

Self-Evaluation Report



***Texas Department of Agriculture
September 2019***

TABLE OF CONTENTS

I.	Agency Contact Information	1
II.	Key Functions and Performance	2
III.	History and Major Events.....	26
IV.	Policymaking Structure	34
V.	Funding	45
VI.	Organization.....	56
VII.	Guide to Agency Programs	61
	i. Agency Internal Support Services	61
	ii. Food and Nutrition Division	71
	iii. State Nutrition Assistance Programs	88
	iv. Texas Cooperative Inspection Program	95
	v. Rural Economic Development and International Trade Program	99
	vi. Texas Agricultural Finance Authority (TAFA)	112
	vii. Marketing	119
	viii. Community Development Block Grants (CDBG)	124
	ix. State Office of Rural Health (SORH)	136
	x. Aquaculture	147
	xi. Grain Warehouse Program	150
	xii. Handling and Marketing Perishable Commodities.....	154
	xiii. Organic Certification Program	158
	xiv. Seed Quality Program	164
	xv. Ag Pesticide Regulation	170
	xvi. Structural Pest Certification Services.....	178
	xvii. Consumer Product Protection	185

xviii.	Plant Health Program.....	193
xix.	Prescribed Burning Board	200
VIII.	Statutory Authority and Recent Legislation.....	205
IX.	Major Issues	215
i.	Issue 1: Texas Rural Foundation	215
ii.	Issue 2: Wine Funding.....	215
iii.	Issue 3: GO TEXAN license plate revenue	216
iv.	Issue 4: Cost Recovery Model for Marketing	216
X.	Other Contacts	217
XI.	Additional Information	227
XII.	Agency Comments	235
XIII.	Appendix	236

Texas Department of Agriculture Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas Department of Agriculture
Exhibit 1: Agency Contacts**

	Name	Address	Telephone and Fax Numbers	Email Address
Agency Head	Sidney Miller	1700 N. Congress Ave. Austin, Texas 78701	512.463.1408 888.216.9867	Sid.miller@texasagriculture.gov
Agency's Sunset Liaison	Jim Reaves	1700 N. Congress Ave. Austin, Texas 78701	512.475.0044 888.216.9867	Jim.reaves@texasagriculture.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

Mission Statement

The Texas Department of Agriculture's (TDA) mission is to partner with all Texans to make Texas the nation's leader in agriculture, fortify our economy, empower rural communities, promote healthy lifestyles, and cultivate winning strategies for rural, suburban and urban Texas through exceptional service and the common threads of agriculture in our daily lives.

TDA is a full-service agency, involved with all phases of modern agriculture, agricultural businesses and consumer protection. The agency's primary functions include regulatory activities, marketing, statewide economic development, producer outreach, agricultural resource protection, agricultural research and promoting healthy nutrition for all Texans.

TDA nutrition programs help promote a healthy lifestyle through the benefits of good nutrition and exercise. TDA's marketing efforts promote the sale of Texas agricultural products across the state and around the world and help Texans engaged in agriculture find profitable markets for their products and ensure that Texas agriculture is competitive in domestic and global markets. The agency's regulatory responsibilities establish and enforce standards for agricultural commodities and ensure that certain products offered to Texas consumers are properly measured, priced and marketed. TDA is also responsible for enforcing state and federal pesticide laws. Rural economic development programs within the agency provide broad-based assistance to help local economies expand by assisting with rural tourism, small town revitalization and agricultural diversification.

Agriculture and Consumer Protection

TDA's regulatory objectives include:

- Ensuring the quality of certain agricultural commodities and products offered to consumers before they are sold;
- Ensuring price and quantity accuracy for consumers of certain products sold in Texas;
- Administering both state and federal laws concerning pesticide use and application; and
- Protecting against the movement of harmful plant pests and diseases into Texas.

Key functions:

- Developing and maintaining various consumer protection programs through inspection and certification efforts;
- Conducting road station inspections and overseeing insect trapping programs;

- Licensing handlers or dealers who buy or sell Texas grown fruits and vegetables;
- Educating new and current applicators, licensing pest control applicators and investigating complaints;
- Conducting inspections on pesticide applications; and
- Regulating all pesticides sold or applied in Texas.

Marketing

TDA's marketing and promotion objectives include:

- Supporting the growth of all Texas agricultural industries, including but not limited to, cotton, corn, sorghum, beef, citrus, produce, and dairy;
- Increasing sales and awareness of products grown, processed or produced in Texas to consumers around the world; and
- Promoting rural Texas to tourists, retirees, and other interested audiences.

Key functions include:

- Raising awareness to increase demand and sales of Texas products globally;
- Partnering with key stakeholders to leverage government and private resources; and
- Supporting agricultural producers and rural communities by offering financial assistance through competitive matching grant opportunities.

Community Development Block Grant (CDBG) and State Office of Rural Health (SORH)

TDA's CDBG and SORH objectives include:

- Facilitating rural job creation and retention through business development and community assistance;
- Promoting statewide economic development through agricultural diversification, value-added processing, rural entrepreneurship, small town revitalization and rural tourism development;
- Increasing access to and the quality of rural health care in Texas;
- Providing grant funding services for many programs, such as the CDBG funding for low to moderate income Texans, with funding originating from the United States Department of Housing and Urban Development; and
- Empowering rural communities and cultivate winning strategies for rural Texas, by leveraging public and private resources to help small businesses and manufacturers to acquire needed capital to expand and create jobs.

Key functions include:

- Administering CDBG grants;
- Administering rural health, loan forgiveness and grants;

- Advising communities on economic development opportunities and connecting investors with appropriate communities.

Food and Nutrition

TDA's nutrition objectives include:

- Safeguarding the health and well-being of the state's citizens by ensuring nutritionally adequate meals are provided in schools, child and adult day care programs and through non-profit programs;
- Educating and encouraging Texans to enhance their understanding of the relationship between proper eating, good health and the role of Texas agriculture;
- Improving the nutritional status of Texans in need through effective and efficient program administration of federal child nutrition programs, while providing excellent customer service and maintaining high professional standards;
- Contributing to positive economic outcomes in Texas by assisting organizations to successfully operate federal nutrition programs;
- Promoting local purchasing and building networks to connect Texas agriculture producers with nutrition program customers.

Key functions:

- Providing monthly federal reimbursement payments, adjustments and collections processing and executing program agreements for all federal nutrition programs;
- Performing oversight and conducting compliance reviews on program participants;
- Developing and providing training and technical assistance on regulations, policies and procedures;
- Creating nutrition education, program outreach materials, and federal meal pattern and dietary guidance;
- Managing the distribution of donated USDA foods to schools and food banks throughout Texas;
- Maintaining information technology and management systems to support the needs of program staff and participants; and
- Supporting initiatives to use Texas farm fresh products in program offerings.

Prescribed Burning Board

The Prescribed Burning Board (PBB) was established within the Texas Department of Agriculture by the 76th Legislature in 1999 to limit the liability for landowners using prescribed burning as a land management tool. The Board is charged with key functions in Chapter 153 of the Natural Resources Code, which include the requirement to:

- Establish standards for prescribed burning;
- Develop a comprehensive training curriculum for certified and insured prescribed burn managers;

- Establish standards for certification, recertification, and training for certified and insured burn managers;
- Establish minimum education and professional requirements for instructors for the approved curriculum; and
- Establish insurance requirements for certified and insured prescribed burn managers in amounts not less than required by Section 153.082 of the Natural Resources Code.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed.

Marketing and International Programs

Texas agricultural products no longer compete solely in local markets. As many countries are increasing agricultural production, due in part to advances in technology and more accessible transportation, Texas agricultural producers are in competitive markets around the world. Being one of the largest agriculture exporting states in the nation, international placement of products is critical to economic success for farmers and ranchers in Texas. TDA's efforts help maintain and increase vital agricultural industries and provide opportunities for those producers and businesses to expand at home and abroad. TDA's efforts open the doors for many Texas producers to international growth that would otherwise have been difficult to achieve without TDA's support.

Through partnerships between TDA, Texas agricultural producers and industry associations, marketing efforts to provide quality Texas products, livestock and genetic will successfully help Texas maintain its place at the top nationally and in international markets.

State Office of Rural Health

Access to health care continues to be a serious problem in rural Texas. With the increasing cost of health care, lack of viable insurance options for rural citizens, the migration of health professionals and facilities to metropolitan areas, and the continued closure of rural hospitals, all health industry resources need support in rural Texas to survive. Public and private support is necessary to ensure the survival of rural hospitals and health care in Texas. TDA helps rural communities by providing tools including resources to support telemedicine, grants for rural hospitals and medical facilities, grants to support rural health professionals, loan repayment programs and scholarships, and support for innovative medical technologies.

Agriculture and Consumer Protection

The licensing and regulation of service industries and agricultural producers in Texas provides both quality control for the industries and protection for consumers. For instance, in the structural pest control field, TDA not only licenses pesticide applicators

that apply regulated chemical substances in businesses and residences, but also conducts background checks on the individuals as part of that licensing process to prevent sexual predators and violent felons from having uncontrolled access to Texans' homes and businesses.

TDA is the designated authority in Texas for the prevention of pest and disease invasions that harm and destroy crops, forests, landscapes, and nurseries. TDA partners with the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) to prevent harmful insects and plant diseases from entering or spreading through the state. With a state as large as Texas, this is a prodigious task. For example, Florida has already lost billions of dollars of its citrus industry to citrus canker and citrus greening diseases. Florida spent over \$200,000,000 over several years, with researchers and industry striving to prevent damage to its citrus industry. To date, Florida has not been successful in the control of these diseases, which have resulted in the decline of its citrus industry. TDA is actively working to implement measures to prevent a repetition of such decline in Texas.

Rural Economic Development and Community Development Block Grant

Texas has many low to moderate income populations that cannot afford the necessary infrastructure, such as water, sewage, electricity, and roads, to meet basic household functions and provide the necessary infrastructure to develop and attract businesses to create jobs in these communities.

Through various financial assistance programs, including grants, loan guarantees and loan participation programs, TDA can impact small businesses, non-profit organizations, and individuals by providing funding to help them grow and provide benefit to the communities in which they reside. TDA uses its rural economic development programs and tools to assist rural communities in Texas in maximizing their economic development opportunities. Approximately 3.07 million Texans live in non-metropolitan regions of the state, and many of these areas lag behind urban centers in job creation, infrastructure, health care and other necessities. The services and programs provided by TDA assist rural constituents in obtaining or developing resources to improve their economic conditions.

Food and Nutrition

TDA's Food and Nutrition functions are mandated by statute and carried out through the department's agreement with the United States Department of Agriculture (USDA) for the administration of the Child Nutrition Programs. USDA monitors and evaluates TDA on its execution of these functions. Inadequate administration and oversight could result in a loss of federal funding and put state general revenue funding for these programs at risk. Furthermore, failure to continue these functions could affect program availability in Texas and negatively impact the food security and nutritional well-being of many Texas citizens.

TDA's only non-mandated function in the Food and Nutrition programs is its initiative to enhance offerings of Texas products. This initiative is the outcome from the state established Farm-to-School Task Force. Although not mandatory, TDA's local food initiative is a top priority for both the USDA Food and Nutrition Service (FNS) and TDA, and is demonstrated in each agency's mission statements, which include support for local agriculture. TDA's commitment to include this as a key function is an example of the value added to federal nutrition programs.

Prescribed Burning Board

The PBB is necessary to carry out the Certified and Insured Prescribed Burn Manager (CIPBM) program. This program is necessary to ensure prescribed burns are used as a safe land management tool for agricultural, forestry, and conservation purposes; to protect lives and property, by ensuring CIPBMs are properly trained and qualified to conduct prescribed burns; and to reduce the risks of damage and loss resulting from wildfires by reducing vegetative loads on land through the proper use of prescribed fire, thus lessening the financial burden wildfires place on rural communities, state agencies, and the taxpayer.

If the PBB no longer performed these functions, there would not be a CIPBM Program in the state of Texas. Landowners would not have an option to hire a CIPBM to carry out prescribed burns and enjoy the liability protection offered when a CIPBM conducts a prescribed burn on their property. Additionally, rural Texas would suffer economic losses of CIPBMs who have established successful businesses conducting burns professionally as part of their agricultural, forestry and land management enterprises.

The PBB oversees and maintains this important program that sets standards, certifies trained CIPBMs and works with TDA to address rare instances of non-compliance. Demand for prescribed burning services continues to rise for both the private and commercial categories of CIPBMs. The Texas ranching industry, forestry industry, governmental entities with land management responsibilities, and conservation interests benefit from this program. As populations increase in urban areas, there is an increased suburban interface with land, and the risks associated with wildfire or negligent or improper burning of land in these interface areas grow with increasing population. The presence of properly trained certified individuals educated to perform prescribed burns and assist landowners, mitigates risks in these areas and serves the best interests of the state.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

All functions currently performed by TDA are relevant and necessary in order to serve the school children, farmers, ranchers, rural residents and businesses, and citizens of low to moderate income, and consumers in the State of Texas. In order to ensure that consumers are protected, feeding and grant programs continue, and agricultural

protection and development is maintained, no agency functions need can be eliminated.

Prescribed Burning Board

All functions currently performed by the PBB are relevant to the operation of the CIPBM Program. There are no functions in need of elimination.

D. Does your agency’s enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Currently, TDA’s enabling law continues to correctly reflect the mission, objectives, and approach for each division. However, following the passage of Senate Bill 2119 in the 86th Legislative Session, TDA’s regulatory authority over the Motor Fuel Program was transferred, removing TDA’s oversight and regulation of this key industry.

Prescribed Burning Board

The Prescribed Burning Board’s enabling law, Chapter 153 of the Texas Natural Resources Code, continues to correctly reflect the mission, objectives and approach to performing its functions as a Board.

E. Have you recommended changes to the Legislature in the past to improve your agency’s operations? If so, explain. Were the changes adopted?

Funding

During the 86th Legislative Session, TDA requested the same transfer authority that most other agencies have per Art. IX, Sec. 14.01. The request was not granted, leaving the department at a disadvantage to fully administer its programs without the ability to transfer between strategies, even though it has many cost recovery regulatory programs that all operate under the same division. By having programs that are “siloes,” the department must budget for all contingencies, thus resulting in potentially higher fees to allow for the all costs to be covered.

TDA also requested the amendment of Rider 24 to return its unexpended balance (UB) authority, to retain unexpended balances (UB) from year-to-year and biennia-to-biennia. While TDA was granted limited UB authority, the use of full UB authority and transfer authority are critical in balancing program costs and limiting fee increases, and importantly, reducing fees.

Rural and Agriculture Development

The Texas Department of Agriculture is responsible for rural economic development, including the promotion of Texas agricultural products, an industry which contributes an economic impact of \$115 billion to the state annually, second only to the energy sector. The loss of general revenue, the program revenue and expenditure silos,

coupled with the Legislative requirement that the statutory function of building Texas agricultural markets at home and abroad be funded by recovering costs from industry participation has negatively impacted the trade and business development program.

Only 12% of the State's population resides in rural areas. In order to ensure sustainable economic success in these rural areas, TDA requested funding during the 86th Legislative Session to more aggressively assist rural Texas businesses, as well as service entities and agricultural producers, to increase their sales of their products and services, nationally and abroad. The request was not funded.

Agriculture Critical Entry Point Expansion (Road Station Inspection Points)

The funding for biosecurity efforts do not provide the resources to effectively monitor all the avenues of entry for infected plants coming into Texas on a 24/7 basis. The risk of inadvertent or intentional introduction of pests and diseases into Texas is very high. Each year, pests, both familiar and new, are introduced to the environment through nursery stock and plant material entering the State. While TDA submitted an exceptional item request to expand its road stations across Texas to allow for longer operational periods and help to better protect the industry and the environment from new exotic pests, it was not granted.

Information Technology

TDA requested \$6 million in funding during the 86th Legislative Session to modernize its Legacy systems but was funded at \$1.2 million for fiscal years 2020-2021 to help determine the needs of TDA's computer applications. The most pressing need is for funding to improve TDA's computer software applications. TDA's main computer application, BRIDGE (Bringing Resource Integration and Data Together for Greater Efficiency), is based upon twenty-year old technology. In order to maintain cyber security, serve customers by providing access to online data platforms and payment portals, and to be able to provide more services for an expanding population, it is necessary for the agency to build out and modernize BRIDGE.

TDA has reviewed the Florida Department of Agriculture's recent enhancement of its agency software application needs. Florida spent \$5 million over two years to determine and describe the 2,500 requirements for its agricultural regulatory application needs. Florida spent \$20 million to build the new application which addressed a portion of its Department's needs. At the rate TDA is progressing, it will likely take four to ten years to address its regulatory software needs, even if the necessary funding is provided.

TDA has recommended in the past that it have the authority to retain regulatory fines it collects. Fines and penalties can be used to educate licensees and industry stakeholders to increase compliance, and to elevate consumer awareness related to an industry's outward facing functions. For example, in the structural pest control service industry, many residential and commercial pesticide applicators are unaware of state regulatory requirements, while customers are unaware of measures taken to protect

them and information available to increase consumer awareness and enable them to make more informed purchasing choices. Currently, revenues generated by regulatory fines related to an industry are swept into the state general treasury and do not benefit the industry or consumers related to such monies.

Access to Rural Health Services (State Office of Rural Health)

Rural Texans are finding it increasingly difficult to access healthcare in remote communities. TDA seeks an increase of GR funding in the amount of \$270,000 for each year of the 2020-2021 biennium to restore funding for the State Office of Rural Health (SORH) Grant Program to historic levels. SORH is funded through a federally funded grant which requires a 3-to-1 state match. The decrease in matching state funds over the biennium has led to drastic reductions in the availability of grant funding to participating rural hospitals and healthcare providers. This exceptional item was awarded during the 86th Legislative Session.

Organics Certification Software

TDA has the authority to certify organic producers, processors, distributors, and retailers of organic agricultural products. By offering Texas producers this service, those farmers can capture a larger share of the premium organic food market. However, to maintain its National Organics Program certification, TDA must acquire software to modernize the data capture and reporting processes. TDA's exceptional item request was funded and it is in the process of procuring the necessary software.

Centralized Accounting Payroll/Personnel System (CAPPS)

The CPA is replacing its primary HR/payroll system with a new system called CAPPS. TDA is scheduled for mandatory implementation in FY 2021 for the payroll/personnel component. This exceptional item is to cover TDA's internal cost for project management, IT contractor support, and temporary staff for backfilling key subject matter expert positions involved in the planning, testing, and implementation, resources the CPA is expecting TDA to make available for system implementation. TDA was awarded funding for CAPPS as part of its exceptional item request.

Prescribed Burning Board

In the past, municipalities had difficulty meeting the liability insurance requirements required for their employees to obtain certification under the program. The 83rd Legislature passed SB 764, which addressed the issue by authorizing government entities, such as cities and counties, to qualify their employees for certification by demonstrating a self-insurance program meets statutory requirements. This legislative change has allowed employees of cities and counties meeting program requirements for education, training and experience to become CIPBMs.

F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

TDA works closely with other state or federal agencies when a situation or program arises that may impact that agency.

Inspections and Licensing

Senate Bill 2119 (86th Leg., R.S.) transferred the Motor Fuel Quality Program from TDA to the Texas Department of Licensing and Regulation (TDLR). Although TDLR will now be responsible for regulating the motor fuel program and licensed service companies and technicians that perform device maintenance, this transfer will create significant overlap in staffing and resources used by the state, as TDA will continue to conduct inspections at gas station facilities and license service companies and technicians.

TDA inspectors are located statewide and operate out of one of TDA's five regional offices which are available and designed to provide localized assistance to serve with a wide range of customer needs. TDA field inspectors perform package inspections, to ensure that customers are receiving the amount of product listed on the package (including ice at gas stations), scanner and price verification inspections, nursery floral inspections, liquid petroleum gas tank inspections, and inspections regarding the sale of firewood and Christmas trees. TDA inspectors are skilled at identifying and removing skimmer devices from gas pumps and working with state and federal law enforcement.

Produce Safety Rule (Food Safety Modernization Act)

The federally mandated produce safety program is one example. TDA has existing relationships with universities, agricultural producers and other agricultural groups and interests which TDA was able to utilize to develop an education program to teach producers about the Federal Produce Safety Rule, the Food Safety Modernization Act (FSMA) and the implications those laws may have on Texas farmers.

In 2016, there was discussion between the Food and Drug Administration (FDA) (the federal oversight body for FSMA), the Texas Department of State Health Services (DSHS), TDA, and various Texas agricultural interests, producers and groups, regarding agency administration of the Produce Safety Rule in Texas. While DSHS could have administered the program, through federal, state agency and stakeholder input, it was determined that TDA was the most appropriate agency.

The 85th Texas Legislature passed HB 3227 designating TDA as the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the Produce Safety Rule in Texas. TDA maintains a cooperative relationship and open communication with DSHS to discuss and address any crossover issues.

Rural Economic Development

While rural economic development impacts multiple state and federal agencies, there are many programs that all serve different purposes. In addition to some unique financial assistance programs, TDA serves as a resource to help connect rural communities, businesses and individuals to other public and private partners that also have programs targeted to the rural areas.

Prescribed Burning Board

The PBB is the only entity in Texas authorized to establish standards and provide certification for CIPBMs. While the Texas Forest Service and the Texas Parks and Wildlife Department (TPWD) provide prescribed burning training to their employees to utilize prescribed burning on state lands under their jurisdiction, these services are not duplicative of the training courses approved by the PBB. The State Legislature provided additional protection to ensure against duplication of services by designating representatives from both agencies to serve on the PBB.

G. In general, how do other states carry out similar functions?

Each state has an agency or entity responsible for agriculture issues. The scope of responsibility varies from state to state, but natural resource issues, pesticide regulation, food safety and inspections, animal health regulation, biosecurity, marketing and economic development, and other such areas are commonly included within the state's main agricultural agency's umbrella of authority to prevent duplication and to best leverage resources.

Prescribed Burning Board

Generally, states with large amounts of private land, such as Texas, have similar programs and requirements and prescribed burning is regulated through state departments of agriculture, or a combined program through a state's department of agriculture and forestry agency.

H. What key obstacles impair your agency's ability to achieve its objectives?

Agency Administration

- The lack of funding for updated computer software applications impairs TDA's ability to meet its daily business needs. Further, the lack of online customer portals and payment technology impairs ease of access and prevents customer expectations from being met.
- During the 86th Legislative Session, TDA requested the same transfer authority that most other agencies have per Art. IX, Sec. 14.01. The request was not granted, leaving the department at a disadvantage to fully administer its programs without the ability to transfer between strategies, even though it has

many cost recovery regulatory programs that all operate under the same division. Revenue Collections for Cost Recovery Programs are limited and may only be carried forward and expended in the same program from which the balance originated. By having programs that are “siloes,” the department must budget for all contingencies, thus resulting in potentially higher fees to ensure that all costs will be covered.

- TDA also requested the amendment of Rider 24 to return its unexpended balance (UB) authority, to retain unexpended balances (UB) from year-to-year and biennia-to-biennia. While TDA was granted limited UB authority within the biennium, the use of full UB authority and transfer authority are critical in balancing program costs and limiting fee increases, and importantly, reducing fees.

Agriculture Production and International Programs

Following the 82nd Legislative Session, TDA's economic development programs, including the GO TEXAN Marketing Program were required to be funded entirely through a cost recovery approach. Cost recovery funding (fees) and private industry have not been able to provide TDA with the resources necessary to expand global market opportunities for Texas agriculture and bring business to rural Texas. By allocating general revenue for this essential part of the Texas economy, the impact will go beyond the rural Texas farms and ranches but statewide as all ancillary industries are affected.

Food and Nutrition

The Food and Nutrition Division provides warehousing and delivery services for USDA foods to schools through commercial contracts with seven warehouses across Texas. State purchasing laws require TDA to utilize a Request for Proposals (RFP) process to solicit warehouses and distributors to provide these needed services. TDA is experiencing obstacles with getting responses to RFPs from all service areas of the state. As a result, TDA has not been able to secure these services for schools in the rural areas near Big Bend.

Another obstacle is the recruitment, compensation and retention of employees. Because of the significant complexities of the job functions and program knowledge required for many of the positions in the federal nutrition programs, it is critical for TDA to recruit and retain qualified employees in a highly competitive private and government markets.

Prescribed Burning Board

The Texas Legislature has emphasized the need for a CIPBM to carry liability insurance in order to be certified under the Texas Prescribed Burning Program, by statutorily mandating minimum liability insurance requirements needed to qualify for certification.

However, the strict requirement that an applicant must demonstrate proof of insurance to qualify has served as an impediment for employees of governmental agencies seeking certification under the Program.

In 2013, Senate Bill 764 (83rd Leg., R.S.), amended Section 153.082 of the Tex. Natural Resources Code, to authorize a governmental unit to meet the minimum insurance requirements by demonstrating it has a self-insurance program that provides minimum coverage requirements. While this statutory change has helped employees of cities and counties to demonstrate compliance with Program insurance requirements, of state government employees are not served, because state agencies lack the statutory and appropriations authority to set up and fund a “self-insurance program” that meets the coverage requirements of Section 153.082.

In the past, various state agencies and universities, such as the TPWD and Texas Tech University, have expressed the desire to have their employees become CIPBMs. An amendment to Section 153.082 which would grant state agencies an exception from the insurance requirements specific would allow greater flexibility in deploying trained personnel to conduct prescribed burns on state agency owned land under their control.

Additionally, the market for insurance coverage for prescribed burn managers is small and obtaining private insurance to cover burn activities is challenging.

I. Discuss any changes that could impact your agency’s key functions in the near future (e.g., changes in federal law or outstanding court cases).

Changes in program structure or funding for any of several federal programs administered by TDA could impact key agency functions. TDA receives funding and program support through the U.S. Environmental Protection Agency, U.S. Department of Interior, U.S. Department of Agriculture and several other agencies. As programs and regulations evolve through the federal appropriations process and continued rulemaking, there is always a possibility for change at the state level to comply with federal law. Most recently the Farm Bill was passed by U.S. Congress in December 2018.

Produce Safety Rule

As the FDA continues its implementation of the Produce Safety Rule, it is anticipated that federal guidance will result in a stronger push towards enforcement, which contrasts with the current approach, which is focused on education and outreach to affected Texas producers and consumers. Such a change will potentially require rule changes and additional employees.

Motor Fuel Quality Program

Senate Bill 2119 (86th Leg., R.S.) transferred the Motor Fuel Quality Program from TDA to the Texas Department of Licensing and Regulation (TDLR). While this change was signed by the Governor on June 14, 2019, TDA’s authority to regulate motor fuel devices

and fuel quality in Texas was removed on the date the bill was signed, as a result of Sections 10 and 11, immediately repealing portions of Chapters 13 and 17 of the Texas Agriculture Code. While the bill provides that TDA and TDLR shall work to affect the transition of the program no later than September 1, 2020, TDA has been actively working with TDLR to ensure that consumer protection continues without interruption, to the fullest extent possible.

As a result of Section 10 of the bill, fuel quality regulations were repealed on June 14, 2019, immediately upon the Governor's signature. Those fuel quality regulations will not be transferred until September 1, 2020, regardless of whether the transition is complete before that date, preventing consumers from obtaining redress for many fuel quality issues like water and sediment contamination or gasoline with inaccurate or misleading octane ratings.

However, the passage of HB 2174 during the 85th Legislative Session, had already dramatically reduced consumer protection in response to fuel quality complaints. TDA received hundreds of fuel quality complaints following Hurricane Harvey but could not respond to those complaints due to the regulatory framework enacted in HB 2174. Since September 1, 2017, the effective date of HB 2174, there have been very few incidents where TDA could protect consumers damaged by water or sediment in gasoline, or damaged by gasoline with misleading or inaccurate fuel octane ratings.

Although TDA recognizes that fuel quality regulation has been transferred to the Texas Department of Licensing and Regulation by SB 2119, the ability to adequately protect Texas consumers who suffer damages as a result of contaminated or mislabeled fuel will continue to be hamstrung until a future legislative body recognizes the flaws in the current scheme and once again restores proper regulatory oversight of Texas fuel retailers.

Hemp

The 2018 Farm Bill legalized the commercial production of hemp and authorized states to submit state plans to administer hemp programs. On June 10, 2019, HB 1325, was signed into law by the Governor and effective immediately. The bill authorizes the production, manufacture, retail sale, and inspection of industrial hemp crops and products in Texas.

While TDA has submitted a preliminary state hemp plan to USDA in accordance with the HB 1325 requirement to submit a plan within 90 days, hemp is not currently legal to grow in Texas until TDA submits a state hemp plan and receives approval.

