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New Mexico Department of Agriculture  
Rulemaking Public Hearing

Moderated by Les Owen, Deputy Director NMDA  
Tuesday, August 4, 2026  
9:05 a.m.

Gerald Thomas Hall Auditorium  
940 College Drive, Room 194  
Las Cruces, NM 88003

Reported by: Ryan Auten  
JOB NO: 8263995

A P P E A R A N C E S

List of Attendees:

Les Owen, Deputy Director NMDA

Stephen Baca, Assistant Director - Agricultural  
Environmental Services

Ryan Hiles, Assistant Director - Agricultural  
Environmental Services

Tony Marquez, Director of Information Technology - New  
Mexico Department of Agriculture

Teri Cates, Owner TLC Pest Control, VP - New Mexico  
Pest Management Association

C. Benevidez, Attendee (by videoconference)

Courtenay, Attendee (by videoconference)

Kyleigh Serna, Attendee (by videoconference)

Micah Meyer, Attendee (by videoconference)

N. Busse, Attendee (by videoconference)

T. Thompson, Attendee (by videoconference)

Tyler Leslie, Rehm's Nursery (by videoconference)

Veronica, Attendee (by videoconference)

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 following rules:  
5 Japanese Beetle Exterior Quarantine, 21.27.27 [sic] of  
6 the New Mexico Administrative Code; Control of Wood  
7 Destroying Pests, 21.17.51 of the New Mexico  
8 Administrative Code; Continuing Education Units for  
9 Pesticide Applicators, 21.17.53 of the New Mexico  
10 Administrative Code; Restricted-Use Pesticides,  
11 21.17.56 of the New Mexico Administrative Code; and  
12 M-44 Capsules in the Livestock Protection Collar,  
13 21.17.57 of the New Mexico Administrative Code.  
14 Additionally, this hearing will address the proposed  
15 amendments to the Pesticides Rule 21.17.50 of the New  
16 Mexico Administrative Code.

17 My name is Les Owen. I am the deputy  
18 director for the New Mexico Department of Agriculture.  
19 Today, I will be officiating this hearing. Please  
20 make sure that you have signed in for the record and  
21 that your cell phone is off or silenced. Thank you.  
22 Copies of the proposed rules and procedural steps were  
23 made available as you walked in.

24 The day and date is Tuesday, August 4,  
25 2026, and the time is approximately 9:05 a.m. This

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1 hearing is being held in person and virtually via  
2 internet link in New Mexico State University's Gerald  
3 Thomas Hall Auditorium, located at 940 College Drive,  
4 Las Cruces, New Mexico. This is the published date,  
5 time, and location for this hearing.

6 In accordance to state law, public  
7 notices for this hearing were published as follows:  
8 The New Mexico Register published June 23, 2026; Las  
9 Cruces Sun News, June 23, 2026; the Santa Fe, New  
10 Mexican, June 23, 2026, in English and Spanish; and  
11 the Albuquerque Journal, June 23, 2026. Notices were  
12 also published -- were also posted on New Mexico  
13 Department of Agriculture's website, New Mexico  
14 Sunshine Portal, and made available at New Mexico  
15 Department of Agriculture's main office in Las Cruces.

16 Additionally, notifications were sent  
17 to the New Mexico Economic Development Small Business  
18 Regulatory Advisory Commission for comment and to  
19 Legislative Counsel Service. Copies of the proposed  
20 replacement rules and amended rule were made available  
21 on New Mexico Department of Agriculture's website.

22 This hearing is being recorded and  
23 either a transcript of today's hearing or the  
24 recording will be available from New Mexico Department  
25 of Agriculture's website. Following a summary of

1 major points within each proposed six rules, the  
2 public will be provided with an opportunity to  
3 permit -- to present testimony. Testimony should be  
4 relevant to the proposed rules or amendments.

