

This is an amendment to 21.1.2 NMAC, Sections, 2, 6, 7, 9 and 10, effective 01/29/10. The part name is also amended.

## **PART 2 FEES FOR ~~[LISTS,]~~ DOCUMENTS AND SERVICES**

**21.1.2.2 SCOPE:** Part 2 shall apply to all persons requesting ~~[mailing lists,]~~ special documents, or special services from the New Mexico department of agriculture, division of agricultural and environmental services or one of the division's ~~[bureaus]~~ sections.

[7/1/97; 21.1.2.2 NMAC - Rn, 21 NMAC 1.2.2, 05/29/09; A, 01/29/10]

**21.1.2.6 OBJECTIVE:** The objective of Part 2 of Chapter 1 is to establish fees for ~~[requested lists and]~~ services plus certain documents issued by the New Mexico department of agriculture, division of agricultural and environmental services.

[7/1/97; 21.1.2.6 NMAC - Rn, 21 NMAC 1.2.6, 05/29/09; A, 01/29/10]

### **21.1.2.7 DEFINITIONS:**

A. "Division" means the division of agricultural and environmental services and its ~~[bureaus]~~ sections within the New Mexico department of agriculture.

~~[B. "Mailing list" means any list of persons licensed by the division. Each category or subcategory of licensee shall constitute a separate mailing list. Lists compiled by county shall constitute a separate mailing list for each county requested.]~~

~~[C.]~~ B. "Request for service" means any written or oral request by any public or private entity for services, ~~[mailing lists,]~~ or documents not routinely provided by the division as part of its official regulatory responsibilities or determined to be for the personal or commercial benefit of the person making the request.

[7/1/97; 21.1.2.7 NMAC - Rn, 21 NMAC 1.2.7, 05/29/09; A, 01/29/10]

### **21.1.2.9 FEE SCHEDULE:**

A. All fees for ~~[lists,]~~ documents, or services rendered are due and payable at the time they are ordered or when billing is received, as appropriate. Failure to pay for either documents or services shall result in withholding all further services by the division until outstanding amounts are paid in full by cashier's check or money order.

B. Per diem at standard rates, hourly wages, and mileage charges may be assessed in addition to fees charged for documents when the use of New Mexico department of agriculture personnel is required to inspect or draw samples of a particular agricultural commodity for laboratory analysis as a prerequisite to preparation of the documents. Per diem, wage, and mileage charges ~~[will]~~ may be portal to portal- the time and distance traveled to perform the service and return. In addition, per diem at standard rates or other expenses for materials or shipping incurred as a result of providing special inspections or commodity sampling may be charged when applicable. These other expenses will be charged at actual cost.

C. The following fees shall apply:

~~[(1) printed mailing lists - \$35.00.~~

~~(2) printed mailing labels - \$50.]~~

~~[(3)]~~ (1) Certificates of inspection - ~~[\$2 per 100]~~ \$5 per certificate.

~~[(4) certificate of origin for in shell pecans - \$2 per form.]~~

~~[(5)]~~ (2) Federal phytosanitary certificate - not to exceed federal charges (certificate only; inspection and laboratory fees may be charged in addition to fees charged for certificates)~~[=].~~

~~[(a) Shipper is an employee of a university or state/federal laboratory or agency and the commodity is involved in a work related project or program - "no charge."~~

~~[(b) Shipper is a current licensee under the New Mexico Plant Protection Act and commodity does not involve any threatened or endangered species or products made from them - "no charge."~~

~~[(c) Shipper does not meet criteria (a) or (b) above; waybill or invoice indicated that the total dollar amount of the commodity(ies) involved in the shipment is less than or equal to \$1,250 - \$19 each certificate.~~

~~[(d) Exporter shipping commodities under natural resource conservation service programs and possessing a pertinent copy of form RC 269 - A, FORWARDING NOTICE - \$19 per certificate. The volume, weight or unit number of the commodity recorded on form KC 269 - A must correspond to what is recorded on PPQ Forms 572 and 577; shipper must meet other paperwork requirements as detailed in most recent USDA phytosanitary notes.~~

~~\_\_\_\_\_ (e) Shipper does not meet criteria (a) through (d) above; waybill or invoice indicates that the total dollar amount of the commodity(ies) involved in the shipment is more than \$1,250 — \$30 each certificate.]~~

~~[(6)] (3) State phytosanitary certificates and state certificates of origin - [~~\$5~~] \$15 per certificate (either fully or partially completed by New Mexico department of agriculture staff).~~

~~[(7)] (4) Faxing of either state or federal certificates prepared by [~~NMDA~~] New Mexico department of agriculture to any destination requested by the shipper or consignee - \$5 per page.~~

~~[(8)] (5) Special local need 24(c) registrations - \$35 each.~~

~~[(9)] (6) Section 18 exemption from federal registration, preparation and submission - \$350 each.~~

~~[(10)] (7) Laboratory analysis:~~

~~[(a)] nematode analysis — \$25/sample.~~

~~(b) bee identification — \$25/sample.~~

~~(i) insect identification — \$25/sample.]~~

~~[(ii)] (a) pesticide formulation - \$150 per active ingredient.~~

~~[(iii)] (b) tank mix samples - \$150 per active ingredient.~~

~~[(iv)] (c) residue samples - \$300 per active ingredient.~~

D. For request for service not specifically covered by this rule, the division may charge a fee not to exceed the cost of providing the service as determined by the division director.

[7/1/97; 21.1.2.9 NMAC - Rn, 21 NMAC 1.2.9, 05/29/09; A, 01/29/10]

**21.1.2.10 WAIVER OF FEES:** The division director may waive any or all fees if in ~~[his]~~ the division director's opinion the public interest would be served by exempting the party from the fee, or the fee is incidental to the cost of providing the service.

[7/1/97; 21.1.2.10 NMAC - Rn, 21 NMAC 1.2.10, 05/29/09; A, 01/29/10]