However, prior to submitting the revised state hemp plan, TDA is required to wait for guidance from USDA on implementation procedures related to the 2018 Farm Bill hemp provisions. USDA has informed TDA that it anticipates releasing that guidance in Fall 2019. Upon receipt of those guidelines, TDA will develop administrative rules and submit a plan to USDA in coordination with the Office of the Governor and the Texas Attorney General.

Food and Nutrition Division

The federal nutrition programs administered by TDA are scheduled for reauthorization every five years at the federal level. These programs are awaiting reauthorization, as the most recent legislation was passed in 2010. Reauthorization bills traditionally include program changes, which most likely will affect the procedures and processes TDA uses to administer these programs. Also, changes at the federal level may increase or reduce the number of participants eligible to participate in these programs, thus impacting the size and scope of the programs.

Prescribed Burning Board

TDA is unaware of any recent or upcoming changes that could impact the functions of the Prescribed Burning Board.

- J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?**

Consumer Protection

TDA has been the leader in raising awareness of and combatting the extensive fraud on consumers resulting from skimmers placed in motor fuel pumps across Texas. TDA estimates that Texans suffer a loss of approximately \$40 million annually as a result of skimmer fraud. TDA has developed partnerships with local law enforcement agencies to train field inspectors in identification of skimmers and developed protocols for removal and preservation of evidence.

House Bill 2945 was passed during the 86th Legislative Session to create a multi-faceted program that includes best practices prescribed by the Office of the Attorney General, establishes a Fusion Center to provide resources for state and local law enforcement, and establishes the department's role in remediating skimmers. With the use of TDA's 131 regional inspectors, spread strategically across the state operating out of TDA's five regional offices, the department can quickly react to reports of skimmers and prevent further possible fraud to Texas consumers.

Information Technology

Aside from needed staff and funding, TDA can slowly build out improvements to its main computer application, BRIDGE, to modernize it, enable greater public access to licensing and financial functions, increase functionality, and increase cyber security over the next ten years.

Food and Nutrition Division

- Continue to increase access to nutritious food.

- Continue to expand nutrition-based education, access to Texas farm fresh resources, and agency outreach programs.
- Broaden contracting organization’s understanding of applicable federal regulations.
- Continue to increase awareness of nutrition programs as a viable option to support healthy lifestyles.

Prescribed Burning Board

There are opportunities for outreach and to educate the public about prescribed burning and the use of prescribed fire as a land management tool by agricultural, forestry and conservation interests. The board and TDA have engaged in outreach activities in the past and continue to do so. An opportunity for improvement for the Prescribed Burning Board is to create a broader understanding of the industry, and to inform interested parties regarding the value of having a certified and insured prescribed burn manager perform this important task.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?
In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both performance measures listed in the agency’s appropriated bill pattern and other performance indicators tracked by the agency. Please provide information regarding the methodology used to collect and report the data.

TDA has met or exceeded its performance measures, as shown in the quarterly performance measure report attached here in the table below.

**Texas Department of Agriculture
 Exhibit 2: Key Performance Measures — Fiscal Year 2018**

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Percent of Rural Communities Assisted	Outcome 1-1 Measure# 2	Information is maintained on a database and Excel spreadsheet maintained at the Texas Department of Agriculture using data from BRIDGE (Bringing Resource Integration and Data Together for Greater Efficiency). The number of communities assisted divided by the total number of non-entitlement communities as identified by U.S. Housing & Urban Development (HUD).	20.00%	56.74%	283.70%
Percent of the Small Communities' Population Benefiting from Projects	Outcome 1-2 Measure# 1	Information is reviewed and maintained electronically by Community Development Block Grant (CDBG) staff in the CDBG database. The calculation is performed by preparing a list of beneficiary information for all cities funded during the fiscal year. Only when an application is funded and a contract is executed are the beneficiary numbers	31.00%	43.50%	140.32%

Self-Evaluation Report

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
		updated in the tracking system beneficiary fields, which are used to calculate this performance measure.			
Number of Rural Community Projects in Which TDA Provided Assistance	Output 1-1-1 Measure # 1	Information is maintained in the CDBG database using data from BRIDGE. Assistance efforts to communities are recorded in the database as they occur.	700	752	107.43%
Rural Development Activities and Events in Which TDA Participated	Output 1-1-1 Measure # 2	Information is maintained in a database and stored in BRIDGE. Events and activities are recorded as they occur in the shared database.	275	497	180.73%
Pounds of Fruits, Vegetables, Peanuts and Nuts Inspected (in Billions)	Output 1-1-1 Measure # 4	The number of pounds inspected are recorded on inspection reports and entered into the TCIP (Texas Cooperative Inspection Program) database. The TCIP Administrative Office enters the number of pounds inspected from each certificate issued and the cumulative total for the quarter is reported.	3.70	4.19	113.18%
Number of Entities Enrolled in TDA Marketing Programs	Output 1-1-2 Measure # 1	GO TEXAN Member's business/community information, including contacts and types of products/services are entered into BRIDGE. Number of entities certified membership are maintained in BRIDGE.	1,675	1,717	102.51%
Number of Businesses Assisted	Output 1-1-2 Measure # 2	Sales are reported by TBD staff when a transaction between a buyer and seller is verified and entered into BRIDGE. When a referral is provided to a potential buyer or to a seller, or when a business is otherwise assisted with expansion, recruitment or retention, division staff records the success into BRIDGE. The number of sales, referrals and other business assists reported by TDA staff.	20,500	201,203	981.48%
Number of New Community/Economic Development Contracts Awarded	Output 1-2-1 Measure # 1	The information to report this measure is obtained from new signed community and economic development contracts entered in the CDBG tracking system; the report reflects the total awards made prepared for the reporting period.	225	219	97.33%

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of Projected Beneficiaries from New Contracts Awarded	Output 1-2-1 Measure # 2	The total number of CDBG beneficiaries is initially captured through the application process. Information is reviewed, updated and maintained electronically in the CDBG database. Only when applications are funded through an action item and subsequent executed contract(s), are the beneficiary numbers updated in the tracking system beneficiary fields, which are used to calculate this performance measure.	330,000	386,069	116.99%
Number of Programmatic Monitoring Activities Performed	Output 1-2-1 Measure # 3	The actual number of CDBG monitoring activities performed to provide oversight for contract enforcement. The contract number, type of activity and date monitored is maintained in the CDBG database.	270	202	74.81%
Number of Low Interest Loans and Grants Awarded to Rural Hospitals	Output 1-2-2 Measure # 1	Information for this measure is obtained from Action Item documents, including award recommendations. The Action Item Document identifies the recommendations for contract awards, the source of funds, and a letter signed by the Director of the Rural Health Division informing the hospital of the award. Each contract listed on the Action Item Document is entered in the e-programs tracking system.	30	24	80.00%
Percent of Inspected Seed Samples Found in Compliance with Statutes, Rules & Regulations	Outcome 2-1 Measure# 1	Seed Quality Activity Report maintained by the Seed Quality Program. Number of official seed samples drawn minus the number of official samples in compliance divided by the total number of official samples drawn.	97.00%	90.33%	93.12%
Percent of Ag Pesticide Inspections in Compliance with Statutes, Rules & Regulations	Outcome 2-2 Measure# 1	The data used for this calculation uses the number of agricultural pesticide inspections (dealer, marketplace, applicator, applicator business, producer establishment, use observation and worker protection) conducted that is captured using the PIER (Performing Inspections Enforcement and Recruiting) system. The total number of agricultural pesticide inspections minus the number of inspections that are noncompliant with the pesticide statutes, rules or regulations and divided by the total number of inspections conducted.	92.00%	84.41%	91.75%
Percent of Complaints Resolved Within Six Months	Outcome 2-2 Measure# 5	The information is stored in the structural pest control enforcement database. When complaints are resolved (a final determination is made that a violation did not occur), the date the complaint is finalized is entered into the database. A report is prepared at the end of each reporting period	75.00%	90.10%	120.13%

Self-Evaluation Report

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
		listing each complaint resolved within six months and the total number resolved within the reporting period. The hard copy is kept in the quarterly report files. The number of structural pest control complaints resolved within a period of six months or less from the date of receipt is divided by the total number of structural pest control complaints resolved during the reporting period.			
Percent of Independent School Districts Inspected Found to be in Compliance with Statutes, Rules & Regulations	Outcome 2-2 Measure# 6	The data used for this calculation is the number of routine school district inspections conducted (captured using PIER) and the result of the inspections. The total number of routine school districts inspections conducted minus the number of inspections that indicated noncompliance resulting in a required follow-up re-inspection and/or referral to TDA's Enforcement Division divided by the total number of routine inspections conducted.	55.00%	58.39%	106.16%
Percent of Weights & Measures Device Routine Inspections in Compliance with Statutes, Rules & Regulations	Outcome 2-3 Measure# 1	Using BRIDGE as a source of data, the total number of weights and measures device inspections minus the number of non-compliant inspections divided by the total number of device inspections.	94.00%	97.05%	103.24%
Percent of Routine Fuel Quality Inspections in Compliance with Statutes, Rules & Regulations	Outcome 2-3 Measure# 2	Database maintained by TDA program staff. Using fuel quality inspection data, the total number of routine fuel quality inspections minus the number of non-compliant fuel quality inspections divided by the total number of fuel quality inspections.	80.00%	82.48%	103.10%
Number of Official Seed Inspection Samples Drawn & Submitted for Analysis	Output 2-1-1 Measure # 1	Seed Quality Activity Report maintained by Seed Quality Program.	4,500	4,604	102.31%
Number of Nursery and Floral Inspections Conducted	Output 2-1-1 Measure # 5	Number of inspections performed at nursery or floral facilities recorded in BRIDGE.	8,000	8,332	104.15%
Number of Hours Spent Conducting Inspections of Plant Shipments & Regulated Articles	Output 2-1-1 Measure # 7	Number of work hours recorded in PATHS Timekeeping System spent by agency inspectors at road station inspection sites established to intercept shipments of quarantined articles associated with plant products, commercial citrus, cotton harvesting equipment and other regulated articles.	9,100	9,847	108.21%
Number of Egg Inspections Conducted	Output 2-1-2 Measure # 1	The total number of inspections conducted by agency inspectors at dealer, wholesaler, and retailers recorded in BRIDGE.	2,100	2,212	105.33%
Number of Grain Warehouse Inspections, Re-	Output 2-1-2 Measure # 3	Using BRIDGE and manual log of audits maintained by program, report of the total number of grain warehouse inspections,	250	217	86.80%

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
inspections, and Audits Conducted		audits, re-inspections and complaint investigations conducted. For the purposes of calculation, all facilities inspected or audited under a combination license is considered a single inspection or audit.			
Number of Agricultural Pesticide Complaint Investigations Conducted	Output 2-2-1 Measure # 3	The department's computerized IQ system is used to enter and track agricultural complaints received by TDA during a fiscal year.	225	211	93.78%
Number of Compliance Inspections for Organic or Other Crop Certification	Output 2-2-1 Measure # 8	Total number of on-site inspections and re-inspections of organic producers, processors, distributors and retailers conducted to verify compliance.	235	203	86.38%
Number of New Individual and Business Licenses Issued	Output 2-2-2 Measure # 1	BRIDGE licensing database used to record and measure the total number of new licenses issued to individuals and business during the reporting period regardless of when the application was originally received.	5,000	8,367	167.34%
Number of Licenses Renewed (Individuals and Businesses)	Output 2-2-2 Measure # 2	BRIDGE licensing database used to record and measure licenses renewed during the reporting period. The measure is calculated by querying the agency licensing database to produce the total number of licenses issued to previously licensed individuals and businesses during the reporting period.	16,500	27,371	165.88%
Number of Complaints Resolved	Output 2-2-2 Measure # 3	The information is stored in the structural pest control enforcement database. The total number of structural pest control complaints during the reporting period for which a final determination is made that a violation did not occur. A structural pest control complaint that, after preliminary investigating is determined to be non-jurisdictional is not a resolved complaint.	125	94	75.20%
Number of Structural Business License Inspections Conducted	Output 2-2-2 Measure # 4	The total number of structural businesses inspected during the reporting period (data maintained in PIER).	980	1,323	135.00%
Number of School District Inspections	Output 2-2-2 Measure # 7	The data used for this calculation uses the number of school district inspections conducted that is captured using the PIER system.	250	326	130.40%
Average Licensing Cost Per Individual & Business License Issued	Efficiency 2-2-2 Measure # 1	The number of new and renewed licenses is obtained from performance measurement data calculated each quarter. All cost data is retrieved from quarterly reports, time allocations and other allocated costs. Total funds expended during the reporting period for the processing of initial and renewed licenses for individuals divided by the total number of initial and renewed licenses for	11.00	8.87	80.64%

Self-Evaluation Report

Key Performance Measures	Dataset Reference Number*	Calculation	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
		individuals issued during the reporting period. Costs include the following categories: salaries, supplies, travel, postage, and other costs directly related to licensing, including document reviews, handling corrections of licensing problems, and notification. Costs related to the examination functions and indirect costs are excluded from this calculation.			
Number of Weights and Measures Device Inspections Conducted	Output 2-3-1 Measure # 1	Using BRIDGE as a source of data, the number of inspections of weights and measures devices are recorded.	60,028	58,370	97.24%
Percent of School Districts with No Compliance Review Fiscal Action	Outcome 3-1 Measure# 1	The data is manually calculated from the CRE reports. In the future, the data will be automated. This is calculated by dividing the total number of school districts in compliance with meal counts and claims and/or the reimbursable meal component by the total number of school districts reviewed. Only the first three quarters of the fiscal year are used in determining annual performance since for the most part, schools are not in operation during the fourth quarter (summer) and use of the summer data skews annual data significantly.	90.00%	94.71%	105.23%
Average Number of Children & Adults Served Meals Through Child & Adult Care Food Program (CACFP)	Outcome 3-1 Measure# 3	Meal participation (claim) data used to calculate the daily number of children and adults served meals is obtained from the Food and Nutrition Division's automated application and payment system (TX-UNPS). The daily number of children and adults served meals is calculated by summing the highest monthly CACFP meal count among Breakfast, Lunch, Dinner and Snacks for the reporting period divided by the sum of the serving days associated with those meals for the same reporting period.	560,000	680,275	121.48%
Number of School Staff Trained on School Nutrition Program (SNP)	Output 3-1-1 Measure # 2	Education Service Centers (ESC) record attendance in SharePoint to reflect the number of eligible school staff trained. Food and Nutrition Division staff sum the ESC attendance records in SharePoint and the quarterly numbers of training performed by TDA staff to obtain statewide totals.	30,000	28,974	96.58%

Table 2, Exhibit 2: Key Performance Measures

Prescribed Burning Board

The Texas Legislature has not directed the Prescribed Burning Board to meet performance measures or keep statistics. However, the Board can point to the following

objective indications as measures of its effectiveness and efficiency. These indications include:

- The number of Certified and Insured Prescribed Burn Managers has increased from 0 at program inception to nearly 100 today, and the Board has worked with TDA to adopt rules, develop policies and procedures to further increase that number.
- The program has gone from one class of license holder, commercial certified and insured prescribed burn manager, to multiple classes of licenses; specifically, private, not-for-profit, and governmental, to address the needs of the different constituencies utilizing the program.
- In recent years, with the encouragement and support of the Board, the Texas Forest Service has been tracking the number of acres burned as part of land management processes in Texas. This data has shown a significant gain in the number of acres undergoing prescribed burning on privately held Texas land, demonstrating the effectiveness and demand for the program.
- The Board has been able to assist lawmakers and give opinions to other state agencies on several proposed laws and regulatory changes that would have or could have negatively affected prescribed burning in Texas.
- The Board has helped stimulate the growth and development of prescribed burning associations, the Texas Prescribed Burning Fire Council, and other organizations educating the public and landowners about the proper use, safety, and efficacy of prescribed burning as a land management tool.

- L. Please list all key datasets your agency maintains. Why does the agency collect these datasets and what is the data used for? Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency has posted those high-value datasets on publicly available websites as required by statute.**

**Texas Department of Agriculture
Exhibit 4: Key Datasets**

All information referenced below is maintained by TDA and available for download on the TDA website for use by the public. By having this information readily accessible online, public information requests can be reduced, thereby increasing staff efficiency, and consumers and requesters can access current, updated information at any time.

Self-Evaluation Report

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	Aquaculture Licensees List	TDA Website report on Aquaculture Program	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Certified Lead Burn Instructors	TDA Website report on Certified Prescribed Burn Lead Instructors	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Certified Prescribed Burn Managers	TDA Website report on Certified Prescribed Burn Board Managers	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Egg Licensees	TDA Website report on of Egg Program Licensees	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Licensed Grain Warehouses	TDA Website report of individuals and facilities that hold an account status Grain Warehouse license	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Handling and Marketing of Perishable Commodities Currently Licensed Report (HMPC)	TDA Website report of all individuals who hold an active Handling and Marketing of Perishable Commodities License	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Ag Pesticide Dealers Currently Licensed	TDA Website report of all licensed Pesticide Dealers	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Pesticide Products Registered	TDA Website report on Pesticide Products Registered by TDA	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	List of Licensed Service Companies	TDA Website report on currently licensed companies that install/service or calibrate weighing or measuring devices in commercial use	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	List of Licensed Service Technicians	TDA Website report of all currently licensed registered technicians	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Nursery Floral Licenses	TDA Website report of Companies with Nursery Floral Licenses	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Ag Pesticide Applicators Currently Licensed	TDA Website report of all individuals who hold an active Ag Pesticide applicator license	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	SPCS Applicator Licensed Report	TDA Website report of all individuals who hold an active SPCS pesticide applicator license	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Apprentice Licensed Report	TDA Website report of all individuals who hold an active SPCS pesticide apprentice license	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Commercial Business Licensed Report	TDA Website report of all active SPCS commercial business licensees	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	SPCS Enforcement Report	TDA Website report on Structural Pest Control Enforcement Program	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Noncommercial Business Licensed Report	TDA Website report of all active SPCS noncommercial business licensees	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Technician Licensed Report	TDA Website report of all individuals who hold an active SPCS technician license	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Fuel Stations Out of Compliance Report	TDA Website report listing all fuel stations out of compliance	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Weights and Measures Device Report	TDA Website report on Weights and Measures Device Program	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Weights and Measures Enforcement Actions Report	TDA Website report on Weights and Measures Enforcement Actions	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Device Inspection History Current Fiscal Year	TDA Website on current fiscal year Weights and Measures Device Inspection History	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N
N/A	Device Inspection History Former Fiscal Year	TDA Website on former fiscal year Weights and Measures Device Inspection History	TDA	https://www.texasagriculture.gov/ReportsPublications.aspx	N

Table 3 Exhibit 3 Key Datasets

Food and Nutrition Division:

See attachment in Appendix A.

III. History and Major Events

1907 The Texas Department of Agriculture (TDA) is established by the Texas Legislature as a state agency. TDA is charged with executing all laws relating to agriculture, including the proper development and marketing of agriculture, investigating agriculture-related diseases and maintaining relations with the U.S. Department of Agriculture (USDA) and the agriculture departments of other states.

1919 The Legislature passes the Texas Seed Act, establishing procedures for testing vegetable seed to ensure it meets genetic quality standards. The 1920 Pink Bollworm Act institutes a quarantine zone along the Texas/Mexico border and provides for the inspection and destruction of infested cotton and cotton crops. The creation of the Commission averts a federal quarantine of all Texas cotton.

1923 The Legislature passes the Texas Cotton Seed Certification Law to protect farmers when making seed purchases and to encourage the scientific breeding and maintenance of standard varieties of cotton.

1925 The Legislature transfers the functions of the Office of Commissioner of Markets and Warehouses to the Commissioner of Agriculture. TDA is charged with investigating conditions throughout the state with respect to weights and measures and establishing tolerances and specifications for commercial weighing and measuring devices based on recommendations by the National Bureau of Standards. TDA is required to inspect and seal weights and measures on an annual basis. The Legislature authorizes TDA to inspect nursery and floral items to prevent the introduction of foreign diseases and insects into the state when growing, shipping and selling nursery products.

1937 The Legislature passes the Act for Citrus Fruit, which creates a licensing system for the purchasing, handling, sale and accounting of sales of citrus fruits for those entering into or doing business in the Texas citrus zone. TDA is charged with enforcing the law.

1941 The Texas Seed Act is revised to include all agricultural seed.

1957 The TDA Egg Quality program is established to ensure eggs sold to Texas consumers meet quality standards established by TDA. TDA is required to license dealer-wholesalers, processors and brokers and to inspect eggs at the state's packing plants, distribution centers and retail outlets.

1963 The Legislature requires the licensing, bonding and regulation of handlers, dealers, buying and transporting agents, warehousemen, packers, commission merchants, contract dealers and producers of vegetables. The legislation authorizes TDA to enforce the law and defines administrative penalties for failure to comply.

1969 The Legislature passes the Texas Grain Warehouse Act and charges TDA with the regulation of grain storage facilities to ensure producers are protected when placing grain

in storage facilities. TDA is authorized to license grain warehouse operators and to conduct inspections to determine if storage facility operators are accurately tracking stored grain.

1977 The Legislature creates the Produce Recovery Fund, a trust fund administered by TDA and financed with annual fees paid by licensed commission merchants. The fund applies to vegetables and fruit, excluding citrus fruit. A Produce Recovery Fund Board, consisting of four members appointed by the governor, was established.

1981 The Agriculture Code is enacted as part of Texas' continuing statutory revision process. TDA is charged as the lead agency for pesticide regulation in Texas. The agency is required to enforce the "Pesticide Control Act," federal laws which mandate that states take an active role in the regulation of pesticide applicators. The Legislature enacts the Agricultural Protection Act, codifying laws concerning the licensing and regulation of the handlers, warehousemen, packers, transporting agents and producers of vegetables, citrus fruits and the Produce Recovery Fund. Lawmakers approve legislation that requires TDA to regulate the use of the term "Texas Agricultural Product." TDA is charged with oversight of any symbol connected with the term in the selling, advertising, marketing and other commercial handling of food or fiber products.

1983 The Legislature increases the offenses for the knowing or intentional use, storage, handling or disposal of a pesticide in a manner likely to cause harm.

1985 The Legislature requires the registration and annual renewal of pump, scale or bulk liquefied petroleum gas metering devices.

1987 The Legislature establishes "Farm Worker Right to Know" laws, requiring agricultural producers to provide workers with training and adequate health and safety information on agricultural pesticides. The Legislature creates the Texas Agricultural Finance Authority (TAFE) within the Texas Department of Agriculture. TAFE's purpose is to provide financial assistance through eligible lending institutions to creditworthy individuals and businesses. TAFE is governed by a six-member board appointed by the governor.

1989 Voters pass a constitutional amendment authorizing TAFE to issue general obligation bonds to fund the TAFE program. The Produce Recovery Fund laws are amended to define administrative, civil and criminal penalties. The Agriculture Code is amended to require inspections of weights and measures for correctness from one to three years. The Legislature passes laws allowing TDA to establish a promotional marketing membership program, with a membership fee, to promote Texas-grown products or products made from ingredients grown in the state.

1991 The TAFE Young Farmer Endowment Fund and Loan Guaranty programs are created by the Legislature.

1993 The Legislature authorizes a business or individual to inspect and certify liquid petroleum gas meters with periodic monitoring and testing by TDA. Private individuals are also allowed to test and certify ranch scales. The Legislature increases the TAFE board from

six to nine members and restructures the TAFE Young Farmer Endowment Program from an interest free direct loan to a loan guarantee program. The Farm and Ranch Program is moved from the Veteran's Land Board at the General Land Office to TAFE and administration of all agricultural diversification grant programs at TDA, including the Linked Deposit Program, are transferred to TAFE. The Linked Deposit Program expands to include crops affected by natural disaster and to include projects for the purchase of efficient irrigation and water conservation equipment. The Texas Boll Weevil Eradication Foundation, Inc. is created by the Legislature and chartered by the Secretary of State as a nonprofit corporation, in response to the approximately \$20 million annual loss by Texas cotton producers to the boll weevil. The Legislature establishes the Organic Certification Program to certify producers, processors, distributors and retailers who handle organic food and fiber. The program allows the use of "Organically Produced" or "Transitional-Organic Certification Pending" logos to identify state-certified organic products.

1995 The Legislature places all agricultural finance programs under the TAFE board. The Legislature establishes a statute of limitations for filing claims, revises limits and methods of claims payments, and requires license holders who owe money to the Produce Recovery Fund to repay the fund before their claims are paid.

1997 The Legislature provides for the adoption of worker protection standards and other rules for the protection of the health, safety and welfare of farm workers and pesticide handlers. Laws are also established to require private pesticide applicators to maintain records of applications. The Legislature designates the Texas Boll Weevil Eradication Foundation Inc., under the supervision of TDA, as the entity to carry out boll weevil and pink bollworm eradication programs. The Legislature also creates the Cost Sharing Program as part of the eradication efforts.

1999 Legislation is passed creating the GO TEXAN Partner Program to encourage the development and expansion of markets for Texas agricultural products through matching funds for promotional marketing programs. The law establishes a fund to finance the program. TDA is also charged with creating a program to advertise and market Texas oysters.

2001 The Legislature made TDA's rural economic development authority permanent by placing it in statute and gave TDA the authority to conduct rural economic development activities. Legislation also was passed establishing the Texas Wine Marketing Assistance Program at TDA and establishing a grant program to provide surplus agriculture commodities for food banks. In addition, the Legislature moved the grant portion of the Weather Modification Program at the Texas Natural Resource Conservation Commission (now the Texas Commission on Environmental Quality (TCEQ)) to the Texas Department of Agriculture.

2003 Legislation passed to: expand the GO TEXAN marketing program to include non-agricultural products grown, processed or produced in Texas; create the Texas Shrimp Marketing Assistance Program; continue TDA funding for the Wine Marketing Assistance Program; conform state and federal organic certification laws; change gas pump inspections

from three to four year rotation; clarify TDA quarantine authority; require creation of a list of noxious plants with serious potential to cause economic or ecological harm to the state; move the grant function of the Weather Modification Grant Program from TDA to the Texas Department of Licensing and Regulation; and repeal outdated and duplicative statutory requirements. In addition, federal Child Nutrition Programs were transferred from Texas Education Agency to TDA in July 2003. The federal programs provide funding and nutritional guidelines and services for public schools in Texas. TDA established its Food and Nutrition Division.

2005 The Legislature created: the Certified Retirement Community Program to assess and certify communities as retirement destinations and to help them market themselves as desirable retirement locations; and the Texas Entrepreneurship Network (TEN) to improve the success rate of rural entrepreneurs by providing access to statewide resources such as training, private capital resources and connections to experienced mentors. TDA assumed all responsibilities of the Texas Food and Fibers Commission (TFFC) and established the Food and Fibers Research Council to administer the Food and Fibers Grant Program, which provides funding for research relating to cotton, oilseeds, wool, mohair and other textile products. The highly successful Boll Weevil Eradication Program was expanded to include a statewide maintenance program, and the Legislature created the Feral Hog Damage Abatement Pilot Program to test various hog-control technologies and to measure decrease in financial losses as feral hogs are controlled. The Legislature also streamlined TDA's license renewal process and terminated the Agricultural Resources Protection Authority (ARPA).

2007 The Legislature created a Home-Delivered Meal Grant Program at TDA to benefit homebound elderly and disabled people in Texas. The program must help defray the costs of providing home-delivered meals that are not fully funded by the Department of Aging and Disability Services or an area agency on aging. The Legislature also transferred certain special nutrition programs from the Health and Human Services Commission to TDA. The programs include: National School Lunch Program (NSLP), including the After School Snack Program (ASP) for private schools and residential child care institutions (RCCI); School Breakfast Program (SBP) for private schools and RCCI; Child and Adult Care Food Program (CACFP); Summer Food Service Program (SFSP); Special Milk Program (SMP); Food Distribution Program (FDP); Commodity Supplemental Food Program (CSFP); and The Emergency Food Assistance Program (TEFAP). The Legislature also required TDA to conduct a study on ways to increase student participation in the school breakfast program and report on steps taken to decrease trans fatty acids in school meals. The Legislature created the Agricultural Biomass and Landfill Diversion Incentive Program to encourage the construction of facilities that generate electric energy with certain types of agricultural residues, waste, debris, or crops to meet the state's goal for generating renewable energy. The Structural Pest Control Board also was transferred to TDA.

2011 TDA absorbed the Texas Department of Rural Affairs and the Texas State Office of Rural Health.

2012 TDA's organizational structure changed to reflect the key areas of the agency: Food and Nutrition, Agriculture and Consumer Protection, Trade and Business Development, and Indirect/Administrative Services.

