SUBJECT: Modifying entities responsible for plant and seed certification

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 9 ayes — Springer, Anderson, Beckley, Buckley, Burns, Fierro, Meza, Raymond, Zwiener

                0 nays

WITNESSES: For — Bryan Gentsch and Coby Kriegshauser, Texas Seed Trade Association; (*Registered, but did not testify*: Marissa Patton, Texas Farm Bureau)

                Against — None

                On — Dan Hunter, Texas Department of Agriculture

BACKGROUND: Agriculture Code sec. 62 governs Texas seed and plant certification. The Federal Seed Act, 7 U.S.C sec. 1551 establishes the rules for state seed and plant certification programs.

                Some suggest that the State Seed and Plant Board has increased seed certification fees rapidly due to recent cost recovery requirements and that a nonprofit crop improvement association could administer the seed certification program.

DIGEST: HB 2166 would abolish the State Seed and Plant Board, create the State Seed and Plant Certification Council (SSPCC) and the Texas Crop Improvement Association (TCIA), and split the board's duties between SSPCC and TCIA.

                State Seed and Plant Certification Council. The State Seed and Plant Certification Council would replace the State Seed and Plant Board. The council would approve, rather than license, Foundation, Registered, or Certified producers of seed or plants.

The council would comprise:

- one person appointed from the Texas A&M University Department of Soil and Crop Sciences by the Texas A&M System vice chancellor for agriculture;
- one person appointed from the Texas Tech University Department of Plant and Soil Science by the dean of the College of Agricultural Science and Natural Resources;
- one person elected by the members of TCIA who is an approved producer of Texas Foundation, Registered, or Certified seed or plants and who is not employed by a public institution;
- one person elected by the members of TCIA who sells Texas Foundation, Registered, or Certified seed or plants;
- one person elected by the members of TCIA who is actively engaged in farming but not a producer or seller of Texas Foundation, Registered, or Certified seed or plants; and
- the head of TCIA.

The council could recognize seed and plant certifications issued by seed certifying agencies in other states and countries.

Texas Crop Improvement Association. TCIA would become the state's official certifying authority for seed and plants in Texas and would perform this role on financially self-supporting basis. TCIA would comply with standards and procedures established by the SSPCC in accordance with federal regulations to assure the genetic purity and identity of certified seed and plants.

Seed regulation. The bill would prohibit a person from:

- selling or offering for sale seed or plants with packaging or labeling that described them as being officially inspected, certified, or approved unless the seed or plants had been certified by a seed certifying agency as Foundation, Registered or Certified;
- claiming to be an approved producer of Foundation, Registered, or Certified seed or plants unless that person had been approved by a

seed certifying agency;

- selling or offering for sale Foundation, Registered, or Certified seed or plants that were not in compliance with standards adopted by a seed certifying agency; and
- selling or offering for sale seed or plants and representing them to be, by misleading oral or written statement, certified as a certain seed class by a seed certifying agency.

HB 2166 would allow TCIA or SSPCC to request the help of the Texas Department of Agriculture or U.S. Department of Agriculture in an investigation of any violation of seed and plant certification regulations.

The bill would repeal provisions related to the confiscation and destruction of certain seed and plants shipped into Texas as well as certain offenses and associated penalties related to seeds and plants.

The bill would take effect January 1, 2020.