



NEW MEXICO ENVIRONMENT DEPARTMENT  
***Environmental Health Bureau***  
***Food Program***

Public Involvement Plan (PIP)  
for the  
Proposed Amendments to 7.6.2 NMAC -  
Food Service and Food Processing

**APPROVAL PAGE**

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Date

## **I. Public Involvement Plan (PIP) Overview**

The New Mexico Environment Department (Department), Environmental Health Bureau (Bureau) developed this Public Involvement Plan (PIP) for the amendment to 7.6.2 NMAC Food Service and Food Processing. The Environmental Health Bureau has, developed a draft of the proposed amendments, codified at New Mexico Administrative Code (NMAC) 7.6.2. The objective of the Food Service and Food Processing regulations is to protect public health by establishing standards and provisions for the safe operation of food establishments and food processing plants to ensure that consumers are not exposed to adverse environmental health conditions. Section 74-1-8 NMSA 1978 directs the environmental improvement board to promulgate regulations and standards for food protection. Section 74-1-9 NMSA 1978 directs the procedures for adoption. Section 25-1-4 delineates the requirements of food service establishments to prepare and serve food in a manner safe for human consumption, free from adulteration, spoilage, contamination and unwholesomeness. Section 25-1-7 NMSA 1978 authorizes the department of environment to execute any provisions of the Food Service Sanitation Act (Chapter 25, Article 1 NMSA 1978).

The purpose of this PIP is to provide public participation opportunities and information that may be needed for the public to engage in the rulemaking process for this action. The Bureau encourages early engagement to inform public comments and participation during the Food Service and Food Processing rule amending process. The designation does not include food service establishments and food processing plants within tribal jurisdictions, the City of Albuquerque and the County of Bernalillo. The Bureau will notify directly impacted stakeholders such as private sector food service establishment/processing plants, business associations such as New Mexico Restaurant Association, and public sector establishment/processing plants, facilities, or operations that could be impacted. Ultimately, the Environmental Improvement Board (EIB) will need to adopt proposed regulatory language after conducting a public hearing for the proposed rule to take effect for state purposes.

This PIP integrates information about the community and identifies resources needed by the Bureau to successfully incorporate community participation. The PIP identifies the Department staff and resources needed to accomplish these activities.

In developing this PIP, state-wide community participation needs were assessed to ensure appropriate promotion of public outreach by identifying whether there is a combination of environmental and demographic factors (i.e., low-income community, minority community, limited English proficiency individuals, Linguistically Isolated Households, etc.) that may impact public participation. This assessment identifies community outreach needs and provides for public access opportunities above and beyond statutorily mandated requirements and underscores the provision of adequate public access to information about the proposed amendments to 7.6.2 NMAC Food Service and Food Processing.

The proposed amendments to 7.6.2 NMAC Food Service and Food Processing will likely impact a relatively large community of Spanish speakers, and the Bureau will provide pertinent information in both English and Spanish in public meeting notices, public comment notices, and other announcements (radio broadcasts, brochures, signs, newspapers, fact sheets, etc.), as necessary. During public comment periods, hardcopies of relevant documents may be reviewed at the information repositories listed in “Public Participation and Outreach Activities” – Section V.F.

More detailed information about planned Bureau outreach is available in this PIP.

Table 1. Schedule of Public Participation and Stakeholder Outreach Activities

| Activity                                                                                                                                                                                                                        | Dates                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Petition EIB for Hearing                                                                                                                                                                                                        | June 27, 2025                     |
| Public Notice for the proposed amendments to 7.6.2 NMAC Food Service and Food Processing                                                                                                                                        | July 2025                         |
| Bureau Public Comment Period                                                                                                                                                                                                    | July 1, 2025 – September 30, 2025 |
| Publish hearing notice in the New Mexico Register, in one newspaper of statewide general circulation, in one newspaper in the affected area.                                                                                    | August 2025                       |
| Stakeholder identification and outreach to gather information and identify potential updates.                                                                                                                                   | August 2025                       |
| Stakeholder Outreach and Engagement                                                                                                                                                                                             | August 2025 – September 2025      |
| Public and Stakeholder Meetings                                                                                                                                                                                                 | August 2025 – September 2025      |
| Post rulemaking information on State’s Sunshine Portal (State Rules Act)                                                                                                                                                        | August 2025                       |
| Consider Comments, Regulation Amendments, if necessary                                                                                                                                                                          | September 2025 - October 2025     |
| Provide notice of hearing to the New Mexico legislative council for distribution to appropriate legislative committees (State Rules Act)                                                                                        | August 2025                       |
| Send rulemaking information and notice of hearing by electronic mail (if provided) to persons who have identified as a stakeholder, participated in the rulemaking, or specifically made a request for notice (State Rules Act) | August 2025                       |
| Send written notice that includes, at a minimum, an internet and street address where the information may be found to persons who provide a postal address (State Rules Act)                                                    | August 2025                       |
| Provide electronic mail notification of hearing notice with links to supporting documentation for proposed rulemaking to the Department’s district managers to make available at Department field offices (State Rules Act)     | August 2025                       |
| File Notice of Intent – Technical Testimony (20 days before hearing)                                                                                                                                                            | September 2025                    |
| Public Hearing before EIB                                                                                                                                                                                                       | October 2025                      |
| Publication of approved regulation in the New Mexico Register with effective date of rule (1.24.10 NMAC) (Within 15 days after hearing)                                                                                         | November 2025                     |
| If adopted the amendments to 7.6.2 NMAC Food Service and Food Processing takes effect                                                                                                                                           | January 2026                      |