2016 TDA was transitioned to full program cost recovery for most of its programs. Unexpended balance carry forward authority was not available, and transfers of revenues between programs outside of strategies was terminated. The limited budget tools available resulted in a siloed, industry supported revenue structure requiring some licensing cost increases.

2017 Following the 85th Legislative Session, TDA was designated as the lead agency for the administration, implementation, and enforcement of, and education and training relating to, the United States Food and Drug Administration Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption. The Texas Office of Produce Safety was created to meet statutory and federal requirements.

2018 TDA requested and received approval to restructure the agency's strategies to mirror its four major program groups.

2019 86th Legislative Session: HB 1325 was passed which legalized the growing of industrial hemp in Texas and directed TDA to implement and administer a regulatory program for hemp production. TDA is currently awaiting guidance from USDA prior to the establishment of program rules and procedures to ensure they are in compliance with federal guidelines. SB 2119 mandated the transfer of fuel quality and motor fuel metering device programs to the Texas Department of Licensing and Regulations. SB 743 created the Texas Olive Oil Industry Advisory Board.

Prescribed Burning Board History and Major Events:

1998 The Texas Prescribed Burning Coalition (TPBC) was organized at a meeting in Kerrville to foster and support training in prescribed burning in Texas and to dispense accurate information to the public about prescribed burning.

1999 HB 2599 was adopted during the 76th Legislature to create the Prescribed Burning Board (PPB) within the Texas Department of Agriculture (TDA) and directed the board to set standards for prescribed burning and establish requirements related to education, experience and training for those individuals who wish to become certified as CIPBMs. The statute provides a limitation on liability for landowners who use CIPBMs to conduct prescribed burning on their land.

2001 HB 1080 was adopted during the 77th Legislature to modify insurance requirements for certified prescribed burn managers from \$1 million for each single occurrence of injury, death or property destruction to add a \$2 million aggregate limit per policy period for certified prescribed burn managers. During this same legislative session, HB 3315 was passed to exempt certified prescribed burn managers from county regulation during county burn bans.

2009 January – TDA hosts Interagency Prescribed Burn Meeting to work through barriers faced by CIPBMs and to facilitate the increased use of prescribed burning as a land management tool.

April – TDA announced the Board amended current rules and created a new category of certification. The Board created the *private* certified and insured burn manager category because it is more economically feasible for individual landowners to meet the program’s insurance requirements if the activities of the CIPBM are limited to the individual property owner’s land. The license allows the private permit holder to burn only his land or that of his employer.

TDA’s Sunset bill, SB 1016, made several recommendations to improve the functions and effectiveness of the Prescribed Burning Board. Changes to the program included:

- Emphasizing a burn manager certified by the program is an insured professional by changing the name of the certification to certified *and insured* burn manager;
- Shortening the license period from 5 years to 2 years;
- And strengthening the board’s enforcement authority over non-compliant licensees and unlicensed activity.

2010 January - Working through a Training sub-committee, the Board found it more effective and efficient to conduct training by the number of hours in a prescribed burning course, not days. The Board amended current rules to set the minimum number of hours for a prescribed burning course to 32 hours and required a physical practice burn be a part of every prescribed burning course. Changes in rules also reflect the new two-year licensing program and require CIPBMs to complete six hours of Continuing Education Units (CEUs) in order to renew.

In order to prevent inconsistencies in educational curriculum, review course material and become updated on any changes in statute or rules, the Board requires all Lead Burn Instructors to attend an annual meeting hosted by the Board and TDA.

April – The Board amended rules allowing applicants certified as a National Wildfire Coordinating Group (NWCG) Burn Boss 2 eligible to meet all the educational and training requirements for certification as a CIPBM.

The Board amended current rules to change the term Continuing Education Unit (CEU) to Continuing Fire Training (CFT).

2011 House Bill 1 required TDA licensing programs to meet full cost recovery. Due to the limited number of licensees, the Certified and Insured Prescribed Burn Manager license fee would go up over 10,000 percent. The legislature, recognizing the prescribed burning program as a public safety program and exempted the program from complete cost recovery. The license fee was increased 1,000 percent from \$50 to \$500 for a two-year license to offset costs to general revenue.

February – The Board approved a new training verification form created to reflect the two-year licensing change and the new CFT terminology.

2012 October – A new classification of CIPBM was amended to current rules by the Board. The Not-For-Profit Certified and Insured Prescribed Burn Manger was established for those individuals burning for prescribed burn organizations or individually, but do not wish to profit from it.

2013 SB 764 amended current law relating to a limitation on liability for prescribed burning conducted on agricultural or conservation land by allowing a municipality, county, or other subdivision of the state to self-insure rather than purchase a private policy. The bill maintains all other legal protections and guidelines regarding prescribed burns.

SB 702 amended the Natural Resources Code to ensure the Prescribed Burning Chapter consistently applies the minimum insurance requirements as adopted by the Texas Legislature in 2009 and included the word “insured” to the description of the certified and prescribed burn manager to any chapters missed when initially changed during the 81st legislative session.

SB 531 clarifies that a governmental unit which creates a self-insurance fund may purchase reinsurance and when a Texas statute or regulation requires a political subdivision or its employees to obtain insurance, the political subdivision may obtain the coverage through a self-insurance fund authorized by the legislature.

June – The Board amended current rules to allow up to three CFTs for Wildland Firefighting for each two-year renewal cycle which must be approved by the Board. Rules were also updated to reflect legislative changes allowing government entities self-insurance programs and created the Government classification of CIPBM.

2015 HB 2119 amended statute to classify a prescribed burning organization, as a charitable organization. This amendment allows these organizations to conduct prescribed burns with volunteers, so long as the burn boss of the prescribed burn is a CIPBM and the organization maintains proper insurance coverage. HB 2119 codifies the standards and requirements for volunteer burn organizations so they may achieve insurance coverage for volunteers who participate in the burn under the guidance of a CIPBM.

September – Upon recommendation from the Advisory Board Chair, the Board dissolved the current Advisory Board in order to recreate the Advisory Board as a smaller board and reappoint new members due to difficulty of obtaining a quorum for Advisory Board meetings.

2016 January – The Advisory Board was reappointed by the PBB as an eleven-member Advisory Board instead of its previous 20 members.

April – The Board reaffirmed that CIPBMs must take at least six hours of CFTs every two years, but stipulated one hour be dedicated to Laws and Regulations, one hour dedicated

to Smoke Management, and the remaining four hours be designated to either General Safety, Burning Techniques, Environmental Consequences, Equipment Characteristics, Advanced Technology, or Wildland Firefighting . Rules were further amended to clarify any training activity is only eligible if approved by the PBB, the Boards Chair, or Lead Burn Instructor.

2017 March – The Board accepted the Prescribed Burn Alliance of Texas’s training curriculum as the official training curriculum of the Prescribed Burning Board. The Board also reaffirmed the necessity for Lead Burn Instructors to meet annually and further stipulated all Lead Burn Instructors will be subject to removal if they do not attend, making the meeting mandatory.

September – Lead Burn Instructors recommended the Board create a Standardized Test for all Lead Burn Instructors to disseminate to applicants becoming CIPBMs, standardizing all tests being used between all instructors. The Lead Burn Instructors also recommended revisiting curriculum length and the minimum time for prescribed burning courses, giving Lead Burn Instructors more flexibility when building their courses.

2018 February – The Board agreed to amend current rules by adding a chapter specifically addressing Lead Burn Instructor requirements taking into consideration Lead Burn Instructor recommendations.

August – Upon recommendation from TDA staff the Board approved and created the position of Vice – Chair, which was subsequently nominated and voted on by a majority of the Board. This position was created to assist the Chair in their duties and act as the Chair’s official designee.

The Board amended current rules by adding a chapter specifically dedicated to Lead Burn Instructor requirements. In the this rule the Board changed the minimum number of hours for a prescribed burn school from 32 to 24 hours. This rule also included the creation of the Standardized Test Committee. Upon adoption, the Standardized Test Committee Chair and members were selected. Rule changes also made the annual Lead Burn Instructor Meeting mandatory.

The Board discussed the need to review the current application process in order to receive more thorough verification from applicants when seeking to become CIPBMs or Lead Burn Instructors. The Board established a working group in order to redevelop the application forms. The changes will require more information from the applicants and will strengthen the application process.

November – Upon recommendation from TDA staff, the Board adopted By-Laws in order to outline the duties of the officers.

IV. Policymaking Structure

- A. Complete the following chart providing information on your policymaking body members.

**Texas Department of Agriculture
Exhibit 5: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Sid Miller, Commissioner	Elected to a four-year term beginning January 1, 2019	Tex. Agric. Code § 11.005	Austin, Texas

Table 5 Exhibit 5 Policymaking Body

**Prescribed Burning Board
Exhibit 6: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Justin Penick, Chair	Appointed 10/08/2012 by Agriculture Commissioner	Agricultural Landowner	Lufkin
James "Rooter" Brite	Appointed 10/08/2012 by Agriculture Commissioner	Agricultural Landowner	Bowie
Wayne Pfluger	Appointed 02/13/2019 by Agriculture Commissioner	Agricultural Landowner	Huntsville
Dale Smith	Appointed 02/13/2019 by Agriculture Commissioner	Agricultural Landowner	Amarillo
Vacant Position	Resigned 2019	Agricultural Landowner	
Dale Scott	Appointed 08/22/2016 by Agriculture Commissioner	Texas Department of Agriculture Representative	Austin
Chris Schenck	Appointed 03/31/2018 by Texas Parks and Wildlife Executive Director	Texas Parks and Wildlife Department Representative	Tyler
Rich Gray	Appointed 03/02/2012 by Texas A&M Forest Service Director	Texas A&M Forest Service Representative	Bastrop
Dr. Morgan Treadwell, Vice-Chair	Appointed 01/14/2016 by Texas A&M AgriLife Extension Service Director	Texas A&M AgriLife Extension Service Representative	San Angelo
Keith Sheedy	Appointed 06/17/2019 by Executive Director of the Texas Commission on Environmental Quality (TCEQ)	Texas Commission on Environmental Quality Representative	Austin

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Dr. William (Bill) Rogers	Appointed 08/30/2016 by Texas A&M AgriLife Research Director.	Texas A&M AgriLife Research Representative	College Station
Rusty Ray	Appointed 11/28/2011 by Executive Director of the Texas State Soil and Water Conservation Board.	Texas State Soil and Water Conservation Board Representative	Temple
Vacant Position	Prior representative resigned; appointment of a new representative expected shortly.	Texas Tech University Range and Wildlife Department Representative	Lubbock

Table 6 Exhibit 6 Burn Board Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

In accordance with Tex. Agri. Code §11.001, the primary role of the commissioner is to work on behalf of Texas agriculture producers. The commissioner is responsible for exercising the powers and performing the duties assigned to the agency by this code or other laws.

Prescribed Burning Board

The PBB certifies and approves CIPBMs and Lead Burn Instructors who teach certification classes to Burn Manager Candidates and Continuing Fire Training classes to CIPBMs. The PBB is charged with the responsibilities in §153.046 of the Tex. Nat. Res. Code to:

- Establish standards for prescribed burning;
- Develop a comprehensive training curriculum for certified and insured prescribed burn managers;
- Establish standards for certification, recertification, and training for certified and insured burn managers;
- Establish minimum education and professional requirements for instructors for the approved curriculum; and
- Establish insurance requirements for certified and insured prescribed burn managers in amounts not less than required by Section 153.082 of the Tex. Nat. Res. Code.

C. How is the chair selected?

Per Tex. Agric. Code §11.004, the commissioner is elected for a term of four years.

Prescribed Burning Board

The Chair is selected by a majority vote of the Board members.

- D. List any special circumstances or unique features about your policymaking body or its responsibilities.**

Prescribed Burning Board

The PBB is housed within TDA and has independent rule making authority.

- E. In general, how often does your policymaking body meet? How many times did it meet in FY 2017? In FY 2018?**

Prescribed Burning Board

The PBB typically meets two to three times a year but may hold additional meetings if necessary. In 2017 the Board met twice, and in 2018 the PBB met three times.

- F. Please list or discuss all training members of the agency's policymaking body receive. How often do these members receive training?**

Prescribed Burning Board

All PBB members receive training on the requirements of the Texas Public Information Act, the Texas Open Meetings Act, Texas Administrative Procedure Act, ethics and conflicts of interest for state officials. Training is also provided on the rule making process and on the Board's responsibilities under Chapter 153 of the Natural Resources Code. Training is done upon initial appointment to the Board, upon reappointment, or every two years.

- G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?**

Prescribed Burning Board

TDA staff regularly provide updates on Program activities at each PBB meeting and are in contact with the Chair and PBB members between meetings. Program updates include, but are not limited to, the number of applications received, pending applications for the PBB's review, rulemaking and internal governance, legislative updates, or information from other state agencies regarding matters that impact prescribed burning in Texas.

- H. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?**

TDA considers input from committees and boards and evaluates the feasibility and legality of incorporating the input into agency operations. Input that does not have a significant fiscal impact on the agency and is within the statutory authority of the agency is incorporated via policy, procedure and/or rule.

Public input and customer feedback is obtained from:

- Phone calls from constituents
- Online customer surveys
- GO TEXAN member surveys
- Event surveys
- Exit interviews with program participants
- Proposed rulemaking in the Texas Register
- 1-800-TELL-TDA
- Squaremeals.org
- GoTexan.org
- Texasagriculture.gov
- UncorkTexasWines.com
- LinkedIn
- YouTube
- Facebook
- Twitter
- Instagram
- Various TDA Contact Emails

Most advisory committees and all boards are subject to open meetings requirements and have public comment opportunities during open meetings. Agendas for meetings are posted on the Secretary of State’s website in accordance with state law and Texas Register procedures. Agendas are also posted at TDA headquarters and on its website.

Prescribed Burning Board

All meetings are subject to the Open Meetings Act and have public comment opportunities. Agendas for meetings are posted on the Secretary of State’s website in accordance with state law and Texas Register procedures. Agendas are also posted at TDA headquarters and on its website. Public comment is considered as part of the rulemaking process, in accordance with state law.

- I. **If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.**

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 25.

**Texas Department of Agriculture
Exhibit 7: Subcommittees and Advisory Committees**

Name of Subcommittee or	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
-------------------------	---	----------------	---------------------------

Advisory Committee			
Texas-Israel Exchange Advisory Committee	The department may establish a binational agricultural research advisory committee to provide guidance and direction on activities conducted under this chapter and the expenditure of money appropriated for the purposes of this chapter.	The committee shall: -Support binational agricultural research and development encompassing all scientific activities related to agriculture, including production, processing, marketing, and agricultural services, to improve water, labor, and energy utilization in agriculture.	Tex. Agric. Code, Title 3, Chapter 45 Tex. Admin. Code, Title 4, Part 1, Ch. 17, Sub. Ch. E, Sec. 17.102
GO TEXAN Partner Program Advisory Board	At least 8 members appointed by the commissioner: -TDA employee - USDA Commodity Credit Corporation employee -Media Representative - Advertisement Representative -Electronic Commerce Industry Representative - Economic Expert -Other members the Commissioner determines are necessary.	The board shall: -Review grant applications of eligible GO TEXAN members. -Approve or deny funding under the GO TEXAN Partner Program. -Advise the agency on matters relating to the administration of the GO TEXAN Partner Program.	Tex. Agric. Code, Title 3, Ch. 46, Sec. 46.010
Wine Industry Development Advisory Committee	Committee members are appointed by the commissioner, which include: - grape growers from each region of the state -wineries representing small, medium, and large facilities -researchers/educators specializing in viticulture or enology -consumers not affiliated with the alcoholic beverage industry -TDA employee -TABC employee	The committee shall: -Development a long-term marketing vision and identity for the wine industry -Consider future development, research, funding, educational programming, risk management, and marketing -Assist the commissioner in establishing the Texas Wine Marketing Assistance Program -Advise the commissioner in determining the most	Tex. Agric. Code, Title 3, Ch.50B, Sec. 50B.002

		productive and efficient use of the wine industry development fund	
Texas Shrimp Marketing Program Advisory Committee	<p>9 members, appointed by the commissioner including:</p> <ul style="list-style-type: none"> -2 owners of commercial bay shrimp boats -2 owners of commercial gulf shrimp boats -1 retail wild-caught shrimp dealer -1 wholesale wild-caught shrimp dealer -1 researcher/educator specializing in seafood food science -1 member of the seafood restaurant industry -1 representative of the public 	<p>The Committee shall:</p> <ul style="list-style-type: none"> -Assist the commissioner in implementing the marketing program as established. -Provide advice regarding marketing strategies, audience, events and information about the shrimping industry. 	Tex. Agric. Code, Title 3, Ch. 47, Sec. 47.053
Citrus Budwood Advisory Council	<p>7 members, appointed by commissioner including:</p> <ul style="list-style-type: none"> -1 Texas A&M University Kingsville Citrus Center representative -2 citrus nursery industry representatives -2 citrus grower representatives -1 representative with knowledge of citrus pests and diseases -1 TDA employee 	<p>The Council shall:</p> <ul style="list-style-type: none"> - Advise the agency on standards and rules for foundation groves, citrus budwood certification, and the regulation of citrus budwood and citrus nursery trees. 	Tex. Agric. Code, Title 2, Ch. 19, Sec. 19.005
Cotton Producer Pest Advisory Committees	<p>10 Committees made up of 100 members, elected within the 10 zones</p> <ul style="list-style-type: none"> -TDA employee -Cotton producers who represent the counties in each of the 10 zones 	<p>The Committees shall:</p> <ul style="list-style-type: none"> -Make recommendations regarding the control of cotton pest and regulations needed to control and prevent cotton pest infestations. 	<p>Tex. Agric. Code, Title 5, Subtitle B, Ch. 74, 74.003;</p> <p>Tex. Admin. Code, Title 4, Ch. 20, Sub. Chap. C, Sec. 20.21</p>
Produce Recovery Fund Board	<p>5 members, appointed by the commissioner including:</p>	<p>The Board shall:</p>	Tex. Agric. Code, Title 5, Subtitle D, Ch. 103, Sec.

Self-Evaluation Report

	<ul style="list-style-type: none"> -2 producers -2 members of the general public -1 license holder licensed under Chapter 101 	<ul style="list-style-type: none"> -Advise the agency on all matters relating to the Produce Recovery Fund, including budget and revenues. Conduct hearings on disputed claims. 	103.003-103.004
State Seed and Plant Board	<p>6 members, appointed by the commissioner including:</p> <ul style="list-style-type: none"> -1 representative of Texas A&M University Soil and Crop Science Department -1 representative of Texas Tech University Department of Plant and Soil Sciences -1 licensed certified seed or plant producer -1 seller of certified seed or plants -1 farmer who does not produce certified seed or plants -The head of the seed division of TDA 	<p>The Board shall:</p> <ul style="list-style-type: none"> -Prescribe rules and procedures for how seed and plant certification is conducted in Texas. - Investigate, hear and report findings concerning seed law complaints that meet the criteria for seed arbitration. 	Tex. Agric. Code, Sec. 62.002 and 64.005
Texas Organic Agricultural Industry Advisory Board	<p>13 members, appointed by commissioner including:</p> <ul style="list-style-type: none"> - 4 organic agricultural producers -2 organic retail sellers -1 organic product distributor -1 organic product processor -1 representative of an organic trade association -1 representative of the Texas Cooperative Extension -1 technical advisor from a higher education institution -1 representative of the general public -1 TDA employee 	<p>The Board shall:</p> <ul style="list-style-type: none"> -Assess the state of the organic agricultural products industry in Texas -Develop recommendations to promote and expand the organic agricultural products industry in this state -Identify and obtain grants and gifts to promote and expand the organic agricultural products industry in this state -Develop a statewide organic agricultural products education and awareness campaign -Review and provide guidance on rules impacting the organic 	Tex. Agric. Code, Title 3, Ch. 50C, Sec. 50C.002-50C.003

		agricultural products industry in this state	
Food and Fibers Research Council	<p>12 members appointed by the commissioner including:</p> <ul style="list-style-type: none"> -the commissioner or designee -2 representatives of the Texas Cotton Producers Association -a representative of the Texas Cotton Association; -a representative of the Texas Cotton Ginners Association; -a representative of the Texas Independent Ginners Association; -a representative of the Texas Agriculture Cooperative Council; -a representative of the Mohair Council of America; -a representative of the Texas Sheep and Goat Raisers Association; -a Texas representative of the National Cottonseed Products Association; -a Texas Peanut industry representative; -a representative of the textile or fashion industry; -a representative of the food processing industry. 	<p>The Council shall:</p> <ul style="list-style-type: none"> -Administer the program to provide funding for surveys, research and investigations relating to the use of cotton fiber, oilseed products, other products of the cotton plant, wool, mohair and other textile products. 	<p>Tex. Agric Code, Title 3, Ch. 42, Sec. 42.002</p>
Structural Pest Control Advisory Committee	<p>11 members appointed by the commissioner including:</p> <ul style="list-style-type: none"> -1 representative of a school districted -3 representatives of the general public -1 representative of an institution of higher education who is knowledgeable in the science of pests and pest control; 	<p>The Committee shall:</p> <ul style="list-style-type: none"> -Gather and provide information relating to the practice of structural pest control service -Advise the agency and commissioner on education and curricula for applicants; examinations; proposed rules and standards on technical issues related to structural 	<p>Tex. Occ. Code, Title 12, Subtitle B, Ch. 1951, Sec. 1951.101</p>

Self-Evaluation Report

	<ul style="list-style-type: none"> -3 structural pest control operators -1 representative of the interests of consumers; -the commissioner of state health services or the commissioner’s designee -1 structural pest control operator with experience in natural, organic or holistic pest control 	<p>pest control and enforcement; standards and criteria for issuance of licenses; fees for license application and exams; and other issues affecting the practice of structural pest control.</p>	
Texas Olive Oil Industry Advisory Board	<p>9 members; appointed by the commissioner including:</p> <ul style="list-style-type: none"> -5 olive growers -1 representative of infrastructure -1 researcher/educator -1 representative of Texas A&M AgriLife Extension Services -1 TDA employee 	<p>The Board shall:</p> <ul style="list-style-type: none"> -Assess the state of the olive and olive oil industry in the state -Develop recommendations from promoting and expanding the olive and olive oil industry - Develop brand and marketing measures -Review and provide guidance on rules impacting the industry 	<p>Tex. Agric. Code, Title 3, Ch. 50D, Sec. 50D.001</p>
Texas Food for Health Advisory Council	<p>9 members; appointed jointly by the commissioner and vice chancellor of the Texas A&M University System Agriculture Program including:</p> <ul style="list-style-type: none"> - 1 TDA employee -At least 1 horticulture industry representative -At least 1 nutrition industry representative -At least 1 produce industry representative -At least 1 local/county/state health agency representative -There are no requirements for the remaining 4 appointments 	<p>The Council shall:</p> <ul style="list-style-type: none"> -Coordinate food-for-health research programs in this state; -Promote the use of food-for-health research programs by fruit and vegetable growers and state and federal agencies; -Promote increased consumption of fruits and vegetables grown in this state; and -Coordinate research to produce more nutritious fruits and vegetables. 	<p>Tex. Agric. Code, Title 3, Ch. 50A, Sec. 50A.001 and 50A.004</p>
Texas Nursery and Floral Council	<p>7 members, appointed by the ag commissioner</p>	<p>The Council shall:</p>	<p>Tex. Agric. Code, Title 2, Ch. 12, Sec. 12.0178</p>

	-All members must have 5 or more years of experience in the nursery, floral, or landscaping industry	-Advise the department on the most effective methods for promoting and marketing the Texas nursery and floral industries	
Agricultural Technology Review Committee	The commissioner shall: -Appoint a committee consisting of representatives of the agricultural industry and of private enterprise advanced technology research organizations	The Committee shall: - Evaluate the agri-tech program's effectiveness -Report its findings to the department not later than September 1 of the second year of each biennium.	Tex. Agric. Code, Title 3, Ch. 49, Sec. 49.006

Table 7 Exhibit 7 Subcommittees and Advisory Committees

Prescribed Burning Board
Exhibit 8: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Prescribed Burning Advisory Board	The Advisory Board consists of eleven members. Under statute the Advisory Board must be composed of individuals representing property owners; agriculture, forestry, and livestock producers; conservation interests; environmental interests; and insurance interests. The Advisory Board is appointed by the Prescribed Burning Board.	The Advisory Board meets as needed to assist the Board in developing rules, advising the Board on matters concerning prescribed burning, and researching matters concerning prescribed burning to bring back to the Board.	Tex. Nat. Res. Code, Sec. 153.045.	The Advisory Board became effective September 1, 1999. There is no abolishment date.

Self-Evaluation Report

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Standardized Test Subcommittee	The Subcommittee has a minimum of six committee members and comprises one Board member as chair and one Lead Burn Instructor from each of the five Eco-Regions as described in Title 4, Part 13, Ch. 226, Sec. 226.4(d) of the Tex. Admin. Code.	The purpose of this subcommittee is to assist the Board in developing and reviewing the standardized test that is administered to all applicants seeking to become a Certified and Insured Prescribed Burn Manager.	Tex. Admin. Code, Title 4, Part 13, Ch. 230, Sec. 230.4.	Creation of this Subcommittee became effective September 24, 2018. There is not an abolishment date.

Table 8 Exhibit 8 Burn Board Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding.

The Texas Department of Agriculture is funded through a combination of general revenue funds, general revenue dedicated funds, federal funds, and other funds, including Texas Economic Development Fund 0183, Permanent Endowment Fund for Rural Communities Health Care Investment Program, appropriated receipts, Texas Agriculture Fund 0683, and interagency contracts. Many of TDA's programs are cost recovery general revenue funded.

Prescribed Burning Board

The only source of funding for the Prescribed Burning Board is through licensing fees generated by the program through application and licensing fees. License renewal occurs every two years from the effective date of a license and new applications are accepted at all times. Late fees are applied immediately after the renewal due date and then increased three months after the renewal due date. Because licensing applications are received at various times and renewal dates are not standardized, funding varies from year to year.

B. List all riders that significantly impact your agency's budget.

HB 1, 85th Leg. Art. VI Rider 8. Food and Nutrition Programs. Amounts appropriated to TDA for the 2018-19 biennium include \$1,214,632,996 of Federal Funds and \$509,206 out of the General Revenue Fund in Strategy C.1.1, Nutrition Programs (Federal), to administer the Food and Nutrition Programs and to make payments to providers participating in the Fresh Fruit and Vegetable Program, the Child and Adult Care Food Program 1.5% Audit, the Summer Food Service Program, the Emergency Food Assistance Program, Farmers Market Nutritional Program, Seniors Farmers Market Nutritional Program, the Child and Adult Care Food Program, the Commodity Distribution Programs, and private and nonprofit institutions participating in the Special Milk Program, National School Lunch Program, and the School Breakfast Program.

The Child Nutrition Program (CNP) is administered by the Texas Department of Agriculture pursuant to a waiver from the United States Department of Agriculture (USDA). Payments to independent school districts for the CNP are funded in the Texas Education Agency's budget. Amounts appropriated elsewhere in this Act to the Texas Education Agency for the 2018-19 biennium include \$4,343,565,970 out of Federal Funds and \$29,236,682 out of the General Revenue Fund to provide reimbursement for the National School Lunch Program, the After School Care Program, the Seamless Summer Option, and the School Breakfast Program.

HB1, 85th Leg. Art. VI Rider 10. Texans Feeding Texans (Surplus Agricultural Product Grant Program). Texans Feeding Texans (Surplus Agricultural Product Grant Program). Amounts appropriated above out of the General Revenue Fund in Strategy C.1.2, Nutrition Assistance for At-Risk Children and Adults (State), include \$4,570,253 in fiscal year 2018 and \$4,573,934 in fiscal year 2019 to fund the Texans Feeding Texans (Surplus Agricultural

Product Grant Program) to offset the costs of harvesting, gleaning and transporting agricultural products to Texas food banks.

HB 1, 85th Leg. Art. VI Rider 12. Boll Weevil Eradication. Amounts appropriated above out of the General Revenue Fund in Strategy B.2.1, Regulate Pesticide Use, include \$4,893,508 in fiscal year 2018 and \$4,892,120 in fiscal year 2019, to be transferred to the Boll Weevil Eradication Foundation for efforts to eradicate the boll weevil.

HB 1, 85th Leg. Art. VI Rider 24. Appropriations Limited to Revenue Collections: Cost Recovery Programs.

