

SUBJECT: Abolishing the Agriculture Resources Protection Authority

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 4 ayes — Hardcastle, Anderson, Brown, Herrero

0 nays

1 present not voting — Burnam

2 absent — Farrar, Olivo

WITNESSES: None

BACKGROUND: Agriculture Code sec. 76.009 established the Agriculture Resources Protection Authority (ARPA). It is the coordinating body for the policies and programs for the management, regulation, and control of pesticides conducted by the Texas Department of Agriculture (TDA), the State Soil and Water Conservation Board, the Texas Agricultural Extension Service, the Texas Department of Health, the Texas Commission on Environmental Quality (TCEQ), and the Texas Structural Pest Control Board.

ARPA is authorized to:

- review and comment on proposed rules relating to pesticides;
- cooperate with and advise its agencies and any other state agency that may be concerned with the regulation of pesticides; and
- collect, analyze, and disseminate information for pesticides programs.

ARPA is a 15-member board comprising:

- the TDA commissioner;
- the director of the Texas Agricultural Experiment Station;
- the dean of the College of Agricultural Sciences of Texas Tech University;
- the dean of the University of Texas School of Public Health at Houston;

- the director of the environmental epidemiology program of the Texas Department of Health;
- the chief of TCEQ's groundwater conservation section;
- the director of the Institute for International Agribusiness Studies of Prairie View A&M University;
- the executive director of the Texas Structural Pest Control Board;
- the executive director of the State Soil and Water Conservation Board; and
- six members appointed by the governor, including representatives of consumers, producers of agricultural products, pesticide applicators and dealers, farm workers, and conservation groups.

DIGEST:

HB 3275 would abolish ARPA. Its unobligated funds, property, and records would be governed by the rules in the Texas Sunset Act. ARPA and the Texas Workforce Commission would be required to make a reasonable effort to relocate any employees displaced by the abolition of the authority.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

ARPA should be abolished because other state agencies have taken over its duties and the state agencies involved in pesticide regulation have clear, established lines of communication. For years there has been virtually no activity by ARPA outside of its required annual meetings.

In 1995, the Legislature removed two of ARPA's main functions — hearing appeals of agency orders or enforcement actions, and approving proposed agency rules. This left the authority with only a charge to facilitate communication among agencies dealing with pesticides. However, other state agencies have well defined duties that include this function as well as the other two that were transferred from the ARPA. As a result, ARPA is obsolete.

The authority's lack of purpose and activity has made it difficult to maintain a full board and to get a quorum of members to meet. In 2004, nine members were present at the annual meeting, and only seven members attended in 2001. Currently, four of the governor's appointed positions are unfilled, and one statutory position has been inactive for at least four years. The board reports that it has difficulty finding agenda items for its annual meeting, and the board has had no input from the public in about six years.

Abolishing the board would save approximately \$1,000 in travel costs for board members to attend the annual meeting and would allow TDA staff to spend their time more productively by working on other tasks instead of preparing for the annual meeting.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 1680 by Jackson, passed the Senate on the Local and Uncontested Calendar on April 28 and was reported favorably, without amendment, by the House Agriculture and Livestock Committee on May 4.