This PIP is a “living” document that may be amended after considering public comments and feedback. The Bureau Chief provides final approval of the PIP and amendments.

## II. Contacts

Bureau contacts for questions regarding the proposed 7.6.2 NMAC Food Service and Food Processing rule, the Bureau's website, or this PIP, are listed below:

|                                                                                                                                                                                                                             |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Marci Nevarez, Food Program Manager<br>Environmental Health Bureau<br>2301 Entrada Del Sol<br>Las Cruces, NM 88011<br>Phone: (575)635-6508<br>Email: <a href="mailto:marci.nevarez@env.nm.gov">marci.nevarez@env.nm.gov</a> |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

If you need to contact the Bureau regarding the proposed amendments to 7.6.2 NMAC Food Service and Food Processing, please call or email the bureau contacts listed above. Contacts will record voicemail message in both English and Spanish. Callers with limited English proficiency will be accommodated according to the bureau Limited English Proficiency plan.

### A. Non-English Language Speaker Assistance and Accommodations

Non-English speakers may call the Bureau contact listed in this PIP and request language assistance services, such as an interpreter, so they can learn more about the proposed Food Service and Food Processing rule.

- B.** When engaging initial contact with members of the public in languages other than Spanish, where communication cannot be effectively conducted in English, EHB staff will use the US Census Bureau "Language Identification Flashcard" to identify the speaker's language if the contact is in person; if the contact is by phone staff will record a call-back number and inform the caller that they will receive a return call as soon as an interpreter is available. EHB will use the NMED contracted Language Link interpretation services (888-338-7394) and complete a merged call with the interpreter, or use a staff member and LEP member of the public.

### C. Department and Bureau Websites

The Department maintains a website and webpages for information regarding its activities, programs, boards, and commissions.

New Mexico Environment Department  
<https://www.env.nm.gov/>

Environmental Health Bureau, Food Program  
[Food Safety Program](#)

EHB Regulations and Announcements  
[Events Calendar](#)

EHB amendments to 7.6.2 NMAC Food Service and Food Processing  
[Food Safety Program](#)