A. Fees and other miscellaneous revenues as authorized and generated by the operation of the cost recovery programs in the following strategies shall cover, at a minimum, the cost of appropriations made in the following strategies, as well as the "other direct and indirect costs" made elsewhere in this Act:

1. *Strategy A.1.1, Trade & Economic Development:* Direct costs for the Livestock Export Pens (Agriculture Code, Section 146, Subchapter B) cost recovery program are estimated to be \$150,000 in fiscal year 2018 and \$150,000 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$0 for fiscal year 2018 and \$0 for fiscal year 2019 (Revenue Object Codes: 3420 and 3795).
2. *Strategy A.1.2, Promote Texas Agriculture:* Direct costs for the International and Domestic Trade (Agriculture Code, Ch. 12) cost recovery program are estimated to be \$267,542 in fiscal year 2018 and \$267,542 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$30,881 for fiscal year 2018 and \$30,819 for fiscal year 2019 (Revenue Object Codes: 3400, 3428, and 3795).
3. *Strategy B.1.1, Plant Health and Seed Quality:* Direct costs for the Plant Health (Agriculture Code, Ch. 61 & 62) cost recovery programs are estimated to be \$1,023,707 in fiscal year 2018 and \$990,362 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$442,552 for fiscal year 2018 and \$441,521 for fiscal year 2019 (Revenue Object Codes: 3400 and 3414).
4. *Strategy B.1.2, Commodity Regulation & Production:* Direct costs for the Egg Quality Regulation (Agriculture Code, Ch. 132), Handling and Marketing of Perishable Commodities (Agriculture Code, Ch. 101), and Grain Warehouse (Agriculture Code, Ch. 14) cost recovery programs are estimated to be \$972,053 in fiscal year 2018 and \$973,187 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$302,158 for fiscal year 2018 and \$301,446 for fiscal year 2019 (Revenue Object Codes: 3400, 3414, and 3435)

5. *Strategy B.2.1, Regulated Pesticide Use:* Direct costs for the Agricultural Pesticide Regulation (Agriculture Code, Ch. 76), Organic Certification (Agriculture Code, Ch. 18), and Prescribed Burn (Natural Resources Code, Ch. 153) cost recovery programs are estimated to be \$4,911,101 in fiscal year 2018 and \$4,910,394 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$1,075,710 for fiscal year 2018 and \$1,073,156 for fiscal year 2019 (Revenue Object Codes: 3400, 3404, 3410, and 3414).
6. *Strategy B.2.2, Structural Pest Controls:* Direct costs for the Structural Pest Control (Occupations Code, Ch. 1951, Subchapter E) cost recovery programs are estimated to be \$2,341,419 in fiscal year 2018 and \$2,341,419 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$583,768 for fiscal year 2018 and \$582,347 for fiscal year 2019 (Revenue Object Code: 3175).
7. *Strategy B.3.1, Weights & Measures Device Accuracy:* Direct costs for the Weights & Measures (Agriculture Code, Ch. 13) and Metrology (Agriculture Code, Ch. 13) cost recovery programs are estimated to be \$6,101,812 in fiscal year 2018 and \$6,419,789 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$1,853,864 in fiscal year 2018 and \$2,153,736 in fiscal year 2019 (Revenue Object Codes: 3400, 3402, and 3414).
8. *Strategy D.1.1, Central Administration:* Indirect costs for the cost recovery programs are estimated to be \$2,229,867 in fiscal year 2018 and \$2,233,359 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$712,387 in fiscal year 2018 and \$710,612 in fiscal year 2019 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).
9. *Strategy D.1.2, Information Resources:* Indirect costs for the cost recovery programs are estimated to be \$1,000,044 in fiscal year 2018 and \$1,001,161 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$293,069 in fiscal year 2018 and \$292,349 in fiscal year 2019 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).
10. *Strategy D.1.3, Other Support Services:* Indirect costs for the cost recovery programs are estimated to be \$616,411 in fiscal year 2018 and \$616,099 in fiscal year 2019 and "other direct and indirect costs" are estimated to be \$83,653 in fiscal year 2018 and \$83,491 in fiscal year 2019 (Revenue Object Codes: 3175, 3400, 3402, 3404, 3410, 3414, 3420, 3428, 3435, and 3795).

For informational purposes, total amounts identified for strategies in this subsection total \$19,613,956 in fiscal year 2018 and \$19,903,312 in fiscal year 2019 for direct

costs and indirect administration and \$5,378,042 in fiscal year 2018 and \$5,669,477 in fiscal year 2019 for "other direct and indirect costs".

These appropriations are contingent upon the Department of Agriculture (TDA) assessing fees sufficient to generate revenue to cover the General Revenue appropriations for each strategy as well as the related "other direct and indirect costs". In the event that actual and/or projected revenue collections in strategies above are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to the affected strategy to be within the amount of revenue expected to be available.

- B. TDA shall provide a report to the Comptroller of Public Accounts and the Legislative Budget Board no later than the end of the second business week in March and June (for the second and third quarters) and no later than three business days after the end of the fourth quarter detailing the following information at both the strategy level and individual program activity level:
1. The amount of fee generated revenues collected for each of the cost recovery programs no later than the end of the second business week in March and June (for the second and third quarters) and no later than three business days after the end of the fourth quarter. This information shall be provided in both strategy level detail and individual program detail;
 2. A projection of the revenues for each cost recovery program TDA estimates it will collect by the end of the respective fiscal year. This information shall be provided in both strategy level detail and individual program detail;
 3. A detailed explanation of the causes and effects of the current and anticipated fluctuations in revenue collections
 4. The amount of expenditures for each of the cost recovery programs; and
 5. Any fee changes made during the fiscal year and the anticipated revenue impacts of those changes.

If reported expenditures exceed revenues collected for any cost recovery program, the Legislative Budget Board may direct the Comptroller of Public Accounts to reduce the appropriation authority provided above to the affected strategy by an amount specified by the Legislative Budget Board.

- C. Also, contingent on the generation of such revenue required above to fund TDA's cost recovery programs and related "other direct and indirect costs" TDA's "Number of Full-Time Equivalents" includes 227.8 FTEs in fiscal year 2018 and 238.8 FTEs in fiscal year 2019. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may reduce the FTE cap provided by this Act to reflect the number of FTEs funded by the amount of revenue expected to be available.

HB 1, 85th Leg. Art. VI Rider 25. Texans Feeding Texans (Home Delivered Meals Grant Program). Amounts appropriated above out of the General Revenue Fund in Strategy C.1.2, Nutrition Assistance for at-Risk Children and Adults, include \$8,893,832 in fiscal year 2018 and \$8,894,003 in fiscal year 2019 to fund the Texans Feeding Texans (Home Delivered Meals Grant Program) to defray the costs of providing home-delivered meals to homebound elderly and disabled Texans. The Department of Agriculture may award grants to organizations providing this service that have also received matching funds from the county where meals are served.

HB 1, 85th Leg. Art. VI Rider 28. Metrology Lab. Amounts appropriated above out of the General Revenue Fund in the Metrology program include \$1,929,000 in fiscal year 2018, to be used on HVAC system repairs for the Metrology Laboratory in Giddings, Texas.

Prescribed Burning Board

- 86th Legislative Appropriations Rider 24

C. Show your agency's expenditures by strategy.

**Texas Department of Agriculture
Exhibit 9: Expenditures by Strategy — 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A. Goal: Agriculture Trade & Rural Affairs			
A.1.1. Trade and Economic Development	6,783,870.82	1.02%	13,500.00
A.1.2. Promote Texas Agriculture	175,042.74	0.03%	90,000.00
A.2.1. Rural Comm. & Eco. Development	76,754,299.94	11.54%	--
A.2.2. Rural Health	3,852,815.81	0.58%	748,836.00
B. Goal: Protect TX Ag. Producers & Consumers			
B.1.1. Plant Health and Seed Quality	4,088,007.30	0.61%	129,000.00
B.1.2. Commodity Regulation & Production	814,474.17	0.12%	--
B.2.1. Regulate Pesticide Use	11,511,674.01	1.73%	204,702.00
B.2.2. Structural Pest Control	1,813,813.14	0.27%	293,100.00

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
B.3.1. Weights/Measures Device Accuracy	7,699,356.29	1.16%	366,248.00
C. Goal: Food and Nutrition			
C.1.1. Nutrition Programs (Federal)	528,238,523.23	79.41%	5,208,610.19
C.1.2. Nutrition Assistance (State)	13,850,137.71	2.08%	50,000.00
D. Goal: Indirect Administration			
D.1.1. Central Administration	4,935,042.66	0.74%	79,174.00
D.1.2. Information Resources	2,879,832.23	0.43%	746,400.00
D.1.3. Other Support Services	1,765,777.45	0.27%	138,000.00
GRAND TOTAL:	665,162,667.50	100.00%	8,037,570.19

Table 9 Exhibit 9 Expenditures by Strategy

**Prescribed Burning Board
Exhibit 10: Expenditures by Strategy — 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
B.2.1 Regulate Pesticide Use	\$138	13%	0
GRAND TOTAL:	\$138	13%	0

Table 10 Exhibit 10 Burn Board Expenditures by Strategy

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example.

**Texas Department of Agriculture
Exhibit 11: Sources of Revenue — Fiscal Year 2018 (Actual)**

Source	Amount
General Revenue Fund	
General Revenue Fund	47,244,210.07
GR Match for Community Development Block Grants	1,809,868.66
Subtotal, General Revenue Fund	49,054,078.73

Source	Amount
GR- Dedicated Permanent Fund Rural Health Facility Capital Improvement Account No. 5047	1,658,716.64
Federal Funds	
Federal Funds	536,226,497.25
Texas Department of Rural Affairs Federal Fund No. 5091	75,335,265.28
Subtotal, Federal Funds	611,561,762.53
Other Funds	
Texas Economic Development Fund No. 0183	196,652.73
Permanent Endowment Fund for Rural Communities Health Care Investment Program	225,647.06
Appropriated Receipts	1,175,654.59
Texas Agricultural Fund No. 683	901,470.21
Interagency Contracts	388,685.01
Subtotal, Other Funds	2,888,109.60
Total, Method of Financing	\$665,162,667.50

Table 11 Exhibit 11 Sources of Revenue

Prescribed Burning Board
Exhibit 12: Sources of Revenue — Fiscal Year 2018 (Actual)

Source	Amount
Certified and Insured Prescribed Burn Manager License Fees	\$26,750
TOTAL	\$26,750

Table 12 Exhibit 12 Burn Board Sources of Revenue

- E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

Texas Department of Agriculture
Exhibit 13: Federal Funds — Fiscal Year 2018 (Actual)

Summary of Funding by Federal Agency:

Type of Fund	Total Funding
Environmental Protection Agency	968,973
Small Business Administration	601,641
U.S. Department of Agriculture	
• Animal and Plant Health Inspection Service	1,344,399
• Farm Service Agency	4,885,318

Type of Fund	Total Funding
<ul style="list-style-type: none"> American Marketing Service Pesticide Data Program Food and Nutrition Service US Livestock Genetics Export 	<p>1,419,440</p> <p>1,298,559</p> <p>535,247,613</p> <p>5,029</p>
U.S. Department of Health and Human Services	
<ul style="list-style-type: none"> Food and Drug Administration Health Resources and Services Administration 	<p>1,231,936</p> <p>1,554,110</p>
U.S. Department of Housing and Urban Development	
<ul style="list-style-type: none"> Community Development Block Grant 	64,681,302
	613,238,320

Table 13a Exhibit 13 Federal Funds

Detail of Federal Awards which require State Match:

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
Environmental Protection Agency 66.700 Consolidated Pesticide Enforcement Cooperative Agreements	21 / 79 %	264,036	968,973	1,233,009
Small Business Administration 59.061 State Trade and Export Promotion Pilot Grant Program	35 / 65 %	323,960	601,641	925,601
U.S. Department of Agriculture Food and Nutrition Service 10.560 State Administration Exp 10.568 Emergency Food Assistance	.6/99.4 % .7/99.3 %	199,124 55,479	33,930,461 8,404,423	34,129,585 8,459,902
U.S. Department of Health and Human Services Health Resources and Services Administration 93.913 Grants to States for Operation of Offices of Rural Health	75 / 25 %	537,810	179,705	717,515
U.S. Department of Housing and Urban Development 14.228 Community Development Block Grant	3 / 97 %	1,811,100	64,681,302	66,492,402
Total			108,766,505	111,958,014

Table 13b Exhibit 13 Federal Funds

For Additional Detail of Federal Funds by CFDA please see, Texas Department of Agriculture Annual Financial Report SEP Schedule 1A, Schedule of Expenditures of Federal Awards

F. If applicable, provide detailed information on fees collected by your agency. See Exhibit 9 Example.

Texas Department of Agriculture

Exhibit 14: Fee Revenue — Fiscal Year 2018

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Cost Recovery						
<i>Strategy A.1.1, Trade & Economic Development: Direct costs for the Livestock Export Pens (Agriculture Code, Section 146, Subchapter B)</i>	\$1.00 - \$50.00	6 TAC § 6.146.021; 4 TAC § 17.31	No	60	\$211,632	GR / Appn 99906
<i>Strategy A.1.2, Promote Texas Agriculture: Direct costs for the International and Domestic Trade (Agriculture Code, Ch. 12)</i>						
Go Texan	\$100 - \$5,000	4 Tac § 17.55	No	1,500	\$204,658	Gr / Appn 99906
Certified Retirement Communities	\$5,000	4 Tac § 17.71	No	94		Gr / Appn 99906
Certified Farmers Market	\$25 - \$100	4 Tac § 17.602	No	17	\$1,225	Gr / Appn 99906
<i>Strategy B.1.1, Plant Health and Seed Quality: Direct costs for the Plant Health (Agriculture Code, Ch. 61 & 62)</i>	\$0.16- \$500	4 TAC § 6.4; 4 TAC § 10.13; 4 TAC § 9.2; 4 TAC § 9.5; 4 TAC § 9.3;	No	349	\$2,501,560	GR / Appn 99906
<i>Strategy B.1.2, Commodity Regulation & Production: Direct costs for the Egg Quality Regulation (Agriculture Code, Ch. 132), Handling and Marketing of Perishable Commodities (Agriculture Code, Ch. 101), and Grain Warehouse (Agriculture Code, Ch. 14)</i>						
Egg Quality	\$.04- \$2700	4 TAC § 15.4	No	983	\$1,327,788	GR / Appn 99906
Grain Warehouse	\$150- \$500	4 TAC § 13.7	No	135	\$625,433	GR / Appn 99906
HMPC	\$30-\$250	4 TAC § 14.3	No	276	\$77,509	GR / Appn 99906
<i>Strategy B.2.1, Regulated Pesticide Use: Direct costs for the Agricultural Pesticide Regulation (Agriculture Code, Ch. 76), Organic Certification (Agriculture Code, Ch. 18), and Prescribed Burn (Natural Resources Code, Ch. 153)</i>						
Ag. Pesticide	\$64-\$600	4 TAC § 7.22; 4 TAC § 7.20; 4 TAC § 7.10; 4 TAC § 7.24	No	28,118	\$8,391,913	GR / Appn 99906

Self-Evaluation Report

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Certified and Insured Prescribed Burn Manager Application Fee (Sec. 153.048 of the Natural Resources Code)	\$500	Fees are determined by the Board after consultation with TDA and set by rule. Title 4, Part 13, Chapter 226, Rule Section 226.5 of the Texas Administrative Code.	No	52	\$26,000	GR / Appn 99906
Certified and Insured Prescribed Burn Manager Renewal Fee and Late Fees respectively.	\$500, \$750, \$1,000	Fees are determined by the Board, after consultation with TDA, and set by rule. Title 4, Part 13, Chapter 226, Rule Section 226.5 of the Texas Administrative Code; Section 12.024 of the Agriculture Code requires the assessment of late fees.	No	1	\$750	GR / Appn 99906
Organics	\$50-\$100	4 TAC § 18.702	No	220	\$352,052	GR / Appn 99906
Citrus Nursery Stock and Citrus Budwood	\$250 grove fee; \$0.06 per budwood	4 TAC § 21.38	No	1 Foundation grove which produces all citrus budwood	\$20,154	GR / Appn 99906
<i>Strategy B.2.2, Structural Pest Controls: Direct costs for the Structural Pest Control (Occupations Code, Ch. 1951, Subchapter E)</i>	\$64-\$00	4 TAC § 7.128	No	1,214	\$3,829,480	GR / Appn 99906
<i>Strategy B.3.1, Weights & Measures Device Accuracy: Direct costs for the Weights & Measures (Agriculture Code, Ch. 13) and Metrology (Agriculture Code, Ch. 13)</i>						
Weights & Measures	\$12-\$400	4 TAC § 12.43; 4 TAC § 12.53; 4 TAC § 12.60	No	30,369	\$12,472,390	GR / Appn 99906
Metrology	\$10-\$325	4 TAC § 12.30	No	212	\$380,502	GR / Appn 99906
Other Fees						
Agriculture Inspection Fees	Various	4 TAC § 22.3; 4 TAC § 19.3	No	20940	\$1,829,357	GR / Appn 99906
Motor Fuel Mixture testing fee (85th Leg. SB1 Art VI-6, Rider 27 Appropriated Receipts)	\$1-\$1000	4 TAC § 5.6	No	13,165	\$1,174,907	GR

Table 14 Exhibit 14 Fee Revenue

**Prescribed Burning Board
Exhibit 15: Fee Revenue — Fiscal Year 2018**

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited <i>(e.g., General Revenue Fund)</i>
Certified and Insured Prescribed Burn Manager Application Fee Sec. 153.048 of the Natural Resources Code	\$500	Fees are determined by the Board after consultation with TDA and set by rule. Title 4, Part 13, Chapter 226, Rule Section 226.5 of the Texas Administrative Code.	N/A	52	\$26,000	General Revenue
Certified and Insured Prescribed Burn Manager Renewal Fee and Late Fees respectively.	\$500 \$750 \$1,000	Fees are determined by the Board, after consultation with TDA, and set by rule. Title 4, Part 13, Chapter 226, Rule Section 226.5 of the Texas Administrative Code; Section 12.024 of the Agriculture Code requires the assessment of late fees.	N/A	1	\$750	General Revenue

Table 15 Exhibit 15 Burn Board Fee Revenue

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

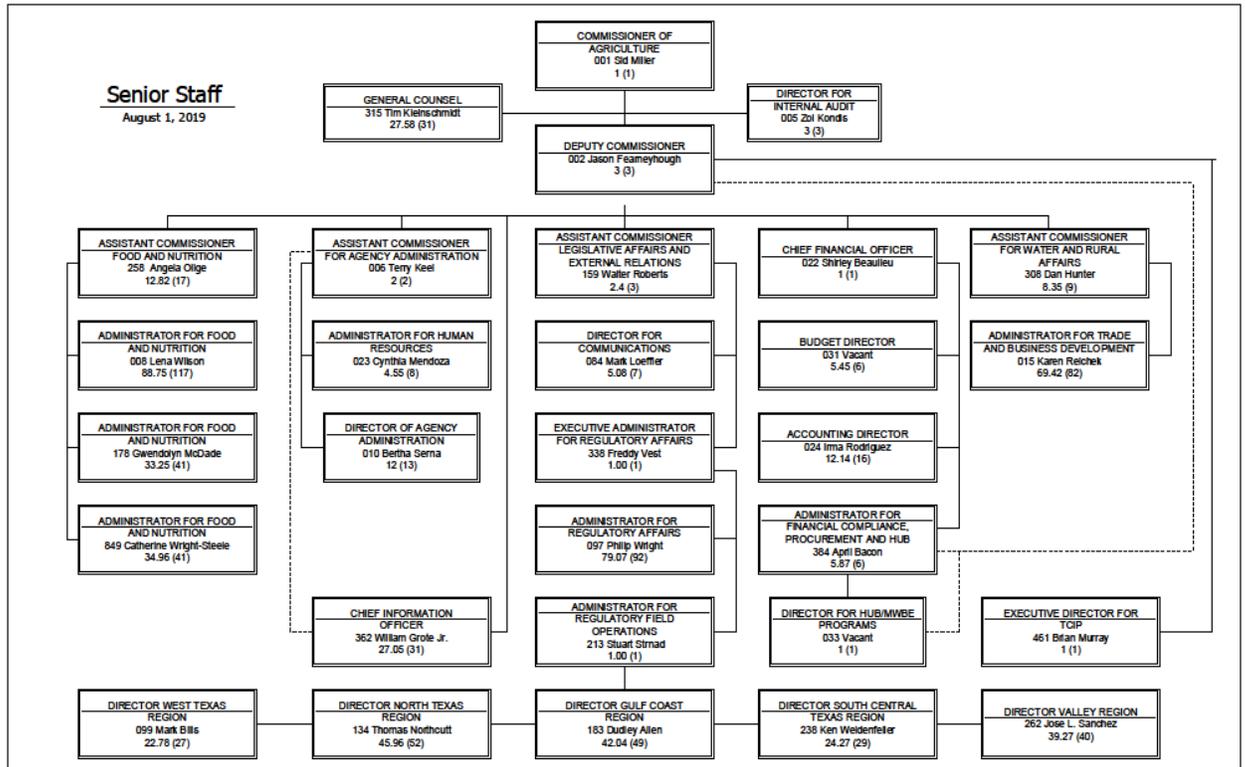


Chart 1 Staff Organization Chart

Prescribed Burning Board

The Prescribed Burning Board is administered through the Agriculture and Consumer Protection Division and the General Counsel Division of TDA. There are no FTEs budgeted to this program. Staff from each division provide administrative, legal, and program support to the Board as needed.

- B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

Texas Department of Agriculture
Exhibit 16 by Location — Fiscal Year 2019: FTEs

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2019	Number of Actual FTEs (as of SER submission)
Headquarters	Austin	Yes	407	332.10
Warehouse	Austin	No	2	2.00

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2019	Number of Actual FTEs (as of SER submission)
TCIP Building	Austin	Yes	1	1.00
Seed Lab	Giddings	No	9	9.00
Metrology Lab	Giddings	No	6	6.00
Region 1 - HQ	Lubbock	No	35	29.07
Region 2 - HQ	Dallas	Yes	66	56.88
Region 3 - HQ	Houston	Yes	69	59.70
Region 4 - HQ	San Antonio	Yes	44	36.98
Region 5 - HQ	San Juan	No	55	50.61
Export Pen	El Paso	No	2	1.35
Export Pen	Del Rio	No	2	2.00
Export Pen	Laredo	No	2	2.00
Export Pen	Brownsville	No	2	2.00
Export Pen	Houston	No	1	1.00
Pesticide Lab	College Station	No	12	10.35
El Paso State Building	El Paso	Yes	4	3.92
Ft. Worth State Building	Fort Worth	Yes	12	11.10
			Total = 731	Total = 617.06

Table 16 Exhibit 16 FTEs by Location

C. What are your agency's FTE caps for fiscal years 2017–2020?

**Texas Department of Agriculture
Exhibit 17: FTE Caps**

Fiscal Year	FTE Capp
FY 2017	726.0
FY 2018	721.9
FY 2019	725.9
FY 2020	700.0

Table 17 Exhibit 17 FTE Caps

D. How many temporary or contract employees did your agency have in fiscal year 2018? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

**Texas Department of Agriculture
Exhibit 18: Temporary or Contract Employees**

Self-Evaluation Report

DESCRIPTION	EXPENDITURE	PROCUREMENT METHOD
Accountant II-To fill vacancy in Budget Office	13,684.70	WorkQuest Set-aside
Purchaser II-To fill vacancy in Purchasing Office	5,711.20	WorkQuest Set-aside
Payroll-To assist with payroll	1,876.25	DIR Contract
General Labor-General Labor to assist with set up and tear down of the GO TEXAN Pavilion at the State Fair of Texas in Oct. 2017 (staffing Services)	3,849.75	Spot Purchase
Contractor-Work conducted at the Houston Export Facility to accept animal shipments, load/unload animals and daily operations.	2,000.00	Spot Purchase
Administrative Assistant III-Administrative Support for vacant Contract Technician positions.	13,536.99	WorkQuest Set-aside
Administrative Assistant III-Administrative Support for vacant Contract Technician positions.	4,938.63	WorkQuest Set-aside
Project Manager-MENU and Talent Management project manager	14,500.00	DIR Contract
Business Analyst-F&N Administration Business Analyst	184,140.00	DIR Contract
System Analyst-F&N Administration System Analyst	66,954.72	WorkQuest Set-aside
Information Specialist IV-F&N Administration Information Specialist	1,748.37	WorkQuest Set-aside
Business Analyst-F&N Administration Business Analyst	39,759.12	DIR Contract
Database Administrator-F&N MENU Database Administrator	18,678.00	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Houston	3,499.71	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Houston	4,652.75	WorkQuest Set-aside
Administrative Assistant I-F&N SFSP Observer - Houston	7,277.89	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	2,100.92	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	6,632.39	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	4,360.06	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	842.74	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	2,656.76	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	2,933.74	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	4,864.14	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	6,048.86	WorkQuest Set-aside
Inspector I-F&N SFSP Observer - Dallas	3,459.18	WorkQuest Set-aside

DESCRIPTION	EXPENDITURE	PROCUREMENT METHOD
Administrative Assistant I-F&N SFSP Observer - Dallas	5,600.38	WorkQuest Set-aside
Auditor II-F&N SFSP Compliance Reviewer - Austin	13,328.68	WorkQuest Set-aside
Auditor IV-F&N SFSP Compliance Reviewer - Dallas	8,173.25	WorkQuest Set-aside
Administrative Assistant III-F&N Community Operations Administrative Assistant	3,570.23	WorkQuest Set-aside
Auditor II-F&N SFSP Compliance Reviewer - Houston	2,112.53	WorkQuest Set-aside
Administrative Assistant I-Staff Meeting	148.75	WorkQuest Set-aside
Administrative Assistant I-Staff Meeting	157.50	WorkQuest Set-aside
Administrative Assistant I-Staff Meeting	560.00	WorkQuest Set-aside
Administrative Assistant I-Staff Meeting	280.00	WorkQuest Set-aside
Administrative Assistant I-Employee Maternity Leave	1,533.38	WorkQuest Set-aside

Table 18 Exhibit 18 Temporary or Contract Employees

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

Texas Department of Agriculture
Exhibit 19: List of Program FTEs and Expenditures — Fiscal Year 2018

Program	Actual FTEs FY 2018	Budgeted FTEs FY 2019	Actual Expenditures FY 2018	Budgeted Expenditures FY 2019
3E's Grants (Education, Exercise & Eating-right programs)	0.41	0.50	427,301	436,358
Ag Pesticide Regulation	53.25	64.76	4,496,630	5,176,866
Boll Weevil Eradication	1.38	1.11	5,028,965	5,013,780
Child Nutrition - Community	100.51	117.70	480,254,076	558,109,962
Child Nutrition - School	91.20	108.30	47,984,448	64,503,090
Commodity Boards	0.48	0.55	36,301	37,103
Egg Quality	6.26	7.33	369,238	473,283
Fuel Quality	5.10	6.26	659,390	1,248,429
Grain Warehouse	6.60	6.15	390,078	440,173

Self-Evaluation Report

Program	Actual FTEs FY 2018	Budgeted FTEs FY 2019	Actual Expenditures FY 2018	Budgeted Expenditures FY 2019
Handling & Marketing of Perishable Commodities (HMPC)	0.27	0.21	18,857	23,139
Indirect Administration	99.58	104.00	9,580,652	10,734,738
International & Domestic Trade Programs	4.14	3.90	1,361,744	1,562,713
Livestock Export Pens	11.34	12.35	920,628	1,181,670
Metrology Lab	2.77	2.54	353,034	526,349
Organic Certification	5.27	5.45	315,672	336,445
Pesticide Data	8.43	9.49	735,737	793,261
Plant Health	77.29	85.53	5,022,539	5,574,695
Prescribed Burn	-	-	1,038	1,038
Produce Safety (<i>Texas Office of Produce Safety</i>)	6.43	9.20	813,952	1,325,961
Rural Communities & Economic Development	35.02	42.45	77,701,588	91,619,459
Rural Health (<i>State Office of Rural Health</i>)	3.20	10.00	3,852,816	5,342,635
Structural Pest Control	24.50	33.41	1,813,813	2,347,484
Specialty Crop Block Grant	2.16	2.00	2,438,305	2,389,848
Texas Commodity Inspection Program (TCIP)	1.00	1.00	126,970	205,799
Texans Feeding Texans-Home Delivered Meals	5.31	6.35	8,861,582	8,894,003
Texans Feeding Texas- Surplus (<i>Farms to Food Banks</i>)	1.03	2.70	4,561,254	4,573,934
Weights & Measures	75.12	86.77	6,686,933	7,106,400
Wine Marketing	0.81	0.99	231,626	232,111
Yardage Fees (<i>Livestock Facilities</i>)	-	-	118,400	150,000
TOTAL	628.86	731.00	665,162,667.50	780,360,725

Table 19b Exhibit 19 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for *each* agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	Agency Internal Support Services Commissioner of Agriculture; Executive Staff; Administrative Services--Human Resources, Support Services, Information Resources, Communications, Legal Affairs and General Counsel; Financial Services; Internal Audit
Location/Division:	Austin, Texas
Contact Name:	Jason Fearneyhough, Deputy Commissioner
Statutory Citation for Program:	N/A

B. What is the objective of this program or function? Describe the major activities performed under this program.

Executive Office

The Executive Office consists of the Commissioner and Deputy Commissioner overseeing all aspects of TDA operations.