5 The first of six rules addressed in  
6 this hearing is the proposed repeal and replacement of  
7 the Japanese Beetle Exterior Quarantine Rule.

8 Mr. Hiles will now provide a summary of proposed  
9 primary points included in the rule.

10 MR. HILES: Good morning. I am Ryan  
11 Hiles, an assistant division director with the New  
12 Mexico Department of Agriculture. The Japanese Beetle  
13 Exterior Quarantine Rule, 21.17.27 of the New Mexico  
14 Administrative Code, was promulgated under the  
15 authority of the Pest Control Act 76.6.1 of New Mexico  
16 Statutes to address risks associated with importing  
17 Japanese beetle into New Mexico through the  
18 importation of plant/nursery stock.

19 Extensive proposed amendments to the  
20 Japanese beetle exterior quarantine rule necessitated  
21 the repeal and replacement of the existing rule.  
22 Major points addressed include additional definitions  
23 for clarification purposes, requirement for nurseries  
24 exporting plants to New Mexico to comply with  
25 restrictions outlined in New Mexico Department of

1 Agriculture-issued compliance agreement, expansion of  
2 quarantined areas to include all U.S. states and  
3 specific Canadian provinces, requirements for smaller  
4 pots containing non-gramineous nursery stock to be  
5 treated prior to export to New Mexico, and provide  
6 states a pathway to include multiple nurseries to be  
7 covered under one compliance agreement.

8 MR. OWEN: Thank you, Mr. Hiles.

9 As of August 1, 2026, the New Mexico  
10 Department of Agriculture has received one written  
11 comment. We will now open the floor for comments  
12 directed at the proposed Japanese Beetle Exterior  
13 Quarantine.

14 For those of you in the room, please  
15 raise your hand and wait until I call on you. For  
16 those participating through Zoom, please use the  
17 "Raise Hand" feature, and you will be -- you will then  
18 be unmuted. Begin your comment by stating your name  
19 and affiliation for the record. Your comment should  
20 be limited to the contents of the proposed rule.

21 At this time, I will begin accepting  
22 comments.

23 Is there anyone else wishing to  
24 comment?

25 Seeing none, I will close the public

1 oral comment period for the proposed Japanese Beetle  
2 Exterior Quarantine Rule. Written comments will be  
3 accepted until 5 p.m. August 6, 2026, and can be  
4 submitted through New Mexico Department of  
5 Agriculture's web page or dropped off at the main Las  
6 Cruces office.

7 All public comments will be presented  
8 to the Secretary Director of New Mexico Department of  
9 Agriculture, Mr. Jeff Witte, and will be submitted for  
10 consideration to the New Mexico State University Board  
11 of Regents. Submitted comments in either a transcript  
12 of today's hearing and/or the recording will be  
13 available from New Mexico Department of Agriculture's  
14 website.

15 The second rule addressed during this  
16 hearing is the proposed repeal and replacement of the  
17 Control of Wood Destroying Pests rule. Mr. Baca will  
18 present a summary of major points contained in this  
19 proposed replacement rule.

20 MR. BACA: Good morning. I am Steve  
21 Baca, an assistant division director with New Mexico  
22 Department of Agriculture. The Control of Wood  
23 Destroying Pests Rule, 21.17.51 of the New Mexico  
24 Administrative Code was promulgated under the  
25 authority of the Pesticide Control Act 76.4.1-39 of

1 New Mexico Statutes to address regulatory requirements  
2 related to pesticide applicators involved in the  
3 control of wood-destroying pests.

4 Although amendments to the existing  
5 Control of Wood Destroying Pests Rule are few, format  
6 updates necessitated the repeal and replacement of the  
7 existing rule. Major points addressed in the proposed  
8 rule include updating, noting that not all  
9 termiticides are restricted-use products, alignment of  
10 terms with those used in the Pesticide Control Act,  
11 and clarification of license types that require  
12 supervision while applying pesticide -- insecticides.