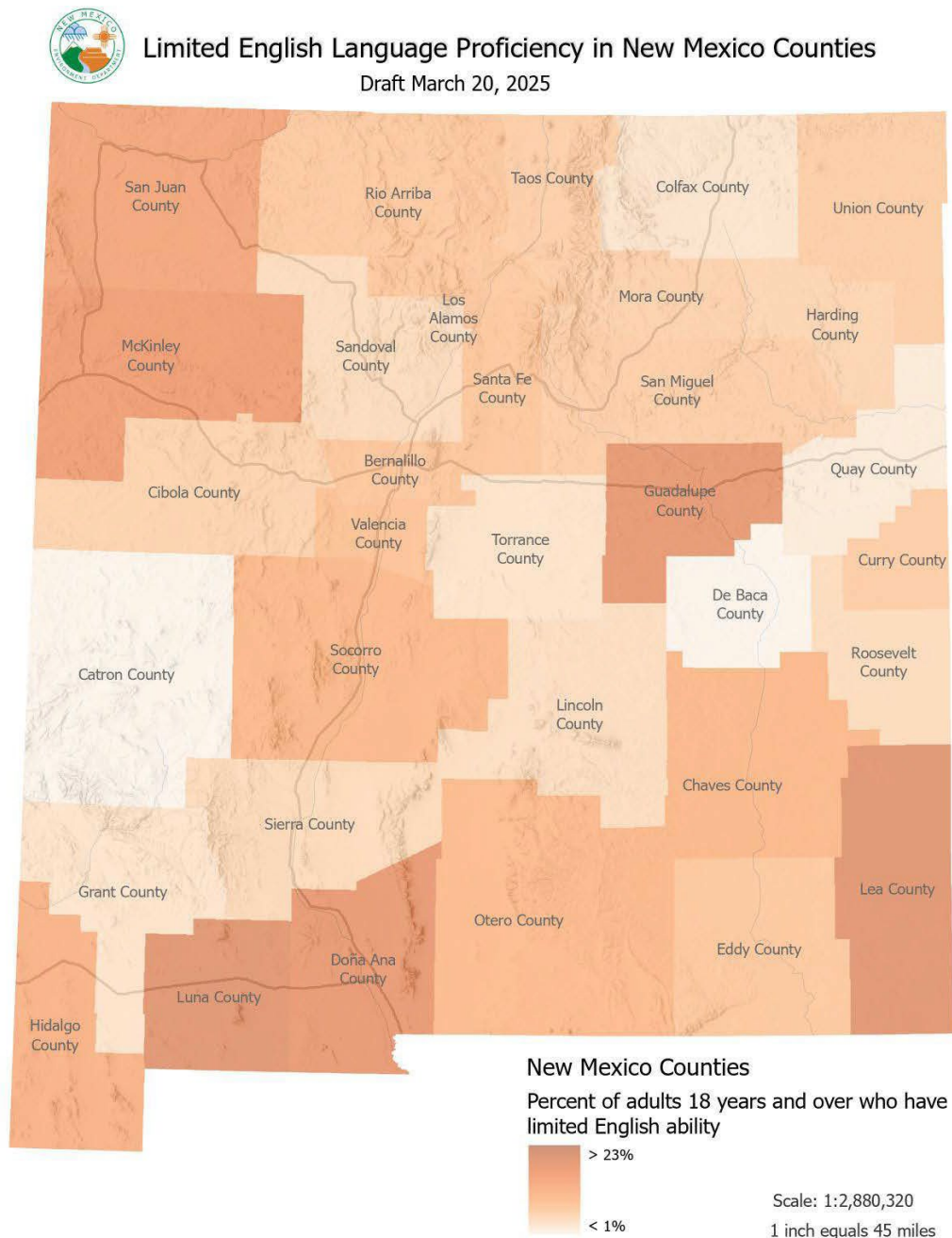
### **III. Regulatory Framework**

Section 25-1-7 NMSA 1978 authorizes the department of environment to execute any provisions of the Food Service Sanitation Act (Chapter 25, Article 1 NMSA 1978). The Environmental Health Bureau is the bureau under this authority and has adopted the 2017 United States food and drug administration model food code and the supplement to the 2017 food code in their entirety.

Section 74-1-8 NMSA 1978 directs the environmental improvement board to promulgate regulations and standards for food protection. Section 74-1-9 NMSA 1978 directs the procedures for adoption. Section 25-1-4 delineates requirements of food service establishments to prepare and serve food in a manner safe for human consumption, free from adulteration, spoilage, contamination and unwholesomeness

## IV. Location and Demographics

The proposed 7.6.2 NMAC Food Service and Food Processing Rule is a statewide rulemaking because public and private sector employers within the Bureau's jurisdiction across the state will be affected.



Data Sources: Texas Parks & Wildlife, Esri, TomTom, Garmin, FAO, NOAA, USGS, Bureau of Land Management, EPA, NPS, USFWS, Esri, USGS,USCB

## Demographic Summary

Using U.S. Census Bureau 2016-2020 American Community Survey (ACS) Report for the State of New Mexico has an estimated population of **2,130,256**; 49% identify as Hispanic or Latino (which may be of mixed race). The percent of persons that communicate in a language other than English (non-English) at home is 33%, compared to 21.5% for the United States. There are 5.1% of households in New Mexico that are linguistically isolated, of which 81% speak Spanish, 13% speak “other” languages that include Native American languages, and 6% speak various other Indo-European, Asian, and Pacific Island languages. The per capita income for New Mexico is \$27,945 as compared to the national per capita income of \$35,384, with 18.4% of the population living in poverty. These results indicate that for the area, the percentage of Spanish-speaking communication is considerable (i.e., substantially greater than the national percentage) and there are demographic factors (i.e., low-income community, minority community, limited English proficiency, Linguistically Isolated Households, etc.) that may impact public participation.

Therefore, the Bureau will provide information in Spanish and in English for public comment notices and other announcements. All public notices will include information about how persons may request non-English speaker language assistance and accommodations for persons with disabilities (i.e., deaf and/or non-English language interpreters) at least 5 days in advance for public meetings and 14 days in advance for hearings related to the Food Service and Food Processing rule development. Specific information repositories that may be used depending on the need are provided in Section V.F of this PIP.

## **V. Public Participation & Outreach Activities**

The public may ask questions about the amendment to 7.6.2 NMAC Food Service and Food Processing, at any time. However, the Bureau emphasizes that to be included in the administrative record, comments solicited by public notices about the designation must be submitted during the noticed public comment period, and in accordance with the public notice.