Legal Division

The General Counsel section provides general legal services to administrative and executive staff and to non-enforcement programs such as the Texas Agricultural Finance Authority, the Prescribed Burning Board, the agency's promotional marketing programs and food and nutrition programs. Additional duties include providing legal support to the agency's board and advisory committees, serving as the agency contact for the Texas Register Division of the Secretary of State's office for rulemaking and open meeting filings, and serving as the agency contact for the Office of the Attorney General for auto accident claims filed against the agency and administrative appeals of agency orders.

The Enforcement section of the Legal Affairs division primarily prosecutes violations of those statutory and administrative laws within the jurisdiction of the agency and also provides general legal services to regulatory programs.

Internal Audit

Internal Audit is an independent and objective assurance and consulting activity which adds value by improving TDA's effectiveness of risk management, internal controls and

governance processes. This function ensures compliance with the state legislation titled the Texas Internal Auditing Act and professional audit standards as referenced in that Act.

Policy and External Relations

The TDA Policy and External Relations (PER) Division responds to legislative and constituent questions, requests, and concerns regarding Texas agricultural matters. The PER division assists with the implementation of new laws after the conclusion of each legislative session. The program also acts as a direct link for consumers to TDA resources.

PER is actively involved in TDA's Family Land Heritage program which annually recognizes Texas families that have had the same farm or ranch for 100 years or more. PER also promotes the Texas Agriculture Memorial Ceremony each November to honor victims that have lost their lives or been severely injured due to agriculture work-related accidents.

Communications

Communications strives to increase public awareness of agency responsibilities by providing written, audio and visual materials. Communications provides media information, public information and internal support for the agency, including communication with the media in press releases and responding to phone inquiries, providing columns and other written material under Commissioner Miller's by-line, maintaining an active and growing social media presence, and providing weekly radio features and commentaries in support of agency objectives. Communications also coordinates the Family Land Heritage Program and assists in the coordination of the Texas Agriculture Memorial Day ceremony. Communications designs, prints and provides publication support for all agency divisions and edits all printed material and correspondence for the agency.

Texas farmers and ranchers, as well as, industry leaders and representatives, work hand in hand with the TDA's Communication Division to disseminate important and vital agriculture information. In the case of disasters that impact Texas agriculture producers such as floods, hurricanes, and wildfires, the Communication Division provides information on emergency resources to disaster victims such as the Hay Hotline and Agriculture Assistance Funds.

The Communication Division also works with the GO TEXAN Program to provide direct outreach to members to promote, market and sell their products domestically and internationally. These efforts include press releases, social media, as well as through promotion during the State Fair of Texas and all the major livestock shows.

Agency Administration

Agency Administration consists of the Human Resources department and the Agency Administration and Support Services department referred to internally as Operational Support.

Human Resources

The Human Resources Department (HR) serves as a strategic partner in supporting the mission and goals of Texas Department of Agriculture while ensuring compliance with all federal and state laws, and agency policies, procedures and best practices.

HR's objective is to provide a full range of centralized, comprehensive human resource management services for all employees of TDA and provide competent, courteous and professional assistance.

Human Resources partners with agency management to achieve an optimal work environment for obtaining high productivity, continuous improvement, organizational renewal and exceptional customer service.

Support Services

Operational Support responsibilities include managing all the agency's facilities-related resources by providing infrastructure to TDA business units. This includes facilities; asset management; agency fleet; records management; risk management; mail room operations; agency reception; and warehouse services. Operational Support has as its objective to provide customer services to both internal and external customers.

Information Technology (IT)

Information Technology Division provides automation infrastructure to TDA business units, including helpdesk, telecommunications, applications development, training and business process management services for the agency. The Chief Information Officer (CIO) is the designated IRM for the agency. The IT Division reports to the Deputy Commissioner. Other duties include:

- Oversee the Biennial Operation Plan (BOP) preparation, subject to instructions from the Legislative Budget Board (LBB)
- Oversee the implementation of the organization's project management practices
- Demonstrate in the organization's strategic plan the extent to which the organization uses its project management practices
- Oversee the acquisition and management of the organization's information technology resources
- Report on the Information Technology (IT) investment and benefits to executive management, DIR, the Legislature and the Legislative Budget Board
- Adopt and execute IT standards, policies and procedures
- Comply with all legislative mandates
- The IRM and Information Technology Division is responsible for the management of TDA's business systems, networking and computing infrastructures

Finance

The Finance Department's overall objective is to provide accurate and timely financial services to both internal and external customers, in compliance with all state and federal rules and regulations. The Chief Financial Officer oversees the following:

- Accounting is responsible for processing the agency's payroll, travel reimbursements, vendor invoices, and grant payments. Responsibilities also include maintaining the general ledger, recording revenues, and preparation of the Annual Financial Report. Accounting interacts with the State Comptroller's Office following all their financial guidance and requirements.
- Budget is responsible for preparing the agency's Legislative Appropriations Request and allocating the funds to the departments, monitoring expenditures against budget, reporting performance measures, and tracking and reporting cost recovery revenue and expenditures. The Budget Office also oversees the submission of fiscal notes to the Legislature. Budget interacts with both the Comptroller of Public Accounts and the Legislative Budget Board following all their financial guidance and requirements.
- Procurement is responsible for the agency's purchasing and contracting needs for goods and services and reporting to the LBB contract database. Procurement follows all purchasing and contracting requirements mandated by statutes and Comptroller rules and manages the agency's Historically Underutilized Businesses program.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Efficient and effective agency support services affect and are reflected in all agency performance measures. There is no program at TDA that does not depend upon these services.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

N/A

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

All departments under Agency Internal Support Services support TDA employees and the operations of TDA as a state agency. Legal Affairs support the external customers of the agency who are licensed to do business with TDA.

- F. Describe how your program or function is administered, including a description of the process involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Executive Office

The Deputy Commissioner oversees the day to day operations of TDA. Direct reports include the Assistant Commissioners, General Counsel, Internal Auditor, Chief Financial Officer, and Executive Director for TCIP.

Legal Division

TDA's Legal Division consists of a General Counsel, overseeing all of the legal matters of the agency; a Deputy General Counsel, providing the same services to the agency, but specializing in contractual matters; a Deputy General Counsel over Enforcement, who administers the agency's regulatory enforcement duties; a Deputy General Counsel, acting primarily as an agency ethics officer, whom also supports agency Human Relations.

Internal Audit

Internal Audit follows statutes set in Chapter 2102 of the Texas Government Code, and is authorized within the agency by the Internal Audit Charter. The audit function consists of, 1) Risk Assessment, 2) Audit Planning, 3) Audit Execution, 4) Audit Reporting and 5) Issue Tracking (Management Action Plan Follow up) and 6) Annual Reporting.

A risk assessment is performed annually to develop the yearly audit plan, which is approved by the Commissioner and Deputy Commissioner. The risk assessment involves the identification and analysis of risks to the achievement of TDA's objectives for the purpose of determining how those risks should be managed. A high-level summary of the risks is used to develop the audit subject and scope selected for the audit plan. Each audit represented in the audit plan contains 4 phases, risk assessment, planning, execution and reporting. The final report summarizes the identified issues related to the audit and includes the agency's management action plans to address the issues. Periodically reporting is conducted regarding the implementation progress of the management action plans. Upon completion of the management action plans the results are verified and reported to the Executive team including the Commissioner and Deputy Commissioner.

Annually the department prepares a report which details the audit activities and compliance to standards as prescribed by the State Auditor's Format.

Policy and External Relations

The division is administered under the Assistant Commissioner for Legislative Affairs and External Relations, who oversees the following programs:

- Communications
- Policy Staff
- Commodity Board and Producer Relations
- Agriculture and Consumer Protection
- Field Operations

Communications

Daily administration of the program is managed by the Director of Communications, who is supported by an Assistant Director for Communications, a Communications Officer, a Publications Specialist, a Digital Media Specialist, and a Communications Specialist. Any support for TDA employees, whether centrally located, or in the regions, is extended from the TDA headquarters offices.

Agency Administration

The division is administered under the Assistant Commissioner for Agency Administration, who oversees the following departments:

- Human Resources
- Agency Administration and Support Services

Human Resources

The Administrator for Human Resources oversees all HR activities performed (employment, classification, compensation, benefits, employee relations, performance management, training and reporting). The Administrator for Human Resources reports to the Assistant Commissioner for Agency Administration and works with the Deputy General Counsel/Ethics Officer and executive management to ensure effective implementation of Human Resources laws, regulations and agency policies and practices for the agency.

Human Resources is administered from the TDA Headquarters in Austin and also provides services/support for all field/regional operations.

Agency Administration and Support Services

Support Services is administered by the Director of Agency Administration, answering to the Assistant Commissioner for Administration, who in turn answers to the Deputy Commissioner. Support Services personnel are headquartered in the Stephen F. Austin Building in the Capitol Complex and the TDA Warehouse (located at 7031 U.S. Highway 290 East, Austin). Services extended to all TDA locations and employees – whether in Austin or in other parts of the state – originate and are directed from the Austin headquarters.

Information Technology

Information Technology Governance Board (ITGB) is comprised of the executive team and assistant commissioners and used to set direction and priorities on IT projects exceeding the defined charter project thresholds

The BMC helpdesk ticketing system, which allows TDA users to submit tickets for various agency needs and activities, which then get captured and entered into a queueing system and assigned to be worked by the IT helpdesk and other staff members.

Finance

The Division is administered under the Chief Financial Officer who oversees the following units:

- Accounting
- Budget
- Purchasing

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

All indirect functions are funded through an indirect cost pool consisting of contributions from all the funding sources the agency uses. In the GAA it is mostly referenced as GR, including federal Earned Federal Funds. Fund 0183, Texas Economic Development Fund, and Fund 0683, Texas Agriculture Fund, also contribute to the indirect cost pool.

- H. Identify any programs, internal or external, to your agency that provides identical or similar services or functions to the target population. Describe the similarities and differences.**

The Office of the Attorney General (OAG) provides legal representation to the department, upon request.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

These functions do not conflict because TDA's Legal Affairs division and General Counsel manage all agency needs. Any representation by OAG is done on a request basis only.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

PER Division regularly works with local, state and federal units of government as part of its daily duties to ensure that the needs of the agency and stakeholders are met. These functions include discussions regarding federal rules and agreements, responding to legislative questions, and management of local policy issues.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems

Legal Division

TDA purchased the LexisNexis legal research services through the Texas Comptroller of Public Accounts Council on Competitive Government's agreement with LexisNexis, a division of Reed Elsevier, Inc., for Computer Assisted Legal and Investigative Research Services. Expenditures for the LexisNexis contract in fiscal year 2018 were \$8,424.00, or \$54.00 per attorney per month, multiplied times thirteen attorneys.

Legal found that alternative, free, legal research services were a satisfactory substitute for the LexisNexis and terminated its contract effective September 30, 2018.

Communications

This program administered 2 contracts totaling \$60,680 in FY 18 to promote Texas agricultural commodities and GO TEXAN products. There were no current contracting problems.

\$42,680 – Contract with West of Wall Street Film Company, LLC

TDA contracted with West of Wall Street Film Company, LLC (WWS) to purchase advertising time on its "Somewhere West of Wall Street" television show which airs on RFD-TV, a channel featured on national satellite networks including DISH Network, DIRECTV, AT&T U-verse, as well as most select cable networks including Comcast and in other locations, reaching approximately 54,000,000 homes. Advertising on the show allows TDA to reach a target demographic of rural and agricultural households nationally to promote Texas agriculture, commodities, and its GO TEXAN program, products and communities.

WWS is the producer of the show; therefore, advertising time can only be purchased from that vendor. This procurement must be made on a proprietary basis, because no other

shows or media outlets allow TDA to reach this demographic on such an effective and targeted basis. WWS provided TDA copies of all television broadcasts produced under this contract that feature TDA television broadcast commercials.

\$18,000 – Contract with Cowboy Partners

TDA contracted with Cowboy Partners to purchase advertising time on its “Cowboy Corner” radio show, which is aired on 142 stations in 32 states, as well as on the *Rural Radio* channel (Ch. 147) on Sirius XM satellite radio. Advertising on the show allows TDA to reach a target demographic of rural and agricultural households nationally to promote Texas agriculture, commodities, and its GO TEXAN program, products and communities.

Cowboy Partners is the producer of the show; therefore, advertising time can only be purchased from that vendor. This procurement must be made on a proprietary basis, because no other shows or media outlets allow TDA to reach this demographic on such an effective and targeted basis. Cowboy Partners provided TDA copies of all radio broadcasts produced under this contract that feature TDA radio broadcast commercials.

Agency Administration and Support Services

TDA entered into a contract with AusTex Plumbing, Heating and Air Conditioning, Inc. on September 1, 1995 acting by and through the Texas Facilities Commission State Leasing Services Program to secure a Warehouse lease located at 7031 U.S. Highway 290 East, Austin, Texas 78723. The amount of expenditure in fiscal 2018 was \$138,000 for 12,000 square feet of office and warehouse space. The warehouse is used to store agency promotional items, furniture and records and serves as a receiving and delivery point for oversized, bulk products and new fleet vehicles.

Information Technology

**Texas Department of Agriculture
Agency Indirect Functions- Information Technology
Exhibit 20: Contracts**

Contract Description	Top 5	2018 Amount \$	Number of Contracts	Procurement Method
ArcServe UDP Backup Software		\$3k	1	DIR COOP
Oracle Database Software		\$25k	1	DIR COOP
CAMPS Procurement Software		\$30k	1	DIR COOP
Pentaho Reporting Software	Yes	\$60k	1	DIR COOP
DIR DCS / VoIP / ISP and Phone Leasing	Yes	\$250k	1	DIR COOP
Microsoft Office 365 Productivity Software	Yes	\$65k	1	DIR COOP
DocuSign Electronic Signature Software		\$25k	1	DIR COOP
TeamMate Audit Software		\$1.4k	1	DIR COOP
BMC Helpdesk Ticketing Software		\$13k	1	DIR COOP
Softchalk LMS Software		\$3k	1	DIR COOP
IQ Legal Routing 7 Tracking Software		\$32k	1	DIR COOP
AWS Cloud Storage and Server Software	Yes	\$100k	1	DIR COOP
AT&T Cellular Phones and Software		\$25k	1	DIR COOP
CDW-G Networking Hardware Maintenance		\$14k	1	DIR COOP

Cannon / Zeno Copier and Fax Software/hardware	Yes	\$100k	1	DIR COOP
--	-----	--------	---	----------

Table 20 Exhibit 20 Contracts

Finance

The department had one contract with MGT of America for \$10,070 to develop the annual federal Indirect Cost Rate Proposal. It was procured through an RFP.

L. Provide information on any grants awarded by the program.

There are no grants awarded by these divisions.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Legal Division

The major barriers and challenges that impede Legal’s performance are competition with private employers for attorneys and paying salaries attractive enough to retain experienced and/or high performing attorneys.

Human Resources

Budgetary constraints affect HR’s ability to obtain an HRIS system, training tracking system and applicant tracking system. Currently, manual processes are utilized that impede efficiency and effectiveness.

Information Technology

TDA’s Information Technology (IT) Division’s main challenge remains the lack of approved funding needed and requested from previous session’s to rearchitect and rewrite our legacy system “BRIDGE”.

The lack of approved funding to redesign and rearchitect a more modular, robust and scalable system impedes our ability to be nimble and flexible when new legislative mandates are placed upon the agency after session ends.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;

- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

These are not regulatory programs, this section does not apply.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

These are not regulatory programs, this section does not apply.

Name of Program or Function	Food and Nutrition Division
Location/Division	Austin and Regions– Food and Nutrition
Contact Name	Catherine Wright Steele, Administrator for Food and Nutrition
Statutory Citation for Program	<p>NSLP – 42 U.S.C. 1751 -1760, 1779 SBP – 42 U.S.C. 1773, 1779 SMP – 42 U.S.C. 1772 and 1779 SFSP – Sections 9, 13, and 14, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1761 and 1762a) CACFP - Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766) FMNP – 42 U.S.C. 1786 CSFP - Sec. 5, Pub. L. 93–86, 87 Stat. 249, as added by Sec. 1304(b)(2), Pub. L. 95–113, 91 Stat. 980 (7 U.S.C. 612c note); sec. 1335, Pub. L. 97–98, 95 Stat. 1293 (7 U.S.C. 612c note); sec. 209, Pub. L. 98–8, 97 Stat. 35 (7 U.S.C. 612c note); sec. 2(8), Pub. L. 98–92, 97 Stat. 611 (7 U.S.C. 612c note); sec. 1562, Pub. L. 99–198, 99 Stat. 1590 (7 U.S.C. 612c note); sec. 101(k), Pub. L. 100–202; sec. 1771(a), Pub. L. 101–624, 101 Stat. 3806 (7 U.S.C. 612c note); sec 402(a), Pub. L. 104–127, 110 Stat. 1028 (7 U.S.C. 612c note); sec. 4201, Pub. L. 107–171, 116 Stat. 134 (7 U.S.C. 7901 note); sec. 4221, Pub. L. 110–246, 122 Stat. 1886 (7 U.S.C. 612c note); sec. 4221, Pub. L. 113–79, 7 U.S.C. 612c note) Donated Foods (USDA Foods) - 5 U.S.C. 301; 1446a-1, 1859, 2014, 2025; 15 U.S.C. 713c; 22 U.S.C. 1922, 1766, 3030a, 5179</p>

B. What is the objective of this program or function? Describe the major activities performed under this program.

TDA administers 12 federal child and adult nutrition and food distribution programs for the State of Texas. TDA supports providers of nutrition assistance by helping ensure accountability and the efficient use of taxpayer dollars to nourish Texans in need. Through the nutrition programs, TDA encourages Texans to understand the relationship between eating well, good health, and long-term success. TDA reaches millions of Texans through the 12 federal nutrition programs and the oversight of more than \$2.4 billion in federal money annually used to fund the programs. The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) and TDA enter into two federal-state agreements for the administration of the nutrition and food distribution programs.

Those programs include:

- National School Lunch Program (NSLP) - NSLP provides lunches to an average of more than 3.1 million Texas children daily during the school year. NSLP participants ensure nutritious lunches are available to students in public and non-profit private schools and residential childcare institutions (RCCIs) in Texas. Lunches must meet federal nutrition guidelines and are reimbursable based on number of meals served.
- School Breakfast Program (SBP) - SBP offers nutritious breakfasts to an average of more than 1.8 million children daily during the school year. Students served are enrolled in public schools, private non-profit schools, or live in public or private non-profit RCCIs. Breakfasts must meet federal nutrition guidelines and are reimbursable based on number of meals served.
- Food Distribution Program for CN Programs - The USDA's Food Distribution Program supports American agricultural producers by providing nutritious, USDA-purchased food to nutrition programs in public schools, charter and private schools and RCCIs. All schools participating in the NSLP are eligible to receive USDA commodities adding value and off-setting costs to provide appealing meals.
- Fresh Fruit and Vegetable Program (FFVP) - FFVP is a federally assisted program providing free fresh fruits and vegetables to students in participating elementary schools during the school year. FFVP helps create a healthier school environment by expanding the variety of fruits and vegetables children experience and increasing their fruit and vegetable consumption.
- Special Milk Program (SMP) - SMP reimburses contracting entities for half-pints of milk served to school age and pre-school-age children who do not otherwise participate in a federal child nutrition meal service program. SMP participants serve children enrolled in public schools, private non-profit schools, childcare facilities, or summer camps.
- Summer Feeding Programs - Summer meals programs include *the Summer Food Service Program (SFSP)* and *Seamless Summer Option (SSO)*. Both programs provide access to no-cost nutritious meals to students 18 and younger during the

summer months when schools are not in session. In 2018, more than 15 million meals were served at more than 6,000 sites across Texas. A variety of organizations such as schools, food banks, private non-profit organizations, religious networks, and local government entities may apply to participate. Meal sites may include schools, parks, religious facilities, community centers, or any location kids congregate.

- Child and Adult Care Food Program (CACFP) - CACFP participants provide nutritious meals at childcare centers, adult day care centers, day care homes, and after school at-risk programs. CACFP's goals are to improve and maintain the health and nutritional status of children and adults, promote good eating habits, and integrate nutritious food service with organized child and adult day care services. In program year 2018, more than 223.8 million meals were served at 13,580 sites across Texas.
- Farmers Market Nutrition Program (FMNP) - FMNP assists qualified participants to buy nutritious fresh fruits and vegetables using program vouchers from participating farmers' market associations.
- Senior Farmers Market Nutrition Program (SFMNP) - SFMNP assists low-income seniors, 60 years and older, to buy nutritious fresh fruits and vegetables using program vouchers from participating farmers' market associations.
- The Emergency Food Assistance Program (TEFAP) – By distributing a portion of the nation's agricultural abundance to low-income people and households, TEFAP supplements the diets of low-income Texans by providing emergency food and nutrition assistance. Through TEFAP, food bank contractors distribute USDA commodities to emergency feeding organizations such as food pantries, soup kitchens, and housing authorities. These organizations supply the commodities to participants through prepared meals served on-site and food packages that may be consumed at home.
- Commodity Supplemental Food Program (CSFP) - USDA provides food commodities for food packages that may be used for home consumption or distributed through food banks to low-income seniors, 60 years and older. Local organizations distribute commodities and provide nutrition education assistance to eligible participants.
- Food Assistance for Disaster Relief - As part of the National Response Framework, USDA makes available USDA foods to disaster relief organizations such as the Red Cross and the Salvation Army for mass feeding or household distribution. State agencies notify USDA of the types and quantities of food that relief organizations need for emergency feeding operations. When a disaster is officially declared, disaster organizations may request approval from the TDA to receive USDA Foods for use in providing congregate meals.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Department of Agriculture
Food and Nutrition
Exhibit 21: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number*	Calculation (if applicable)	FY 2018 Target / or 2017 Actual	FY 2018 Actual	FY 2018 % of Actual
<i>Percentage of eligible students directly qualified for NSLP benefits</i>	N/A	<i>(FY18/FY17)-1</i>	200,297	386,023	193%
<i>Squaremeals.org Views</i>	N/A	<i>Number of website views on Squaremeals.org</i>	NA	1,078,076	NA
<i>Summer Campaign Metrics – Television</i>	N/A	<i>Total number of estimated impressions (Nielsen TV ratings)</i>	7,408	7,614	103%
<i>Summer Campaign Metrics – Radio</i>	N/A	<i>Total number of estimated impressions (Nielsen Audio Ratings)</i>	12,089	15,779	131%
<i>Summer Campaign Metrics – Outdoor (doorhangers and gas pump topper ads)</i>	N/A	<i>Total number of estimated impressions (distribution * average household size (3)) and average gas station traffic</i>	1,940,000	2,836,000	146%
<i>Summer Campaign Metrics - Facebook Ads (Teachers, Influencers and Parents)</i>	N/A	<i>Total number of ad clicks</i>	1,959,497	2,859,393	310%
<i>Farm Fresh Campaign Metrics-Radio</i>	N/A	<i>Number of radio spots planned (target) and actual performance during 2018 Farm Fresh Media Campaign</i>	1,304	1,836	141%
<i>Farm Fresh Campaign Metrics-Outdoor</i>	N/A	<i>Number of target impressions and actual impressions of outdoor media (billboards) during 2018 Farm Fresh Media Campaign</i>	15,304,097	17,403,241	114%

<i>Farm Fresh Campaign Metrics-Digital</i>	N/A	<i>Digital display ad target impressions and actual impressions during 2018 Farm Fresh Media Campaign</i>	9,249,008	11,079,763	120%
<i>School District Participation in the Farm Fresh Challenge (NSLP)</i>	N/A	<i>Participation change in annual nutrition challenge for schools compared to previous year's participation</i>	178	232	130%
<i>Summer site participation in Farm Fresh Challenge (Summer Food Service Program)</i>	N/A	<i>Participation change in annual nutrition challenge for summer meal programs compared to previous year's participation</i>	0	34	This is the first year that this opportunity was made available to this program.
<i>Farm Fresh Network</i>	N/A	<i>Participation change in number of members in network of Texas producers</i>	77	93	121%
<i>Claims processed within 45-day deadline</i>	N/A	<i>Variance between accepted (submission) date by CE and payment date for PY 2018 claims (Oct 2018 - Sep 2019)</i>	100%	30,725 of 30,834 claims paid within 45 days (30,115/30,834 = 97.67% processed within 10 days)	99.65%
<i>Federal meal count reports submitted by deadline for PY 2018</i>	N/A	<i>Total number of FNS-10, FNS-44, and FNS-418 meal count reports submitted for PY 2018 activity as of 7/22/2019</i>	100%	137	100%
<i>Federal financial count reports submitted by deadline for PY 2018</i>	N/A	<i>Total number of FNS-777, FNS-777 SAE, FNS-425, FNS-667, FNS-683A, and FNS-683B reports submitted for PY 2018 activity as of 7/22/2019</i>	100%	40	100%
<i>USDA Foods Entitlement Commitments</i>	N/A	<i>Total Entitlement commitments divided by Total Entitlement Allocation</i>	97%	\$184,603,555	99%
<i>Farmers' Market Nutrition Program Voucher Redemption</i>	N/A	<i>Value of Voucher Redemption divided by Program Funds received</i>	100%	\$637,308	78%
<i>Seniors Farmers' Market Nutrition Program Voucher Redemption</i>	N/A	<i>Value of Voucher Redemption divided by Program Funds received</i>	100%	\$84,672	83%

Table 21 Exhibit 54 Program Statistics and Performance Measures

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

1930s USDA Foods began as an effort to stabilize local agricultural economies in the United States.

1946 The U.S. Congress established the first child nutrition programs.

1968 The Special Food Service Program for Children was initiated to provide access to food for children when school was not in session.

1975 The Special Food Service Program was divided into two areas of focus —SFSP and CACFP.

2003 At the request of Governor Rick Perry and with the agreement of the Texas Education Agency (TEA) and TDA, state administration of NSLP, SBP and SMP in public schools were transferred to TDA from TEA. TDA operates these programs based on the statutory authority provided in Section 12.0025 of the Agriculture Code and a waiver provided by USDA.

2004 TDA introduced the Texas Public School Nutrition Policy (TPSNP) to regulate foods sold outside the school nutrition programs. The regulations set restrictions on portion sizes, fat and sugar content for items sold and given away during the school day; deep-fat frying; foods of minimal nutritional value; and the time and place foods outside of food service could be sold.

2007 The Texas Legislature transferred additional USDA Child Nutrition and Food Distribution Programs (CACFP, SFSP, CSFP, TEFAP (previously TEXCAP), NSLP (for private schools and RCCIs), SBP (for private schools and RCCIs), and SMP from the Health and Human Services Commission (HHSC) to TDA.

2009 The 81st Texas Legislature passed Senate Bill 867, which required school districts in Texas that meet a certain free and reduced percentage threshold to offer a summer meals program (The Summer Mandate). The bill also requires TDA to offer a waiver to school districts to opt out of the requirement, if the district meets certain criteria.

The 81st Texas Legislature passed Senate Bill 395, which formed the Early Childhood Health and Nutrition Interagency Council. The Council is made up of a diverse group of stakeholders and issues reports to the legislature.

The 81st Texas Legislature passed Senate Bill 1027 to establish an interagency farm-to-school coordination task force charged with developing and implementing a plan to facilitate the availability of locally grown food products in public schools to promote a healthy diet for schoolchildren and to promote the business of small to mid-sized local farms and ranches.

2011 The 82nd Texas Legislature passed Senate Bill 77 requiring TDA to implement additional measures before contracting with potential CACFP sponsors, including background checks and performance bonds.

2011 USDA awarded TDA and Texas WIC the Summer Electronic Benefits Transfer for Children (SEBTC) Demonstration Grant in 2011-2013 (and again in 2018) as an innovative component of the Summer Meal Programs. The two agencies collaborated to develop and implement the program in Texas.

2012 Federal regulations, authorized by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), required school meals to include more fruits, vegetables and whole grains and less fat and salt starting school year 2012-2013.

2012 The Farmer's Market Nutrition Program was transferred from the Department of State Health Services to TDA.

2013 The 83rd Texas Legislature passed Senate Bill 376, which required school campuses with 80% or more free and reduced-price students to offer free breakfast to all students or seek a waiver.

