

NEW MEXICO
DEPARTMENT OF
AGRICULTURE
AGRICULTURAL AND
ENVIRONMENTAL
SERVICES
MSC 3AQ, BOX 30005
LAS CRUCES, NM 88003
575-646-2220
AES@NMDA.NMSU.EDU

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Special points of interest:

- A New Look to AES
- Federal Information
- Workshops
- Licensing

Inside this issue:

Ammonium Nitrate	2
Fertilizer Values	2
Licensing Information	2
Pesticide Disposal Programs	3
Worker Protection Standard	3
NMDA Inspectors	4
Japanese Beetle	5

Agricultural and Environmental Services Feed, Seed, and Fertilizer Entomology and Nursery Industries Pesticide Compliance

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AES– A New Look– A Letter from the Director

Greetings! I want to introduce you to the inaugural issue of the Division of Agricultural and Environmental Services (AES) Newsletter. The AES division consists of the pesticide, nursery and entomology industries, and feed, seed, and fertilizer programs at NMDA. In becoming interim division director, I saw the similarities in the 'clients' of the various programs and thought there would be benefits for all in combining our information and updates in one newsletter. The newsletter will include articles and notices on license and registration renewal, state or federal regulatory changes, and other pertinent information for your industry. We hope you will find the newsletter beneficial and interesting and want to hear your suggestions for future issues. Thank you for your support of NMDA and the AES regulatory programs. Take care.
Bonnie M. Rabe



Bonnie Rabe

Homeland Security Chemical Facility Registration

NMDA wants to be sure producers understand the new changes to the Department of Homeland Security (DHS) Chemical Listing and the necessary requirements they will soon need to meet. In November 2007, the DHS completed the Chemical Facility Anti-Terrorism Standards (CFATS) which enlists the new chemical security rules. These regulations require facilities to conduct security assessments and register information in the Chemical Security Assessment Tool Top Screen located on the DHS website. From this initial assessment, DHS will determine whether facilities present a high level of security risk and is to prepare a site security plan. Not all facilities who have completed the Top Screen will be subject to further regulation by DHS.

Agricultural producers were also required to obtain an assessment on chemicals they acquire and use. The agency had originally set a January 2008 deadline, but later granted a temporary time extension in order to conduct a review of how regulations could be applied by producers as well as their impacts. The time extension will allow NMDA staff to be available to assist producers in filling out the federal documentation.

More than 300 chemicals are covered by these new rules, including many common agricultural chemicals such as propane, chlorine, and ammonium nitrate. The National Association of State Department of Agriculture (NASDA), the US Department of Agriculture (USDA) and other agricultural and food industry organizations have been working with DHS over the past months to discuss concerns about the scope and impact of the regulations on the agricultural community. DHS is addressing the issues of agricultural chemical use during this rule making process.

Detailed information about the chemical security rule is available on the DHS website at: www.dhs.gov/chemicalsecurity. NMDA will keep its constituencies informed of changes and requirements to the law. For additional questions, contact Bonnie Rabe, Division Director or Tim Darden, Assistant Division Director at 575-646-2220.

NMDA Helps Producers Dispose Unwanted Pesticides

To provide a service to New Mexico producers, the Pesticide Compliance Program assisted by Effective Environmental, Inc., has worked for the past two years to implement a Pesticide Disposal and Management Program. The Pesticide Disposal Program provides agricultural producers with a means to dispose of any unwanted or outdated pesticide products. The program provides an environmentally safe method for producers to legally and safely dispose of these pesticides they no longer need, often because they have switched to using less toxic products.

“This program has been a great success for all stakeholders in New Mexico agriculture including NMDA, industry, growers and EPA,” says Cary Hamilton, NMDA Specialist. “This has given the opportunity for growers to take advantage of a safe alternative to dispose of cancelled, inactive or outdated agricultural pesticides, eliminating the risk of contaminating New Mexico’s environment. We extend our gratitude to Effective Environmental, Inc. which has shown expertise and flexibility in working with NMDA and New Mexico,” he added.

The pilot program was conducted in October 2007 in Hatch, New Mexico with a second location at United Agricultural Products (UAP) in Vado, New Mexico, to accommodate farmers and growers of Southern Dona Ana County. Another program was conducted at UAP in Artesia, NM in January, 2008.

NMDA coordinates product drop off at a designated site where it is placed in proper containers for transport. Effective Environmental handles transportation, identification, containment and final destruction of the collected materials. Future collections are planned for the 2008 year throughout New Mexico.

