

BILL ANALYSIS

Senate Research Center
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S.B. 1668
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Agriculture, Water & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Agriculture (TDA) has been awarded a five-year cooperative agreement from the United States Food and Drug Administration for produce safety relating to the Food Safety Modernization Act of 2011 to achieve higher rates of compliance with preventative safety standards. S.B. 1668 establishes TDA as the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the U.S. Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption or any successor federal produce safety rule or standard. Additionally, S.B. 1668 authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of provisions relating to the coordination of produce safety. S.B. 1668 authorizes TDAs to promulgate rules regarding provisions on the coordination of produce safety to administer and enforce such provisions and to consider relevant state, federal, or national standards and consult with federal or state agencies. Finally, S.B. 1668 sets a maximum administrative penalty of \$5,000 for produce safety violations.

As proposed, S.B. 1668 amends current law relating to the administration and enforcement of produce safety standards by the Department of Agriculture and authorizes an administrative penalty.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Agriculture is modified in SECTION 2 (Section 91.009, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.020(c), Agriculture Code, to include Section 91.009 (Coordination of Food Safety) among the provisions of law subject to this section and the applicable penalty amount of not more than \$5,000.

SECTION 2. Amends Section 91.009, Agriculture Code, as follows:

Sec. 91.009. New heading: COORDINATION OF PRODUCE SAFETY. (a) Provides that the Texas Department of Agriculture (TDA) is the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption (21 C.F.R. Part 112) or any successor federal produce safety rule or standard.

(a-1) Creates this subsection from existing text. Requires TDA to assist the fresh fruit and vegetable industries with produce, rather than food, safety issues and authorizes TDA to provide assistance to federal agencies in their implementation of guidelines, rather than voluntary guidelines, relating to sound agricultural practices.

(b) Requires that a program under this subsection inform and educate producers and packers regarding certain information, including proper produce handling procedures and the enhancement of overall produce safety, rather than proper food handling procedures and the enhancement of overall food safety. Deletes existing text requiring TDA to approve training and awareness programs for producers and packers of fresh fruit and vegetables.

(c) Includes the Texas A&M AgriLife Extension Service and Texas A&M AgriLife Research, rather than the Texas AgriLife Extension Service and Texas AgriLife Research, and nongovernmental organizations to entities with which TDA is required to coordinate the planning and implementation of certain programs. Makes nonsubstantive changes.

(c-1) Authorizes TDA to enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency for the administration, implementation, or enforcement of this section.

(d) Authorizes TDA to adopt rules to administer, implement, and enforce, rather than to implement, this section. Authorizes TDA to, in the development of rules under this section, consider relevant state, federal, or national standards and to consult with federal or state agencies. Deletes existing text requiring TDA to, in the development of rules for the certification of approved food safety curriculum or training, consult and coordinate with the Department of State Health Services.

SECTION 3. Effective date: upon passage or September 1, 2017.