2013 The 83rd Texas Legislative session passed House Bill 789, which required TDA to create a five-year strategic plan in conjunction with the Texas Hunger Initiative, a non-profit organization operating out of Baylor University.

2013 The Office of Management and Budget issued consolidated regulations ("the Super Circular") impacting financial controls related to federal grant management. This resulted in an increased focus on the integrity of the financial management and operation of the federal assistance programs.

2014 The Smart Snacks in School or All Foods Sold in Schools regulations originated with HHFKA. These nutrition standards went into effect in School Year 2014-2015 and restrict the kinds of foods and beverages that can be sold on campus during the school day.

2014 HHFKA regulations required states to implement a review of schools every three years. TDA requested a waiver from USDA that would continue the five-year cycle until 2016 to further analyze the impact on staffing.

2014 TDA repealed TPSNP as additional federal regulations were implemented in the school programs.

2014 TDA launched the Farm Fresh Initiative, expanding the agency's commitment to support and build farm to nutrition program partnerships and outcomes.

2015 USDA issued regulations revising professional development standards and minimum education requirements related to the operation and administration of the school nutrition programs.

2016 Federal regulations issued implementing provisions of HHFKA that reduced the administrative burden on schools operating the NSLP and SBP in high-poverty areas through the establishment of the Community Eligibility Provision. This rule codified many requirements that were being implemented by TDA through policy guidance issued by USDA following the enactment of HHFKA.

2016 Federal regulations, authorized by HHFKA, introduced new meal standards for CACFP which were fully implemented by TDA in October 2017.

2017 In response to Hurricane Harvey, USDA approved TDA to administer the Disaster Household Distribution Program (DHD). This temporary program allowed TDA to provide food packages in presidentially declared disaster areas prior to the availability of Disaster-SNAP.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

National School Lunch and School Breakfast Program (July 1, 2017-June 30, 2018)

- Number of participating districts (public and charter) – 1,132
- Number of participating schools – 8,259
- Number of participating private/RCCI contractors – 110
- Number of private/RCCI sites - 201
- Average Daily Participation Lunch – 3,140,625
- Average Daily Participation Breakfast – 1,819,184
- Total Number of Meals Served (Breakfast, Lunch and Snack) – 834,145,120

**Texas Department of Agriculture
Food and Nutrition
Exhibit 22: Child Nutrition Programs**

National School Lunch Program (NSLP) (July 1, 2017-June 30, 2018)	
<ul style="list-style-type: none"> • Contractors: private nonprofit schools, public or private nonprofit residential childcare institutions • Benefits: cash reimbursement for lunches and after school snacks served 	<p>Meals Served - 518,281,465</p>

<ul style="list-style-type: none"> • Clients: children in schools, residential childcare institutions, at-risk after school programs 	
School Breakfast Program (SBP) (July 1, 2017-June 30, 2018)	
<ul style="list-style-type: none"> • Contractors: private nonprofit schools, public or private nonprofit residential childcare institutions • Benefits: cash reimbursement for breakfasts served • Clients: children in schools, residential child care institutions 	Meals Served - 300,527,908
Special Milk Program (SMP) (July 1, 2017-June 30, 2018)	
<ul style="list-style-type: none"> • Contractors: schools and childcare facilities that are not in other federal child nutrition meal service programs • Benefits: cash reimbursement for half pints of milk served 	½ Pints Served - 59,298 Number of Contractors - 3
Child and Adult Care Food Program (CACFP) (October 1, 2017 – September 30, 2018)	
<ul style="list-style-type: none"> • Contractors: childcare centers, day care homes, at-risk after school program, emergency shelters, adult day care centers • Benefits: cash reimbursement for breakfasts, lunches, suppers and snacks served • Clients: children and adults in day care facilities 	Meals Served - 223,876,482 Number of Contractors - 1,281 Number of Sites – 13,580
Fresh Fruits and Vegetable Program (FFVP) (July 1, 2017-June 30, 2018)	
Contractors: elementary schools Benefits: free fresh fruits and vegetables Clients: students at participating elementary schools	Total Enrollment - 184,431 Number of Contractors - 58 Number of sites - 341
Seamless Summer Option (May 1, 2017 – September 30, 2018)	
<ul style="list-style-type: none"> • Contractors: private nonprofit schools, public or private nonprofit residential childcare institutions that also operate the NSLP or SBP in areas where at least 50 percent of the children are low income 	Meals Served - 5,722,679 Number of Contractors - 351 Number of Sites – 1,983

<ul style="list-style-type: none"> or at least 50 percent of the children enrolled at the site are low-income • Benefits: cash reimbursement for lunches and after school snacks served • Clients: children in schools, residential childcare institutions, at-risk after school programs 	
Summer Food Service Program (SFSP) (May 1, 2017 – September 30, 2018)	
<ul style="list-style-type: none"> • Contractors: private nonprofits, summer schools, camps, and parks and recreation programs in areas where at least 50 percent of the children are low income or at least 50 percent of the children enrolled at the site are low-income • Benefits: cash reimbursement for breakfasts, lunches, snacks and suppers served • Clients: children 18 years and younger 	Meals Served - 9,774,910 Number of Contractors - 314 Number of Sites - 3,712

Table 22a Exhibit 22 Child Nutrition Programs

**Texas Department of Agriculture
 Food and Nutrition
 Exhibit 23: Food Distribution Programs**

Food Distribution Program for Child Nutrition Programs (FDP)	
<ul style="list-style-type: none"> • Contractors: public and private schools and summer programs • Benefits: USDA-donated commodities for use in preparing meals • Clients: children in schools and summer programs 	Commodities Distributed FY 2018: 182.562 million pounds Number of Contractors FY 2018: 1,286
The Emergency Food Assistance Program (TEFAP) (previously TEXCAP)	
Contractors: food banks Benefits: USDA donated commodities Clients: homeless individuals, low-income households Food banks receive and distribute food to agencies that prepare meals for homeless individuals or distribute it to households for home consumption.	Commodities Distributed FY 2018: 61.664 million pounds Number of Contractors FY 2018: 17
Commodity Supplemental Food Program (CSFP)	
<ul style="list-style-type: none"> • Contractors: food banks 	Commodities Distributed FY 2018: 17.626 million pounds

<ul style="list-style-type: none"> • Benefits: USDA-donated commodities and nutrition education • Clients: elderly (60 years and older) persons • Food banks receive and distribute food to agencies that distribute it to clients 	Number of Contractors FY 2018: 12
Senior Farmers Market Nutrition Program (SFMNP)	
<ul style="list-style-type: none"> • Contractors: food banks, private nonprofits, local government • Benefits: vouchers that may be redeemed at participating farmers' markets • Clients: elderly (60 years and older) persons 	Vouchers Distributed FY 2018: 25,505 Number of Contractors FY 2018: 2
Farmers Market Nutrition Program (FMNP)	
<ul style="list-style-type: none"> • Contractors: food banks, private nonprofits, local government • Benefits: vouchers that may be redeemed at participating farmers' markets • Clients: participants in WIC 	Vouchers Distributed FY 2018: 136,190 Number of Contractors FY 2018: 10
Food Assistance for Disaster Relief	
<ul style="list-style-type: none"> • Contractors: food banks; public and private schools. • Benefits: USDA-donated commodities for use in preparing meals for congregate feeding and incorporated into disaster food packages for home consumption. • Clients: Texans impacted (directly or indirectly) by a disaster. 	Value of Food Distributed for Hurricane Harvey: \$648,425

Table 22b Exhibit 23 Food Distribution Programs

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Headquarters

Food and Nutrition Division Executive - Provides vision, direction, policy interpretation and overall program management and oversight. The team performs a variety of functions, including handling employee training and performance appraisals, oversight of Educational Service Center contracts, leading internal and external collaboration and partnerships, providing front-line customer service for all stakeholders, and executive-level support to all levels of agency staff.

Business Management – Provides review of applications and certain required documentation to participate in TDA administered federal nutrition programs. The team processes reimbursement claim payments and oversees contracts and purchase requests for the Food and Nutrition Division.

Program Improvement, Nutrition and Education - Develops tools, resources, and analytics and systems for the Food and Nutrition Division to evaluate, quantify, implement, and improve performance. FND nutritionists provide subject matter expertise in lifespan nutrition matters, provide the nutrition science behind all programs. Education staff develop curriculum materials and deliver program training to internal and external audiences.

Program Support – Conducts strategic outreach campaigns to enhance program awareness. This team develops vital connections between TDA and key stakeholders through the support of student and community engagement initiatives; and collaboration with government partners on a variety of programs and opportunities. Program Support also maintains SquareMeals.org. This section ensures accuracy and operation of Food and Nutrition’s information resources systems and data management including responding to various data and PIRs.

USDA Foods – Provides USDA-purchased foods to eligible participants through the NSLP, SFSP, TEFAP, and CSFP. This section also provides voucher-based benefits through the Farmers’ Market Nutrition Program and Senior Farmers’ Market Nutrition Program.

Compliance Program Collaboration – Ensures efficient and effective collaboration between all program compliance efforts. Functions include developing the administrative review schedules contract management; and procedure and resource development to promote consistent and accurate compliance reviews across all programs and staff statewide.

Statewide

TDA’s Food and Nutrition Division utilizes headquarters and TDA regional staff offices in addition to locations in Fort Worth and El Paso in its administration of the federal nutrition programs.

School Operations – Provides school nutrition program expertise and conducts school reviews to ensure that those schools contracting with TDA to receive food and funding for the operations of the NSLP, SBP, SMP, and SFSP are complying with federal and state laws and regulations.

Community Operations – Monitors compliance for the CACFP and SFSP through application validations, administrative reviews of contracting entities, compliant investigations, and validation of reimbursement claims.

Quality Assurance Quality Control – Oversees the quality and consistency of various program processes and activities in the Division’s programs; ensures that applicants meet

acceptable federal and state guidelines prior to participation in certain Food and Nutrition Division programs; responsible for the timely and thorough administration of formal complaint investigations associated with all programs administered by the Food and Nutrition Division.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

**Texas Department of Agriculture
Food and Nutrition
Exhibit 24: Funding Sources**

Division	Funding Source	Amount
Food and Nutrition Division	Appropriated Receipts	\$0
	Federal	*\$2,495,431,760.00
	General Revenue	\$15,159,479.00

Table 23 Exhibit 24 Funding Sources

*Over \$1.9 billion in federal program funding for this program is assigned to TEA, which makes the reimbursement payments.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no programs, internal or external, to TDA that provide identical or similar functions to the agency's federal nutrition program administration. However, some services TDA provides are supplemented by external organizations and associations.

As part of program administration, TDA ensures the general public is aware of program availability. These efforts are complimented by the Texas Hunger Initiative (THI), a nonprofit that works to alleviate hunger in Texas. THI works at the local level to assist summer program operators to strategically grow their operations and implementing local marketing efforts regarding program availability. In addition, THI was awarded a grant from USDA in 2019 to offer direct meal benefits to select Texas families during the summer months through a food package mailing service.

Certain industry associations provide program related trainings. TDA frequently is a direct partner in these events, collaborates to ensure no duplication, and/or attends the events.

TDA utilizes the Texas Unified Nutrition Programs System (TX-UNPS) to collect data, account for and prepare monthly reimbursement payments to school districts and charter schools participating in the NSLP or SBP and forward the payment information to TEA for proper accounting and payment processing. TX-UNPS translates the data into a format that TEA can accept and exchanges the data through an interface. In addition to working

cooperatively with TEA for processing district payments, TDA and TEA also coordinate some audit functions. Each year, school districts, charter schools and Education Service Centers (ESCs) are required to file an annual financial and compliance report. TEA auditors review these reports annually to assure that sub-recipients adhere to generally accepted accounting principles and 2 CFR Part 200. Any findings related to a district's Child Nutrition Program are reported to TDA for review and follow-up.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

There is no duplication in the administration of the federal nutrition programs.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The Child Nutrition and Food Distribution Programs operate under two federal state agreements with USDA FNS. All program policies and procedures are based on federal law, regulation, and operating instructions. Primary interface is with the FNS Southwest Regional Office (SWRO) in Dallas. The SWRO serves as a conduit for program information required by USDA headquarters and conducts program administrative reviews with state office staff and assists with complex policy interpretations.

TDA's Food and Nutrition Division works with its contracting entities, including Texas public school districts, private and charter schools, and private nonprofits, to ensure program operators comply with all applicable federal regulations. The processing of the reimbursements for public schools operating the NSLP and SBP is handled through a MOU with the Texas Education Agency. The Food and Nutrition Division also receives information from the Texas Health and Human Services Commission (HHSC) to certify eligibility of students for the federal meal programs. City and county governments are eligible to operate most of the programs including SFSP and CACFP and encouraged to join with TDA initiatives such as the Healthy Community Network.

- K. If contracted expenditures are made through this program please provide**

- **a short summary of the general purpose of those contracts overall;**

Contracts supplement the Food and Nutrition Division programs to provide additional services and expand program outreach and support.

- **the amount of those expenditures in fiscal year 2018;**

\$5,208,610.19

- **the number of contracts accounting for those expenditures;**

48

- **the method used to procure contracts;**

The Food and Nutrition Division follows TDA and Texas Comptroller of Public Accounts procurement processes. Methods vary by dollar amount and complexity and may include informal or formal solicitation.

- **top five contracts by dollar amount, including contractor and purpose;**

**Texas Department of Agriculture
Food and Nutrition
Exhibit 25: Contracts**

Vendor	AY 2018 Expenditures	Purpose
J A WHITE and ASSOCIATES INC	\$940,657.46	Conduct a portion of the procurement reviews for federally required school nutrition programs
COLYAR TECHNOLOGY SOLUTIONS LLC	\$684,052.50	Provide hosting, maintenance, and enhancements for TX-UNPS claims system
TXC TEXAS CREATIVE LTD	\$620,783.14	Provide media outreach and promotion campaign for SFSP
BRIDGE INSIGHTS and MEDIA LLC	\$344,795.00	Provide media outreach and promotion campaign for Farm Fresh Fridays
THE UNIVERSITY OF TEXAS AT AUSTIN	\$267,906.16	Facilities for Food and Nutrition conferences
Total	\$2,858,194.26	

Table 24 Exhibit 25 Contracts

- **the methods used to ensure accountability for funding and performance; and**

Contract monitoring is conducted by contract managers, contract manager approval required for receipt, 3-way match (invoice, PO, receipt) required for payment, budget analysis by Division directors and Administrator, Food and Nutrition Division accounting reconciliations of expenditures and federal draws.

- **a short description of any current contracting problems.**

There are no current contracting problems.

L. Provide information on any grants awarded by the program.

TDA competitively awards kitchen equipment assistance grants for NSLP participants annually depending on federal appropriations. These kitchen equipment assistance grants allow schools to purchase certain kitchen equipment with a useful life of more than one year. The equipment assists schools to serve healthier meals that meet the updated meal patterns, with emphasis on more fruits and vegetables in school meals, improve food safety, and expand access.

Annually, TDA makes a grant to the 20 ESCs located throughout Texas to provide technical assistance and training in the child nutrition programs.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Summer Feeding Program Due Date

The Texas Agriculture Code requires certain school districts to offer a summer feeding program to students. Currently, these school districts must notify TDA of their intent to offer the program or seek a waiver by January 31st of each year. Because many schools do not finalize summer school plans until later in the year, TDA requests that school districts be given a later due date to submit their intent to TDA. See Tex. Agric. Code, Title 2, Ch. 12, Sec. 12.0029, Summer Nutrition Programs.

Waiver Authority

TDA should be granted the authority to make findings and to take corrective action on contracting entities that are not compliant with requirements set forth in state law such as the universal breakfast waivers and summer feeding waiver. Specifically, TDA seeks clarity on actions to take if state law is ignored by the entities required to participate.

Universal Breakfast Authority

Currently, the waiver authority for universal breakfast resides at TEA. TDA requests this waiver authority to be moved from TEA to TDA as TDA is responsible for the overall administration of the School Breakfast Program. This will reduce administrative burden and increase efficiency.

Authority for Farmers' Market Nutrition Program

Currently, Chapter 15 of the Texas Agriculture Code gives the Department of State Health Services (DSHS) the authority to administer the FMNP in Texas. TDA requests this authority be updated in the Agriculture Code to authorize TDA in lieu of DSHS, because TDA's agreement with USDA FNS provides for TDA to administer the FMNP in Texas.

Background checks in Summer Food Program to mirror the CACFP law

TDA requests that the Texas Human Resource Code be amended to add that TDA have the authority to conduct background checks on participants in the Summer Food Service Program. Background checks are an important tool TDA can use to safeguard the program from individuals that have been convicted of a crime that indicates a lack of business integrity. Currently, the Human Resource Code, Sec. 33.0271, Child and Adult Care Food Program: Program Participant Requirements, includes this authority only for the CACFP.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The child nutrition and food distribution programs are primarily funded by \$2,495,431,760.00 of federal dollars and \$15,159,479.00 of General Revenue. These programs supplement other critical services by providing a meaningful nutrition component. Meals expand the effectiveness of the participating organization and serve to reduce food security and improve the overall health and wellbeing of Texas citizens.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
 - Maintain the integrity of the child nutrition and food distribution programs to ensure they are administered and operated consistent with federal and state laws and policies.
- **the scope of, and procedures for, inspections or audits of regulated entities;**
 - TDA maintains a variety of handbooks, policies, procedures, and processes that cover the full range of administrative and operational roles and responsibilities that must be carried out by TDA and/or its contracting entities.
- **follow-up activities conducted when non-compliance is identified;**
 - TDA follows the applicable federal regulations and state requirements to address identified non-compliances including the opportunity for corrective action and follow-up reviews by TDA. However, the failure of a contracting entity to provide acceptable corrective action may result in termination and disqualification from the program.
- **sanctions available to the agency to ensure compliance; and**
 - TDA is authorized, as necessary, to suspend, terminate, or disqualify contracting entities that are found unable to operate within federal and state requirements. Under certain circumstances, TDA is authorized to take fiscal action against a contracting entity for the return of program funds.
- **procedures for handling consumer/public complaints against regulated entities.**
 - TDA has two procedures:
 - *011-008, Handling Complaints.* This document provides the procedures for the review and handling of complaints that TDA F&N staff receives regarding its contracting entities and other TDA-contracted vendors. It

addresses how to handle both stand complaints regarding contracting entities and civil rights complaints.

- *012-024, Reporting USDA Foods Complaints.* This document provides comprehensive procedures and guidelines to TDA F&N staff responsible for receiving and processing complaints from contracting entities regarding USDA Foods.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

The food and nutrition programs are not regulatory licensure programs, this section does not apply.

**(Texas Department of Agriculture)
(Food and Nutrition Division)**

**Exhibit 26: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of complaints received from the public	132	128
Number of complaints pending from prior years	0	3
Number of complaints found to be not under TDA purview	1	2
Number of complaints found to be substantiated	46	33
Number of complaints found to be inconclusive	21	51
Number of complaints found to be unsubstantiated	73	65
Average number of days for complaint resolution	13	12
Number of complaints referred to compliance for further action	14	31

Table 25 Exhibit 26 Information on Complaints Against Persons or Entities

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	State Nutrition Assistance Programs
Location/Division:	Austin – Trade and Business Development
Contact Name:	Karen Reichel, Administrator for Trade and Business Development
Statutory Citation for Program:	<ol style="list-style-type: none"> 1. Texans Feeding Texans: Surplus Agriculture Products Grant Program <ul style="list-style-type: none"> ○ Texas Agriculture Code, Sec. 21.001 ○ Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter M ○ GAA Rider 2. Texans Feeding Texans: Home-Delivered Meal Grant Program <ul style="list-style-type: none"> ○ Texas Agriculture Code, Sec. 12.042

	<ul style="list-style-type: none"> ○ Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter O ○ GAA Rider <p>3. Nutrition Education –</p> <ul style="list-style-type: none"> ○ Expanding 3E’s (X3E) <ul style="list-style-type: none"> ▪ Texas Agriculture Code, Sec. 12.0027; and Texas Education Code, Sec. 38.026 ▪ Texas Administrative Code, Title 4, Part 1, Chapter 26, Subchapter C, Division 2 ○ Establishing 3E’s (E3E) <ul style="list-style-type: none"> ▪ Texas Agriculture Code, Sec. 12.0027; Texas Human Resources Code, Sec. 33.028 ▪ Texas Administrative Code, Title 4, Part 1, Chapter 26, Subchapter C, Division 3 <p>4. Urban Schools Grant Program</p> <ul style="list-style-type: none"> ○ Texas Agriculture Code, Sec. 48.001 ○ Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter L
--	---

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Texans Feeding Texans: Surplus Agriculture Products Grant Program

The Surplus Agriculture Products Grant Program was developed for the purpose of collecting and distributing surplus agricultural products to food banks and other charitable organizations that serve needy or low-income individuals.

The Texans Feeding Texans: Home-Delivered Meal Grant Program

The Home-Delivered Meal Grant Program was created to aid organizations by providing funds to directly supplement or extend existing meal services to homebound persons that are elderly and/or have a disability.

Nutrition Education

The Nutrition Education Program was created to increase awareness of the importance of good nutrition, especially for children, and to encourage children's health and well-being through education, exercise and eating right. TDA’s 3E’s Grant Program consists of two program categories:

- *Establishing the 3E's Grant Program (E3E)* – a program that incentivizes nutrition education programs in any current Child and Adult Care Food Program (CACFP) childcare institution or community organization; and
- *Expanding the 3E's Grant Program (X3E)* – a program that rewards nutrition education programs in public schools only.

The Urban Schools Agriculture Grant Program

The Urban Schools Agriculture Grant Program was created to fund agricultural projects designed to foster an understanding and awareness of agriculture in elementary and middle school students.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Texans Feeding Texans: Surplus Agriculture Grant Program

During the period of October 1, 2017 to August 31, 2018, Feeding Texas was able to distribute 58,185,981 pounds of produce to Texas food banks. Of this total, 32,871,975 were secured with grant funds, at an average landed cost of less than \$0.12 per pound, and the remainder was secured with food bank funds. Feeding Texas secured produce from as many as 57 suppliers per quarter. The cross-dock operation at the mixing center delivered 10,950,408 pounds (19 percent of TX produce), and the rest (81 percent) were direct loads. Feeding Texas distributed a maximum of 49 different commodities per quarter from locally grown and imported sources. Potatoes, cabbage, and onions were the top three commodities overall. Texas food banks also received 2,102,985 pounds of produce at zero cost. FY 2019 data is still being collected.

Texans Feeding Texans: Home-Delivered Meal Grant Program

In FY 2018, Texans Feeding Texans: Home-Delivered Meal Grant Program grantee meal providers delivered a total 14,580,708 meals. Of those meals, 2,818,825 were a direct result of Texans Feeding Texans: Home-Delivered Meal Grant Program grant funds awarded to the organization.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

2011 Urban Schools Grant Program was expanded to allow non-profits to submit applications for the program in conjunction with elementary and middle school partners.

2014 The Grants office updated the Administrative Code to reflect a name change in the Nutrition Education grants from Best Practices and Nutrition Educations to the Expanding 3E's and Establishing 3E's.

2019 TDA instituted the DocuSign computer application to greatly increase the efficiency of the execution of grant agreements, both internally, and externally by grant recipients.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Texans Feeding Texas: Surplus Agricultural Products Grant

Applicants to the Texans Feeding Texas: Surplus Agricultural Products Grant must be a non-profit organization with at least five years of experience coordinating a statewide network of food banks and charitable organization that serve each of the 254 counties of this state. Applications must submit project proposals in accordance with the published Request for Application (RFA). Twenty-one regional food banks and their local communities are impacted by this program.

Texans Feeding Texans: Home Delivered Meals Grant Program

Organizations that deliver meals to homes of elderly and disabled Texans are eligible for funding through the Texans Feeding Texans: Home Delivered Meals Grant Program. TDA works with at least 142 organizations in 161 counties to supplement and extend meal services. In FY 2018, these 142 organizations served more than 13.6 million meals in the state of Texas.

Nutrition Education:

X3E - Grant applications are accepted from any Texas public school district or campus, in good standing with the Texas Comptroller's Office and, if applicable, the Texas Department of Agriculture. If multiple campuses in a district are applying for this grant, the requests should be combined into one application from the school district.

E3E- To be eligible for E3E funds, an applying organization must be in good standing with the Texas Comptroller's Office and TDA and must:

1. Be an organization that:
 - a. participates in early childhood education, including:
 - i. the CACFP as administered by TDA;
 - ii. a Head Start Program, as defined in 42 USC 9801 et seq., and 45 CFR Parts 1301-1311;
 - iii. another early childhood education program;

- b. certifies that it will use awarded funds to provide nutrition education to children between the ages of three and five years old;
 2. Be a community or faith-based initiative that:
 - a. provides recreational, social, volunteer, leadership, mentoring, or developmental programs;
 - b. certifies that it will use awarded funds to provide nutrition education to children younger than 19 years of age.

Urban Schools Grant Program

Submitted applications must benefit a Texas public elementary or middle school from an urban school district with an enrollment of at least 49,000 students. A non-profit organization may also submit an application with the support of an eligible Texas public elementary or middle school in an eligible district where the project will be administered. Eligible school districts are determined according to the Texas Education Agency's enrollment records.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The grant administration process is similar for each grant program. A request for application is published in the Texas Register and on the TDA website. TDA staff and the appropriate review committee or program board review all eligible proposal. Reviewers recommend proposals to the Commissioner or his designee and they make the final decisions. TDA administers each grant with a grant agreement. All grant agreements are reviewed by program administrators and TDA's General Counsel and Executive Divisions before execution.

All agreements include regular reporting requirements. Grantees are paid on a cost reimbursement basis. Financial reports are reviewed and approved by TDA's Director for Contracts and Grants, Administrator for Trade and Business Development, and the Financial Services Division before the reimbursement payment is issued. Grant projects are continually monitored during the grant period.

The exception to this process is the Home-Delivered Meal Grant Program. Any eligible applicant that receives support from their county and has served eligible meals during the prior state fiscal year may apply and receive an award. This is not a competitive program; all eligible applicants are offered an award based on a formula in statute.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

**Texas Department of Agriculture
State Food and Nutrition
Exhibit 27: Funding Sources**

Program	Funding Source	Amount (FY 18-19)
Surplus Agricultural Products Grant	General Revenue - appropriations rider	\$9,144,187
Home Delivered Meal Grant	General Revenue - appropriations rider	\$17,787,835
Nutrition Education Grants	General Revenue	\$867,545
Urban Schools Grant	Donations	\$24,178

Table 26 Exhibit 27 Funding Sources

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The nutrition assistance grants in this program are not duplicated at other agencies; however, they do compliment the work of other programs. DSHS administers federal funding for home-delivered meal providers. TDA's Home Delivered Meal Grant Program uses a funding formula outlined in statute that excludes those meals that are either partially or paid in full by the Department of Aging and Disability Services or an Area Agency on Aging from the eligible meal calculation.

The Grants Office administers grants programs based on the law governing each program. Each grant program has a direct correlation to the stakeholders served through the agency's many other programs.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Grants Office routinely works with other divisions and entities to ensure there is no duplication or conflict of efforts. This is also the principal area for coordination with other state and federal agencies. For the Home Delivered Meals grant program, TDA works with Texas Department of Health and Human Services (HHS) regional staff on an annual basis to verify meals paid by HHS. Any significant monitoring findings of grant recipients are shared with DSHS.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Grants Office works with a wide range of local, regional, and federal governmental entities on a regular basis on issues relating the agency's mission and responsibilities. Regular communication prevents duplication and enables strong coordination.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

Home Delivered Meal Grant Program

TDA competitively bid for an outside monitoring firm in FY 2017 to evaluate and monitor the program to ensure providers are following all administrative, program and financial grant requirements. Total expenditures were \$50,000 under the first renewal and amendment in FY 2018. TDA issued a contract with clear tasks by vendor and TDA with deadlines to account for the funding and performance. There were no contracting programs.

- L. Provide information on any grants awarded by the program.**

**Texas Department of Agriculture
State Food and Nutrition
Exhibit 28: Grants**

Program	Number of Grantees	Total Amount Awarded
Surplus Agriculture Products Grant (FY 18/19)	1	\$8,800,000
Home Delivered Meal Grant (FY 18)	184 grant awards to 135 organizations (Some serve multiple counties)	\$8,449,140
Nutrition Education (FY 18) - Expanding 3Es	8	\$219,000
Nutrition Education (FY 18) - Establishing 3E's	8	\$189,251.79
Urban School Grant (FY 19)	8	\$34,900

Table 27 Exhibit 28 Grants

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

There are no challenges to program performance.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

N/A

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

The grant programs are not regulatory, this section does not apply.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

The grant programs are not regulatory, this section does not apply.

