

21.17.50 PESTICIDE RULE REPEAL AND REPLACEMENT
RULEMAKING HEARING

Moderated by Les Owen
Tuesday, July 29, 2025
11:00 a.m.

Gerald Thomas Hall Auditorium, New Mexico State
University
940 College Drive (Room 194)
Las Cruces, NM 88003

Reported by: Ryan Auten
JOB NO: 7452797

A P P E A R A N C E S

List of Attendees:

Les Owen, Deputy Director NMDA

Stephen Baca, Assistant Division Director NMDA

Katie Crayton, NMDA Healthy Soil Program via Zoom

Troy Thompson, NMDA Pesticide Compliance via Zoom

Kamaile DeLong, NMDA State Pest Survey Coordinator via
Zoom

Vanessa Fisher, Host

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P R O C E E D I N G S

MR. OWEN: Good morning. At this time, we'll start the hearing That addresses the proposed repeal and replacement of the Pesticide Rule, Title 21, Chapter 17, Part 50 of the New Mexico Administrative Code.

My name is Les Owen, and I am Deputy 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 Pesticide Rule were made available in strikethrough version and in clean copy form as you walked in.

If you require copies, please hold your hand up and they will provide be provided to you. For our virtual participants, electronic copies are available on the department's website at nmdeptag.nmsu.edu.

The day and date is Tuesday, July 29, 2025, and the time is 11:00 a.m. This hearing is being held in person and virtually in New Mexico State

1 University's Gerald Thomas Hall Auditorium, located at
2 nine 40 College Drive, Las Cruces, New Mexico. This
3 is the published date, time, and location for this
4 hearing.

5 This hearing is being recorded, and
6 either a transcript of today's hearing or the video
7 recording will be available from the department's
8 webpage.

9 Following a summary of the proposed
10 primary amendments, the public will be provided an
11 opportunity to provide testimony regarding the
12 proposed rule.

13 Mr. Baca will now provide a summary of
14 the public notices, primary proposed amendments to the
15 Pesticide Rule, and any related information.

16 MR. BACA: Good morning. I'm Steve
17 Baca, an Assistant Director with the New Mexico
18 Department of Agriculture.

19 The Pesticide Rule was promulgated
20 under the authority of the Pesticide Act to address
21 the specifics that regulate the registration of
22 pesticides, licensing of specific pesticide
23 applicators, record keeping, storage and disposal of
24 pesticides, fee structure, and other related
25 activities.

1 Public notices for this hearing were
2 published as follows, and in accordance with state
3 law; June 24, 2025, in the New Mexico Register; June
4 24, 2025, in the Albuquerque Journal; June 24, 2025,
5 in the Santa Fe New Mexican in Spanish and English;
6 and June 25, 2025, in the Las Cruces Sun News.

7 Hearing notices were also posted in the
8 New Mexico Sunshine Portal at the New Mexico
9 Department of Agriculture District Station in
10 Albuquerque and non-New Mexico Department of
11 Agriculture's website in Spanish and English.

12 Copies of the proposed rule were made
13 available at the New Mexico Department of Agriculture,
14 Las Cruces main office and Lab building, New Mexico
15 Department of Agriculture Veterinary Diagnostic
16 Services Lab in Albuquerque, New Mexico Department of
17 Agriculture Peanut Grading Station in Portales, and on
18 the department's website.

19 Notification and the proposed rule were
20 sent to the New Mexico Economic Development Small
21 Business Regulatory Advisory Commission and to the
22 Legislative Council Service. As of today, New Mexico
23 Department of Agriculture has not received findings
24 from either.

25 Notice of public hearings were also

1 sent to pesticide licensed individuals and businesses
2 impacted by the amendments; to the Pest Management
3 Association, a state industry organization
4 representing licensed pesticide applicators; and to
5 the Household Consumer Product Association, a national
6 industry organization representing pesticide
7 manufacturers.

8 Although the amendments are relatively
9 few, the age of the Pesticide Rule required a repeal
10 and replacement process to address updates to style
11 and format and in conjunction with the New Mexico
12 Department of Agriculture's proposed amendments.

13 Primary proposed changes to the
14 existing Pesticide Rule include, change in expiration
15 dates of annual licenses from December 31st to January
16 31st and an increase in fees related to pesticide
17 product registrations and licenses.

18 Comments received to date were
19 primarily directed at concerns related to the change
20 in expiration dates and the possible loss of a
21 Continuing Education Units.

22 The change in expiration date was made
23 to address relicensing issues that may occur during
24 the winter holiday break when New Mexico Department of
25 Agriculture staff are provided time off and are unable

1 to return calls and help licensees within a one- or
2 two-day period. New Mexico Department of Agriculture
3 staff have made policy changes that will allow for a
4 transition year to ensure no licensee will lose
5 Continuing Education Units.

