

SUBJECT: Biennial registration of pesticides with Department of Agriculture

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 6 ayes — Chisum, Jackson, Howard, Kuempel, Stiles, Talton

0 nays

3 absent — Dukes, Saunders, Yost

SENATE VOTE: On final passage, March 28 — 29-0

WITNESSES: None

BACKGROUND: The Texas Department of Agriculture (TDA) enforces state pesticide laws and regulations. Pesticides cannot be sold, distributed or used in Texas unless they are registered with TDA.

DIGEST: SB 700 would require pesticides be registered with the Texas Department of Agriculture every two years instead of annually. TDA would be authorized to adopt a system of staggered renewal dates instead of the current system that has all registrations expiring on December 31. The maximum registration fee would be changed from \$100 annually to \$200 for two years.

SB 700 would take effect immediately if approved by two-thirds membership of each house.

SUPPORTERS SAY: Allowing biennial instead of annual pesticide registration would increase the efficiency and cost-effectiveness of Texas Department of Agriculture's pesticide registration while continuing to ensure public safety. Since about 77 percent of registrations have no change from year to year, biennial registration would reduce unnecessary paperwork but still require registration every two years. Allowing staggered renewal dates would allow TDA to spread out the work of registering about 11,000 pesticides that currently all expire on December 31. Any changes in the pesticide between renewals would require re-registration with TDA.

The current pesticide registration revocation process works well, and TDA would retain all current authority to revoke a registration at any time. In addition, TDA can issue stop-sale orders to immediately take a pesticide off the market if new information indicates it is dangerous.

OPPONENTS
SAY:

A change to biennial registration should be accompanied by authority for TDA to swiftly cancel a registration if new information indicates the pesticide should be removed from the market. Currently there are detailed due process requirements that can extend a revocation procedure for many months, but since permits have to be renewed annually, the process cannot drag out longer than one year. However, if a pesticide has to be registered every two years it could be possible for the revocation process to be strung out and for persons, animals or food to be at risk.