13 MR. OWEN: Thank you, Mr. Baca.

14 As of August 1, 2026, New Mexico  
15 Department of Agriculture has received one written  
16 comment. We will now open the floor for comments  
17 directed at the proposed Control of Wood Destroying  
18 Pests Rule.

19 For those of you in the room, please  
20 raise your hand and wait until I call on you. For  
21 those participating through Zoom, please use the raise  
22 your hand feature, and you will be unmuted. Begin  
23 your comment by stating your name and affiliation for  
24 the record. Your comment should be limited to the  
25 contents of the proposed rule.



1                   At this time, I will begin accepting  
2                   comments.

3                   Is there anyone else wishing to  
4                   comment?

5                   Seeing none, I will close the -- the  
6                   public oral comment period for the proposed Wood  
7                   Destroying Pests Rule. Written comments will be  
8                   accepted until 5 p.m. August 6, 2026, and can be  
9                   submitted through New Mexico Department of  
10                  Agriculture's web page or dropped off at the main Las  
11                  Cruces office.

12                  All public comments will be presented  
13                  to the Secretary Director of New Mexico Department of  
14                  Agriculture, Mr. Jeff Witte, and will be submitted for  
15                  consideration to the New Mexico State University Board  
16                  of Regents. Submitted comments in either a transcript  
17                  of today's hearing and/or the recording will be  
18                  available from New Mexico Department of Agriculture's  
19                  website.

20                  The third rule addressed in this  
21                  hearing is the proposed repeal and replacement of the  
22                  Continuing Education Units for Pesticide Applicators  
23                  Rule. Mr. Baca will present a summary of major points  
24                  contained in this proposed replacement rule.

25                  MR. BACA: I'm Steve Baca, an assistant

1 division director with the New Mexico Department of  
2 Agriculture. The Continuing Education Units for  
3 Pesticide Applicators Rule, 21.17.53 of the New Mexico  
4 Administrative Code was promulgated under the  
5 authority of the Pesticide Control Act 76.1.4 1-39  
6 [sic] of the New Mexico Statutes to address  
7 Environmental Protection Agency-required updates  
8 relevant to continuing education requirements for  
9 pesticide applicators.

10 Extensive proposed changes and format  
11 updates necessitated a repeal and replacement process  
12 for this rule. Major points proposed in the  
13 replacement rule include definition updates,  
14 clarification of continuing education units approval  
15 process, addition of Environmental Protection Agency  
16 mandated re-certification requirements, and addition  
17 of new environmental protection agency pesticide  
18 applicator categories.

19 MR. OWEN: Thank you, Mr. Baca.

20 As of August 1, 2026, New Mexico  
21 Department of Agriculture has received no written  
22 comments. We will now open the floor for comments  
23 directed at the proposed continuing education units  
24 for pesticide applicators rule.

25 For those of you in the room, please

1 raise your hand and wait until I call on you. For  
2 those participating through Zoom, please use the raise  
3 your hand feature, and you will be unmuted. Begin  
4 your comment by stating your name and affiliation for  
5 the record. Your comments should be limited to the  
6 contents of the proposed rule.

7 At this time, I will begin accepting  
8 comments. Yes.

9 MS. CATES: [Unintelligible response.]

10 MR. OWEN: Great. Thank you.

11 Is there anyone else wishing to  
12 comment?

13 Seeing none, I will close the public  
14 oral comment period for the proposed Continuing  
15 Education Units for Pesticide Applicators Rule.  
16 Written comments will be accepted until 5 p.m. August  
17 6, 2026, and can be submitted through New Mexico  
18 Department of Agriculture's web page or dropped off at  
19 the main Las Cruces office.

20 All public comments will be presented  
21 to the Secretary Director of New Mexico Department of  
22 Agriculture, Mr. Jeff Witte, and will be submitted for  
23 consideration to the New Mexico State University Board  
24 of Regents. Submitted comments in either a transcript  
25 of today's hearing and/or the recording will be

1 available from New Mexico Department of Agriculture's  
2 website.

