

1 New Mexico Department of Agriculture (NMDA) Hearing  
2 For Proposed Rulemaking  
3

4 No.  
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7 Moderated by Tim Darden

8 Tuesday, August 4, 2026

9 1:00 p.m.  
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12 Remote Proceeding

13 Gerald Thomas Hall Auditorium

14 940 College Drive, Room 194

15 Las Cruces, NM 88003  
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21 Reported by: Ryan Auten

22 JOB NO: 8298513  
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A P P E A R A N C E S

List of Attendees:

Tim Darden, Divisional Director

Katie Laney, Division Director, Agriculture Production  
Services

Tony Marquez, Director of Information Technology

Bryan Williams

K. Schomacker

Megan D.

Paul Frankforther

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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 and I'm a division director with 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 strikethrough version and in clean copy form as you walked in. If you require a copy, please hold your hand up and one will be provided to you. For our virtual participants, electronic copies are available on the department's website at [nmdeptag.nmsu.edu](http://nmdeptag.nmsu.edu). The day and date is Tuesday, August 4, 2026, and the time is 1:00 p.m.

This hearing is being held in person and virtually in New Mexico State University's Gerald Thomas Hall Auditorium, located at 940 College Drive, Las Cruces, New Mexico. This is the published date,

1 time, and location for this hearing. This hearing is  
2 being recorded and either a transcript of today's  
3 hearing or the recording will be available from the  
4 department's webpage. Following a summary of the  
5 proposed primary amendments, the public will be  
6 provided an opportunity to provide testimony regarding  
7 the proposed amendments.

8 Ms. Laney will now provide a summary of  
9 the public notices, primary proposed amendments to the  
10 commercial feeds rule, and any related information.

11 MS. LANEY: Thank you.

12 Good afternoon. I'm Katie Laney, an  
13 assistant division director with New Mexico Department  
14 of Agriculture. The Commercial Feeds Rule was  
15 promulgated under the authority of the New Mexico  
16 Commercial Feed Act to protect the consumers of  
17 commercial feed products by establishing standards for  
18 their labeling, registration, and sale.

19 Public notice for this hearing were  
20 published as followed and in accordance with state  
21 law: on June 23, 2026 in the New Mexico Registrar;  
22 June 23, 2026 in the Albuquerque Journal; June 23,  
23 2026 in the Santa Fe New Mexican in Spanish and  
24 English; and June 23, 2026 in the Las Cruces Sun News.  
25 Hearing notices were posted on the New Mexico Sunshine

1 Portal and on the New Mexico Department of  
2 Agriculture's webpage in Spanish and English. Copies  
3 of the proposed rule were made available at the New  
4 Mexico Department of Agriculture's Las Cruces main  
5 office and on the department's website.

6 Notification and the proposed rule were  
7 sent to the New Mexico Economic Developments - Small  
8 Business Regulatory Advisory Commission and to the  
9 Legislative Council Service. As of today, New Mexico  
10 Department of Agriculture has not received findings  
11 from either. Notice of Public Hearing was sent to all  
12 current commercial feed registrants.

13 The proposed rule repeals and  
14 replace -- repeals and replaces the existing  
15 commercial feed rule to establish modernized  
16 regulatory framework that is more consistent with the  
17 current industry standards and more closely aligns  
18 with nationally recognized model regulations developed  
19 by the Association of American Feed Control Officials.

20 Aligning New Mexico's regulations with  
21 these nationally recognized standards will promote  
22 greater consistency in the administration and  
23 enforcement of the Commercial Feed Act, facilitate  
24 compliance with applicable state and federal labeling  
25 requirements, reduce unnecessary regulatory burden on

1 regulated entities, and support the efficient  
2 interstate distribution of commercial feed and pet  
3 food products while maintaining appropriate consumer  
4 and animal health protections.

5 The existing commercial feed rule was  
6 promulgated under earlier industry standards and no  
7 longer adequately reflects the terminology, labeling  
8 requirements, product classifications, or regulatory  
9 practices currently recognized within the commercial  
10 feed and companion animal food industries. Since  
11 adoption of the existing rule, the marketplace has  
12 evolved considerably, including the widespread  
13 introduction of specialty nutrition products and  
14 companion animal food marketed with increasingly  
15 detailed nutritional ingredients and marketing claims.

16 The proposed rule incorporates updated  
17 definitions, labeling standards, and regulatory  
18 provisions that better align with current industry  
19 practices, nationally recognized models, and promote  
20 consistent interpretation and enforcement of the  
21 Commercial Feed Act, provides greater  
22 regulatory -- provides certainty to regulated  
23 entities, and ensures that the commercial feed and pet  
24 food products distributed within New Mexico are  
25 accurately labeled in a manner that protects

1 purchasers, consumers, and animal health.

2           Some of the areas of significant change  
3 include the following. Section 21.18.3.7,  
4 "Definitions," is amended to add new definitions for  
5 terms including daily food, familiar household unit,  
6 food mixers, food supplements, pet nutritional facts,  
7 specialty pet nutritional facts, dietary, veterinarian  
8 diet, and raw milk. These new definitions modernize  
9 the terminologies used throughout the rule and provide  
10 the regulatory foundation necessary to implement the  
11 updated pet food labeling requirements.

12           Section 21.18.3.13, "Directions for Use  
13 and Precautionary Statements," is amended to establish  
14 specific requirements for raw milk products  
15 distributed as commercial feed. Under the proposed  
16 amendments, raw milk products must include the  
17 following warning statement: "Warning, not for human  
18 consumption. This product has not been pasteurized  
19 and may contain harmful bacteria."