Bonnie Rabe, interim director of the Agricultural and Environmental Services Department initiated the program and secured funding (\$170,000 to date) to the program. Over 130,000 pounds of agricultural pesticide products have been removed and disposed of properly.

Special Thanks to Hatch Mayor Jud Nordyke, State Representative Andy Nunez, and Noble Laminack, Dennis Riggs and Kenny Gillespie of UAP. For questions regarding the Pesticide Disposal Program, contact Cary Hamilton at 575-646-7049.



Tim Taylor disposing pesticides at the UAP drop off in Artesia

Promoting Worker Protection through Educational Workshops

The Pesticide Compliance group has been conducting a series of statewide workshops on the Federal Worker Protection Standard (WPS). WPS is a federal law under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that protects people who work on farms, forests, greenhouses, or nurseries from pesticide exposure. Employers who employ workers, pesticide handlers, or hire labor contractors who are in or around fields that have been sprayed with pesticides or herbicides are subject to the WPS.

Through the workshops, NMDA personnel give producers, dealers, pesticide applicators, crop consultants, or any other interested persons an understanding of their responsibilities under the law and what they need to do to be in full compliance. “The purpose of the workshops are to educate workers on the hazards of pesticides and their rights and responsibilities with regard to pesticides used in their workplace,” said Marjorie Lewis, Worker Safety Program Manager for the Pesticide Compliance group. “We are stepping up our educational role at NMDA to better inform growers and prepare them for a visit from our inspectors, who are looking for compliance with the WPS and other pesticide regulations,” she added.

This statewide outreach program provides a mechanism for producers to learn about preparation of a WPS inspection, basic worker safety training, record keeping, proper posting and notification of pesticide use, and appropriate protective gear for application.

Information regarding WPS or future workshops can be obtained on the NMDA website (www.nmda.nmsu.edu/pesticides) or by contacting Marjorie Lewis, at 575-646-2134 or pesticides@nmda.nmsu.edu.



Attendees of the Clovis NM workshop reviewing handler safety

Japanese Beetle Infestation Prevention in New Mexico

Throughout 2007, members of the plant industries of New Mexico were informed of the small infestation of Japanese beetle (JB) in Albuquerque throughout the past few years. NMDA has been working with the industry to eliminate the presence of the beetle in the state and prevent it from entering the state industry through interstate shipments from infested states. Eradication measures have been taken in the infested area in Albuquerque including intensive trapping and the pesticide treatment. As a result, the number of JB captured in the last two years has dropped significantly, and complete eradication appears to be possible in the near future. However, there is still a substantial threat from this insect as it continues to be imported into New Mexico in nursery stock originating in infested states. The capture last summer of several JB believed to have been imported in balled & burlapped trees shipped last spring has prompted action on the part of concerned members of the nursery industry.

JB is a species of scarab beetle which damages over 300 host plants by the adult beetles feeding on foliage and the larvae on plant roots. Since a large number of plant species that are susceptible to attack by JB, many New Mexico agricultural and horticultural industries could be impacted including apple and peach orchards, cornfields and sod farms, and vineyards. Additionally, the introduction of this pest would be very detrimental to the home gardener because of the damage done to turf and ornamentals. Overall, the increase in pesticide use which would be needed to mitigate the damage by this pest will increase costs to all members of the plant industry, along with associated environmental effects.



The Entomology and Nursery Industries Program (ENI) hosted meetings of the Japanese Beetle Task Force this past year to discuss the continuing threat of the introduction of Japanese beetles into the state. Many of the nurseries present voiced concern that the state is vulnerable to re-infestation from nursery stock. Some believe that New Mexico’s categorization under the current national management plan to control the spread of JB, the Japanese Beetle Harmonization Plan, is inadequate to protect New Mexico from further introductions of this pest. This plan was developed to replace a national quarantine for Japanese beetle. Its purpose is to facilitate trade between states while reducing the risk of spreading JB to un-infested portions of the country (view the JBHP at <http://nationalplantboard.org/docs/jbcolumn.pdf>). When the plan was approved in 1998, each state was categorized as follows: Category 4 states are those that are determined to be at low risk for infestation or where infestation would have limited impact. Category 3 states are those generally infested with the pest and primarily include the eastern portion of the U.S. Categories 2 states, of which New Mexico is one of seventeen, are un-infested or have limited infestations. Category 1 states are those that are currently un-infested, and seven western states are currently in this category. Several nurseries would like to see a state quarantine against JB put in place to protect New Mexico, as well as upgrading the state status from a Category 2 to a Category 1.