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Texas Cooperative Inspection Program
Contact Name	Brian Murray, Executive Director
Location/Division	Austin, Texas
Statutory Citation for Program	Tex. Agric. Code, Title 5, Ch. 91

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

TCIP operates through a cooperative agreement between TDA and the USDA. The program is responsible for the inspection of all fruits, vegetables, tree nuts, and peanuts grown in Texas or imported into the United States through Texas. These inspections benefit the citrus, vegetable, tree nut, and peanut industries of the state by ensuring that USDA quality standards are met and enhancing the marketability of commodities for producers and shippers and providing consumers with consistent, quality products. Once USDA standards have been met, a certificate is issued by a TCIP inspector attesting to the quality of the individual shipments.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please**

provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Exhibit 29: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Pounds of fruits, vegetables, peanuts and nuts inspected (in billions)	01-1-.1, Output 04	Total sum of inspections	3.70 billion pounds	4.1874	144.15
Number of lots of citrus fruit tested for quality standards	01-0-1, Output 05	Total sum of tests conducted on citrus	3253	4921	155.33

Table 28 Exhibit 29 Program Statistics and Performance Measures

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

The inspection of commodities is an ongoing function of the program. Texas producers and importers have utilized these commodity inspections since the early origin of the TDA.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Producers, sellers, and buyers of fruits, vegetables, peanuts, and tree nuts are all eligible to request and receive program inspections. The program benefits Texas fruit and vegetable shippers and receivers of fresh commodities. Peanut growers and shellers benefit from peanut inspections which determine the quality of the peanut and thereby market value.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

At no time in the inspection program’s history has it been, nor is it now, an official agency of TDA or USDA. TCIP operates entirely on a user-fee basis and receives funding from neither the federal or state government. Funds are retained in a federal trust with independent audits conducted annually, and USDA compliance and financial audits are conducted every five years.

TCIP is a cooperative program of the TDA and the USDA. USDA ensures that program personnel are adequately trained, and inspections are conducted using the appropriate USDA grades and procedures. USDA further requires annual financial audits as well as a complete compliance audit of the program every five years.

TCIP has three divisions. The TCIP Administrative Division oversees all administrative functions of the program. Located in Austin, Texas, all fiscal functions of the program are performed by this office including all accounts receivable, accounts payable and human resources. The Fruit and Vegetable Division of the TCIP is headquartered in Alamo, Texas, which is located in the Rio Grande Valley, approximately five miles east of McAllen. This division is responsible for all fruit and vegetable shipping point inspections conducted statewide as well as some terminal market inspections. It also inspects produce imported through Mexico. The inspection of peanuts and tree nuts is the responsibility of the TCIP's Peanut and Tree Nut Division, located in Gorman, Texas, approximately 30 miles southwest of Stephenville in North Central Texas.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

TCIP receives no state or federal funds and operates solely from user fees which are kept in a federal trust.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are none in Texas. The cooperative agreement between TDA and USDA assures that only one entity, TCIP, provides the inspections for the state. Inspection programs similar to TCIP operate in 47 states and Puerto Rico.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

TCIP and TDA have a cooperative agreement that designates TCIP as the entity TDA recognizes to carry out quality inspection standards per the terms of the USDA-TDA Cooperative Agreement. Since TCIP inspectors are inspecting citrus fruit at the shipping point, an interagency agreement is in place with TDA to conduct citrus maturity testing to ensure citrus products meet maturity standards prior to packing.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TCIP works with TDA and the USDA Agriculture Marketing Service (AMS). TCIP works with no local or regional units of government. USDA-AMS is the specific division of USDA that oversees state inspection programs. USDA-AMS tests and licenses TCIP inspectors and maintains the standards inspections are based upon.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

FY 2018 interagency contract to TDA for services from TDA including executive director salary, indirect administration costs and information technology services (including helpdesk services): \$248,628.79.

The following contract expenditures were incurred for 2018. Because TCIP is not a state agency, it did not have to use state procurement to secure these services and contracts.

- G & I VIII Stratum LP: office space lease for Austin TCIP office: \$8648 monthly
- Avende Austin: Accounting system support services: \$700 per month
- Atchley and Associates Certified Public Accountants and Business Advisors: Annual financial audit: \$14,500
- Avaya: Phone Maintenance contract: \$780 annually.
- Canon: Lease/Maintenance contract for Austin copier: \$143 monthly
- Copyserv: Lease/Maintenance contract for Alamo office copier: \$199 per month
- Hogland Office Equipment: Maintenance contract for Brownfield office copier: \$36.25 per month.
- Kirbo's office system: Maintenance for Gorman office copier: \$90 per month

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no barriers impeding program performance.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

TCIP is responsible for the inspection of all fruits, vegetables, tree nuts, and peanuts grown in Texas or imported into the United States through Texas. These inspections benefit the citrus, vegetable, tree nut and peanut industries of the state by ensuring USDA standards are met, thereby enhancing the marketability of commodities for producers and shippers and providing consumers with consistent, quality products. Once USDA standards have been met, a certificate is issued attesting to the quality of the individual shipments.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

TCIP is a voluntary inspection program and is not a regulatory program, this section does not apply.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

TCIP is a voluntary inspection program and is not a regulatory program, this section does not apply.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Trade and Business Development Programs Rural Economic Development and International Trade Program
Contact Name	Karen Reichel, Administrator for Trade and Business Development
Location/Division	Austin, Texas
Statutory Citation for Program	Tex. Agric. Code, Title 2, Ch. 12, Secs. 12.002, 12.022, 12.027, 12.0272, 12.0273, 12.038, 12.040, 47.051 – 47.055, 50B.001 – 50B.003, 91.003, 91.005, 91.009 and 146.021 – 146.025; Tex. Alc. Bev. Code, Title 4, Chapter 110, Secs. 110.001 – 110.002; 110.051.

B. What is the objective of this program or function? Describe the major activities performed under this program.

Rural Economic Development and International Programs Objectives:

- Facilitating rural job creation and retention through business development and community assistance.
- Promoting statewide economic development through agricultural diversification, value added processing, rural entrepreneurship, small town revitalization and rural tourism development.

Rural Economic Development and International Programs Key Functions:

- Advising communities on economic development opportunities and connecting businesses with appropriate programs and/or communities.
- Collaborating with other state and federal agency partners on economic development initiatives ensuring a rural economic development focus.

Beginning in 1999, the Texas Department of Agriculture was among several organizations that actively promoted the idea that rural areas would be more successful by adopting a strategy of growing businesses from within the community. With leadership from TDA and others, rural communities have recognized they must rely on a combination of community development, business retention and expansion, entrepreneurial development, tourism and traditional recruitment to succeed in the future.

Rural Economic Development works in conjunction with Trade and Business Division (TBD) field staff to serve all rural businesses, individuals, producer groups and communities. The TBD field staff work individually and collectively with their respective constituents to benefit each unique region of Texas. The field staff responds to inquiries from constituent groups and have enough latitude to respond to the wide variety of issues that confront various constituent groups. Rural Economic Development leverages the resources and efforts of TDA's Marketing activities to assist rural constituents further with their marketing and tourism development efforts.

Many activities make up and impact rural economic development including, but not limited to various grant programs, the Texas Cooperative Inspection Program (TCIP), Texas Office of Produce Safety, and various international and domestic marketing initiatives. Through these activities, TDA is able to provide financial assistance in rural economic development projects, ensure the USDA quality standards of produce grown in Texas or imported into the United States through Texas have been met, advance efforts for a nationally integrated food safety system. The programs also include the promotion and education of the general public about products grown, produced, made, or value-added in Texas, and the division even includes export holding facilities for the inspection of livestock entering international commerce by USDA and SAGARPA (Mexican Ministry of Agriculture) representatives.

Grants Office

The Grants Office is responsible for administering numerous state and federal grants, loans and cooperative agreements available to farmers/ranchers, universities and schools, non-profits and private entities across Texas. The office also provides financial assistance to agricultural producers, especially young farmers and ranchers, to expand their production capabilities.

Capital for Texas (C4T) Program: TDA received authorization from the United States Department of the Treasury to utilize funds from the federal State Small Business Credit Initiative, previously allocated to the Department, to create a new program in 2016 that allows additional lending capital to be available for Texas small businesses, primarily located in rural areas of the state, but also in other underserved communities throughout Texas. Through a competitive bid process, TDA selected three Community Development Financial Institutions (CDFIs) to administer \$2.6 million through loan programs targeting rural and underserved communities to help finance small businesses and manufacturers that are creditworthy but are not getting the loans they need to expand and create jobs. These loans are typically for less than \$100,000.

Specialty Crop Block Grant Program (SCBGP): The sole purpose of the SCBGP is to enhance the competitiveness of specialty crops. TDA encourages organizations to develop projects to solely enhance the competitiveness of specialty crops pertaining to the following issues affecting the industry: food safety, marketing, nutrition, plant health and value added/industry development.

Specialty License Plate Program: This program was developed when TDA agreed to act as a nominating state agency for the Masonic Grand Lodge (Lodge) and American Quarter Horse Association (AQHA) to receive, and distribute funds received from the Texas Department of Transportation (TxDOT), as authorized by Texas Transportation Code, Chapter 504, from the sale of Texas specialized license plates.

State of Texas Agriculture Relief Fund (STAR): The STAR Fund is funded solely by monetary donations from private individuals and companies. STAR Fund money may be used to assist farmers and ranchers in rebuilding fences, restoring operations, and paying for other costs associated with agricultural disaster relief. TDA offers a cost share (50 percent of eligible expenses) to qualified agricultural producers not to exceed \$4,000 per applicant.

State Trade Expansion Program (STEP): STEP is a grant from the U.S. Small Business Administration to increase the number of small businesses that are exporting, and to increase the value of exports for those small businesses that are currently exporting. The

STEP program will take the necessary steps to create or expand small business export capacity and provide financial assistance along the way to help them achieve success.

Texas Office of Produce Safety

The purpose of the federal Food Safety Modernization Act (FSMA) is to shift food safety regulations from a system that focuses on responding to contamination to one that focuses on preventing them. FSMA was a law enacted on Jan. 4, 2011, that authorizes the U.S. Food and Drug Administration (FDA) to take a preventative approach to food safety. The law does so by incorporating new enforcement actions that are designed to achieve higher rates of compliance with preventative safety standards.

The Texas Department of Agriculture is working with FDA through a cooperative agreement to advance efforts for a nationally integrated food safety system. This will occur through the planning, establishment and/or enhancement of State and Territory Produce Safety Programs that encourage the safe production of fresh fruits and vegetables. Additionally, TDA will work to promote understanding and compliance with the requirements of FDA's "Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption" (commonly referred to as the Produce Safety Rule).

Marketing

Texas Wine- A handful of marketing-focused activities are funded through interagency agreements, grants and donations, including an interagency agreement with the Texas Alcohol and Beverage Commission (TABC). Marketing efforts support Texas wine-grape growers and wineries. The program educates the public about the Texas wine industry and has facilitated partnerships with package stores, restaurants and retailers to carry and serve Texas wine. The Texas Wine Marketing Coordinator provides updates to the Texas Wine Industry Development Advisory Committee.

Texas Shrimp- Funded by fees collected by the TPWD, the Texas Shrimp Marketing Program (TSMP) is charged with marketing, promoting, educating the public, and developing agricultural partnerships designed to impact the sale of Texas Gulf shrimp and add value to the Texas economy. The TSMP legislation established the Texas Shrimp Marketing Program Advisory Committee which is comprised of industry leaders appointed by the Commissioner of Agriculture.

State Fair of Texas- For almost fifty years, TDA's GO TEXAN Pavilion at the State Fair of Texas has provided the opportunity to educate State Fair visitors about the importance of Texas agriculture. As the agency's single largest outreach effort, the GO TEXAN Pavilion has a

variety of exhibitors, sponsors and event presenters that demonstrate the numerous ways the Lone Star State's agriculture industry touches our daily lives.

Specialty Crop- TDA leverages funding from the USDA Specialty Crop Block Grant Program to promote Texas horticulture and specialty crops through a variety of programs geared at promoting locally grown fruits and vegetables, native plants and improved landscaping techniques.

Livestock Export Pens

The livestock export pens, located at locations on the Texas – Mexico border, are facilities for USDA and SAGARPA (Mexican Ministry of Agriculture) to inspect livestock travelling via land transportation to Mexico. TDA's livestock export facilities Houston also accommodates air transportation of livestock to other international locations. TDA works closely with USDA Veterinary Services, Texas Animal Health Commission and SAGARPA to facilitate the export of livestock from Texas. As a result of a generous donation of land by Val Verde County, TDA owns the land and structures for its Del Rio Livestock Export Pen Facility. TDA owns the structures and has long term ground leases for its other livestock export facilities. Each livestock export facility lease is with a local unit of government, with the exception of Laredo, where TDA leases land from a family trust.

International Programs

TDA is a member of USLGE (United State Livestock Genetics Export, Inc.) which promotes Texas livestock producers and assists them in the global export of their animal genetics.

TDA is a member of SUSTA (Southern United States Trade Association). SUSTA helps small companies in the Southern United States promote value-added U.S. food and agricultural products to foreign markets. SUSTA provides trade opportunities domestically and abroad, and assists in the promotion of Texas agriculture and rural business.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Marketing

Texas Wine- In the past decade, the Texas wine industry has grown tremendously, with nearly 500 wineries now across the state. The economic impact the Texas Wine industry has on the economy is \$13.1 billion annually.

State Fair of Texas- Over the past decade, the General store in the GO TEXAN Pavilion has increased the sales of products from GO TEXAN participant companies from \$220,00 to over \$330,000.

International Programs

TDA's membership in USLGE is a cost of approximately \$19,000 per year. The return to Texas producers resulting from TDA participation in USLGE in actual export sales in 2017 was \$850,000, a 43 to 1 return on investment (ROI).

SUSTA provides federally funded cost-share matching for TDA expenditures. Texas companies contributed \$557,152 in 2017 resulting in actual export sales of \$38,818,945, a 68 to 1 ROI.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

Texas Office of Produce Safety

The program was established in 2016. The agency has established program parameters based on its strategic plan for implementation of the federal Produce Safety Rule. To date, TDA has concentrated its efforts on education and outreach to Texas farmers impacted by the rule, conducting Produce Safety Alliance Grower Trainings, and On Farm Training.

Marketing

Texas Shrimp -In 2003, the Texas Legislature established the TSMP, via House Bill 2470, directing TDA to promote and market Texas shrimp, both wild-caught and farm-raised, and to educate the public about the Texas shrimp industry.

In 2009, during the 81st Regular Session, the Texas Legislature passed HB 4593. This legislation changed the TSMP to market Texas wild-caught Gulf shrimp exclusively.

State Fair- In 2019, the Legislature passed HB 3768 allowing alcoholic beverage sampling within the GO TEXAN Pavilion. Now, more GO TEXAN members will be allowed to participate in the pavilion, which is expected to enhance program participation by and revenues to GO TEXAN businesses.

Farmers Markets and Wholesale Marketing Cooperatives

Other major historical initiatives at TDA included establishing a state network of farmers' markets and wholesale marketing cooperatives and expanding these programs to help producers sell directly in international markets.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Grants Office

Capital for Texas: Texas-based small businesses are eligible to participate in the C4T Program. The program was implemented as a result of the federal State Small Business Credit Initiative (SSBCI). Federal guidelines encourage investment of funds to benefit communities and businesses meeting certain qualifications focused in rural Texas and underserved communities, including but not limited to: (i) low- and moderate-income communities; (ii) minority communities; (iii) other underserved communities; and (iv) veteran, women, and minority owned small businesses.

Specialty Crop Block Grant: Grant funds may be awarded to state agencies, universities, and producer, industry or community-based organizations involved with specialty crops. Grant funds will not be awarded for projects that directly benefit or provide a profit to a single organization, institution or individual.

State of Texas Agricultural Relief Fund (STAR): Texas farmers, rancher, producers, and agribusiness owners are required to complete an application and present such information as copies of invoices, proof of payment, and proof agricultural loss specifically attributed to the specific natural disaster identified by the Texas Governors Disaster Declaration, property identification number, and other records needed by the department to determine eligibility.

State Trade Expansion Program (STEP): The federal State Trade Expansion Program is administered at the federal level by the United States Small Business Administration (SBA). As the State of Texas has no department of commerce, economic development activities are spread across multiple state agencies. The Governor's Office has identified TDA as the best agency to administer this federal matching program which is open to all small businesses in Texas who are looking to expand their market internationally.

Texas-based small businesses may participate in the program provided that they: 1) meet SBA "Eligible Small Business Concern" size guidelines; 2) are not debarred from federal funding; 3) have a product or service that is manufactured, produced, processed, delivered from (in the case of services) or value-added in Texas; 4) have been in business for at least one year at the time of application; and 5) have demonstrated an understanding of the

costs associated with exporting. The program is not limited to agriculture or rural businesses, although TDA does see significant interest and participation in the program by agricultural and rural businesses.

Texas Office of Produce Safety (TOPS)

The federal Produce Safety Rule establishes science-based minimum standards for growing, harvesting, and packing fresh produce. It also establishes training and record keeping requirements for farms growing fresh produce that are covered by the Produce Safety Rule. Farms growing covered produce are required to have at least one person on staff that has completed the Produce Safety Alliance Grower Training. Data provided by National Agriculture Statistics Service (NASS) indicates that there are 248,000 farms in Texas. TDA has identified 822 farms growing produce in Texas of which 472 grow produce covered by the Produce Safety Rule. TOPS staff have determined that of the 472 covered farms, 282 of the covered farms have been verified, and 175 farms have claimed exemptions from the Rule, but have not been verified.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Grants Office

The grant administration process is similar for each grant program. A Request for Application (RFA) is published in the Texas Register and on the TDA website. TDA staff and the appropriate review committee or program board review all eligible proposals. Reviewers recommend proposals to the Commissioner or his designee and they make the final decisions. TDA administers each grant with a grant agreement. All agreements include regular reporting requirements. Grantees are paid on a cost reimbursement basis. Financial reports are reviewed and approved by TDA's Director for Contracts and Grants, Administrator for Trade and Business Development, and the Financial Services Division before the reimbursement payment is issued. Grant Projects are continually monitored during the grant period.

Texas Office of Produce Safety (TOPS)

TOPS is an office established within TDA. It has a Director, Lead Outreach Specialist, Certification and Compliance Specialist and 6 Produce Safety Field Outreach Specialists.

- *Director:* Oversees the program including developing workplan, strategies, budgets and staff.

- *Lead Outreach Specialist:* Develops training, helps direct staff and needs of the program.
- *Certification and Compliance Specialist:* Manages data, outreach data, inspection data and reporting.
- *Produce Safety Field Outreach Specialists:* Conduct Outreach, grower training and inspections.

All staff are responsible for outreach and developing a farm inventory. Produce Safety Field Outreach Specialists work closely with TDA regional inspectors, GO TEXAN field staff and Austin TOPS staff to identify farms, provide service, and schedule farm visits.

International Programs and Livestock Export Pens

TDA's International Programs and Livestock Export Pens are overseen by the Deputy Commissioner and Assistant Commissioner for Water and Rural Affairs. The Deputy Commissioner travels internationally to target new markets. The Assistant Commissioner oversees personnel as well as travels to new domestic and international commodity-based markets. The Director of International Programs and Livestock Export Pens oversees day to day operations and reports to the Deputy Commissioner and Assistant Commissioner. The Coordinator for Livestock Export Pens acts as a liaison between the Director and Livestock Export Pen Operators by compiling reports from the livestock export pens to send to TDA headquarters. The Livestock Export Pen operators perform the day to day functions of the export pens. Finally, the International Marketing Specialist follows leads on new or potential markets both domestic or international and will often travel to those prospective markets to assess their viability.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

Grants Office

**Texas Department of Agriculture
Exhibit 30: Grants Office Funding Sources**

Program	Funding Source	Amount (FY 18-19)
Boll Weevil	General Revenue - appropriations rider	\$9,835,628.00
Economic Development Fund	General Revenue - appropriations rider	\$767,000
Specialty Crop Block Grant	Federal	\$1.9 million annually
Specialty License Plate Program	General Revenue	~\$50,000/year

State of Texas Agricultural Relief Fund (STAR)	Donations	FY 18 \$374,478.78 FY 19 \$144,103.98
State Trade Expansion Program	Federal	\$600,000

Table 29 Exhibit 30 Grant Office Funding Sources

Texas Office of Produce Safety

This activity is funded by federal funds.

Food and Drug Administration – TDA has a cooperative agreement with the FDA to conduct outreach and inspections as part of the Produce Safety Rule.

Specialty Crop Block Grant – TDA uses USDA Specialty Crop Block Grant funds to educate consumers through “wash your produce” campaigns in coordination with producer education through the Produce Safety Rule.

Marketing

Texas Wine- TDA receives \$250,000 a year via a Memorandum of Understanding (MOU) with the TABC to administer the Texas Wine Marketing Program. Funds are transferred October 1 of each year.

Texas Shrimp- The Texas Shrimp Marketing Program receives funding from TPWD and shrimp related business fees, including off-shore and bay boat licenses-purchases and renewals. Funds are transferred each quarter to TDA to operate the marketing program.

Specialty Crops- Specialty Crop Block Grant Program funds are awarded by USDA via competitive project proposals submitted by TDA. Since 2007, TDA Marketing has received over \$2.38 million in funding to promote specialty crops in Texas. All funds must be used on projects that enhance the competitiveness of Texas specialty crops.

State Fair of Texas- Sponsorships, exhibitor fees, General Store participation and sampling fund the State Fair of Texas GO TEXAN Pavilion.

Livestock Export Pens

Livestock export pens receive general revenue from the state and fees are collected for livestock being exported.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

Texas Office of Produce Safety

TDA is the only state agency that administers a produce safety inspection program at the farm level. DSHS handles food safety for all produce that is processed or has added value.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Texas Office of Produce Safety

The Texas Office of Produce Safety has a process in place to coordinate farm inspections with visits scheduled by other TDA programs. TDA administers the Worker Protection Program and pesticide programs that require farm visits. Even though these are different programs, Produce Safety staff coordinate with these two programs to avoid multiple visits from the same agency. DSHS inspects value-added or processed foods, some of which are produced on farms. These types of farms are considered mixed-use facilities and the farm portion will be inspected by TDA while the processing section will be inspected by DSHS.

Trade and Business Development

TBD is the sole program promoting Texas agricultural and other Texas produced, made or value-added products, including food and fiber products, beer, wine, spirits, and livestock.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Rural Economic Development

Rural Economic Development works closely and collaboratively with other state agency partners to include, but not limited to, the Office of the Governor-Economic Development and Tourism Division, Texas Workforce Commission, Office of the Comptroller of Public Accounts, the Texas Department of Transportation, Texas A&M AgriLife Extension Service, Small Business Development Centers, the US Department of Commerce, Small Business Administration, and the US Department of Agriculture Rural Development. Rural Economic Development staff regularly handle inquiries from the public, economic development professionals and local and state elected officials.

Grants Office

The Grants Office works with a wide range of local, regional, and federal governmental entities on a regular basis on issues relating the agency's mission and responsibilities. Regular communication prevents duplication and enables strong coordination.

Texas Office of Produce Safety

TDA works very closely with the FDA to verify that facilities that are registered with FDA are not classified as farms. Any facility that falls under the definition of a farm will be inspected by TDA if that farm is growing covered produce. FDA also provides support and training for TDA Produce Safety staff for both outreach and inspections.

Marketing

Texas Wine- TDA and TABC work closely to share information on wineries in business across the state. TABC provides TDA with a list of G Permit establishments yearly to update TDA's database and website. TABC also holds a seat on the Texas Wine Industry Development Advisory Committee.

State Fair of Texas- The Marketing Division is responsible for organizing and operating TDA's GO TEXAN Pavilion (formerly known as the Food and Fiber Pavilion) at the State Fair of Texas. The Pavilion includes a variety of high-profile exhibitors, sponsors and event presenters, showcasing agriculture and an array of products produced in Texas. Visitors are presented with shopping and sampling opportunities, as well as educational and entertaining programs. The Pavilion's 3,000 sq. ft. store sells only GO TEXAN member products.

Livestock Export Pens

TDA works with USDA, Texas Animal Health Commission and SAGARPA (Mexican Ministry of Agriculture). USDA and The Texas Animal Health Department regulate and establish the requirements for the transportation of livestock. TDA will inform these agencies of any violation of applicable laws or regulations. TDA works with SAGARPA on the holding and inspection of livestock that are entering international commerce, destined for land or air transport to Mexico.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Marketing

Strategar- \$65,000 Contract to a design agency to create marketing collateral and website for the Texas Wine Program. These services were procured through a RFP, which is a competitive solicitation process.

L. Provide information on any grants awarded by the program.

Grants Office

**Texas Department of Agriculture
Exhibit 31: Grants Office – Grants Awarded**

Grant	Number of Grantees	Total Amount Awarded
Boll Weevil (FY 18/19)	1	\$9,785,629.00
Specialty Crop (FY 18/19)	16	\$2,099,728.36
Specialty License Plate Program (FY 19)	3	\$ 59,238.59
State Trade Expansion Program (FY 18/19)	45	\$ 600,000

Table 30 Exhibit 31 Grants Awarded

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

The TDA marketing and international programs are cost recovery programs. To effectively promote Texas agriculture and products, funding is required to sustain staff that can provide outreach to Texans about the great assets that are in their community. Through funding, TDA can leverage its resources through attendance at events across the state which ensure the best visibility to take Texas agriculture producers, businesses, and rural communities to state, national and international levels by building recognition for the GO TEXAN mark.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Texas Office of Produce Safety

Through TOPS, staff provide education and training to producers, establish a farm inventory and conduct farm inspections on fruits and vegetables, as a result of federal mandates in the Food Safety Modernization Act. Since its inception in 2017, the Texas Office of Produce Safety has focused on building an inventory of farms and conducting education, outreach and training regarding the impact of federal Produce Safety Rule on Texas farmers. A primary goal and guiding principle of the Texas program is to visit a farm and answer all the farmer’s questions about the rule before staff visits the farm to conduct an inspection. TDA will begin inspections of farms with produce and food sales above \$500K in Fall 2019. Farms with produce sales above \$250K will begin in 2020; farms with produce sales above \$25K will begin in 2021.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

Texas Office of Produce Safety

The Produce Safety Rule is a regulatory program but does not require licensing, registration, certification or permitting. It is a compliance program that is intended to require producers covered by the rule to follow minimum standards for growing, harvesting and handling of fresh produce to ensure the safety of food entering the market to help prevent foodborne illness outbreaks.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Texas Office of Produce Safety

Complaints received by TOPS will be investigated by program staff to be determine if there is noncompliance with the Produce Safety Rule. Upon receipt, the complaint will be processed and, if necessary, an inspection will be conducted by staff.

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function:	Trade and Business Development Programs Texas Agricultural Finance Authority (TAFA)
Location/Division:	Austin – Trade and Business Development
Contact Name:	Karen Reichek, Administrator for Trade and Business Development
Statutory Citation for Program:	Tex. Agric. Code, Title 3, Ch. 44, and Title 4, Ch. 58 Tex. Admin. Code, Title 4, Part 1, Ch. 28

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Texas Agricultural Finance Authority (TAFA) was created in 1987 (HB 49, 70th Leg., R.S.) as a public authority within the Texas Department of Agriculture. The program is designed to provide financial assistance for the expansion, development and diversification of production, processing, marketing and exporting of Texas agricultural products.

Agriculture Loan Grant

TAFA provides financial assistance to establish or enhance farming or ranching operations or to establish an agricultural-related business. The program provides guarantees based on a tiered structure, not to exceed \$750,000 or 70% of the loan amount, whichever is less. The program also provides an interest rate rebate as part of the guarantee process to eligible borrowers.

Interest Rate Reduction

TAFA can facilitate commercial lending that may result in lower interest rates compared to current market rates. Any person who proposes to use the proceeds under this program in a manner that will help accomplish the state's goal of fostering the creation and expansion of an agricultural business in Texas is eligible.

Young Farmer Interest Rate Reduction

Even more beneficial than the standard interest rate reduction program, young farmers can see greater reductions in their interest costs through this program. Any person who is at least 18 years of age but younger than 46 years of age as of the application deadline and proposes to use loan proceeds in a manner that will help accomplish the state's goal of fostering the creation and expansion of an agricultural business in Texas is eligible.

