



Support HB 57/ SB 95 Improve Consumers' Access to Raw Milk

Raw milk is, and has always been, legal to sell in Texas. Until the mid-1980s, Texans could buy raw milk anywhere food was sold. But the Department of State Health Services (DSHS) then adopted regulations that limit raw milk sales to on the farm. This **marketing** restriction does nothing to increase the **safety** of the product, but it burdens both farmers and consumers. Farmers who invest significant resources to become licensed face unfair limitations. Consumers who want unprocessed food must expend significant time, gas, and money on long weekly drives.

HB 57/ SB 95 would allow licensed farmers to sell raw milk directly to consumers at farmers' markets, and allow farmers and consumers to agree to delivery arrangements. The House passed a bill with these provisions last session by a vote of 103-36, although it died in Senate Committee. HB 57 is sponsored by Representative Flynn, joint authored by Rep. Burkett, Minarez, E. Rodriguez, and White, and co-authored by Rep. D. Bonnen, Cosper, P. King, and Zedler. SB 95 is sponsored by Senator Hall.

The Facts about Safety

- Grade A Raw milk dairies are licensed by DSHS
 - They are inspected, and the milk tested, typically once a month
 - The regulatory standards that govern both the dairy and the milk testing meet or exceed the regulatory standards for pasteurized milk.
- Texas raw milk farmers have an excellent safety record. Between 9 and 16 people have allegedly become ill from raw milk in Texas in the last 20 years – out of an estimated 750,000 Texans who drink it.
- Over 15,000 Texans reportedly became ill from food in that same time period, traced to such foods as mangos, cantaloupes, cake, lettuce salad, salsa, pot pie, hot dogs, and deli meats.
- Raw milk has a better safety record in Texas than many common foods consumed by both adults and children, such as strawberries (29 illnesses), chicken soup (47 illnesses), and turkey (956 illnesses).

What HB 57/ SB 95 Does

- HB 57/ SB 95 does only one thing: allow licensed farmers to bring the milk to the customer, rather than the customer having to drive to the farm every time.
- The bill makes **no** change to the existing regulatory requirements for licensed raw milk producers that have been successful in protecting the public's health in Texas.
- Sales will continue to be limited to direct-to-consumer transactions, as they are currently.
- The bill will **not** allow sales of raw milk in grocery stores.

Advantages of HB 57/ SB 95

- Improves the safety of raw dairy by allowing producers to transport it to consumers under safe conditions, rather than relying on consumers to remember to take coolers and ice.
- By allowing a farmer to make a single trip to serve multiple customers, rather than having each customer drive to the farm, the bill benefits air quality and improves public safety.
- Improves legal access to raw milk, thereby reducing the likelihood that consumers will buy from unregulated and illegal sources, as is currently happening.

HB 57 is supported by the Farm and Ranch Freedom Alliance, Farm & Food Coalition of East Texas, Food Policy Council of San Antonio, GROW North Texas, Sustainable Food Center, and Texas Local Food and Farm Coalition.

Contact: Judith McGahey, Judith@FarmAndRanchFreedom.org, 512-484-8821 (c).

Various groups have raised inaccurate claims in opposing HB 57. Here are the facts:

- **Raw milk is, and has always been, legal to sell in Texas.**
 - The Department of State Health Services currently licenses 45 raw milk dairies in Texas.
 - Based on a CDC survey, an estimated 3% of the population nationwide drinks raw milk.¹ That means that approximately **three quarters of a million Texans drink raw milk already.**
- **Grade A raw milk dairies meet or exceed all the standards for pasteurized milk.**
 - For both raw & pasteurized, the milk must be tested at least 4 times in every 6 month period.
 - The regulatory standards for bacteria counts, coliform, and pathogens are the same for Grade A raw milk as for pasteurized milk.
- **Any food can carry the bacteria that cause foodborne illnesses; they are not unique to raw milk.**
 - These bacteria are especially dangerous for pregnant women, children, the elderly, and people with weakened immune systems **regardless of the source.** For example, three people recently died from consuming Blue Bell ice cream, made with **pasteurized** milk, due to *Listeria* contamination. And in December 2014, seven people died from *Listeria* from candied apples.²
 - HB 57 requires that raw milk have a prominent, detailed warning label, including a specific warning for high-risk populations.
- The numbers of illnesses often quoted are **not** attributable to raw milk, but rather to all raw dairy products.
 - Most of the hospitalizations and **all** of the deaths cited by the opposition were due to **raw queso fresco, a soft cheese that is currently illegal to sell and which will remain illegal to sell.** Raw queso fresco is often brought in from Mexico or made in people's bathtubs.
 - HB 57 would **not** legalize the sale of soft raw cheeses such as queso fresco.
- **Raw milk is not a high risk food.**
 - Nationwide, there are an average of 130 illnesses per year attributed to raw milk, out of an estimated nine and a half million people who drink it. There were similar numbers of illnesses attributed to deli sandwiches (180 illnesses/yr avg), and pizza (130 illnesses/yr avg).
 - Many of the raw milk illnesses were from illegal or unregulated sources in other states. Texas' licensing requirements for raw milk dairies provide significant food safety protections.
 - In Texas, there have been, **at most**, 16 illnesses reportedly linked to raw milk since 1998 and **no** deaths in that entire time period.³
- **Published, peer-reviewed scientific studies show health benefits from raw milk.** Multiple studies have found that drinking "farm" (raw) milk protects against asthma and allergies.⁴ A 2015 study found that raw milk consumption reduced the risk of rhinitis, respiratory tract infections, ear infections, and fever by around 30% compared to the consumption of ultra-pasteurized milk.⁵ Pasteurization denatures proteins, inactivates enzymes, and destroys heat-sensitive vitamins.

¹ Foodborne Active Surveillance Network (FoodNet) Population Survey Atlas of Exposures. 2006-2007. www.cdc.gov/foodnet/surveys/FoodNetExposureAtlas0607_508.pdf

² <http://foodpoisoningbulletin.com/2015/listeria-in-blue-bell-ice-cream-kills-3-sickens-2-more-at-via-christi-hospital-in-wichita>; <http://foodpoisoningbulletin.com/2015/caramel-apple-listeria-outbreak-timeline>

³ CDC data on foodborne illnesses, drawn from <http://www.cdc.gov/foodborneoutbreaks>

⁴ See Riedler, J. et al. 2001. Exposure to farming in early life and development of asthma and allergy: a cross-sectional survey. *Lancet* 358:1129-33. Perkin, M.R. and D.P. Strachan. 2006. Which aspects of the farming lifestyle explain the inverse association with childhood allergy? *J Allergy Clin Immunol*. 117(6):1374-8. Waser, M. et al. 2006. Inverse association of farm milk consumption with asthma and allergy in rural and suburban populations across Europe. *Clinical and Experimental Allergy* 37:661-670. Perkin, M.R. 2007. Unpasteurized milk: health or hazard? *Clinical and Experimental Allergy* 37:627-630.

⁵ G. Loss et al., Consumption of unprocessed cow's milk protects infants from common respiratory infections, *J. of Allergy and Clinical Immunology* 134: 56-62 (2015).



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Support HB 1926

Legalize More Home-Based Local Food Businesses

In 2011 and 2013, the Texas Legislature legalized that sale of food prepared in home kitchens within a very specific framework: direct-to-consumer sales only, of specifically listed nonpotentially hazardous foods, at specific locations, and limited to \$50,000 in annual sales. A *Forbes* article in 2015 estimated that over 1,000 new businesses had already been created under the cottage food law.

However, the limitations on what can be produced and where the food can be sold limits the cottage food law's usefulness for many farmers and food producers. Several states have adopted either expanded cottage food laws or separate provisions that allow for more diverse home food production. **Iowa, New Hampshire, Ohio, California, and Virginia each have laws that allow home-based food businesses to produce additional foods and/or sell wholesale under certain conditions.**

HB 1926, the Homemade Foods Act, by Representative Eddie Rodriguez, creates a middle tier of regulation that addresses genuine concerns about the risks of the food and expanded distribution, while still providing realistic opportunity for home production. The bill allows home preparation of foods such as tamales, canned vegetables, fermented foods, and perishable baked goods. The bill allows for the sale of home prepared foods anywhere in the state, including through mail order and internet sales, as long as the producer and consumer are both in Texas. Interstate sales are still prohibited, as they are governed by federal law. Home processors would be able to do wholesale sales of both cottage food products and the additional food items.

