



Oppose SB 1172 / HB 2758

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

“Cultivating” means “fostering the growth” of the plants, which would include the things the farmers use to grow the plants, including fertilizers, pesticides and herbicides that can kill other crops, crash bee populations, and harm human health. Under normal principles of statutory construction, words in a bill cannot be redundant, so this broad term *must* mean something besides seeds or their planting.

No county or city in Texas has even attempted to ban or limit in any way any seeds. This bill seeks to deprive local governments of control in the absence of any facts or information on specific situations which might lead to such regulations.

What does blocking local control of seeds mean?

- 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 2006.¹
- It would prevent any local regulation of neonicotinoids, which are bee-killing pesticides. Neonicotinoids are used both as sprays and, even more often, as **seed** treatments. Bees are a vital part of our food supply, pollinating approximately 1/3 of every bite of food in the grocery stores.

What does blocking local control of “cultivation” mean?

- It would prevent any local regulation of when or where herbicides are sprayed, even if local organic and non-GMO farmers suffer severe damage. (Local control of herbicides is already partly pre-empted, but not to the extent that it would be under SB 1172/ HB 2758).
- It would prevent any local regulation of chemical fertilizers or land applications of manure, even where they pose a human health risk.
- It would block local governments from responding to the many situations that we simply don’t know about yet.

The Texas Legislature meets only once every two years, and it requires significant resources in both time and money to seek any redress from this body. Taking away the ability to address these issues at the local level is **not** pro-farmer or pro-property rights – it’s allowing some farmers free reign to continue activities that are not confined to their own property, at the expense of other farmers and the entire community.

Local elected representatives need to retain their ability to protect their farmers and communities. **A proposed amendment is provided on the back of this fact sheet.**

The following agricultural and food groups oppose SB 1172/ HB 2758: Farm and Ranch Freedom Alliance, Farm & Food Coalition of East Texas, GROW North Texas, Food Policy Council of San Antonio, Sustainable Food Center, Texas Organic Farmers and Gardeners Association, Texas Local Food and Farm Coalition, and the Waller County Farmers and Ranchers Cooperative. Additionally, the following groups registered against SB 1172 in Committee: League of Independent Voters, Hill Country Alliance, Environment Texas, Sierra Club, and Texas League of Conservation Voters.

¹ 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

1) Negative impacts on bees.

Neonicotinoids are pesticides that are frequently used as seed treatments. The use of neonicotinoic seed coating has driven rapid increases in the use of these pesticides that kill bees, even while the use of neonicotinoids as a spray treatment has decreased.² Simply planting these seeds can cause serious harm to bee populations, due to the escape of the powder coating into the atmosphere during planting and continuing throughout the seed's growth.³ There is an ever-growing body of scientific evidence about the harms posed to bees – and thus to our entire agricultural system – by these chemicals used on seeds.⁴

2) Negative impacts on farmers from genetic contamination.

Farmers can be harmed not only by herbicide drift, but also by pollen drift and genetic contamination. People often assume that addressing genetic contamination automatically means banning genetically engineered crops, but this is not the case. Other possible solutions include requiring registration of crops that could cause contamination so that others know where they are being grown, specifying the timing of planting, or requiring buffer zones.

The economic harm caused to farmers by genetic contamination can be severe. Texas farmers were among those who suffered losses of hundreds of millions of dollars due to seed contamination of their rice crops.⁵

These issues are best addressed on a local level because the conditions are not uniform across the state. They require consideration of what crops are grown in that area, the relative economic value of those crops, and local physical conditions, including the topography and climate, in order to understand the likelihood of contamination and whether it can be addressed by such things as buffer zones.

We propose the following amendment to balance the competing concerns of the bill proponents with the concerns of farmers and community members who would be harmed in the absence of local control:

- Remove “or cultivating plants from seed” in subsection (a); and
- Add the following options for local regulation:

(c) A political subdivision may take any action otherwise prohibited by this section to: ...

(4) enforce any federal or state standard or regulation; or

(5) prevent or address significant risks to human health, significant harm to bee or pollinator populations, or significant economic losses to crops or vegetation susceptible to transgenic contamination, that are occurring within its boundaries.

(d) Before taking any action under subsection (c)(5), the political subdivision must:

(1) document the relevant factors within its boundaries;

(2) document how the proposed action directly addresses the issues; and

(4) notify the Texas Department of Agriculture of its proposed action and the basis for it.

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

Dated 3/31/2017

² <http://news.psu.edu/story/351027/2015/04/02/research/rapid-increase-neonicotinoid-insecticides-driven-seed-treatments>.

³ <http://articles.extension.org/pages/65034/neonicotinoid-seed-treatments-and-honey-bee-health>

⁴ <http://www.xerces.org/blog/new-report-how-neonicotinoids-can-kill-bees/>

⁵ http://www.stltoday.com/news/local/metro/genetic-rice-lawsuit-in-st-louis-settled-for-million/article_38270243-c82f-5682-ba3b-8f8e24b85a92.html