

## **Texas Seed Trade Association - Comments on Staff Report Recommendations**

TSTA supports the staff findings in Issue 4 regarding inspections and the manner in which they are scheduled. During the FY 2012-2013 TDA implemented risked-based inspections using the agency's electronic scheduling system as a matter of practice if not formal policy. In 2015 the TDA discontinued use of the system and inspectors began making determinations about seed grower and seller inspections. A risk-based inspection policy is advantageous to the agency's use of resources while maintaining vigilance on repeat violators.

TSTA supports the Continuation of the Agency as the lead agency for agriculture, nutrition, and rural affairs.

**Recommendation:** We support the statutory designation of the state's seed certifying entity to be changed to the Texas Crop Improvement Association (TCIA), a nonprofit organization that would operate under USDA/AOSCA guidance as in 36 other states. This is a nonregulatory, marketing program that would operate under TCIA with the same standards but at a lower cost and greater flexibility to member/users. The functions of the State Seed and Plant Board would be assumed by a comparable entity within the TCIA.

Our association supports agency compilation of data and its analysis as a tool to provide industries with direction for continuing education and recommendations for compliance. We encourage greater transparency in the data for enforcement, program and license fees and violation collections would be useful for developing budgets within each program.

TSTA supports greater efficiencies through more online transactions available to the seed industry.

The findings in Issue 6 for scheduled internal rule review would give the agency the opportunity to engage our industry in determining how the industry has changed and the effect that the consolidations have had on demand for agency services. Both seed law and seed certification participation have decreased in number of users and acres since the last Sunset Review. The implementation of cost recovery negotiated by the industry and the agency in 2011 has created continuous fee increases to cover increasing fixed costs to a decreasing number of users. Certain sectors of our industry have difficulty remaining competitive with seed sellers in neighboring states due to TDA's fees.

## **Appendix A – Consumer Protection - Corrections**

Seed Certification is an inspection-based evaluation of genetic purity and identity of participating companies' seed crop. Sorghum, sunflowers and millet require additional evaluation in the winter grow-outs a collaborative program between TDA and Texas Seed Trade Association. The process of seed certification does not entail "testing" by TDA.

Within the description of Seed Law seed sellers are listed as growers. Entities registered to sell seed in Texas are not necessarily growers or seed producers but may be distributors or retailers.