There is no annual gross sale limit; however, space and equipment limitations restrict how much food can be prepared in a home kitchen. In practical terms, once a food producer grows to a certain size, he or she will either have to cap their production or establish a commercial kitchen subject to full regulation.

To ensure that home processors are producing food in a completely safe manner, home processors would be subject to regulatory provisions including requirements for:

- Registration with, and inspection by, state or local state health department.
- Food safety training for personnel.
- Health restrictions on food handlers.
- Sanitation measures, such as keeping food for sale separate from that for personal use; cleaning surfaces, utensils, and equipment; excluding pets; and maintaining foods at safe temperatures.
- Record-keeping of all food sold and locations sold at.
- Labeling of ingredients and a notification that the food was prepared in a home kitchen.
- Additional regulatory provisions for low-acid canned foods, acidified canned foods, and fermented foods, to ensure safe recipes are used.

The bill addresses food safety concerns in a scale-sensitive manner, allowing for safe home food production and sales. This benefits not only producers, but also consumers, who receive improved access to healthy, locally produced foods.

HB 1926 is supported by the Farm and Ranch Freedom Alliance, the Farm & Food Coalition of East Texas, the Food Policy Council of San Antonio, GROW North Texas, Sustainable Food Center, Texas Local Food and Farm Coalition, and the Waller County Farmers and Ranchers Cooperative.

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Economic Benefits of Local Small Scale Food Production

Keep money in Texas

- Texans spent \$123 billion on food in 2014,⁶ yet Texas farm sales are a small fraction of that.⁷ Even accounting for processing and retailing costs, Texans send tens of **billions** of dollars per year out of Texas for food.
- By promoting local food production and local food consumption we can keep more money in state.

Capitalize on growing demand

- The number of Texas farmers' markets increased by 200% from 2008 to 2015.⁸
- Vegetable sales from Texas vegetable farms account for only 1.9% of total Texas agricultural receipts or just \$18.23 per Texan per year.⁹
- **If each Texan spent just \$10 more per year on Texas grown food, that would add at least \$275 million to our Texas economy.**

Grow the Texas economy

- **Local small scale food production operations may generate greater economical multipliers than conventional agricultural operations.**¹⁰ A Minnesota study found that for every \$1 million dollars in sales, small scale farming returns \$1,608,000 to the local economy, while conventional farming returns only \$1,375,450.
- The multiplier advantage is even greater for local food processing where greater labor is required. For example, when manufacturing salsa with 100% local produce (instead of the typical 20%) local sales are projected to increase by 10%, contribution to state GDP increases by 23.5%, and local labor income increases by 20%.¹¹

Create Jobs

- The Minnesota study also found that for every \$1 million in sales, small scale farming created 100 local jobs, while conventional farming created only 9 jobs.
- An estimated 1,000 new businesses were created in the first three years after adoption of the Texas Cottage Food Law.¹²

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⁶ U.S. Department of Agriculture, Economic Research Service. (2016) Food Expenditures. *Table 13-Per Capita Food Expenditures*. (According to the USDA, in 2014 Americans spent \$4,576 per capita on food.)

⁷ Texas Department of Agriculture. Texas Ag Stats 2017. <https://www.texasagriculture.gov/About/TexasAgStats.aspx>.

⁸ "New Data Reflects the Continued Demand for Farmers Markets." USDA, August 4, 2015.

⁹ USDA Agricultural 2012 Census, Table 2, Texas.

¹⁰ Pesch, Ryan and Brigid Tuck. "Financial Benchmarks and Economic Impact of Local Food Operations." University of Minnesota Extension Center for Community Vitality, December 2015. (Although the study had a limited sample size, it is relevant due to the lack of public information about the financial returns of vegetable enterprises in general.)

