

- SUBJECT:** Allowing TDA to administer and enforce produce safety standards
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 6 ayes — T. King, González, C. Anderson, Cyrier, Rinaldi, Stucky
0 nays
1 absent — Burrows
- WITNESSES:** For — (*Registered, but did not testify:* Judith McGeary, Farm and Ranch Freedom Alliance; Joy Casnovsky, Sustainable Food Center; J Pete Laney, Texas Citrus Mutual; Lauren Wied, Wonderful Citrus)
Against — None
On — (*Registered, but did not testify:* Richard De Los Santos and Dan Hunter, Texas Department Agriculture)
- BACKGROUND:** Agriculture Code, sec. 12.020 describes the administrative penalties that the Texas Department of Agriculture (TDA) may assess against a person for violating certain laws and rules. Each day a violation continues to occur may be considered a separate violation for purposes of penalty assessments.
Sec. 91.009 makes TDA the lead agency for education and training on food safety and requires TDA to assist the fresh fruit and vegetable industries with food safety issues. TDA may assist federal agencies implementing voluntary guidelines related to sound agricultural practices.
Concerns have been raised that provisions relating to the coordination of food safety should be revised to align with recently developed objectives that shift safety concerns from a system focused on responding to contamination to a system focused on preventing contamination.
- DIGEST:** HB 3227 would amend Agriculture Code, sec. 12.020(c) to allow the

Texas Department of Agriculture (TDA) to assess administrative penalties up to \$5,000 for a violation of rules or orders adopted under sec. 91.009, which the bill would be amend to govern the coordination of produce safety instead of food safety.

The bill would make TDA the lead agency for the administration, implementation, and enforcement of, and for education and training related to, the United States Food and Drug Administration (USDA) standards for growing, harvesting, packing, and holding of produce for human consumption.

When adopting rules to administer, implement, and enforce produce safety, TDA could consider relevant state, federal, or national standards and could consult with federal or state agencies. TDA could enter into a cooperative agreement, interagency agreement, grant agreement, or memorandum of understanding with a federal or state agency to administer, implement, or enforce produce safety programs.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

A companion bill, SB 1668 by Lucio, was referred to the Senate Committee on Agriculture, Water and Rural Affairs on March 22.