November 13, 2008

MEMORANDUM

TO: Produce Industry

FROM: I. Miley Gonzalez, Ph.D.

SUBJECT: Revised Inspection Fees for Produce

This external policy established inspection fees for produce effective January 1, 2007, and supercedes New Mexico Department of Agriculture (NMDA) Rule 93-15, signed by the director/secretary of NMDA on December 1, 1993, and filed with the New Mexico Records Center on December 1, 1993.

Under the authority of the Produce Marketing Act [76-15-10 to 76-15-22, NMSA 1978], NMDA is authorized to establish and collect fees for produce inspections. Following is the schedule of inspection fees for regular users:

a. Lettuce: four and one half cents ($0.045) per standard container.
b. Onions: four and one half cents ($0.045) per standard container.
c. Potatoes: eight cents ($0.08) per one hundred (100) pounds.
d. All other fruits and vegetables: four and one half cents ($0.045) per standard containers.

Special charges:

a. Overtime: after an assigned inspector has accumulated eight (8) hours working time on any day or forty (40) hours working time in any week, the person requesting inspection shall be assessed a charge of seventeen dollars and fifty cents ($17.50) per hour for the overtime.
b. Travel time between inspection point and base office of inspector shall be included in the hourly and overtime calculations.
c. Occasional users and hourly work: thirty-five dollars (35) per hour with a two (2) hour minimum and multiples of one half (½) hour thereafter, with the total fee not to be less than the schedule of
inspection fees. An additional overtime charge of seventeen dollars and fifty cents ($17.50) per hour will be assessed before 8 a.m. and after 5 p.m., Monday through Friday and on Saturdays, Sundays, and holidays.

d. Guarantee: two (2) weeks minimum plus applicable overtime, two hundred and fifty dollars, ($250) per day, per inspector.

e. Temperature: two and one half cents ($.025) per container or the hourly rate.

f. Certification of weight or count: four and one half cents ($.045) per container or the hourly rate.

g. Mileage rate will be that specified in the Per Diem and Mileage Act [10-8-4, NMSA 1978].

h. A minimum of four hours will be charged on Saturday, Sundays and Holidays.

In the event that a state or federal marketing agreement, marketing order, or commodity commission requires an inspection program, the director/secretary is authorized to negotiate an inspection fee for such a program.

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