3 Oh.

4 UNIDENTIFIED SPEAKER: Now if you use  
5 this microphone, he should be able to hear you.

6 MS. CATES: My name is Teri Cates. I  
7 am the owner-operator of TLC Pest Control, as well as  
8 the current vice president of New Mexico Pest  
9 Management Association and the State Policy Affairs  
10 Representative for the industry -- the pest control  
11 industry in the state of New Mexico. I'm here today  
12 to support the rule change, as it is much needed and  
13 long overdue.

14 MR. OWEN: Great. Thank you.

15 The fourth rule addressed in this  
16 hearing is the proposed repeal and replacement of the  
17 Restricted-Use Pesticides Rule. Mr. Baca will present  
18 a summary of major points contained in the proposed  
19 rule replacement.

20 MR. BACA: I'm Steve Baca, an assistant  
21 division director with New Mexico Department of  
22 Agriculture. The Restricted-Use Pesticides Rule,  
23 21.17.56 of the New Mexico Administrative Code was  
24 promulgated under the authority of the Pesticide  
25 Control Act 76.4.1-39 of New Mexico Statutes to

1 address regulations relevant to the purchase, sale,  
2 use, and record retention of restricted-use  
3 pesticides.

4 Although proposed amendments to the  
5 existing Restricted-Use Pesticide Rule are few, format  
6 updates necessitated the repeal and replacement of the  
7 current rule. The major point addressed in the  
8 proposed rule is a revision of pesticide records  
9 requirements to ensure compliance with Environmental  
10 Protection Agency mandates.

11 MR. OWEN: Thank you, Mr. Baca.

12 As of August 1, 2026, New Mexico  
13 Department of Agriculture has received no written  
14 comments. We will now open the floor for comments  
15 directed at the proposed Restricted-Use Pesticides  
16 Rule.

17 For those of you in the room, please  
18 raise your hand and wait till I call on you. For  
19 those participating through Zoom, please use the  
20 "Raise Hand" feature, and you will be unmuted. Begin  
21 your comments by stating your name and affiliation for  
22 the record. Your comments should be limited to the  
23 contents of the proposed rule.

24 At this time, I will begin accepting  
25 comments.

1                   Okay. Is there anyone else wishing to  
2 comment?

3                   Seeing none, I will close the public  
4 oral comment period for the proposed Restricted-Use  
5 Pesticides Rule. Written comments will be accepted  
6 until 5 p.m. August 6, 2026, and can be submitted  
7 through New Mexico Department of Agriculture's web  
8 page or dropped off at the main Las Cruces office.

9                   All public comments will be presented  
10 to the Secretary Director of New Mexico Department of  
11 Agriculture, Mr. Jeff Witte, and will be submitted for  
12 consideration to the New Mexico State University Board  
13 of Regents. Submitted comments in either a transcript  
14 of today's hearing and/or the recording will be  
15 available from New Mexico Department of Agriculture's  
16 website.

17                   The fifth rule addressed in this  
18 hearing is the proposed repeal and replacement of the  
19 M-44 and the Livestock Protection Collar Rule.  
20 Mr. Baca will present a summary of major points  
21 contained in the proposed replacement rule.

22                   MR. BACA: I am Steve Baca, an  
23 assistant division director with the New Mexico  
24 Department of Agriculture. The M-44 and the Livestock  
25 Protection -- Protection Collar Rule, 21.17.57 of the

1 New Mexico Administrative Code was promulgated under  
2 the authority of the Pesticide Control Act 76.4.1-39  
3 of New Mexico Statutes to address regulations relevant  
4 to the purchase, sale, use, accident reporting, and  
5 record retention of M-44s and livestock protection  
6 collars.

