

## **BILL ANALYSIS**

H.B. 4577  
By: Martinez, "Mando"  
Agriculture & Livestock  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Citrus canker was eradicated in Texas in 1943, but recent outbreaks in Florida are making Texas citrus producers nervous that a similar outbreak could occur in Texas as well. Citrus greening, which has been found in Texas and Louisiana, is spread by the Asian citrus psyllid. While there have not been any infestations of greening in Texas, the presence of the vector makes producers very concerned. Citrus greening has a latency period during which the disease may be present in a tree, but impossible to detect.

Citrus greening would devastate the Texas citrus industry if an outbreak were to occur. The Florida citrus industry is already in a crisis due to the outbreak of the disease. Over 100,000 acres of citrus trees have been destroyed in Florida due to the disease. The Florida crisis was exacerbated due to the Florida Agriculture Department's lack of legal authority to respond to such an outbreak.

The Texas citrus industry has a \$159 million economic impact on our state's economy. Developing a response plan, in conjunction with the U.S. Department of Agriculture, to prevent an outbreak or spread of disease is important to the citrus industry and the economy. However, current Texas law does not allow for such a plan.

H.B. 4577 grants the Texas Department of Agriculture the authority to adopt rules that provide for a program to manage or eradicate exotic citrus diseases, including citrus canker and citrus greening. The bill requires rules adopted under such authorization to establish, based on scientific evidence, when a healthy but suspect citrus plant must be destroyed and authorizes such rules to provide for compensation to an owner of a plant destroyed under such rules. The bill authorizes the department to seize a citrus plant, citrus plant product, or citrus substance that the department determines is located within proximity to a plant infected by a disease dangerous to any agricultural or horticultural product and is determined by the department to likely be infected by that disease, regardless of whether the plant currently exhibits symptoms of the disease.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 4577 amends the Agriculture Code to authorize the Texas Department of Agriculture to adopt rules that provide for a program to manage or eradicate exotic citrus diseases, including citrus canker and citrus greening. The bill requires the rules to establish, based on scientific evidence, when a healthy but suspect citrus plant must be destroyed and authorizes the rules to provide for compensation to an owner of a destroyed plant.

H.B. 4577 authorizes the department to seize a citrus plant, citrus plant product, or citrus

substance that the department determines is located within proximity to a plant that is infected by a disease dangerous to any agricultural or horticultural product and that is determined by the department to likely be infected by that disease, regardless of whether the plant currently exhibits symptoms of the disease. The bill requires the department, if such a plant, product, or substance is seized in such a situation, to notify the owner that it is a public nuisance and must be destroyed or treated. The bill entitles the owner of such a plant, product, or substance destroyed to compensation from the department for the destruction of such plant, product, or substance.

**EFFECTIVE DATE**

September 1, 2009.