

- SUBJECT:** Requiring cooperative agreements for plant pest and disease prevention
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 8 ayes — Burns, Anderson, Bailes, Cole, Cyrier, Guillen, Rosenthal, Toth
0 nays
1 absent — Herrero
- WITNESSES:** For — Kody Bessent, Plains Cotton Growers, Inc.; Ryan Skrobarczyk, Texas Nursery & Landscape Association; (*Registered, but did not testify*: J Pete Laney, Texas Citrus Mutual; Kenneth Hodges, Texas Corn Producers; Joy Davis, Texas Farm Bureau; Rob Hughes, Texas Forestry Association; Patrick Wade, Texas Grain Sorghum Association; Shayne Woodard, Wonderful Citrus)
Against — None
On — Phil Wright, Texas Department of Agriculture; (*Registered, but did not testify*: Larry Redmon, Texas A&M University, Department of Soil and Crop Sciences)
- DIGEST:** HB 2089 would require the Texas Department of Agriculture (TDA) to enter into cooperative agreements with institutions of higher education to conduct plant pest and disease detection and surveillance. The bill also would establish a threat identification and mitigation program to address threats to crop production.
- Cooperative agreements.** TDA would be required to enter into a cooperative agreement with an institution of higher education that agreed to conduct plant pest and disease detection and surveillance. The department would consult with the State Seed and Plant Board and interested parties to carry out the bill's requirements related to such agreements. The bill would define interested parties to mean certain organizations or their successors, including the following:

- Plains Cotton Growers;
- South Texas Cotton and Grain Association;
- Texas Citrus Mutual;
- Texas Corn Producers;
- Texas Farm Bureau;
- Texas Grain Sorghum Association; and
- Texas Nursery and Landscape Association.

Application. An institution of higher education could apply to enter into a cooperative agreement under the bill by submitting an application to TDA that contained information required by the department. TDA would have to notify each applicant of:

- the auditing and reporting requirements that would apply to the institution in connection with the use of any money provided under the cooperative agreement;
- the criteria used to ensure that plant pest and disease detection and surveillance conducted under the agreement were based on sound scientific data or risk assessments; and
- the required means of identifying pathways of pest and disease introduction.

Funding. TDA would be required to provide money to an institution of higher education to carry out plant pest and disease detection and surveillance under a cooperative agreement if the department determined that:

- the institution was in a region of the state that had a high risk of being affected by plant pest and disease, based on criteria specified in the bill; and
- the supported detection and surveillance would likely prevent plant pest and disease and would provide a comprehensive approach to complement federal and state detection efforts.

An institution of higher education would have to use any money received under a cooperative agreement to carry out plant pest and disease detection and surveillance approved by TDA. The non-state share of the cost of carrying out a cooperative agreement could be provided in-kind, including by covering certain indirect costs TDA considered appropriate. TDA could not consider an applicant's ability to pay or cover non-state costs when deciding whether to enter into a cooperative agreement with the applicant.

Reporting requirements. An institution of higher education that conducted a plant pest and disease detection and surveillance activity using money provided under the bill would be required to submit a report to TDA describing the purposes and results of the activity within 90 days of the date the activity was completed.

Threat identification and mitigation program. TDA would have to establish a threat identification and mitigation program to determine and address threats to the domestic production of crops. Under this program TDA would be required to:

- develop risk assessments for potential threats from foreign sources to the Texas agricultural industry;
- describe the status of plant pests and diseases present in the state and related management strategies;
- collaborate with the State Seed and Plant Board and interested parties; and
- implement action plans to assist in the prevention of new or highly consequential plant pests and diseases.

By September 1 of each year, TDA would be required to submit to the appropriate legislative committees a report on these action plans, including an accounting of money spent in connection with the plans.

The bill would take effect September 1, 2021.

SUPPORTERS HB 2089 would provide an effective way to detect and prevent plant pests

SAY: and diseases that could pose a serious threat to the Texas agriculture industry by requiring the Texas Department of Agriculture (TDA) to enter into cooperative agreements with institutions of higher education and creating a threat identification and mitigation program.

The agriculture industry in Texas can be vulnerable to new plant pests and diseases, which may be difficult and expensive to contain or eradicate once established. The ongoing efforts to contain a new, invasive form of fungal pest that affects pima cotton grown in certain parts of the state exemplifies this type of threat. HB 2809 would address such threats by requiring TDA to enter into cooperative agreements with institutions of higher education to identify problems and solutions related to plant pest and disease before they became too extensive or costly. Cooperation between the state and institutions of higher education also could help to secure federal funding for pest and disease management.

The cooperative agreements required by the bill also would support the surveillance and detection of pests and diseases related to living plant matter that is frequently transported across the state. Improved surveillance and detection would ensure that this transportation was safer and less likely to spread pests and diseases. It also would reassure recipients of exported Texas agricultural products that these products were free of plant pests and diseases.

While the bill does not specifically prohibit TDA from entering into cooperative agreements that covered activities already being performed in the state, TDA could exercise appropriate oversight to prevent such duplication.

CRITICS
SAY: HB 2089 would establish cooperative agreements between TDA and institutions of higher education that might duplicate some activities already performed by the Texas A&M AgriLife Extension program. This could lead to state money being used to fund redundant programs and activities.