7 Although proposed amendments to the  
8 existing M-44 and the Livestock Protection Collar Rule  
9 are few, format updates necessitated the repeal and  
10 replacement of the existing rule. Major points  
11 addressed in the proposed replacement rule include  
12 clarification of prospective license -- licensee  
13 qualifications, updating of records requirements, and  
14 harmonization of rule language with product labels.

15 MR. OWEN: Thank you, Mr. Baca.

16 As of August 1, 2026, New Mexico  
17 Department of Agriculture has received no written  
18 comments. We will now open the floor for comments  
19 directed at the proposed M-44 and Livestock Protection  
20 Collar Rule.

21 For those of you in the room, please  
22 raise your hand and wait until I call on you. For  
23 those participating through Zoom, please use the  
24 "Raise Hand" feature, and you will be unmuted. Begin  
25 your comment by stating your name and affiliation for

1 the record. Your comments should be limited to the  
2 contents of the proposed rule.

3 At this time, I will begin accepting  
4 comments.

5 Is there anyone else wishing to  
6 comment?

7 Seeing none, I will close the public  
8 oral comment period for the proposed M-44 and -- and  
9 the Livestock Protection Collar Rule. Written  
10 comments will be accept until -- accepted until 5 p.m.  
11 August 6, 2026, and can be submitted through New  
12 Mexico Department of Agriculture's web page or dropped  
13 off at the main Las Cruces office.

14 All public comments will be presented  
15 to the Secretary Director of New Mexico Department of  
16 Agriculture, Mr. Jeff Witte, and will be submitted for  
17 consideration to the New Mexico State University Board  
18 of Regents. Submitted comments and either a  
19 transcript of today's hearing and/or the recording  
20 will be available from New Mexico Department of  
21 Agriculture's website.

22 The last rule addressed in this hearing  
23 are proposed amendments to the Pesticides Rule.  
24 Mr. Baca will present a summary of major points  
25 contained in the proposed rule amendments.



1 MR. BACA: I am Steve Baca, an  
2 assistant division director with the New Mexico  
3 Department of Agriculture. The Pesticides Rule,  
4 21.17.50 of the New Mexico Administrative Code was  
5 promulgated under the authority of the Pesticide  
6 Control Act 76.4.1-39 of New Mexico Statutes to  
7 address regulations relevant to the sale of  
8 pesticides, purchase, use, licensing, and record  
9 requirements by commercial pesticide applicators and  
10 individuals using restricted-use pesticides, and  
11 identifying pesticide applicator licensing categories.

12 The majority of proposed amendments to  
13 the Pesticides Rule are Environmental Protection  
14 Agency-mandated updates. These updates include  
15 changes in examination requirements, record  
16 requirement enhancements, new pesticide applicator  
17 categories, and minimum age establishment for  
18 applicators.

19 Additionally, proposed amendments  
20 include general language cleanup, increase in minimal  
21 insurance requirements, definition updates, and  
22 clarification to operators' training permits.

23 MR. OWEN: Thank you, Mr. Baca.

24 As of August 1, 2026, New Mexico  
25 Department of Agriculture has received no written

1 comments. We'll now open the floor for comments  
2 directed at the proposed Pesticides Rule.

3 For those of you in the room, please  
4 raise your hand and I will -- and wait until I call on  
5 you. For those participating through Zoom, please use  
6 the "Raise Hand" feature, and you will be unmuted.  
7 Begin your comment by stating your name and  
8 affiliation for the record. Your comments should be  
9 limited to the contents of the proposed rule.

10 At this time, I will begin accepting  
11 comments.

12 MS. CATES: My name is Teri Cates. I'm  
13 the owner-operator at TLC Pest Control, and I'm also  
14 the vice president of New Mexico Pest Management  
15 Association and the State Policy Affairs  
16 Representative for the industry. I am here on behalf  
17 of myself and my association to support all the rule  
18 changes, as they are much needed and long overdue.