20           The amendments establish minimum font  
21 size requirements for this warning statement based on  
22 the size of the label panel to ensure the warning is  
23 clear and conspicuous. Additional provisions require  
24 raw milk distributed as commercial feed to be  
25 decharacterized using an approved coloring agent and

1 prohibit the display or storage of raw milk commercial  
2 feed in areas where human consumption -- food for  
3 human consumption is sold or prepared unless specific  
4 provisions are met. These amendments strengthen  
5 product identification requirements and provide  
6 additional public health protections related to raw  
7 milk commercial feed products.

8                   Section 21.18.3.19, "Pet Food and  
9 Specialty Pet Food Labeling Format and Labeling,"  
10 contains some of the most significant revisions in the  
11 proposed rule. The amendments substantially revise  
12 and reorganize pet food and specialty pet food  
13 labeling requirements. The revised section  
14 establishes a new pet nutrition facts and specialty  
15 pet nutritional facts labeling framework modeled after  
16 the nutritional labeling concept familiar to consumers  
17 through human food products.

18                   These amendments expand required  
19 labeling information and establish formatting  
20 requirements for elements such as type, size,  
21 placement, spacing, indentation, and overall label  
22 visibility. The revised section also establishes  
23 specific labeling requirements for raw milk pet food  
24 products, including required warning statements,  
25 identifications of the species from which the raw milk

1 was obtained.

2                   Section 21.18.3.21, "Pet Food and  
3 Specialty Pet Food Purpose Statements and Nutritional  
4 Adequacy," is amended to comprehensively revise  
5 nutritional adequacy requirements for pet food and  
6 specialty pet food products. The revised section  
7 establishes more detailed purpose statement  
8 requirements based on product categories and intended  
9 use, providing greater consistency in how products are  
10 represented and labeled.

11                   Section 21.18.3.22, "Pet Food and  
12 Specialty Pet Nutritional Facts," creates a new  
13 nutritional disclosure framework for pet food and  
14 specialty pet food products. The current rule  
15 primarily relies on traditional guaranteed analysis  
16 statements. The proposed amendments transition to a  
17 more comprehensive pet nutrition facts and specialty  
18 pet nutrition facts format that provides additional  
19 nutrition information to consumers in a standardized,  
20 recognized format.

21                   Section 21.18.3.23, "Pet Food and  
22 Specialty Pet Food Ingredients," updates ingredient  
23 declarations requirements by incorporating current  
24 AAFCO ingredient definitions and FDA recognized  
25 ingredient naming conventions. These updates improve

1 consistency and labeling and provide greater clarity  
2 for manufacturers and consumers.

3               Section 21.18.3.25, "Pet Food and  
4 Specialty Pet Food Feeding Directions," expands  
5 feeding direction requirements for pet food and  
6 specialty pet food products. Under the proposed  
7 amendments, feeding directions must use familiar  
8 household units such as cups, cans, treats, tablets,  
9 or pieces to make feeding instructions easier for  
10 consumers to understand and follow. The amendments  
11 also establish additional requirements for feeding  
12 frequency, serving size, and product formulated for  
13 specialized nutritional purposes.

14               Section 21.18.3.26, "Determination of  
15 Caloric Content for Pet Foods," establishes  
16 requirements for the determination and disclosure of  
17 calorie content for pet food and specialty pet food  
18 products. This section supports the transition from  
19 traditional guaranteed analysis labeling towards a  
20 more comprehensive nutritional disclosure approach.

21               And Section 21.18.3.29, "Handling and  
22 Storage Instructions," is a new section that  
23 establishes handling and storage instruction  
24 requirements for pet food and specialty pet food  
25 products. These requirements improve consumers -- I'm

1     sorry. These requirements provide consumers with  
2     additional information necessary to safely store and  
3     handle products after purchase.

4                     MR. DARDEN: Okay. Thank you,  
5     Ms. Laney.

6                     New Mexico Department of Agriculture  
7     has received no written comments prior to this  
8     hearing. We will now open the floor for comments.  
9     Please begin by stating your name and affiliation for  
10    the record. Please raise your hand and wait until I  
11    call on you. At this time, I will begin accepting  
12    comments. Please restrict your comments to the  
13    proposed content of the rule.

14                    We will now accept comments from  
15    virtual participants. Please use the "raise your  
16    hand" function, and I will call on you. Please  
17    remember to state your name and affiliation for the  
18    record.

19                    Give it a second. Nada.

20                    Is there anyone else wishing to  
21    comment?

22                    Seeing none, we will close the public  
23    oral comment period for this hearing. Written  
24    comments will be accepted until 5:00 p.m. Thursday,  
25    August 6, 2026. All public comments will be presented

1 to the Secretary/Director of New Mexico Department of  
2 Agriculture [sic], Mr. Jeff Witte, and will be  
3 submitted for consideration to New Mexico State  
4 University Board of Regents.

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

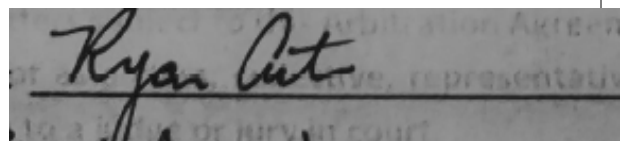
9 Thank you all for participating. We  
10 will close the hearing at 1:14 p.m. Thank you.

11 (Whereupon, at 1:14 p.m., the  
12 proceeding was concluded.)  
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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 box containing a handwritten signature in dark ink. The signature appears to read "Ryan Auten". The background of the box is a light gray with some faint, illegible text visible through it.

RYAN AUTEN  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, SARA MCVEY, 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.



SARA MCVEY

[18 - board]

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|------------------------|------------------------|-------------------------|------------------------|
| <b>1</b>               | <b>5</b>               | <b>adequacy</b> 9:4,5   | <b>animal</b> 6:4,10   |
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[bryan - distribution]

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[division - human]

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