June 17, 2013

MEMORANDUM

TO: Feed Industry

FROM: Tim Darden, Assistant Director

SUBJECT: Notice of Hearing

New Mexico Department of Agriculture (NMDA) will hold three (3) public hearings on the following rule:

- Creation of 21.18.3 NMAC, which replaces a previous rule establishing standards for the regulation, labeling, and distribution of commercial feed, under the New Mexico Commercial Feed Act, Chapter 76, Article 19A, Sections 1 through 17, New Mexico Statutes Annotated 1978 Compilation.

- The proposed draft amendments to 21.18.3 NMAC respond to recently passed New Mexico Commercial Feed Act during this past legislative session. The proposed rule replaces 21.18.3 NMAC with a rule more uniform with those of surrounding states making it less arduous for companies to register products and comply with state and federal labeling requirements which in turn should enhance the trade of feed and pet food products. The proposed rule recognizes the different nutritional requirements of animals and allows for variations in the labeling of commercial feed including mineral feeds, pet foods, and specialty pet foods. The last major change to the feed rules occurred in the early 1970’s. The feed and pet food industry has changed greatly since the previous rules were written as well as the needs of consumers purchasing these products. Through this rule we are expanding what constitutes misbranding or adulteration of commercial feed to provide better consumer protection and consistency with other state and federal laws.

A hearing will be held in Roswell, New Mexico, at the Chaves County Extension Office, 200 East Chisum #4 (located in the Chaves County Health Department building), at 1:00 p.m. on Tuesday, July 9, 2013. A second hearing will be held in Albuquerque, New Mexico, at the NMSU Albuquerque Center, 4501 Indian School Road, NE, Suite 100, at 1:00 p.m. on Wednesday, July 10, 2013. A third hearing will be held in Las Cruces, New Mexico, at the NMDA conference room, 3190 South Espina Street (corner of Espina and Gregg), at 1:00 p.m. on Thursday, July 11, 2013.
Written statements in support or opposition and signed by the submitting person will be accepted if received prior to 5:00 p.m. on Thursday, July 11, 2013. Address written statements or inquiries to Tim Darden at NMDA, Feed, Seed and Fertilizer Section, MSC 3150, P.O. Box 30005, Las Cruces, New Mexico 88003-8005 or telephone (575) 646-3107.

A copy of the proposed rule is available on the NMDA website at http://www.nmda.nmsu.edu/notice-of-hearings/commercial-feeds-public-hearing/