¹¹ Dudensing, Rebekka PhD. Associate Professor & Extension Economist, Texas A&M AgriLife Extension Service, "Community Economic Impact of Local Foods." Presentation by Texas A&M AgriLife Extension.

¹² Texans Created Over a Thousand Local Businesses After Texas Eased Restrictions on Selling Food Made at Home, Forbes (Sep. 22, 2014), <https://www.forbes.com/sites/instituteforjustice/2014/09/22/texans-created-over-a-thousand-local-businesses-after-texas-eased-restrictions-on-selling-food-made-at-home/#1be8c4e06406>



Support HB 231 / SB 700

Fair Property Taxes for Small Farmers

Although Texas law provides for “agricultural valuation” of land used primarily for raising food, many farmers across the state have experienced problems in qualifying for such valuation due to bias against sustainable farming methods, urban farms, and produce farmers.

HB 231 and SB 700, the Fair Taxes for Small Farmers bill by Senator Zaffirini and Representative Eddie Rodriguez, provides for fair, consistent application of agricultural valuation. Last session, a very similar bill (HB 1900) was passed by the House by a vote of 135 – 4.

The Tax Code provides that land shall be appraised as qualified agricultural land if it is “devoted principally to agricultural use to the degree of intensity generally accepted in the area.” Unfortunately, many county appraisal districts have applied the provision so as to exclude legitimate farms.

HB 231 and SB 700 have slightly different language, but both clarify the Tax Code by:

1. Specifying that fruit and vegetable production qualify as “agricultural uses.” There have been multiple cases of county tax assessors asserting that growing vegetables isn’t agriculture, or applying guidelines developed for row crops instead of vegetable production so as to exclude them.
2. Directing the Comptroller to convene stakeholder groups to develop guidelines to address under what conditions small acreages, different types of production methods, and diversified farms qualify for agricultural valuation.

To help limit who is eligible and prevent abuses, the bill includes specific factors to be considered for small acreages, including:

- the financial investment of the producer in agricultural use of the land,
- the degree of active management for agricultural use, and
- the percentage of the land being used for agricultural uses.

The bill also prevents landowners who qualify under the small acreage provision from converting to wildlife valuation; this provision was requested by county appraisers as an additional safeguard.

In addition, the landowner must still show that the land is devoted principally to agricultural use, and has been for at least five of the preceding seven years. The landowner will also remain subject to five years of rollback taxes if the property ceases to be used for agricultural purposes.

This proposal does **not** seek to increase the number of landowners who are entitled to open-space valuation; rather, it merely ensures that people who should already qualify for agricultural valuation under the Texas Constitution are not inappropriately excluded by local authorities.

HB 231 and SB 700 are supported by the Farm and Ranch Freedom Alliance, the Farm & Food Coalition of East Texas, the Food Policy Council of San Antonio, GROW North Texas, the Texas Local Food and Farm Coalition, and the Waller County Farmers and Ranchers Cooperative.

Contact Judith McGahey, Judith@FarmAndRanchFreedom.org, 512-484-8821 (c).

What Will This Bill Cost?

- Three studies conducted on Bexar¹³, Hays¹⁴, and Bandera¹⁵ Counties found that agricultural lands generate net **positive** revenue for their counties by requiring significantly less in public service expenditures than they generate in property taxes, sales taxes and other revenues.
- In contrast, residential lands generate a net loss by requiring more in services such as road maintenance, schools, water, wastewater, and law enforcement.
- In other words, agricultural lands – even at the lower valuation– effectively subsidize residential communities in their counties. “The county needs a balance of land uses, including farms and open space, to reduce overall infrastructure costs and provide sufficient revenue to pay for these services. Otherwise, as more residential development occurs in existing subdivisions, services will be stretched thinner or cut—or property taxes will have to be raised.”¹⁶

Public Service Expenditures Per \$1 In Revenue

County	Agricultural	Residential
Bexar	\$0.18	\$1.15
Hays	\$0.33	\$1.26
Bandera	\$0.26	\$1.10

Will allowing small acreages to qualify ag valuation “open the floodgates”?