19 MR. OWEN: Is there anyone else wishing  
20 to comment?

21 Seeing none, I will close the public  
22 oral comment period for the proposed Pesticides Rule.  
23 Written comments will be accepted until 5 p.m. August  
24 6, 2026, and can be submitted through New Mexico  
25 Department of Agriculture's web page or dropped off at

1 the main Las Cruces office.

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

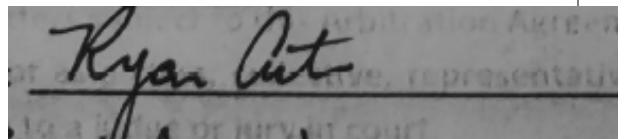
10 The time is 9:21 a.m. I will now close  
11 this public hearing that addressed amendments to or  
12 the repeal and replacement of six New Mexico  
13 Department of Agriculture pesticide or plant  
14 pest-related rules. Thank you.

15 (Whereupon, at 9:21 a.m., the  
16 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 cursive script that reads "Ryan Auten". The signature is written in dark ink on a light-colored background.

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

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CERTIFICATE OF TRANSCRIBER

I, CASI MCCOY RUSSO, 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.

*Casi McCoy Russo*

CASI MCCOY RUSSO

[1 - agriculture's]

|                                                                                                                                                                                                                                                                                                                                                            |                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>1</b>                                                                                                                                                                                                                                                                                                                                                   | <b>4</b>                                                                                | <b>ability</b> 20:10<br>21:7<br><b>able</b> 12:5<br><b>accept</b> 16:10<br><b>accepted</b> 7:3<br>9:8 11:16 14:5<br>16:10 18:23<br><b>accepting</b> 6:21<br>9:1 11:7 13:24<br>16:3 18:10<br><b>accident</b> 15:4<br><b>accordance</b> 4:6<br><b>accurate</b> 20:9<br>21:5<br><b>act</b> 5:15 7:25<br>8:10 10:5<br>12:25 15:2<br>17:6<br><b>action</b> 20:12,16<br>21:8,12<br><b>addition</b> 10:15<br>10:16<br><b>additional</b> 5:22<br><b>additionally</b><br>3:14 4:16<br>17:19<br><b>address</b> 3:14<br>5:16 8:1 10:6<br>13:1 15:3 17:7<br><b>addressed</b> 5:5<br>5:22 7:15 8:7<br>9:20 12:15<br>13:7 14:17<br>15:11 16:22 | 19:11<br><b>addresses</b> 3:3<br><b>administrative</b><br>3:6,8,10,11,13<br>3:16 5:14 7:24<br>10:4 12:23<br>15:1 17:4<br><b>advisory</b> 4:18<br><b>affairs</b> 12:9<br>18:15<br><b>affiliation</b> 6:19<br>8:23 11:4<br>13:21 15:25<br>18:8<br><b>age</b> 17:17<br><b>agency</b> 10:7,15<br>10:17 13:10<br>17:14<br><b>agreement</b> 6:1<br>6:7<br><b>agricultural</b><br>2:4,6<br><b>agriculture</b> 1:2<br>2:9 3:18 5:12<br>6:1,10 7:9,22<br>8:15 9:14 10:2<br>10:21 11:22<br>12:22 13:13<br>14:11,24 15:17<br>16:16 17:3,25<br>19:4,13<br><b>agriculture's</b><br>4:13,15,21,25<br>7:5,13 9:10,18 |
| <b>1</b> 6:9 8:14<br>10:20 13:12<br>15:16 17:24<br><b>1-39</b> 10:5<br><b>194</b> 1:14                                                                                                                                                                                                                                                                     | <b>4</b> 1:9 3:24<br><b>44</b> 3:12 14:19<br>14:24 15:8,19<br>16:8<br><b>44s</b> 15:5   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>2</b>                                                                                                                                                                                                                                                                                                                                                   | <b>5</b>                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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[comments - expansion]

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[export - livestock]

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