Specific outreach activities related to the amendment to 7.6.2 NMAC Food Service and Food Processing include:

- Conducting stakeholder outreach and meetings to gather information and identify potential updates,
  - Stakeholder outreach meetings will be in the form of in-person meeting held at strategically located areas of the state.
  - Identified stakeholders include New Mexico Restaurant Association, permitted business across the state within NMED's jurisdiction
- Developing public notices announcing public comment periods for the amendment to 7.6.2 NMAC Food Service and Food Processing,
- Posting notices to the Department's websites,
- Publishing notices in a newspaper of general circulation. The publication will be published in the Albuquerque Journal, Santa Fe New Mexican and Las Cruces Sun News in both English and Spanish
- Emailing public notices to stakeholders including permittees, New Mexico Restaurant Association, and the Bureau's extensive listserv through the GovDelivery e-mail delivery service
- Sending this public notice to the Department's public relations officer for a press release and social media posts.

The most direct way to learn about and be involved in the decision-making process for this Plan revision is to submit a comment to the Bureau during the public comment period and/or attend the rulemaking hearing when the Bureau presents the rule to the EIB for adoption.

Based on the demographics report discussed in the PIP, basic information about public involvement opportunities will be in both English and Spanish. This information will include how to request materials in Spanish or to speak with Bureau staff through language link interpreter service or staff proficient in Spanish. Further details about public participation for this activity are outlined below.



## **A. Postal Mailing or E-Mailing of Notices of Amendment to 7.6.2**

### **NMAC - Food Service and Food Processing to Bureau's Email List**

The Bureau maintains an extensive email list that includes individuals and business owners interested in Food Service and Food Processing. The Bureau regularly maintains contact information, which is updated or supplemented if additional information is found. Individuals, organizations, and other interested parties can be added to the email list as requested.

## **B. Public Notices – Comments, Meetings, Hearings, and Other Notices**

Based on the Bureau's evaluation of the community, public notices and messaging will be translated into Spanish. In addition, the Bureau will post notices, in English and Spanish, with participation details, access to supporting information, and communication instructions on the Department's Events Calendar at <https://www.env.nm.gov/events/>, the Department's Smart Comment Website at [Proposed Amendments to 7.6.2 NMAC of the Food Service and Food Processing Regulations - EIB 25-32](#), and the Bureau's webpages, as appropriate. Sections II.B and II.C list website addresses where information and notices will be posted.

## **C. Public Comment Period and Hearing**

The Bureau will hold a 60-day public comment period on the proposed Food Service and Food Processing rule from August 2025 to September 2025. The public comment period will be announced through publishing in newspapers and direct emails. The public comment opportunity will start with publishing the notice of rulemaking in the New Mexico Register and will continue through the close of the administrative record. Interested parties may also provide technical testimony at the hearing by filing a Notice of Intent prior to the hearing. Details for participating in the hearing, submitting comments, providing technical testimony, and deadlines will be outlined in each public notice.

## **D. Other Outreach**

Other means of outreach such as flyers, radio advertisements, or hard copy postings are not anticipated at this time. However, any updates to the material or rulemaking process will be posted on the Department's website.

## **E. Information Repositories**

Copies of the amendment to 7.6.2 NMAC Food Service and Food Processing rule will be available to download from the EHB website the following link ([Docketed Matters](#)) or by contacting Bureau contacts listed above in Section II.

The Bureau will post the amendment to 7.6.2 NMAC Food Service and Food Processing, proposed regulatory language and supporting information at all Department offices until the completion of the hearing. The Bureau emphasizes that individuals can access the amendment to 7.6.2 NMAC Food Service and Food Processing documents and information online at the links noted above. If requested, the Bureau will work with individuals to provide hard copies. If you would like to request hard copies of important documents or information about how to comment on the amendment to 7.6.2 NMAC Food Service and Food Processing, please contact Marci Nevarez at (575)635-6508, or [marci.nevarez@env.nm.gov](mailto:marci.nevarez@env.nm.gov).

## **F. Amendment to 7.6.2 NMAC Food Service and Food Processing Response to Comments, Amendments, and Participating in the Rulemaking Hearing**

To address stakeholder and community members input, the Bureau will consider and respond to public comments received within the public comment period. EHB will prepare a “Response to Comments” document and include it as an appendix to the amendment to 7.6.2 NMAC Food Service and Food Processing EIB petition. If appropriate, the associated regulatory language will be amended to incorporate feedback prior to filing a petition with the EIB. The final rule language, supporting information for amendment to 7.6.2 NMAC Food Service and Food Processing will be presented to EIB for approval and adoption into 7.6.2 NMAC by the Bureau at an EIB hearing that is scheduled for October 23, 2025.