6 Adjustments to the Continuing Education
7 Units tracking system will also be made to ensure
8 credits taken in January are applied either to the
9 current or future licensing year to ensure a best
10 benefit for the licensee. An explanation regarding
11 licensees' concerns was posted on the New Mexico
12 Department of Agriculture website and emailed to
13 license holders.

14 Pesticide product registration fees are
15 proposed to increase from \$100 to \$150 per product.
16 Product registration fees in other states range from
17 \$100 to \$2,300 per product.

18 The majority of license -- of pesticide
19 licenses are issued to commercial applicators. This
20 fee is proposed to increase from \$75 to \$100 per
21 license. Both Colorado and Texas have a similar fee
22 structure to New Mexico's with their commercial
23 pesticide applicator license fees established at \$350
24 and \$125, respectively.

25 Increased fee revenue will be used to

1 address mandated staff salary increases, to replace
2 reduction in EPA grants and expected reductions in
3 USDA grants, and to address increased operational
4 costs associated as a result of reductions in USDA
5 state staff and EPA changes in Continuing Education
6 Units. Fees were last adjusted in 2010.

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

8 New Mexico Department of Agriculture
9 has received written comments prior to this hearing
10 from the following: Logan McGarrah, Emily Johnson,
11 Jasmine Labine, Steve Kittrell, Bart Goetz, Keith
12 Settle, Kelby Riley, Ottis Leach, William Cox, Russ
13 Perkins, Ross Goetz, Joseph Ogden, Trent Murphree,
14 Michael Ronquillo, and Greg Alpers.

15 We will now open the floor for
16 comments. Please begin by stating your name and
17 affiliation for the record. Please restrict your
18 comments to the proposed content of the rule.

19 Please raise your hand and -- and wait
20 until I call on you. At this time, we will be in
21 accepted comments. Yes, sir.

22 PODIUM/OPEN FORUM: Logan McGarrah,
23 immediate past president of the New Mexico Crop
24 Production Association. On behalf of our membership,
25 I would like to state for the record, we did initially

1 have some concerns with the date changing from
2 December 31st to January 31st. I would also like the
3 record to reflect that Assistant Director Baca has
4 been very accommodating to us and helped us work
5 through all those problems and we are now in support
6 of the changes.

7 MR. OWEN: Thank you.

8 PODIUM/OPEN FORUM: Hold on. Wait a
9 minute. My name's Terri Cates. I'm here on behalf of
10 New Mexico Pest Management Association, and our
11 association is in favor of all the changes as we think
12 that this will greatly benefit our industry as well as
13 our association.

14 MR. OWEN: Yes, sir.

15 PODIUM/OPEN FORUM: Russ Perkins with
16 New Mexico Crop Production Association as well. I am
17 responsible for the CEUs that we gather at our meeting
18 typically in January. I would echo Logan's comments
19 in favor of the change.

20 Steve was able to explain some things
21 to us as far as my concern was over the CEUs and the
22 timeframe between when our meeting ended and the new
23 proposed date and everything, but it appears that
24 that's been taken care of and a -- a process in place
25 because of that ten-day time frame.

1 So we're happy with where we are.

2 MR. OWEN: Thank you.

3 Okay. We will now begin to accept
4 comments from our virtual participants. Please use
5 the raise your hand function and I will call on you.

6 Okay. Is there anyone else that would
7 wish to provide comment? Seeing none, we will close
8 the public oral comment period for this hearing.

9 Written comments will be accepted until
10 5:00 p.m., Thursday, July 31, 2025. All public
11 comments will be presented to the Secretary/Director
12 of the New Mexico Department of Agriculture, Mr. Jeff
13 Witte, and will be submitted for consideration to the
14 New Mexico State University Board of Regents.

15 Submitted comments, and either a
16 transcript of today's hearing and/or the recording
17 will be available from the New Mexico Department of
18 Agriculture's webpage.

19 Thank you all for participating. We
20 will close the hearing at 11:10.

21 (Whereupon, the meeting concluded at
22 11:10 a.m.)

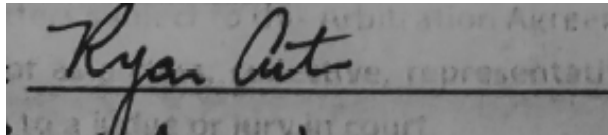
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CERTIFICATE

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 handwritten signature in black ink, reading "Ryan Auten", is written over a horizontal line. The signature is cursive and appears to be on a notary stamp or document.

RYAN AUTEN

Notary Public in and for the
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, VENUS COLE, 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.



VENUS COLE

[100 - certify]

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