

## NOTICE OF PROPOSED RULEMAKING

**NOTICE IS HEREBY GIVEN** that the New Mexico Department of Agriculture (NMDA) proposes to repeal and replace the following: 21.17.27 NMAC, JAPANESE BEETLE EXTERIOR QUARANTINE; 21.17.51 NMAC, CONTROL OF WOOD DESTROYING PESTS; 21.17.53 NMAC, CONTINUING EDUCATION UNITS FOR PESTICIDE APPLICATORS; 21.17.56, NMAC RESTRICTED-USE PESTICIDES; and 21.17.57 NMAC, M-44 AND THE LIVESTOCK PROTECTION COLLAR. NMDA proposes amending 21.17.50 NMAC, PESTICIDES.

### **PURPOSE AND SUMMARY OF PRIMARY PROPOSED RULE CHANGES:**

#### 21.17.27 NMAC, JAPANESE BEETLE EXTERIOR QUARANTINE

Extensive amendments necessitated repeal and replacement of existing rule. Principal proposed changes from existing rule include: additional terms added to the definition section to clarify regulatory requirements; scope of Japanese beetle (JB) quarantined areas expanded from 36 states to all U.S. states and specific Canadian provinces; scope of regulated articles expanded to include additional nursery stock items; compliance agreements (issued by NMDA) required for shipment of regulated articles into New Mexico; departments of agriculture in originating states provided options to petition NMDA for areawide or single-nursery compliance agreements; treatment requirements clarified for shipment of regulated articles into New Mexico; exceptions from compliance agreement requirements provided for small (under 10-inch container diameter) non-gramineous nursery stock; and requirement for small (under 10-inch container diameter) non-gramineous nursery stock to be treated and accompanied by a phytosanitary certificate for shipment into New Mexico.

#### 21.17.51 NMAC, CONTROL OF WOOD DESTROYING PESTS

Format update requirements necessitated repeal and replacement of existing rule. Principal proposed changes from existing rule include: removal of restricted use statement to reflect that not all termiticides are restricted use products; alignment of terms with those in the Pesticide Control Act, 76.4.18 et. seq. NMSA 1978; and clarification of license types that require direct supervision of employees applying pesticides.

#### 21.17.53 NMAC, CONTINUING EDUCATION UNITS FOR PESTICIDE APPLICATORS

Format update requirements necessitated repeal and replacement of existing rule. Principal proposed changes from existing rule include: updates to definitions; clarification of Continuing Education Unit approval process; addition of Environmental Protection Agency mandated recertification requirements, including the number of Continuing Education Units required for all applicator categories.

#### 21.17.56 NMAC, RESTRICTED-USE PESTICIDES

Format update requirements necessitated repeal and replacement of existing rule. Principal proposed changes from existing rule include: updates to language and revision of additional pesticide dealer record requirements to comply with Environmental Protection Agency.

#### 21.17.57 NMAC, M-44 AND THE LIVESTOCK PROTECTION COLLAR

Format update requirements necessitated repeal and replacement of existing rule. Principal proposed changes from existing rule include: clarification of prospective licensee qualifications; and records and usage requirements updated to address product label inconsistencies.

#### 21.17.50 NMAC, PESTICIDES

Amendments are primarily directed at updating pesticide applicator requirements to comply with federal Environmental Protection Agency laws including: pesticide applicator examination requirements; enhanced dealer record requirements; minimum age requirements for pesticide applicator licensees (18 years old); and addition of new pesticide applicator categories. General cleanup of rule language included definition updates and increase in minimum insurance coverage requirements.

**STATUTORY AUTHORITY (Rule 21.17.27 NMAC):** Granted to the Board of Regents of New Mexico State University under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9 NMSA 1978 Compilations. **(Rules 21.17.51 NMAC, 21.17.53 NMAC, 21.17.56 NMAC, 21.17.57 NMAC, and 21.17.50 NMAC):** 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 Compilations.

Copies of the Notice of Proposed Rulemaking and the proposed rules (including any technical information) are available by electronic download from the New Mexico Department of Agriculture website (<https://nmdeptag.nmsu.edu/>) and are also available at the department's office, located at 1050 Stewart Street, Las Cruces, NM.

**Tuesday, August 4, 2026**, at 9 a.m., NMDA will host a public hearing that may be attended in person, by video conference, or by telephone. The hearing will take place at the Gerald Thomas Hall Auditorium (Room 194) on the campus of New Mexico State University, located at 940 College Drive, Las Cruces, NM. The hearing will include repeal and replacement, and or amendments to rules 21.17.27 NMAC, 21.17.51 NMAC, 21.17.53 NMAC, 21.17.56 NMAC, 21.17.57 NMAC and 21.17.50 NMAC.

Join the hearing via **video conference** Tuesday, August 4, 2026, at 9:00 a.m.:

Meeting URL: <https://nmsu.zoom.us/j/87014463854>

Meeting ID: 870 1446 3854

Or

Join the hearing via **phone** Tuesday, August 4, 2026, at 9:00 a.m.:

Phone: 1 669 900 6833 or 1 719 359 4580

Meeting ID: 870 1446 3854

**Thursday, August 6, 2026** at 9 a.m., NMDA will host a public, in-person hearing at the CNM Workforce Training Center, located at 5600 Eagle Rock Ave NE, Albuquerque, NM. The hearing will include repeal and replacement, and or amendments to rules 21.17.27 NMAC, 21.17.51 NMAC, 21.17.53 NMAC, 21.17.56 NMAC, 21.17.57 NMAC, and 21.17.50 NMAC.

Oral and written comments will be accepted at the hearings from members of the public and interested parties. Written comments will be accepted until August 6, 2026, at 5:00 p.m. Comments may be submitted via email to [comments@nmda.nmsu.edu](mailto: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

**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/Secretary of Agriculture will consider all oral comments and will review all timely submitted written comments and responses.