

## TITLE 4. AGRICULTURE

### PART 1. TEXAS DEPARTMENT OF AGRICULTURE

#### CHAPTER 10. SEED CERTIFICATION STANDARDS

The Texas Department of Agriculture (TDA) adopts amendments to Title 4, Part 1, Chapter 10, Seed Certification Standards, Subchapter A, General Requirements, §10.2(c)(9), relating to Eligibility of Varieties, and §10.9(a), relating to Seed Testing; Subchapter C, Acreage Inspection Fees for Certification, §10.13, relating to Inspection Fees for Certification; and Subchapter D, Laboratory Analysis Chart, §10.14, relating to Minimum Amount of Seed Required for Laboratory Analysis. TDA also adopts new Title 4, Part 1, Chapter 10, Seed Certification Standards, Subchapter K, Industrial Hemp Seed, §10.51, relating to Application and Amplification of Industrial Hemp Seed Certification; §10.52, relating to Land Requirements (Rules Covering Land Prior to Planting); §10.53, relating to Handling of Crop Prior to Inspection; and §10.54, relating to Field Standards.

Sections 10.2(c)(9) and 10.9(a) of Subchapter A, General Requirements; §10.13 of Subchapter C, Acreage Inspection Fees for Certification; §10.14 of Subchapter D, Laboratory Analysis Chart; and §§10.51-10.54 of Subchapter K, Industrial Hemp Seed, are adopted without changes to the proposal published in the April 10, 2020, issue of the *Texas Register* (45 TexReg 2391) and will not be republished.

The adopted rules will regulate the certification standards for industrial hemp seed in Texas. These rules are adopted for TDA's administration of industrial hemp seed as part of the industrial hemp production program, to comply with relevant sections in P.L. 115-334 (December 20, 2018), the Agricultural Improvement Act of 2018 (2018 Farm Bill), and Chapters 121-122 of the Texas Agriculture Code (Code), and to enforce the standards of genetic purity and identity adopted by the State Seed and Plant Board according to its authority under Chapter 62 of the Code.

The public comment period on the proposal began on April 10, 2020, and ended on May 10, 2020. No comments were received.

#### SUBCHAPTER A. GENERAL REQUIREMENTS

##### 4 TAC §10.2, §10.9

The adoption is made in compliance with the 2018 Farm Bill; §§121.003-004, 122.051-052, and 122.252-253 of the Code which designate the department as the lead agency for the administration, implementation, and enforcement of hemp production, and authorize the department to adopt rules to coordinate, implement and enforce the hemp program; §62.004 of the Code, which provides the State Seed and Plant Board with the authority to establish standards of genetic purity and identity as necessary for the efficient enforcement of agricultural interest; §12.016 of the Code, which provides the department with the authority to adopt rules for administration of the Code; and §62.008 of the Code, which provides the department with the authority to charge fees related to seed certification. Chapters 12, 62, 121 and 122 of the Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001929

Ferjje Ruiz Hontanosas

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: April 10, 2020

For further information, please call: (512) 463-7476

---

## **SUBCHAPTER C. ACREAGE INSPECTION FEES FOR CERTIFICATION**

### **4 TAC §10.13**

The adoption is made in compliance with the 2018 Farm Bill; §§121.003-004, 122.051-052, and 122.252-253 of the Code which designate the department as the lead agency for the administration, implementation, and enforcement of hemp production, and authorize the department to adopt rules to coordinate, implement and enforce the hemp program; §62.004 of the Code, which provides the State Seed and Plant Board with the authority to establish standards of genetic purity and identity as necessary for the efficient enforcement of agricultural interest; §12.016 of the Code, which provides the department with the authority to adopt rules for administration of the Code; and §62.008 of the Code, which provides the department with the authority to charge fees related to seed certification. Chapters 12, 62, 121 and 122 of the Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001930

Ferjie Ruiz Hontanosas

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: April 10, 2020

For further information, please call: (512) 463-7476

---

## **SUBCHAPTER D. LABORATORY ANALYSIS CHART**

### **4 TAC §10.14**

The adoption is made in compliance with the 2018 Farm Bill; §§121.003-004, 122.051-052, and 122.252-253 of the Code which designate the department as the lead agency for the administration, implementation, and enforcement of hemp production, and authorize the department to adopt rules to coordinate, implement and enforce the hemp program; §62.004 of the Code, which provides the State Seed and Plant Board with the authority to establish standards of genetic purity and identity as necessary for the efficient enforcement of agricultural interest; §12.016 of the Code, which provides the department with the authority to adopt rules for administration of the Code; and §62.008 of the Code, which provides the department with the authority to charge fees related to seed certification. Chapters 12, 62, 121 and 122 of the Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001931