- No. Every county *already* contains agricultural parcels under 10 acres. There are at least 367,742 land parcels in Texas under 10 acres which are classified as agricultural (D-1). Every county surveyed (248 total) had at least some D-1 land parcels under 10 acres.¹⁷
- Hb 231 & SB 700 would bring transparency and consistency as to when and how small acreages can qualify for D-1.

Any loss in tax revenue under HB 231/SB 700 is overestimated.

- An Extension Economist has calculated that, if the bill led to 10% of rural (E) parcels being reclassified to D-1 in all counties, the resulting tax loss would be about \$10 million -- a fraction of last session’s fiscal note.¹⁸
- In fact, a 10% estimate for E to D-1 reclassification is high since the proposed bill would add prerequisites to reclassification such as financial investment in agriculture, time spent actively farming, and the percent of the land used for agriculture.
- Moreover, to the extent that the bill preserves working agricultural lands, rather than allowing high property taxes to force farmers to sell land to developers, it is a net benefit to the counties, as discussed above.

¹³ American Farmland Trust. “Cost of Community Services: The Value of Farmland and Open Space in Bexar County, Texas.” Jan. 1, 2004 (hereinafter “Bexar County Study”).

¹⁴ American Farmland Trust. “Cost of Community Services: The Value of Farm and Ranch Land in Hays County, Texas.” Jan. 1, 2003.

¹⁵ American Farmland Trust. “Finding the Balance: Ranching and Rapid Growth in Bandera County, Texas.” Jan. 1, 2003.

¹⁶ Bexar County Study at p.3.

¹⁷ Dudensing, Rebekka. “Agricultural Land D1E Aggregated Value with Tax Loss.” Texas A&M AgriLife Extension Service. (unpublished, based on data from Texas Comptroller)

¹⁸ Dudensing. “Agriculture Land D1E Aggregated Value with Tax Loss.”



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Support SB 330 / HB 950 Young and Military Veteran Farmers Tax Relief Bill

SB 330/ HB 950 help address the problem of our aging farmer population by allowing young beginning farmers and military veterans to qualify for agricultural valuation on their land after one year of farming, instead of having to pay high taxes for five years.

Farmers across the nation are getting older; the average age for America's farmers was 58.3 in the last census.¹⁹ Texas faces an even greater problem, with an average farmer age of 60.1 years and rising.²⁰ Just 4% of Texas farmers are under the age of 35, while almost four times as many are 75 or older. A growing number of young people aspire to become farmers, but most lack the capital to begin. Likewise, military veterans often lack sufficient savings, even as many are being trained in farming by programs sponsored by USDA and Texas AgriLife Extension Service.

High property taxes are one of the major start-up costs for new farmers. Texas law provides that land used primarily for raising food is taxed on its "agricultural value" rather than its development value. The entire community benefits from preserving open spaces, reducing the burden on city and county infrastructure and services, promoting agricultural businesses, and providing food security.

But not only must the land be used principally for agriculture, but it must have been used that way for at least 5 of the preceding 7 years. If a new farmer buys land that is already in agricultural valuation, this is not a problem; but a farmer seeking to start a farm on land that has been allowed to fall out of agricultural use faces 5 years of paying taxes as if the land were to be developed.

The high taxes during the farm start-up period are exacerbated by several factors:

- Farming has high startup capital requirements and does not start paying dividends for years. Cattle take time to grow to market weight, orchards take years to bear fruit, and soil takes years to improve to provide good harvests.
- Most farms have a very small profit margin and many beginning farms operate at a net loss.
- The farm land may not be considered a homestead, allowing the property valuation to be increased at speculative development rates, rising as much as 100% per year in some cases.

As stated by one military veteran: "I have come to see the property tax system as a huge hurdle in starting an agriculture operation in Texas. We are not sure if we can survive the five-year waiting period. And this is from a family that has a six-figure off-farm income, and we are still struggling."

