

- SUBJECT:** Allowing TDA to seize potentially infected citrus plants
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 8 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Kleinschmidt, Rios Ybarra, Swinford
- 0 nays
- 1 absent — Heflin
- WITNESSES:** For — Dale Murden, Ray Prewett, Texas Citrus Mutual; (*Registered, but did not testify*, Ruben Quintero, Sharyland Orchards; Jim Reaves, Texas Nursery and Landscape Association)
- Against — None
- On — Todd Staples, Texas Department of Agriculture; (*Registered, but did not testify*, John Da Graca, Texas A&M University-Kingsville Citrus Center; David Kostroun, Texas Department of Agriculture)
- BACKGROUND:** Agriculture Code, Sec. 71.0091 permits TDA to seize citrus plants that are determined to be infected with a pest or a disease.
- DIGEST:** HB 4577 would allow the Texas Department of Agriculture (TDA) to adopt rules for a program to eradicate citrus diseases, including citrus canker and citrus greening. The program would use scientific evidence to determine when an otherwise healthy citrus plant needed to be destroyed and could provide for compensation to the owner of the plant.
- The bill would authorize TDA to seize otherwise healthy-looking citrus plants that were in the proximity of infected plants and were determined by TDA as likely be infected.
- The bill would take effect September 1, 2009.
- SUPPORTERS SAY:** HB 4577 would provide a proactive measure to allow TDA to set up a program to handle a disease outbreak among Texas citrus crops before it

happened. Citrus greening is a particularly difficult disease to manage because it can have a latent period of up to three years in which trees show no symptoms of the disease. HB 4577 would allow TDA to use scientific evidence to determine which trees may be affected by this disease before symptoms appear. The ability to seize potentially infected trees through a scientific process would be critical in controlling an outbreak of citrus canker.

HB 4577 would be particularly beneficial to the citrus industry at a time when devastating diseases have re-emerged among citrus crops in other parts of the country. Citrus canker was eradicated in Texas in 1943, but a recent outbreak in Florida has Texas citrus growers worried that it may reappear. Citrus greening exists in Florida, but has not yet affected the Texas citrus industry. HB 4577 would allow TDA to obtain search warrants in the event of a disease outbreak among citrus trees.

The program likely would be structured like the boll weevil eradication program, where growers are an integral part of the program structure and decision-making. Citrus growers would contribute fees to a pool of funding that would be used to combat a disease outbreak. Growers around the state would vote on fee increases and major decisions of the program. This structure is the most effective way to combat disease outbreaks in the agricultural industry.

Some may argue that the state should not have to pay owners for infested crops, but not doing so would violate current law. Rightfully, the state does not have the authority to seize someone's private property without just compensation. In the case of citrus greening, the state would be taking away plants that likely would be affected by a disease, not just ones that exhibited symptoms.

**OPPONENTS
SAY:**

The state should not be required to pay a citrus grower for a potentially infested citrus tree. Citrus trees infested with citrus canker or citrus greening have no value. In fact, citrus growers would actually benefit from their removal because it would prevent disease from spreading to other plants in the vicinity.

NOTES:

The companion bill, SB 1131 by Hinojosa, was reported favorably, without amendment, by the Senate Agriculture and Rural Affairs Committee on April 20 and recommended for the Local and Uncontested Calendar.