Ferjie Ruiz Hontanosas

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: April 10, 2020

For further information, please call: (512) 463-7476

---

## **SUBCHAPTER K. INDUSTRIAL HEMP SEED, FIELD STANDARDS**

### **4 TAC §§10.51 - 10.54**

The adoption is made in compliance with the 2018 Farm Bill; §§121.003-004, 122.051-052, and 122.252-253 of the Code which designate the department as the lead agency for the administration, implementation, and enforcement of hemp production, and authorize the department to adopt rules to coordinate, implement and enforce the hemp program; §62.004 of the Code, which provides the State Seed and Plant Board with the authority to establish standards of genetic purity and identity as necessary for the efficient enforcement of agricultural interest; §12.016 of the Code, which provides the department with the authority to adopt rules for administration of the Code; and §62.008 of the Code, which provides the department with the authority to charge fees related to seed certification. Chapters 12, 62, 121 and 122 of the Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001932

Ferjie Ruiz Hontanosas

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: April 10, 2020

For further information, please call: (512) 463-7476

---

## **CHAPTER 20. COTTON PEST CONTROL**

The Texas Department of Agriculture (the Department) adopts amendments to the Texas Administrative Code, Title 4, Part 1, Chapter 20, Subchapter B, Quarantine Requirements, §20.13 and §20.14; and amendments to Subchapter C, §20.21, relating to Cotton Producer Advisory Committees, without changes to the proposed text as published in the March 27, 2020, issue of the *Texas Register* (45 TexReg 2103). The rules will not be republished.

The adopted amendments to §20.13 and §20.14 change the boll weevil quarantine status of the Northern Blacklands (NBL) and Southern Blacklands (SBL) boll weevil eradication zones from functionally eradicated to eradicated. These changes are made on the recommendation of NBL and SBL cotton grower steering committees, the Texas Boll Weevil Eradication Foundation (TBWEF) Technical Advisory Committee, and the TBWEF Board of Directors. The adopted amendments are necessary to prevent the re-infestation of boll weevils in the NBL and SBL, and will provide protection to the NBL and SBL eradication zones by regulating the movement of articles that could transport boll weevil and re-infest the NBL and SBL.

The Department received one comment in support of the adoption of these amendments from Lindy Patton, President and CEO of the Texas Boll Weevil Eradication Foundation.

The adopted amendment to §20.21 modifies the term length of producer members of the Cotton Producer Advisory Committee (CPAC) of Pest Management Zones from two years to four years. The adopted amendment to extend the term length of producer members of a CPAC from two years to four years increases the effective enforcement and administration of the cotton pest program.

The Department received no comments regarding the adoption of this amendment.

## **SUBCHAPTER B. QUARANTINE REQUIREMENTS**

### **4 TAC §20.13, §20.14**

The amendments are adopted under §74.009 of the Texas Agriculture Code, which requires the Department employ all constitutional methods to control and eradicate cotton pests that scientific research demonstrates to be successful; §74.122, which authorizes the Department to adopt rules relating to quarantining areas of this state that are infested with the boll weevil; §74.003, which authorizes the Department to appoint cotton producers to an administrative committee that shall govern each pest management zone; and §74.006, which authorizes the Department to adopt rules as necessary for the effective enforcement and administration of the cotton pest control program.

Chapter 74 of the Texas Agriculture Code is affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001934

Skyler Shafer

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: March 27, 2020

For further information, please call: (512) 463-7476

---

## **SUBCHAPTER C. STALK DESTRUCTION PROGRAM**

### **4 TAC §20.21**

The amendments are adopted under §74.009 of the Texas Agriculture Code, which requires the Department employ all constitutional methods to control and eradicate cotton pests that scientific research demonstrates to be successful; §74.003, which authorizes the Department to appoint cotton producers to an administrative committee that shall govern each pest management zone; and §74.006, which authorizes the Department to adopt rules as necessary for the effective enforcement and administration of the cotton pest control program.

Chapter 74 of the Texas Agriculture Code is affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 15, 2020.

TRD-202001935

Skyler Shafer

Assistant General Counsel

Texas Department of Agriculture

Effective date: June 4, 2020

Proposal publication date: March 27, 2020

For further information, please call: (512) 463-7476

---