

New Mexico Department of Agriculture
21.18.3 Commercial Feeds Rule Hearing

Moderated by Tim Darden, Division Director
Thursday, August 6, 2026
1:00 p.m.

Central New Mexico Community College Workforce
Training Center
5600 Eagle Rock Avenue Northeast
Albuquerque, NM 87113

Reported by: James Cogswell

JOB NO: 8298544

A P P E A R A N C E S

List of Attendees:

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

Tim Darden, Division Director, New Mexico Department
of Agriculture

Nathan Abrahamson, New Mexico Department of
Agriculture

Maria Rocha-Hall, New Mexico Department of Agriculture

Candie Sweetser, New Mexico Department of Agriculture

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

P R O C E E D I N G S

MR. DARDEN: Good afternoon. At this time, we will start the hearing that addresses the proposed repeal and replacement of the Commercial Feeds Rule, Title 21, Chapter 18, Part 3 of the New Mexico Administrative Code. My name is Tim Darden. I am a division 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 Commercial Feeds Rule were made available in strike-through 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, August 6, 2026, and the time is approximately 1 p.m. This hearing is being held in person at the CNM Workforce Training Center located at 5600 Eagle Rock Avenue, Albuquerque, New Mexico.

This is the published date, time, and location for this hearing. This hearing is being recorded and either a transcript of today's hearing or the recording will be available from the department's

1 webpage.

2 Following a summary of the proposed
3 primary amendments, the public will be provided an
4 opportunity to provide testimony regarding the
5 proposed amendments. Ms. Laney will now provide a
6 summary of the public notices, primary proposed
7 amendments to the commercial feeds rule, and any
8 related information.

9 MS. LANEY: All right. Good afternoon.
10 I'm Katie Laney, an assistant division director with
11 New Mexico Department of Agriculture. The commercial
12 feeds rule was promulgated under the authority of the
13 New Mexico Commercial Feed Act to protect consumers of
14 commercial feed products by establishing standards for
15 their labeling, registration, and sale.

16 Public notice for this hearing were
17 published as following in accordance with the state
18 law: June 23, 2026 in the New Mexico Register. Oops.
19 I lost a page. They threw it away. Hang on. All
20 right. Yeah. Sorry, audience.

21 Okay. We'll continue. June 23, 2026,
22 in the Albuquerque Journal. June 23, 2026 in the
23 Santa Fe New Mexican, in Spanish and English.
24 June 23, 2026, in the Las Cruces Sun-News. Hearing
25 notices were also posted on the New Mexico Sunshine

1 Portal and New Mexico Department of Agriculture's
2 website in Spanish and English.

3 Copies of the proposed rule were made
4 available at New Mexico Department of Agriculture's
5 Las Cruces main office and on the department's
6 website. Notification and the proposed rule were sent
7 to the New Mexico Economic Development's Small
8 Business Regulatory Advisory Commission and to the
9 Legislative Counsel Services.

10 As of today, New Mexico Department of
11 Agriculture has received no findings from either.
12 Notice of public hearing was sent to all current
13 commercial feed registrants.

14 The proposed rules repeal and replace
15 the existing Commercial Feed Rules established to
16 modernize -- to establish a modernized regulatory
17 framework that is more consistent with current
18 industry standards and more closely aligns with
19 nationally recognized model regulations developed by
20 the Association of American Feed Control Officials,
21 AAFCO.

22 Aligning New Mexico's regulations with
23 these nationally recognized standards will promote
24 greater consistency in the administration and
25 enforcement of the Commercial Feed Act. Facilitate

1 compliance with applicable state and federal labeling
2 requirements.

3 Reduce unnecessary regulatory burden on
4 regulated entities. And support the efficient
5 interstate distribution of commercial feed and pet
6 food products while maintaining appropriate consumer
7 and animal health protection.

8 The existing Commercial Feeds Rule was
9 promulgated under earlier industry standards and no
10 longer adequately reflects the terminology, labeling
11 requirements, product classifications, or regulatory
12 practices currently recognized within the commercial
13 feed and companion animal food industries.

14 Since adoption of the existing rule,
15 the marketplace has evolved considerably, including
16 the widespread introduction of specialty nutritional
17 products and companion animal food marketed with
18 increasingly detailed nutritional ingredients and
19 marketing claims.

20 The proposed rule incorporates updated
21 definitions, labeling standards, regulatory provisions
22 that better align with current industry practices,
23 nationally recognized model regulations, and
24 applicable federal requirements.

25 These revisions are intended to improve

1 regulatory clarity, promote consistent interpretation
2 and enforcement of the Commercial Feed Act, provide
3 greater certainty to regulated entities, and ensure
4 that commercial feed and pet food products distributed
5 within New Mexico are accurately labeled in a manner
6 that protects purchasers, consumers, and animal
7 health.

8 Some of the areas of significant change
9 include the following: Section 21.18.3.7, Definitions,
10 is amended to add new definitions for terms including
11 daily food, familiar household unit, food mixers, food
12 supplements, pet nutritional facts, specialty pet
13 nutritional facts, veterinary diet, and raw milk.

