NOTICE AND CONCISE EXPLANATORY STATEMENT OF THE NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD'S DECISION TO ADOPT 7.6.2 NMAC

The New Mexico Environmental Improvement Board ("Board") approved of the proposed amendments to 7.6.2 NMAC (Food Service and Food Processing) on May 27, 2026. The Chair of the Board adopted the proposed amendments to 7.6.2. NMAC (Food Service and Food Processing) on June 8, 2026. The Board has the authority to adopt 7.6.2 NMAC pursuant to the Environmental Improvement Act, Sections 74-1-8(A)(1)(2024) and 74-1-9(1985), and the Food Service Sanitation Act, NMSA 1978, Sections 25-1-4 (2011), 25-1-5 (2020), and 25-1-7(C)(2020).

The proposed regulatory changes requested by the Environmental Health Bureau ("Bureau") of the New Mexico Environment Department ("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.

NMED proposed amendments to 7.6.2 NMAC before the Board in a petition for public hearing pursuant to 20.1.1.300 NMAC. Notice of the hearing was published at least 60 days prior to the hearing in accordance with 20.1.1.301 NMAC. The Petition for Regulatory Change was docketed as EIB 25-32(R), a hearing was held on April 24, 2026, and the Board deliberated on May 27, 2026. After deliberations the majority of the Board voted to adopt the proposed amendments. In adopting the proposed amendments, the Board considered all facts and circumstances, and concluded that the proposed amendments do not cause injury to or interfere with health, welfare, animal and plant life, property and the environment. The Board found the proposed amendments to be technically practical, economically reasonable, and in the public interest. The Board concluded that the factors specified by NMSA 1978, Section 74-1-9 all weigh in favor of adopting the proposed revisions.

The proposed amendments will take effect on October 1, 2026.