

SUBJECT: Providing a criminal penalty for feeding certain garbage to swine

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 6 ayes — Swinford, McReynolds, Hardcastle, Miller, Brown, Kolkhorst
0 nays
3 absent — Christian, Green, Hupp

WITNESSES: For — Kenneth E. Horton, Texas Pork Producers Association; Ed Small, Texas and Southwestern Cattle Raisers Association
Against — Keith Armstrong, U.S. Department of Agriculture
On — Martin Hubert, Texas Department of Agriculture; Steve McAndrew, Texas Department of Health; Max E. Coats, Texas Animal Health Commission

BACKGROUND: Foot-and-mouth disease is a highly infectious viral disease that strikes cloven-footed animals, such as cattle, swine, and deer. The disease is fatal for animals but harmless to humans. Infected animals develop sores on their mouths, causing excessive drooling and weight loss. The sores can spread to the feet and other body parts, resulting in lameness. The disease is spread by contact with infected animals or with meat products from infected animals.

Agriculture Code, sec. 165.026 prohibits a person from feeding garbage to swine unless the person first registers with and secures a permit from the Texas Animal Health Commission (TAHC) and the garbage has been heated to a temperature of 212 degrees Fahrenheit for 30 consecutive minutes within 48 hours before feeding. This requirement does not apply to someone who feeds garbage from his own household, farm, or ranch to his own swine. The commission may adopt rules for registration issuance and renewal, disease tests, inspections, and bookkeeping and may impose a registration fee.

A person who violates this law commits a Class C misdemeanor, punishable by a maximum fine of \$500. For a repeat violation, the offense is elevated to

a Class B misdemeanor, punishable by up to 180 days in jail and/or a maximum fine of \$2,000. A person commits a separate offense for each day of violation.

DIGEST:

CSHB 3673 would prohibit the feeding of restricted garbage to swine or providing restricted garbage to someone who intends to use it as feed. However, a Texas Department of Criminal Justice (TDCJ) facility could feed such garbage to swine if the garbage was treated properly in accordance with federal requirements. A person could feed unrestricted garbage to swine only if the person first registered and secured a permit from TAHC.

The bill would define “restricted garbage” to include animal refuse matter, animal waste prone to putrefy, animal waste material byproducts or commingled animal and vegetable waste material byproducts, and refuse accumulations of animal matter or commingled animal and vegetable matter. “Unrestricted garbage” would include non-animal refuse matter, vegetable waste, and refuse accumulations from handling, preparing, cooking, or consuming food containing only vegetable matter.

TAHC could adopt rules for revoking a permit and for appropriate handling and treatment of unrestricted garbage. If the commission or its executive director determined that a garbage feeding facility posed a danger to public health or livestock, the commission or executive director could issue an emergency order to suspend a registration or to require the immediate quarantine and closure of the facility. The commission or executive director could prohibit the feeding of all garbage, restricted or not, to swine in all or part of the state.

The bill would take effect September 1, 2001. A violation of the new provisions would be an offense only if each element of the violation occurred on or after December 1, 2001.

**SUPPORTERS
SAY:**

CSHB 3673 would help reduce the possibility of an outbreak of foot-and-mouth disease in Texas and prevent such an outbreak from spreading rapidly.

More outbreaks of this disease have occurred around the world in the past 12 months than ever before, largely because of the rise of international

travel. International travelers sometimes try to smuggle foreign meat into a country. For example, the U.S. Department of Agriculture (USDA) recently confiscated more than 1,000 pounds of foreign meat in Miami.

The current foot-and-mouth outbreak in Europe has resulted in the slaughter of about 1 million head of livestock and a loss of \$4.5 billion to the European cattle industry. British officials believe the outbreak was caused by pig swill that probably contained illegally imported or smuggled meat infected with the virus.

Texas is the nation's leading cattle producer. An outbreak of foot-and-mouth disease in Texas would cause considerable harm to the state's economy. It also would affect the national economy, because any ban on exporting meat would apply to the entire country. Export bans such as the one that now applies to European meat can last indefinitely.

The last foot-and-mouth outbreak in the United States occurred in 1929. Like almost all outbreaks of this disease around the world, it was linked to feeding meat scraps to swine. Texas has about 600 small hog farms that feed pigs garbage and food scraps from local school cafeterias, restaurants, and prisons. This number reflects only the permitted garbage feeders and not people who are allowed to feed pigs scraps from their kitchen tables or garbage taken from restaurants.

This bill would apply only to a small population, yet the actions of this small population could affect the entire state. Enactment of CSHB 3673 would make unregulated garbage feeders more aware of the dangers of feeding restricted garbage to pigs. Garbage feeders with permits would remain subject to USDA inspections. The bill also would help reassure Texas consumers that the state is doing all it can to prevent foot-and-mouth disease and to ensure that the meat they eat is safe.

CSHB 3673 would help prevent other communicable diseases. Diseases such as hog cholera and African swine fever also can be spread by garbage feeding. The bill also would help protect Texas' wildlife. Foot-and-mouth disease can infect feral hogs and deers. Feral hogs sometimes break into garbage feeding facilities. Because feral hogs can travel long distances in a single day, an infected feral hog could spread the disease quickly to other

wildlife.

CSHB 3673 would not ban all garbage feeding. Table waste generally would fall under the category of restricted garbage, but a household easily could separate its food garbage from grocery stores, bakeries, and similar businesses to be used for garbage feeding.

OPPONENTS
SAY:

CSHB 3673 would not be practical. Restaurants and school cafeterias that supply garbage to garbage feeders would have to separate any food that was commingled with meat from food that had had no contact with meat. Table waste is very hard to separate. A better and easier alternative would be to continue to allow garbage feeding but to increase inspections to ensure that garbage is heated properly before being fed to hogs.

The bill's requirements would not ensure that an outbreak of foot-and-mouth disease would not occur. This disease can break out by other means. For example, the virus can be carried on clothing and footwear of international travelers, although the amount is usually minimal.

It already is illegal to feed untreated garbage to swine. The people who now violate this law would not be any more likely to comply with CSHB 3673.

This bill would not address the most serious threat of foot-and-mouth disease, that posed by people who obtain illegally smuggled meat for their own consumption and feed their table scraps to their pigs.

NOTES:

The committee substitute modified the original bill by differentiating between restricted and unrestricted garbage. It would prohibit providing restricted garbage for the purpose of feeding it to swine in addition to prohibiting a person from feeding restricted garbage to swine. Rather than merely authorizing TAHC to adopt rules to prohibit garbage feeding if the practice presented a danger, the substitute would authorize TAHC or its executive director to suspend registration of permits, require quarantine and closure of a garbage feeding facility, and issue a statewide prohibition against the feeding of restricted or unrestricted garbage to swine. The

substitute would authorize a TDCJ facility to feed restricted garbage to swine if federal requirements were met. Also, it changed the effective date to December 1, 2001, for a violation to be brought under the bill.