14 These new definitions modernize the
15 terminology used throughout the rule and provide a
16 regulatory foundation to implement the updated pet
17 food labeling requirements. Section 21.18.3.13,
18 Directions for Use and Precautionary Statements, is
19 amended to establish specific requirements for raw
20 milk distributed as commercial feed.

21 Under the proposed amendments, raw milk
22 products must include the following warning statement.
23 "Warning. Not for human consumption. This product
24 has not been pasteurized and may contain harmful
25 bacteria."

1 The amendments establish a minimum font
2 size requirements for the warning statement based on
3 the size of the label panel to ensure the warning is
4 clear and conspicuous.

5 Additional provisions require raw milk
6 distributed as commercial feed to be de-characterized
7 using an approved coloring agent and prohibit the
8 display or storage of raw milk commercial feed in
9 areas where food for human consumption is sold or
10 prepared unless specific provisions are met.

11 These amendments strengthen product
12 identification requirements and provide additional
13 public health protections related to raw milk
14 commercial feed products.

15 Section 21.18.3.19, Pet Food and
16 Specialty Pet Food Format and Labeling, contains some
17 of the most significant revisions in the proposed
18 rule. The amendments substantially revise and
19 reorganize pet food and specialty pet food labeling
20 requirements.

21 The revisions establish a new pet
22 nutrition facts and specialty pet nutrition facts
23 labeling framework modeled after the nutritional
24 labeling concept familiar to consumers through human
25 food products

1 The amendments expand requirement
2 information and establish formatting requirement
3 elements such as type size, placement, spacing,
4 indentation, and overall label visibility.

5 The revised section also establishes
6 specific labeling requirements for raw milk pet food
7 products, including the warning statement and
8 identification of species for which the raw milk was
9 obtained.

10 Section 21.18.3.21, Pet Food and
11 Specialty Pet Food Purpose Statement and Nutritional
12 Adequacy, is amended to comprehensively revise
13 nutritional adequacy requirements for pet food and
14 specialty pet food products.

15 The revised section establishes more
16 detailed purpose statement requirements based on the
17 product category and intended use, providing greater
18 consistency in how products are represented and
19 labeled.

20 Section 21.18.3.22, Pet and Specialty
21 Pet Nutritional Facts, creates a nutritional
22 disclosure framework for pet food and specialty pet
23 food products. The current rule primarily relies on
24 traditional guaranteed analysis statements.

25 The proposed amendments transition to a

1 more comprehensive pet nutritional fact and specialty
2 pet nutritional fact format that provides additional
3 nutritional information to consumers in a standardized
4 and recognizable format.

5 Section 21.18.3.23, Update the Pet Food
6 and Specialty Pet Food Ingredients, updates
7 declaration requirements by incorporating current
8 AAFCO ingredient definitions and FDA recognized
9 ingredient naming conventions. These updates improve
10 consistency in ingredient labeling and provide greater
11 clarity for manufacturers and consumers.

12 Section 21.18.3.25, Pet Food and
13 Specialty Pet Food Feeding Directions, expands feeding
14 direction requirements for pet food and specialty pet
15 food products.

16 Under the proposed amendments, feeding
17 directions must use familiar household units, such as
18 cups, cans, treats, tablets, or pieces to make feeding
19 instructions easier for consumers to understand and
20 follow. The amendments also establish additional
21 requirements for feeding frequency, serving size, and
22 product formulated for specialty nutritional purposes.

23 Section 21.18.3.26, Determination of
24 Calorie Content for Pet Foods, establishes
25 requirements for the determination and disclosure of

1 calorie content for pet foods and specialty pet food
2 products. This section supports the transition from
3 traditional guaranteed analysis labeling towards a
4 more comprehensive nutritional disclosure approach.

5 And lastly, 21.18.3.29, Handling and
6 Storage Instructions, is a new section that
7 establishes handling and storage instruction
8 requirements for pet food and specialty pet food
9 products. These requirements provide consumers with
10 additional information necessary to safely store and
11 handle products after purchase.

12 MR. DARDEN: Thank you, Ms. Laney.

13 New Mexico Department of Agriculture
14 has received no written comments prior to this
15 hearing. We will now open the floor to comments.
16 Please begin by stating your name and affiliation for
17 the record. Please raise your hand and wait until I
18 call on you.

19 At this time, I will begin accepting
20 comments. Please restrict your comments to the
21 proposed content of the rule. Is there anyone else
22 wishing to comment?

23 Seeing none, we will close the public
24 oral comment period for this hearing. Written
25 comments will be accepted until 5 p.m., Thursday,

1 August 6, 2026.

2 All public comments will be presented
3 to the Secretary Director of 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 the recording
9 will be available from New Mexico Department of
10 Agriculture's webpage.

11 Thank you all for participating. We
12 will close the hearing at 1:13 p.m. Thank you.

13 MS. LANEY: Excellent.

14 (Whereupon, the meeting concluded at
15 1:13 p.m.)
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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.



JAMES COGSWELL

Notary Public in and for the
State of New Mexico

CERTIFICATE OF TRANSCRIBER

I, MARY SACKETT, 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.

A handwritten signature in cursive script that reads "Mary Sackett". The signature is written in black ink and is positioned above a horizontal line.

MARY SACKETT

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