

SUBJECT: Requiring study of lethal pesticides for feral hog control

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Price, Sheffield, Arévalo, Burkett, Collier, Cortez, Guerra,
Oliverson, Zedler

0 nays

2 absent — Coleman, Klick

WITNESSES: For — Eydin Hansen, Don't Poison Texas; David Yeates, Texas Wildlife Association; Kevin Gaines, Wildlife Revealed; J.D. Glasscock; Chuck Herring; Bruce Hunnicutt; Darryl McDonald; John Pieratt; (*Registered, but did not testify*: Jesse Ozuna, City of Houston Mayor's Office; Jay Propes, Don't Poison Texas; Luke Metzger, Environment Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Rita Beving, Public Citizen; Katy Johnson, Texas Chapter of the Wildlife Society; Patrick Tarlton, Texas Deer Association; Ruby Dover and Scott Dover, Texas Hog Hunters Association; Laura Donahue, Texas Humane Legislation Network; Joshua Houston, Texas Impact; Troy Alexander, Texas Medical Association; Elizabeth Choate, Texas Veterinary Medical Association (TVMA); Katie Jarl, The Humane Society of the United States; Chloe Lieberknecht, The Nature Conservancy; Lisa Danley; William Herring; Becky Hunnicutt; Jonna Johnson; Alex Meed)

Against — Kody Bessent, Plains Cotton Growers, Inc.; Jeff Nunley, South Texas Cotton and Grain Association; Tracy Tomascik, Texas Farm Bureau; Billy Stewart; (*Registered, but did not testify*: Patrick Wade, Texas Grain Sorghum Association; Vann Stewart, Texas Independent Ginners Association; Elizabeth Doyel, Texas League of Conservation Voters; Kathleen Field)

On — Tim Kleinschmidt and Philip Wright, Texas Department of Agriculture; (*Registered, but did not testify*: Michael Bodenchuk, Texas A&M AgriLife Extension Services Wildlife Services Unit; Jessica

Escobar and Dale Scott, Texas Department of Agriculture)

DIGEST:

CSHB 3451 would prohibit the Texas Department of Agriculture from registering, approving for use, or allowing the use of a lethal pesticide, including warfarin, for feral hog control unless a study conducted by a state agency or institution of higher education recommended the pesticide be registered for that use.

A state agency or institution of higher education could perform a scientific study of potential feral hog control measures in Texas. The study would be required to:

- include controlled field trials;
- examine the potential use of warfarin or other lethal pesticides for feral hog control;
- assess negative impacts to wildlife, agricultural interests, and property owners of the control measures included in the study; and
- assess the environmental consequences of the control measures included in the study.

The state agency or institution of higher education performing the study would be required to hold public hearings to obtain input from the public and stakeholders and would be subject to the Public Information Act in connection with the study. Findings, recommendations, and results of these studies would be published in the *Texas Register*.

CSHB 3451 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.

SUPPORTERS
SAY:

CSHB 3451 would prevent the approval or use of lethal pesticides, including warfarin, in controlling the Texas feral hog population until a state study recommended it. The issue must be addressed urgently because a warfarin-based product, Kaput, was registered in early 2017 by the U.S. Environmental Protection Agency (EPA) and Texas Department of Agriculture (TDA) for use in Texas without the availability of public

studies or time for public comment. The bill would not ban warfarin or other lethal pesticides from ever being used in Texas. It simply would require an independent, peer-reviewed study on the possible effects on the public, livestock, and other wildlife. The Legislative Budget Board estimates that this study could be completed within existing resources at a state agency or university.

Allowing warfarin poisoning for hog population control could damage the hog hunting and trapping industry, which reduces the hog population and stimulates the Texas economy through the domestic sale and export of meat for human consumption and as a source of protein in dog food. People would not want to consume meat potentially contaminated by warfarin. The pesticide's use unintentionally could lead to an increase in the feral hog population by discouraging hunters and trappers from taking the animals. The blue dye contained in the pesticide as a safety precaution would not solve the problem because studies indicate that the color can take up to 24 hours to appear and the animal must be cut open to see that the fatty tissues have turned blue.

