISEASE AND WEED CONTROL.

PURPOSE AND SUMMARY OF THE PROPOSED RULES:

Primary proposed amendments to the current Pesticide rule language removes unwarranted definitions; amends licensing and registration expiration dates to ease the re-registration efforts during the winter holiday season; and updates outdated fee schedules that support pesticide related services and statute mandated licensing and pesticide registration activities.

The current Pesticide rule does not comply with current style and formatting requirements and is therefore required to follow the repeal and replacement process rather than the amendment process. Subsection C of 1.24.11.9 NMAC states “When an agency amends a part that was not filed in the current style and format, it shall reformat the entire part (or use the reformatting done by the records center) and officially adopt the current style and formatting requirements in conjunction with the amendment.” Style and formatting changes to the Pesticide rule in its entirety are included in the proposed amendments.

Principal proposed rule amendments remove three unwarranted definitions (Subsections C, E and Y of 21.17.50.7 NMAC); revises expiration dates for pesticide registration and pesticide applicator licenses from December 31 to January 31 (Subsections A et. seq. of 21.17.50.9 NMAC); updates 15-year old annual licensing fees for pesticide dealers, pest management consultants, commercial applicators, non-commercial applicators, pesticide operators and private applicators (Subsection B through G of 21.17.50.25 NMAC); and updates the 2010 pesticide registration, and examination fees (Subsection A and I of 21.17.50.25 NMAC).

STATUTORY AUTHORITY: Granted to the Board of Regents of New Mexico State University under the New Mexico Pesticide Control Act, Chapter 76, Article 4, Sections 1 through 39, NMSA 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 (NMDeptAg.nmsu.edu) and at agency district and field offices.

Tuesday, July 29 2025 at 11:00 am 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, 11:00 am 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, 11:00 am hearing:

+1 669 900 6833 or +1 719 359 4580

Meeting ID: 777 178 7960

Passcode: 328151

Thursday, July 31, 2025, at 11:00 am 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.