SB 330 and HB 950 address this issue in a targeted manner. The waiting period to qualify for agricultural valuation, and thus reduced property taxes, would be set at one year for two groups:

- 1) Veterans who become farmers; and
- 2) Young, beginning farmers, defined as those under the age of 35 who have not been the principal operator of a farm for more than ten years.²¹

¹⁹ USDA, 2012 Census Highlights, Farm Demographics,
https://www.agcensus.usda.gov/Publications/2012/Online_Resources/Highlights/Farm_Demographics/

²⁰ USDA, 2012 Census, Texas Data, Table 55: Selected Operator Characteristics
https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1,_State_Level/Texas/st48_1_055_055.pdf

²¹ We do not have firm numbers on how many young, beginning farmers are in Texas. The USDA's 2012 census lists 10,091 farmers (principal operators) who are under 35, but do not indicate how many also qualify as beginning. Moreover, based on a survey conducted by the Texas Local Food and Farms Coalition in 2016, the majority of farmers already have ag valuation on their land. We estimate that this bill will impact somewhere several hundred to a couple of thousand farmers, most likely on the lower end of that range.

Agricultural land generates net positive revenue

- Three studies conducted on Bexar²², Hays²³, and Bandera²⁴ Counties found that agricultural lands generate net positive revenue for their counties by requiring significantly less in public service expenditures than they generate in property taxes, sales taxes and other revenues.
- In contrast, residential lands generate a net loss by requiring more in services such as road maintenance, schools, water, wastewater, and law enforcement.
- In other words, agricultural lands – even at the lower open space valuation– effectively subsidize residential communities in their counties.

Public Service Expenditures Per \$1 In Revenue

County	Agricultural	Residential
Bexar	\$0.18	\$1.15
Hays	\$0.33	\$1.26
Bandera	\$0.26	\$1.10

- “Taxes and other revenues from residential development do not cover all the public services residents demand. The county needs a balance of land uses, including farms and open space, to reduce overall infrastructure costs and provide sufficient revenue to pay for these services. Otherwise, as more residential development occurs in existing subdivisions, services will be stretched thinner or cut—or property taxes will have to be raised.”²⁵
- “Agricultural land and open space pay more in local tax revenues than they receive back in services. Texas’ agricultural and open space valuation property tax program is justified as a cost-effective incentive to keep land open and in active agricultural use. Even with a reduced assessed value agricultural properties contribute a significant surplus to offset the high cost of public services for county residents.”²⁶

SB 330/ HB 950 is supported by the Farm and Ranch Freedom Alliance, the Farm & Food Coalition of East Texas, the Food Policy Council of San Antonio, GROW North Texas, Sustainable Food Center, Waller County Farmers and Ranchers Cooperative, and the Texas Local Food and Farm Coalition. The bill is also supported by the Texas VFW.

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²² American Farmland Trust. “Cost of Community Services: The Value of Farmland and Open Space in Bexar County, Texas.”. January 1, 2004. (hereinafter, “Bexar County Study”)

²³ American Farmland Trust. “Cost of Community Services: The Value of Farm and Ranch Land in Hays County, Texas.” January 1, 2003.

²⁴ American Farmland Trust. “Finding the Balance: Ranching and Rapid Growth in Bandera County, Texas.” January 1, 2003.

²⁵ Bexar County Study at p.3.

²⁶ *Id.*



Support SB 656 / HB 3798 Help Small Farmers & Food Businesses Grow

Texas farmers and small-scale food producers must navigate a convoluted regulatory landscape in order to legally operate their businesses. Confusion over ambiguous regulations and unintentional violations of regulations impose costs not only on the producer, but also on the agencies in lost time and unnecessary expense.

SB 656/ HB 3798 by Senator Zaffirini and Representative Alonzo provides much-needed assistance for small farmers and producers to legally operate their businesses by creating an agriculture and rural ombudsman office within the Texas Economic Development and Tourism Office.