No other state uses warfarin for feral hog control, and the only country that has done so is Australia. Warfarin poisoning is inhumane, and Australia ceased using it because it caused suffering to hogs and other wildlife. Warfarin causes an animal to bleed out slowly over time, internally and externally. Veterinarians see these symptoms in animals that have consumed rat poison and often are not able to save them. Better methods are available for reducing the hog population in Texas, including hunting, trapping, fencing, and potentially employing another poison, sodium nitrite, which currently is being tested and would kill the hogs faster and more humanely.

While some say compliance with the label's use restrictions would minimize the direct and indirect impact of warfarin on non-target animals, this would not stop them from consuming warfarin bait. Many non-target animals can open feeders on their own and could consume bait spilled by the hogs. Labels on warfarin-based pesticides indicate it may be toxic to fish, birds, and other wildlife. Dogs and other predators and scavengers

might be poisoned if they fed on an animal that had eaten the pesticide. Water used to wash equipment related to the product cannot be combined with other fresh water due to contamination concerns. After a hog dies from eating the bait, the carcass must be buried well below ground to prevent other animals from eating it. Digging deep holes is nearly impossible in some parts of Texas, and the likelihood of finding every poisoned hog would be remote. Hogs travel great distances in a short time, and warfarin can take up to 30 days to kill a hog. If they died on someone else's property, the applicator might have to trespass to retrieve the carcass or the neighbor who found it would have to dispose of it properly. A hog in a water source also could contaminate it through the poisons it excreted.

The potential consequences of using warfarin have not yet been established, which is why the state should not allow its widespread use until it has been properly studied.

OPPONENTS
SAY:

CSHB 3451 inappropriately would delay the approval and use of a valuable tool in the struggle to control the feral hog population in Texas. In January, the EPA registered the warfarin-based pesticide Kaput for general use, meaning it can be bought and sold by anyone. The EPA holds pesticides to high standards and tests them stringently. It is not the state's role to pick and choose which EPA-approved pesticides used within their label restrictions should be held for additional testing. This bill would set a negative precedent for any future pesticide approvals in Texas and could create potential problems for pesticides already registered here.

In February, TDA took emergency action to register Kaput as a state-limited pesticide, meaning it can be sold only by licensed dealers to licensed pesticide applicators and can be used only by or under the direct supervision of a licensed applicator. The agency imposed these increased licensing requirements to ensure proper usage and compliance with all product use requirements by qualified individuals while TDA conducts its formal rulemaking process for the pesticide.

Although the hunting and trapping industry brings valuable economic

activity to Texas, feral hogs cause more than \$50 million in damage to Texas property and crops annually. Allowing the use of warfarin-based pesticides would add a much-needed tool to help control the population of more than 2 million feral hogs throughout the state because current methods are not adequate to control the population. Additionally, the pesticide uses a safety precaution that turns the fatty tissues of the hog blue to ensure that a hog killed in this manner would not be eaten or sold.

Warfarin-based pesticides are not new; they have been used in rat poison for decades at much higher doses and without the safety precaution of blue dye. While Australia did use a warfarin-based pesticide in an attempt to control their feral hog population, the level of warfarin in that product was about 26 times greater than the level in Kaput.

These pesticides are not meant to be used everywhere, and a landowner would have to decide if the feral hog situation reached a level serious enough to justify using warfarin. If that decision was made, as with all pesticides, warfarin would have to be used in strict accordance with all label requirements. When used properly, the chance of harm to non-target species through direct consumption or secondary consumption is eliminated unless that animal consumes an enormous amount.

OTHER
OPPONENTS
SAY:

The fiscal note may not adequately reflect how much the study and approval of pesticides for hog control would cost. Other estimates place the cost of performing a multi-year study, including hiring staff, leasing facilities, and paying for other supplies, in the millions of dollars.

NOTES:

The Legislative Budget Board's fiscal note estimates that the duties and responsibilities associated with implementing the provisions of this bill could be accomplished within the existing resources of state agencies or institutions of higher education.

CSHB 3451 differs from the bill as filed in that it would require any study to include an assessment of the negative impact to wildlife, rather than the economic consequences to hunters and hunting and sporting industries. It also would require the state agency or institution of higher education

conducting the study to hold public hearings, rather than making the agency or institution subject to the Open Meetings Act in connection with the study.

A companion bill, SB 1454 by Watson, was referred to the Senate Committee on Agriculture, Water, and Rural Affairs on March 20.