

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE
OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
7.6.2 NMAC OF THE FOOD SERVICE AND FOOD PROCESSING REGULATIONS
EIB 25-32(R)**

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing beginning at 9 a.m. on October 23, 2025, and continuing at the direction of the Board, to consider the matter of EIB 25-32(R), proposed amendments to regulations at 7.6.2 NMAC (Food Service and Food Processing). The hearing will last as long as required to hear all testimony, evidence, and public comment, and is expected to last approximately 3 hours. The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

The hearing will be conducted in a hybrid format to allow for both in-person and virtual participation. The in-person hearing will be held at the New Mexico State Capitol Building (Roundhouse), 490 Old Santa Fe Trail, Santa Fe, New Mexico 87505. Detailed information concerning the time, location, and instructions on how to join the hearing virtually is available on the New Mexico Environment Department (“NMED”) events calendar at <https://www.env.nm.gov/events-calendar/>, under the calendar entry corresponding to the hearing start date. If you have difficulties joining the meeting, please contact Pamela Jones at (505) 660-4305 or pamela.jones@env.nm.gov.

The proposed regulations and related information, including technical information, may be reviewed online at <https://www.env.nm.gov/opf/docketed-matters/>; during regular business hours at 4359 Jager Drive NE, Suite B, Rio Rancho, NM 87144; or by contacting the Environmental Health Bureau’s Food Program Manager, Marci Nevarez, at (575) 288-2050.

Public comments will be received via SmartComment at <https://nmed.commentinput.com?id=s38BDgN4p>, via electronic mail to Pamela.Jones@env.nm.gov; or via physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM 87502 until the conclusion of the hearing. Comments received after the conclusion of the hearing will not be viewed.

The purpose of the public hearing is for the Board to consider and take possible action on a petition by NMED requesting the Board to adopt proposed regulatory changes to 7.6.2 NMAC (Food Service and Food Processing). The proposed regulatory changes are attached as Attachment 1 to the Petition for Regulatory Change (“Petition”), docket number EIB 25-32(R), available for viewing online at <https://www.env.nm.gov/opf/docketed-matters/>. If you need assistance obtaining a copy of the proposed amendments, the Petition, or any other documents related to this matter, then please contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@env.nm.gov; (505) 660-4305. In your correspondence, please reference docket number EIB 25-32(R).

The proposed regulatory changes requested by the Environmental Health Bureau (“Bureau”) of NMED are necessary for the Bureau to effectively operate the Food Program (“Program”) in the State. To achieve this, the Bureau is proposing to increase certain fees and add additional fees that would provide much needed funding to NMED for performing inspections of food service and processing facilities, processing food permit applications, and reviewing plans and specifications for new and remodeled food establishments and food processing plants. This additional funding will equip the Program with the resources it needs to adequately staff its program and protect public health and safety. The fees described in the proposed rules are necessary for the Bureau to effectively operate the Program. The Bureau will also use this opportunity to make several minor changes in order to improve the clarity and enforceability of the regulations.

The Board has the authority to amend the Food Service and Food Processing Regulations under NMSA 1978, Section 74-1-8(A)(1) (2024), NMSA 1978, Section 74-1-9 (1985), NMSA 1978, Section 25-1-4 (2011), NMSA 1978, Section 25-1-5 (2020), and NMSA 1978, Section 25-1-7(C)(2020).

The hearing will be conducted in accordance with the Board’s Rulemaking Procedures found at 20.1.1 NMAC, the Environmental Improvement Act, NMSA 1978, Section 74-1-9 (1985), and other applicable procedures.

The Board may make a decision on the proposed rule at the conclusion of the hearing, or the Board may convene a meeting on a later date after the hearing to consider action on the proposed rule. Alternatively, the Board may

continue the hearing beyond the expected conclusion date, leaving the hearing record open and continuing to receive comments. Notice of continuation will be posted on the Board's and NMED's websites.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via SmartComment at <https://nmed.commentinput.com?id=s38BDgN4p>; by electronic mail at pamela.jones@env.nm.gov; or by physical mail to Pamela Jones, P.O. Box 5469, Santa Fe, NM, 87502. Any statements received after the conclusion of the hearing will not be viewed.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The requirements for a notice of intent can be found in 20.1.1.302 NMAC. Technical testimony means scientific, engineering, economic, or other specialized testimony, whether oral or written, but does not include legal argument, general comments, or statements of policy concerning matters at issue in the hearing. Notices of intent for the hearing must be received by the Board no later than 5:00 p.m. MST on October 3, 2025, and should reference the name of the regulations, the date of the hearing, and docket number EIB 25-32(R). Notices of intent to present technical testimony shall be submitted to Pamela Jones, Board Administrator, P.O. Box 5469, Santa Fe, NM 87502, pamela.jones@env.nm.gov.

Persons requiring language interpretation services or have a disability and need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing should contact Pamela Jones no later than October 8, 2025, at (505) 660-4305 or pamela.jones@env.nm.gov. TDD or TDY users please dial 7-1-1 or 800-659-8331 to access this number via Relay New Mexico.

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855 nd.coordinator@env.nm.gov.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.