Navigating the regulatory maze is complicated by several factors:

- 1) Multiple agencies: the Department of State Health Services (DSHS), Texas Department of Agriculture, and the Texas Animal Health Commission each separately regulate aspects of farming and food businesses.
- 2) Multiple jurisdictions: Many farmers sell their food in multiple cities or counties. As a result, they have to comply not only with DSHS regulations, but with the patchwork of requirements from local health departments.
- 3) One-size-fits-all regulations: The regulations that have been written for large-scale producers, and it is often far from clear what a small-scale producer must do to comply;
- 4) Piecemeal regulation: While many farmers are producing multiple products for both environmental and economic reasons, the regulations are designed for single, large-scale product lines. Many farmers are required to get multiple permits from different sections or divisions of various agencies, multiplying both their costs and the potential for confusion.

Farmers and small-scale food producers do not have the legal training to sort through these issues, and their businesses are not large or profitable enough to hire staff or legal counsel to help. The overwhelming majority (over 90%) of Texas farms gross less than \$100,000 in sales per year, and hundreds of these farms begin new operations every year. *See 2012 USDA Census of Agriculture.* The profit margins for these small farms are extraordinarily slim, and many are only able to operate by relying on income from a second job.

Creating an ombudsman position would encourage the establishment and growth of Texas agricultural and food businesses, reduce their expenses, and improve regulatory compliance and consistency. A single ombudsman who is familiar with all regulations and their application will provide a much-needed resource for the businesses that are providing food -- and jobs -- for Texans.

Providing an ombudsman service for farmers and other food businesses would help numerous farmers and food businesses across the state, benefiting local economies, reducing food deserts, and improving consumer access to locally produced foods.

SB 656/ HB 3798 is supported by the Farm and Ranch Freedom Alliance, the Farm & Food Coalition of East Texas, the Food Policy Council of San Antonio, GROW North Texas, Sustainable Food Center, Texas Local Food and Farm Coalition, and the Waller County Farmers and Ranchers Cooperative.

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Oppose SB 1172 / HB 2758

Protect Local Control in Agriculture

SB 1172 / HB 2758 by Senator Perry and Representative Geren would prevent cities and counties from regulating any seed “**in any manner, including planting seed or cultivating plants grown from seed.**”

The language about “cultivating” means that it’s not just about the seeds themselves, but the things the farmers use to grow the plants, including pesticides and herbicides that can kill other crops, crash bee populations, and harm human health.

No county or city in Texas has attempted to ban any seeds, which is the alleged concern behind this bill.

Several counties do, however, have limitations on when certain herbicides can be sprayed in order to protect farmers from damage to their crops from herbicide drift. While there are federal and state regulations that govern the application of pesticides, these are often insufficient to protect against damage from highly volatile chemicals such as 2,4-D, which can drift for several miles.²⁷ Taking away the ability to address issues such as this is not pro-farmer or pro-property rights – it’s sacrificing one group of farmers, by allowing others free reign to continue activities that are not confined to their own property.

What else would this bill do?

- It would prevent local governments from addressing concerns about contamination of high value crops. Consider that Texas rice farmers were among those who lost hundreds of millions of dollars when their crops were contaminated in 2006.²⁸ Statewide regulations may or may not be appropriate in every situation, and the state should not block local governments from addressing the concerns of local businesses.
- It would prevent any local regulation of neonicitinoids, which are bee-killing pesticides used both to treat seeds and during cultivation. Bees are a vital part of our food supply, pollinating approximately 1/3 of every bite of food in the grocery stores.
- It would prevent any local regulation of when or where herbicides, fungicides, and pesticides are sprayed, preventing any efforts to protect vulnerable populations such as school children or nursing home residents.
- It would block local governments from responding to the many situations that we simply don’t know about yet.

Local elected representatives need to retain their ability to protect their farmers and communities. We urge you to oppose SB 1172/ HB 2758.

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²⁷ Texas Winegrowers fear new herbicides will wipe out the industry. Texas Tribune (Jan. 2, 2017) <https://www.texastribune.org/2017/01/02/texas-winegrowers-brace-another-wave-new-herbicide/>

²⁸ Genetic rice lawsuit in St. Louis settled for \$750 million, (July 2, 2011) http://www.stltoday.com/news/local/metro/genetic-rice-lawsuit-in-st-louis-settled-for-million/article_38270243-c82f-5682-ba3b-8f8e24b85a92.html