Treatment of plant shipments to each state are determined by the category in which the receiving state belongs, with the requirements for shipment of nursery stock to Category 1 states being the most stringent. Under the JBHP, a state does not need to be classified as Category 1 in order to institute their own quarantine, however a state must have its own quarantine in place in order to be classified as Category 1. New Mexico foresees a quarantine put into place which would specify regulated areas of the United States as well as which specific items would be regulated. Regulation would include prescribed pesticide treatments and methods of pest-free certification.

The input of the plant industry will be an important part of the process of writing this quarantine. The industry’s participation will be solicited in the coming months through statewide hearings, written comments and phone calls. For further information, please contact Brad Lewis, Entomology and Nursery Industries Program Coordinator at 575-646-2220.

Questions??

For information on testing, licensing, or training (CEU's) for Pesticide Compliance call 575-646-2134

For Plant, Entomology, and Nursery inquiries call 575-646-3207

For information on Feed, Seed, Fertilizer, and Pet Food regulations call 575-646-3107

New Fertilizer Penalty Values Established for 2008

The Feed, Seed and Fertilizer (FSF) Program has established new values for the 2008 year. Starting on January 1, 2008, fertilizer distributors are required to pay the following penalty values:

- A. Total Nitrogen (N)- \$0.60 per pound or \$12.00 per unit* of plant food
- B. Available Phosphoric Acid- \$0.45 per pound or \$9.00
- C. Soluble Potash- \$0.30 per pound or \$6.00 per unit of plant food

* A unit of plant food is 20 pound or 1% of a ton.

Section 76-11-8 of the New Mexico Fertilizer Act states that if the analysis shows any commercial fertilizer falls short of the guaranteed analysis of any one ingredient, a penalty shall be assessed. All penalties assessed by NMDA will be paid to the consumer of the lot of commercial fertilizer sold represented by the sample analyzed. If the consumer cannot be found, the penalty dollars paid will go toward the New Mexico Common School Fund. Official samples are taken by FSF inspectors and analyzed by the State Chemistry Laboratory housed at NMDA.

Additional information can be found on our website at www.nmda.nmsu.edu under Animal and Plant Protection Fertilizer and Soil Amendments.

DHS Chemical Security Listing– Requirements for Reporting Ammonium Nitrate

Though agricultural producers have a time extension in reporting chemical uses on their farms, rangeland or other facilities (see page one, DHS Chemical Facility Registration), fertilizer dealers marketing products containing ammonium nitrate will soon be required to register products and their facilities with the Department of Homeland Security on their Chemical Security Assessment Tool Top Screen. The US House of Representatives and US Senate passed HR 1680 which provides DHS the ability to enforce uniform regulations for the production, sale, and distribution of ammonium nitrate fertilizers. All ammonium nitrate facilities and purchasers must register with DHS. The bill also will require producers and sellers to record all sales for two years and the quantity of ammonium nitrate sold.

DHS has not yet set a deadline for the required registration and has not yet set forthcoming rules for dealers and users of Ammonium Nitrate Fertilizers. The Feed, Seed, and Fertilizer program and AES staff will be informing you of any changes and deadlines as they approach. For further information, please contact Tim Darden at 575-646-2220.

Nursery and Landscape Programs Licensing Information

By now most of you realize that we increased licensing fees to the maximum allowable as outlined by state statutes. The \$25.00 increase in annual fees was the first for our programs in over 20 years and probably overdue by at least 5 years. The increase was proposed to and discussed with several representatives from the nursery industry and with the Cut Floral Association. In a previous letter we had outlined the reasons for the increase and the potential for additional changes in the overall structure of our license fees. Last year we had licensed approximately 1,700 businesses operating as nurseries, landscapers, or selling cut flowers.

Our most popular question/statement regarding licensing fees is: What are they used, I never see a horticultural inspector at facility? In general the fees pay a small fraction of the costs associated with inspecting nurseries and landscape operations, pest identification services, pest eradication programs associated with the importation of nursery stock, continued education of staff. License fees should be regarded as for the benefit of the industry and not for the benefit of an individual business. With a total field staff of only five professional horticulturists who are responsible for conducting numerous pest surveys, inspections, and eradication programs linked to agriculture, forestry, and the horticultural industry, they can no longer tour every plant related business in the state every year.

Hopefully over the next several newsletters we will be including a number of articles of general interest to the industry. If there is something you would like us to address, please do not hesitate to contact us either by phone 575-646-3207 or at www.nmda.nmsu.edu.

NMDA Inspectors– Working for You!



Retail Pesticide Marketplace
Inspection



Sampling Feed Commodities at a
Dairy



Termiticide Application Inspection



Nursery Inspection



Retail Pet Food Inspection



Trapping Hickory Shuckworm