

BILL ANALYSIS

Senate Research Center
85R19041 BEF-F

H.B. 3451
By: Stucky et al. (Watson)
Agriculture, Water & Rural Affairs
5/5/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In February 2017, Commissioner of Agriculture Sid Miller announced a rule change in the Texas Administrative Code (TAC) that classifies a warfarin-based hog lure as a state-limited-use pesticide to control the feral hog population. Interested parties are concerned that warfarin can have unintended consequences, such as reaching non-target species, and even humans who may harvest and consume poisoned animals. There is a need for further study to understand not only the effects of warfarin, but also what other feral hog control measures may be available.

H.B. 3451 remedies this situation by allowing a state agency or institution of higher education to perform a scientific study of potential feral hog control measures in the state. H.B. 3451 also stipulates that the Texas Department of Agriculture may not approve use of a lethal pesticide, including warfarin, for feral hog control unless the study makes recommendations to do so.

H.B. 3451 amends current law relating to the study and approval of lethal pesticides for feral hog control.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 76, Agriculture Code, by adding Section 76.048, as follows:

Sec. 76.048. FERAL HOG TOXICANTS; STUDY REQUIRED. (a) Prohibits the Texas Department of Agriculture, notwithstanding any other law, from registering, approving for use, or allowing the use of a lethal pesticide, including warfarin, for feral hog control in this state unless a study under Subsection (b) recommends the pesticide be registered for that use.

(b) Authorizes a state agency or institution of higher education (IHE) to perform a scientific study of potential feral hog control measures in this state. Requires the study to:

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

(c) Requires a state agency or IHE to publish the findings, recommendations, and results of the authorized study in the Texas Register.

(d) Provides that a state agency or IHE that performs an authorized study is subject to Chapter 552 (Public Information), Government Code, in connection with the study and requires a state agency or IHE that performs an authorized study to hold public hearings to obtain input from the public an appropriate stakeholders.

SECTION 2. Effective date: upon passage or September 1, 2017.