

## **BILL ANALYSIS**

Senate Research Center  
87R4877 BEF-F

H.B. 2089  
By: Burrows (Perry)  
Water, Agriculture & Rural Affairs  
4/15/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### **Background**

The agriculture industry has been aggressively combating invasive organisms and species that hinder the productivity of agriculture. This effort comes at a significant cost to the producer's crop. From a statewide perspective, early detection of invasive organisms or species is extremely important. Early detection will allow for better containment or slowing the spread of the organism or species which will allow for timely biological application methods, research and development of resistant seed varieties, and the ability to identify better management practices in order to reduce the issue before it becomes more widespread.

In cotton, a new race of fusarium wilt (FOV4) is an invasive organism currently having an impact on extra-long staple cotton also known as Pima cotton.

Since 2001, FOV4 resistant seed varieties of Pima cotton have been researched, developed, and have been brought to market. However, Upland cotton, which makes up 99 percent of Texas cotton production, is still affected. There is no resistant seed variety today. Current research efforts are underway to develop resistant seed varieties and better management practices to this invasive organism in Upland cotton. Early detection methods are critical during this time in order to contain the organism until a seed variety can be fully developed and brought to market.

#### **Bill Summary**

H.B. 2089 and its companion, S.B. 731, establish an early plant pest detection and surveillance system through cooperative agreements with the Texas Department of Agriculture and universities in the state. This bill provides a full range of activities including field inspection for early detection before the invasive organism becomes established or becomes too large to eradicate or control.

#### **Q&A**

##### **Q: What is FOV4?**

**A:** FOV4 was first described in literature in India and has likely spread to other cotton-producing regions through cotton seed. FOV4 was first detected in the United States in California in 2001 and had not been confirmed elsewhere in the United States until recently. In June 2016 and 2017, severe Fusarium wilt symptoms including wilting root rot and stem discoloration that were consistent with FOV4 were observed on seedlings of Pima cotton in the Upper Rio Grande Valley of Texas in El Paso and Udspeh Counties.

H.B. 2089 amends current law relating to the detection and mitigation of plant pests and diseases.

#### **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 Chapter 71, Agriculture Code, by adding Subchapter E, as follows:

### **SUBCHAPTER E. PLANT PEST AND DISEASE DETECTION AND SURVEILLANCE**

Sec. 71.201. DEFINITIONS. Defines "cooperative agreement," "institution of higher education," "interested parties," "plant pest and disease detection and surveillance," and "specialty crop."

Sec. 71.202. COOPERATIVE AGREEMENT. (a) Requires the Texas Department of Agriculture (TDA) to enter into a cooperative agreement with an institution of higher education (IHE) that agrees to conduct plant pest and disease detection and surveillance.

(b) Requires TDA, in carrying out this section, to consult with the State Seed and Plant Board (board) and other interested parties.

Sec. 71.203. APPLICATION. (a) Authorizes an IHE to apply to enter into a cooperative agreement by submitting to TDA an application containing the information required by TDA.

(b) Requires TDA to notify each applicant of the auditing and reporting requirements that will apply to an IHE in connection with the use of any money provided by TDA to the IHE under the cooperative agreement, the criteria to be used to ensure that plant pest and disease detection and surveillance conducted under the cooperative agreement are based on sound scientific data or risk assessments, and the required means of identifying pathways of pest and disease introduction.

Sec. 71.204. USE OF FUNDS. (a) Requires an IHE to use any money received under a cooperative agreement to carry out plant pest and disease detection and surveillance approved by TDA to prevent the introduction or spread of plant pests and diseases.

(b) Authorizes the non-state share of the cost of carrying out a cooperative agreement to be provided in-kind, including by covering certain indirect costs TDA considers appropriate.

(c) Prohibits TDA from considering an applicant's ability to pay or cover non-state costs when deciding whether to enter into a cooperative agreement with the applicant.

Sec. 71.205. SPECIAL FUNDING CONSIDERATIONS. Requires TDA to provide money to an IHE to carry out plant pest and disease detection and surveillance under a cooperative agreement if TDA determines that:

(1) the IHE is in a region of this state that has a high risk of being affected by one or more plant pests or diseases based on the region's conduciveness to agricultural pest and disease establishment due to location, agricultural commodities produced, climate, crop diversity, or natural resources; or TDA's determination that an agricultural pest or disease in the region is a state or federal concern; and

(2) the plant pest and disease detection and surveillance supported by the money will likely prevent the introduction, establishment, or widespread dissemination of plant pests and diseases; and provide a comprehensive approach to complement federal and state plant pest and disease detection efforts.

Sec. 71.206. REPORTING REQUIREMENTS. Requires an IHE that conducts a plant pest and disease detection and surveillance activity using money provided under this subchapter to, not later than the 90th day after the date the activity is completed, submit to TDA a report describing the purposes and results of the activity.

Sec. 71.207. THREAT IDENTIFICATION AND MITIGATION PROGRAM. (a) Requires TDA to establish a threat identification and mitigation program to determine and address threats to the domestic production of crops, including specialty crops.

(b) Requires TDA, under the program, to develop risk assessments for potential threats from foreign sources to the agricultural industry of this state, to describe the status of plant pests and diseases present or established in this state and management strategies currently employed to contain the spread of those pests and diseases, to collaborate with the board and interested parties, and to implement action plans to assist in preventing the introduction and widespread dissemination of new or highly consequential plant pests and diseases in this state.

(c) Requires TDA, not later than September 1 of each year, to submit to the committees of the Texas Senate and Texas House of Representatives with primary jurisdiction over agriculture and rural affairs a report on the action plans described by this section, including an accounting of money spent in connection with those plans.

SECTION 2. Effective date: September 1, 2021.