Young Farmer Grant

TAFA offers a semiannual grant program to eligible applicants who are at least 18 years of age but younger than 46 years of age as of the application deadline and who are engaged in creating or expanding agriculture in Texas. The applicant must be able to make dollar-for-dollar matching expenditures to sustain, create or expand the proposed project. Individual grants may range from \$5,000 to \$20,000. TDA recommends the age eligibility requirements for these grants be changed to first time farmers over the age of 18 only, with no age cap.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Department of Agriculture
Exhibit 32: Ag Loan Guarantee Program**

Ag Loan Guarantee Program	
Guarantee Limit FY 2019	\$51,706,923.90 (3 times cash balance)
FUND 683 Cash Balance as of 8/31/2018	\$17,235,641.30
Guarantee Limit capped on June 15, 2017	\$25,853,461.95 (1.5 cash balance)
Current Total Guaranteed as of 2/28/2019	- \$13,395,006.61
Total Guarantee Available as of 2/28/2019	\$12,458,455.34
Total Loan Guarantees Open	55

Total Loan Guarantees Closed	17
------------------------------	----

Table 31a Exhibit 32 Ag Loan Guarantee Program

**Texas Department of Agriculture
Exhibit 33: Interest Rate Reduction Program* – Outstanding Obligations**

Fiscal Year	Total IRRs Approved	Value of Loans	Principal Repaid	Number of Outstanding IRRs	Outstanding Obligation to Comptroller
Prior Years		\$494,941	\$321,721		\$ -
FY07	44	\$3,768,207	\$3,594,987	0	\$ -
FY08	6	\$859,349	\$846,708	0	\$ -
FY09	1	\$90,000	\$90,000	0	\$ -
FY11	1	\$84,713	\$ -	0	\$ -
Total	52	\$4,802,269	\$4,531,695	0	\$0

*Interest Rate Reduction agreement originated in 1999

Table 31b Exhibit 33 Interest Rate Reduction Program

**Texas Department of Agriculture
Exhibit 34: Young Farmer Interest Rate Reduction Portfolio**

Young Farmer Interest Rate Reduction Portfolio 2007 - 2014	
Loan Amount	\$0
Beneficiaries	0

Table 31c Exhibit 34 Young Farmer Interest Rate Reduction Portfolio

**Texas Department of Agriculture
Exhibit 35: Young Farmer Grant**

Young Farmer Grant 2010 - 2019	
FY Year	Value of Awards
2010	\$200,000
2011	\$294,000
2012	\$296,750
2013	\$288,700
2014	\$300,000
2015	\$529,172
2016	\$294,444
2017	\$299,702
2018	\$339,860
2019	\$300,000
Total	\$3,143,618

Table 31d Exhibit 35 Young Farmer Grant

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original

intent. If the response to Section III of this report is sufficient, please leave this section blank.

1987 – House Bill 49 passed creating the Texas Agriculture Finance Authority (TAFA) and enacting Chapter 58 of the Texas Agriculture Code; and became effective on October 20, 1987.

1992 – The \$5 tag fee begins for the Young Farmer Endowment Program.

1996 – The amount of general obligation bonding authority available to the Authority increased from \$25 million to \$225 million by transferring \$200 million currently authorized bonds from the Farm and Ranch Finance Program.

The Bond Review Board (BRB) approved the expansion of the Loan Guaranty Program and authorizes an additional \$25 million to be issued, capping the program at \$50 million without further approval of BRB.

2009 – Legislation passed during the 81st Legislature revised TAFA programs.

Allowed for the creation of: Agricultural Loan Guarantee, Young Farmer Interest Rate Reduction, Young Farmer Grant program

Provided for the discontinuation of: Young Farmer Loan Guarantee Program, Rural Development Finance Program-Municipal.

Legislature appropriated \$14.7 million to TDA to provide funding for both TAFA and Boll Weevil Eradication Foundation.

2015- HB 2350 in the 84th Legislative Session increased the amount that may be used to guarantee loans from three-fourths of the balance of the Texas Agricultural Fund to three times the amount contained in the fund.

2017- TAFA liquidated all its commercial paper (short term notes), resulting in no debt.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Agriculture Loan Guarantee Program.

1. Any agricultural enterprise applicant should discuss the program with their lender (including any commercial lending bank or Farm Credit System);
2. The lender applies to TAFA on the borrower's behalf;
3. The applicant must meet the lender's underwriting criteria;
4. The lender and borrower determine the loan terms, while TAFA retains the right to alter any loan terms as necessary to provide the guarantee;
5. The borrower(s) should have a credit score of 650 or greater;

6. Loan equity not less than 15%;
7. Debt to equity of 2:1 or less;
8. Debt service coverage of 1.25 or better; and
9. TAFA's guarantee shall not exceed a maximum of 10 years or the useful life of the assets being financed.

Interest Rate Reduction.

1. Any person who proposes to use loan proceeds for the creation or expansion of an agricultural business in Texas;
2. The applicant should discuss the program with their lender and have the lender submit the application;
3. Eligible lenders include any financial institution that makes commercial loans and is an approved depository for state funds; and
4. The lender and the borrower determine the repayment, maturity and collateral for the loan.

Young Farmer Interest Rate Reduction.

1. Any person who is 18 years of age but younger than 46 years as of the application deadline who proposes to use loan proceeds for the creation or expansion of an agricultural business in Texas;
2. The applicant should discuss the program with their lender and have the lender submit the application;
3. Eligible lenders include any financial institution that makes commercial loans and is an approved depository for state funds; and
4. The lender and the borrower determine the repayment, maturity and collateral for the loan.

Young Farmer Grant Program.

1. Grant applications will be accepted from any individual person 18 years or older, but younger than 46 years of age as of the application deadline, who is engaged or will be engaged in creating or expanding agriculture in Texas;
2. Applications that merely propose to sustain an existing agricultural business are not eligible for an award under this program;
3. Corporations, limited liability companies, partnerships or other types of foreign or domestic entities are not eligible for awards under this program. TDA will immediately disqualify any application filed on behalf of a corporation, limited liability company, partnership or other types of foreign or domestic entity;
4. The applicant must be able to make dollar-for-dollar matching expenditures to sustain, create or expand the proposed project;
5. Applicant must be a U.S. Citizen and applicants must reside and operate in Texas;
6. Grant funds will not be awarded to multiple family members for the same project. Each individual grant applicant must clearly describe a distinct project and

demonstrate how the individual grant applicant will independently benefit from the Young Farmer Grant; and

7. An applicant that has a family, employment or business relationship with an executive, officer or employee of TDA, or a member of the TAFE Board of Directors, is not eligible for a grant and may not participate in the YFG program.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Agricultural Loan Guarantee (ALG)

The eligible lender will forward a complete application package to TAFE. The application must include a non-refundable application fee, as set by the Board.

The lender must maintain responsibility for the evaluation of credit and risk for application under the ALG program. TDA/TAFE staff will review the application and draft the TAFE credit memo using the credit criteria for evaluation.

After official routing decision is made, TDA/TAFE will send a notification in writing along with the Agricultural Loan Guarantee Program Loan Authorization and interest rebate agreement for signature to the lender if applicable.

Interest Rate Reduction/Young Farmer Interest Rate Reduction

TAFE reviews project applications to ensure the projects meet TAFE requirements and recommends them to the Comptroller. Upon approval, the Comptroller of Public Accounts for the State of Texas deposits funds in a bank (which must be a state approved depository) at a below market interest rate. The bank issues a loan of like amount, at no more than 4% above the interest rate on the state's deposit.

Young Farmer Grant

The Young Farmer grant administration process is similar to other grant programs administered by TDA. An RFA is published in the Texas Register and on the TDA website. TDA staff and the TAFE Board review all eligible applications. The Board makes funding decisions. TDA administers each grant with a grant agreement. All agreements include regular reporting requirements. Grantees are paid on a cost reimbursement basis. Financial reports are reviewed and approved by TDA's Director for Contracts and Grants, Administrator for Trade and Business Development, and the Financial Services Division before the reimbursement payment is issued. Grant Projects are continually monitored during the grant period.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

**Texas Department of Agriculture
Exhibit 36: Texas Agricultural Finance Authority (TAFA) Funding Source**

Program	Funding Source	Amount (FY 18-19)
All TAFA Programs	Texas Agricultural Fund (0683)	\$1.99 million over biennium

Table 32 Exhibit 36 TAFA Funding Source

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no programs similar to TAFA.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

This section does not apply.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TDA provides information about opportunities to local and regional governments.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

TAFA competitively bid for an outside auditing firm in FY 2017 to meet the Authority’s obligation to have an audit of its books and accounts for each fiscal year by a certified public accountant. Total expenditures were \$13,500 under the first renewal and amendment in FY 2018. TDA issued a contract with clear tasks by vendor and TDA with deadlines to account for the funding and performance. There were no contracting problems.

L. Provide information on any grants awarded by the program.

The Young Farmer Grant administration process is similar to other grant programs administered by TDA. An RFA is published in the Texas Register and on the TDA website. TDA staff and the TAFA board review all eligible applications. The Board makes funding decisions. TDA administers each grant with a grant agreement. All agreements include

regular reporting requirements. Grantees are paid on a cost reimbursement basis. Financial reports are reviewed and approved by TDA’s Director for Contracts and Grants, Administrator for Trade and Business Development, and the Financial Services Division before the reimbursement payment is issued. Grant Projects are continually monitored during the grant period.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

There are no barriers or challenges to TAFA’s performance.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

TAFA is not a regulatory licensing program and this section does not apply.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

This section is not applicable since TAFA is not a regulatory program.

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	Trade and Business Development Programs Marketing
Location/Division:	Austin, TX – Trade and Business Development
Contact Name:	Karen Reichel, Administrator for Trade and Business Development
Statutory Citation for Program:	Tex. Agri. Code, Title 2, Ch. 12, Secs. 12.002 and 12.0175

B. What is the objective of this program or function? Describe the major activities performed under this program.

TDA's Marketing Division administers one of the state's most recognized and successful marketing campaigns, the GO TEXAN program. TDA's GO TEXAN marketing program generates awareness among consumers searching for products certified as grown, produced, processed, or manufactured in the Lone Star State. Agricultural and nonagricultural products have been made eligible for this program by the State Legislature. While agricultural product producers, manufacturers, marketers, and retailers have shown the most interest, in recent years manufacturers of non-agricultural products have expressed a strong interest in being part of a uniform marketing campaign that promotes their products' connection to the international notoriety of the most demographically, economically and geographically diverse state in the nation.

Each year, TDA's Marketing Division works to increase the sales of both raw and processed agricultural commodities, as well as non-agricultural products in Texas under the GO TEXAN campaign. The agency is also involved in a variety of areas, including farmers' markets, certified retirement communities and livestock exports. The division creates marketing and development opportunities for Texas agribusiness by providing an assortment of support services and by bringing together buyers and sellers. New and updated directories produced by the Marketing Division cover sectors such as horticulture, produce, shrimp and wine as well as guides on diversifying crops and organic products.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Since 2007, General Store Sales in the GO TEXAN Pavilion at the State Fair of Texas have increased from \$220,003 to \$330,147. This shows the increased awareness of the GO TEXAN Program and companies and products participating.

Enrollment in the GO TEXAN program significantly decreased after the program was changed to a cost recovery program in 2011. Over the past several years it has been steady at approximately 1,500 members annually.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

2008 The GO TEXAN Program modified its community marketing program to better serve the needs to of rural Texas communities. The GO TEXAN Community Program markets rural communities as Texas destinations and highlights their unique character. This program promotes tourism and encourages retirement in Texas. Members receive a variety of benefits which include use of the GO TEXAN mark, inclusion of events on the GO TEXAN

calendar and promotion of events via GO TEXAN social media. These benefits are designed to promote rural tourism in their area.

TDA launched the GO TEXAN Restaurant Program to encourage restaurants to serve products produced in Texas. TDA connects restaurant owners with other GO TEXAN product members, such as produce, shrimp, and wine members. Restaurants must be based in Texas and serve products grown, produced or value-added in Texas to qualify.

2011 The TDA Marketing General Revenue budget was cut during the 82nd Legislative Session and the legislature required the program to operate on a cost recovery basis. Staff was reduced from over 20 people to less than 10. To maintain the program, membership costs increased, and TIER levels were created to allow members the opportunity to pay more and receive additional benefits to assist with the cost recovery status of the program.

TDA registered the GO TEXAN certification mark with the United States Patent and Trade Office (USPTO) for use on non-agricultural products. The GO TEXAN mark was previously registered for use on Texas agricultural products in 2001, and for use by certified retirement communities in 2010. The GO TEXAN mark is a certification mark and can only be used by GO TEXAN participants on qualifying products. The mark cannot be altered and must always include the ® symbol after the words GO TEXAN when used with the circle Texas brand.

An Associate Membership classification was created to allow Texas companies that provide a service to support the GO TEXAN Program. Companies such as local retailers, restaurants, agriculture insurance agencies, to name a few, are all examples of current GO TEXAN Associate Members. The membership tiers are the same for associates as product members, and a designated GO TEXAN Mark was created in 2018 to distinguish a GO TEXAN Associate and Product Member.

2013 TDA created the GO TEXAN Farm and Ranch program to promote Texas commodities and livestock. TDA marketing staff connects farm and ranch members with buyers, both within the United States and internationally.

2014 The Texas wine industry wanted to create a percentage minimum associated with use of the GO TEXAN mark on wine labels, bottles and/or corks. Administrative rules were proposed and published for public comment; the comments in favor of a more restrictive standard exceeded the comments against. Texas Wines are now required to use 75 percent or more Texas fruit in their bottle of wine to use the mark on that bottle.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Products must be produced, manufactured, or value-added in the state of Texas. All applications are reviewed for eligibility.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Interested GO TEXAN members can join the certification program online as of January 2019. The online application is available at <https://licensing.texasagriculture.gov/>. Once the application is complete, it directs the interested company to Texas.gov for payment. GO TEXAN program specialists receive daily batch emails with new members that have applied for the Program. These program specialists review all information provided by the company, verify it, collect additional needed information and then approve or deny the application. Refunds are not issued for applicants that apply and are not eligible.

Once approved, new members receive an email with their electronic welcome packet, including the GO TEXAN certification mark image and guidelines on how it can be used. Current members receive notification from TDA when their membership is close to expiring to remind them to renew. TDA field representatives assist companies, if needed, with the online application, as well as email them renewal notices on a monthly basis.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

GO TEXAN is a cost recovery program. Funding is provided through membership fees and sponsorships received throughout the fiscal year.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no programs that provide identical or similar services to the GO TEXAN program.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

There are no other programs offering similar services to the GO TEXAN program. There is no risk of duplication or conflict with TDA's program.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

TDA staff works with local and regional government officials to address questions about the GO TEXAN program and opportunities for their communities.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

All contracts are procured through the agency's purchasing processes. Typical purchases relate to advertising and promotion, including participation fees at various conferences and trade shows.

- L. Provide information on any grants awarded by the program.**

The GO TEXAN program does not award grants.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

The requirement to operate the program on a cost recovery basis without ability to roll funds between years has been a significant hurdle. Limited unexpended balance authority provided by the 86th Texas Legislature in the General Appropriations Act will relieve some of these issues during the 2020-2021 biennium.

Alternate methods of funding the marketing of Texas produce and services need to be examined. Products and services of agricultural and rural producers would enjoy the instant recognition and acceptance created by the readiness of the world to accept and enjoy the mystique of Texas' unique western heritage. Texas is continually out advertised by states such as California and Florida due to the significantly larger budgets allocated to their Departments of Agriculture and marketing divisions. A source of funding related to agricultural and rural expenditures, such as a portion of the savings from purchases subject to the agricultural sales tax exemptions, could be dedicated to the promotion of Texas agricultural products and services. With the additional funding and resources to support the GO TEXAN program, TDA could add market opportunities for members and increase the economic impact Texas products have in members' communities and statewide.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

The GO TEXAN certification program provides members with an added marketing tool when using the certification mark on products, and helps consumers shop with confidence by knowing that they are purchasing a quality product that is made in Texas.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

The GO TEXAN program is an option certification program for producers of Texas agriculture or products. Members can utilize the GO TEXAN certification mark on labels to establish recognition as a Texas made or value-added product. If a GO TEXAN member is not using the GO TEXAN certification mark in compliance with program rules and guidance, staff will provide technical assistance. Failure to comply will result in TDA’s General Counsel division will provide enforcement assistance.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

If a complaint of misuse of the GO TEXAN certification mark is received, staff conducts an investigation to determine whether there is validity to the concern. If a determination is made, then technical assistance is provided, or the department’s General Counsel division will be notified for enforcement or other action.

- A. Provide the following information at the beginning of each program description.**

Name of Program:	Trade and Business Development Programs Community Development Block Grant Programs (CDBG)
Location/Division:	Austin, TX - Trade and Business Development
Contact Name:	Suzanne Barnard; Coordinator for Project Management
Statutory Citation for Program:	Tex. Gov. Code, Title 4, Subtitle F, Ch. 487, Sec. 487.051

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Community Development Block Grant (CDBG) Program administers the federal CDBG for the State of Texas non-entitlement communities. The program is funded through the U.S. Department of Housing and Urban Development (HUD), and TDA is responsible for allocating and disbursing funds for eligible projects in rural and/or small communities in Texas that do not receive funding directly from HUD. Texas receives the largest non-entitlement CDBG allocation in the nation, with an annual allocation of nearly \$66 million for 2019.

The primary objective of the CDBG Program is to develop viable communities by providing decent housing and suitable living environments, and expanding economic opportunities principally for persons of low-to-moderate income.

Major activities include:

- Regional competitive grants to address water and wastewater infrastructure, street improvements, drainage improvements, and a variety of other local community development needs
- Economic development grants to create or retain jobs in rural Texas and to improve accessibility and address blighted conditions for downtown areas in rural communities
- Other community improvements – the CDBG program includes smaller competitions to provide small and rural communities with funds for community planning

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

The primary objective of CDBG is to develop viable communities by providing decent housing and suitable living environments, and expand economic opportunities in small, rural communities. With initiatives ranging from water system improvements to promoting job creation, rural Texans benefit from CDBG funded grant projects.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

1974 Congress created the Community Development Block Grant (CDBG) Program.

1981 Congress passed the Omnibus Budget Reconciliation Act, which authorized states to administer the non-entitlement portion of the CDBG Program.

1983 The state of Texas assumed administration of the CDBG program. Senate Bill 315, 68th Legislature designated the Texas Department of Community Affairs (TDCA) as the administrative agency for the program. Under TDCA's administration, the program became known as the Texas Community Development Program (TCDP).

1987 TCDP was transferred to the Texas Department of Commerce.

1991 Responsibility for TCDP transferred to the newly created Texas Department of Housing and Community Affairs.

2001 Responsibility for TCDP was transferred to the newly created Office of Rural and Community Affairs (ORCA).

2007 Name of the TCDP program changed to Texas Community Development Block Grant Program (TxCDBG).

2011 Responsibility for TxCDBG Program was transferred to TDA.

HUD requires a review of the program and analysis of needs every five years, resulting in the Consolidated Plan. TDA is currently collecting stakeholder feedback for this effort, in coordination with Texas Department of Housing and Community Affairs. TDA does not anticipate changes to the intent of any grant programs but has identified some application procedures and program designs that should be updated for the current environment.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Grant recipients must be units of general local government that are not participating in HUD's entitlement program. Generally, counties with non-metropolitan populations less than 200,000, and municipalities with populations less than 50,000 are the eligible "non-entitlement" applicants.

The CDBG Division serves Texans living in rural areas of the state, as follows:

- The division principally benefits the low-to-moderate income residents of 1,017 small cities and 245 rural counties with an estimated population of 6,322,753, of whom 2,499,429 qualify as low-to-moderate income.
- Of the 245 CDBG-eligible non-entitlement counties in Texas, 203 counties have a higher percentage of people in poverty than the national average.
- Of the 1,017 eligible non-entitlement cities in Texas, 623 cities have a higher percentage of people in poverty than the national average.
- Many eligible small cities served by the CDBG Division's programs have less than 3,000 in population, making up 73 percent of the program's participating small cities.
- 80 percent of the unincorporated populations within the 245 eligible counties are 15,000. These populations exclude the incorporated cities within each county.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other

illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The design and administration of the TxCDBG program is reported to and approved by HUD as part of the state's multi-agency HUD program planning efforts led by the Texas Department of Housing and Community Affairs. Public hearings are conducted to gather public input regarding the proposed plans. Once public input is obtained, the plan is submitted to HUD for approval.

- Every 5 years, the State produces a Consolidated Plan, outlining the needs of its residents and communities, and establishing broad goals for the use of CDBG funds.
- Each year, the State produces a One-Year Action Plan. The plan includes a description of how all the TxCDBG resources will be allocated among all funding categories, grant size limits that are to be applied, the selection process, and other pertinent information.

Once the Action Plan is submitted, TDA staff administers each application cycle by:

- Establishing an application deadline and publishing the application form and written guidelines;
- Conducting application workshops and other technical assistance;
- Accepting applications and reviewing them for basic completeness and eligibility;
- Scoring and ranking applications, identifying those projects within funding range;
- Conducting a more detailed review of applications within funding range to ensure compliance with program requirements, accurate and consistent information, and project feasibility, which may include an on-site visit;
- Creating a Funding Recommendation and, if approved by the Commissioner of Agriculture, a notice of award for grant funding.

Upon award, communities have one to three years to complete the project, depending on the fund category. The community must follow federal, state, and program requirements throughout the life of the project, including those for:

- Environmental review;
- Competitive procurement;
- Acquisition of real property;
- Labor standards;
- Civil rights and public participation;

- Financial management, including Single Audit requirements;
- Reporting and recordkeeping

Once the project has been reported complete, a final team of TDA staff conducts a compliance monitoring review of the overall project records and determines the grant contract to be “Administratively Complete.”

If some, or all funds, awarded are not actually expended by a project, those funds are de-obligated and made available for new awards under the annual Action Plan.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Federal Funding

Each federal fiscal year, HUD allocates an amount to the Texas non-entitlement program based on a formula calculation and the amount appropriated to the program by Congress.

HUD sets out certain parameters for use of the funds, some of which overlap:

- minimum 70 percent of funds used to benefit low- to moderate-income persons;
- minimum 10 percent of funds used to benefit colonia areas;
- maximum 15 percent of funds used for public service activities; and
- maximum 20 percent of funds used for planning and administration activities (maximum 3 percent + \$100,000 used for state administration, with the remainder by local government project administration).

The state legislature also establishes a few funding parameters through appropriation riders:

- 10 percent of funds used to benefit colonia areas, of which 34 percent is set aside for projects that coordinate with other agencies for first-time water or wastewater infrastructure (Rider 18)
- an additional 2.5 percent of funds used for the Colonia Self-Help Centers program, which is to be administered by TDHCA (Rider 18, not generally addressed in this self-evaluation)
- up to 0.38 percent of funds (19 percent of 2 percent of federal funds) used by Councils of Government for administration and technical assistance to local communities (Rider 14)

State Funding

In order to participate in the non-entitlement CDBG Program, the State provides matching funds for administration activities. For the 3 percent set-aside of federal funds, the State must match dollar for dollar the funds expended for general administration (budgeted at 2 percent); funds expended to provide technical assistance (budgeted at 1 percent) are not required to be matched.

**Texas Department of Agriculture
Exhibit 37: GR Match for Community Development Block Grants - Strategy A.2.1**

Fund Category	FFY 2019 Funds Available	Applications Accepted	Awards Funded
Community Development Fund		Odd-numbered years, by region	Annually
<i>Texas Capital Fund (TCF)</i>			
- TCF Infrastructure / Real Estate		Quarterly	As projects are ready to proceed
- TCF Main Street / Downtown Revitalization		Annually	Annually
<i>Colonia Fund</i>			
- Colonia Construction		Odd-numbered years	Annually
- Colonia Planning		Odd-numbered years	Annually
- Colonia Economically Distressed Areas Program		First-Come-First-Served	As projects are ready to proceed
Planning and Capacity Building Fund		Annually	Annually
Disaster Relief Fund		First-Come-First-Served	As projects are ready to proceed
Fire, Ambulance, and Service Truck (FAST) Fund		Annually	Annually, or as funds become available

Table 33 Exhibit 37 GR Match for Community Development Block Grants - Strategy A.2.1

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

**Texas Department of Agriculture
Exhibit 38: Community Block Development Grants (CDBG) - Similar Programs**

Agency / Program	Similarities	Differences
Texas Water Development Board (TWDB)		
<ul style="list-style-type: none"> Economically Distressed Areas Program (EDAP) State Water Implementation Fund for Texas (SWIFT) Clean Water State Revolving Loan Program (RLF) 	<ul style="list-style-type: none"> Provides funding for water and sewer infrastructure projects. 	<ul style="list-style-type: none"> Most TWDB funds are available through loans. Available to political subdivisions other than city and county governments.

<ul style="list-style-type: none"> • Drinking Water RLF • And other programs 		<ul style="list-style-type: none"> • Lower allowable cost per connection in some cases. (Total construction cost divided by total households to be served equals cost per connection). • Provide planning funds for water/sewer facility plan development (Engineering feasibility and cost study).
Texas Department of Housing and Community Affairs (TDHCA)		
<ul style="list-style-type: none"> • HOME Program • Texas Bootstrap Loan Program • First-time Home Buyers Program 	<ul style="list-style-type: none"> • Provide funds for housing rehabilitation 	<ul style="list-style-type: none"> • TDHCA provides direct lending, rehabilitation and other multi-family financing and technical assistance for both new and existing housing through local governments and non-profits.
Texas Historical Commission (THC)		
<ul style="list-style-type: none"> • Texas Preservation Trust Fund Grants • Texas Historic Courthouse Preservation Program 	<ul style="list-style-type: none"> • Provide grant funding for historic preservation planning and restoration. 	<ul style="list-style-type: none"> • THC grants can be used for preserving buildings of general government use such as county courthouses. TxCDBG funds can only be used to bring these buildings into compliance with the Americans with Disability Act (ADA)
U.S. Department of Homeland Security (DHS)		
<ul style="list-style-type: none"> • First Responder Grants Program • Disaster/Responder Grants Program <p>Federal Emergency Management Agency (FEMA)</p> <ul style="list-style-type: none"> • Hazards Mitigation Grants Program (HMGP) • U.S. Fire Administration Grants Program 	<ul style="list-style-type: none"> • Provide grant funding for emergency equipment. • Provide disaster relief grants. 	<ul style="list-style-type: none"> • DHS also provides grant funding for supporting fire fighter safety, training and salaries, and community education initiatives. • TxCDBG can provide matching funds to obtain FEMA/DPS dollars for public infrastructure repair or rehabilitation in non-entitlement rural communities as the funding of last resort.
U.S. Department of Agriculture’s Rural Development Program (USDA-RD)		

<ul style="list-style-type: none"> • Water and Environment Programs (WEP) • Rural Housing and Community Facilities Programs • Single and Multi-family Housing Programs • Rural Utilities Service Programs • Rural Business Programs <p>Natural Resource and Conservation Service (NRCS)</p> <ul style="list-style-type: none"> • Emergency Watershed Protection Program 	<ul style="list-style-type: none"> • USDA-RD Provides loans/grants for rural water and wastewater construction, housing rehabilitation, purchasing construction, and rural business loans. • Includes funds for colonia areas <ul style="list-style-type: none"> • NRCS provides disaster relief funding 	<ul style="list-style-type: none"> • USDA-RD funds communities under 10,000 in population. • Loan component to all projects except hook-up program. • Application process tends to be much longer. Engineering feasibility study and environmental review are required. • Total funds per fiscal year less than TxCDBG, but larger awards made. • Same as above - providing for mitigation for future flooding.
<p>U.S. Department of Commerce - Economic Development Administration (EDA)</p>		
	<ul style="list-style-type: none"> • Provide some funding to low-income communities, qualifying businesses 	<ul style="list-style-type: none"> • TxCDBG’s Texas Capital Fund targets non-entitlement communities only.
<p>U.S. Department of Treasury</p>		
<ul style="list-style-type: none"> • Community Development Financial Institutions Fund (CDFI) • Small Business Administration (SBA) 	<ul style="list-style-type: none"> • Provide some funding to low-income communities, qualifying businesses 	<ul style="list-style-type: none"> • TxCDBG’s Texas Capital Fund targets non-entitlement communities only.
<p>North American Development Bank (NADBank)</p>		
<ul style="list-style-type: none"> • Loan and Guarantee Program • Border Environment Infrastructure Funds 	<ul style="list-style-type: none"> • Provide loans/grants for water, wastewater, flood control, solid waste infrastructure planning and construction. 	<ul style="list-style-type: none"> • NADBank funds projects along the US-Mexico border. Awards tend to be in much greater amounts, but funding is generally provided as a loan.

Table 34 Exhibit 38 CDBG - Similar Programs

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Texas Water Infrastructure Coordinating Committee

TDA is a member of this voluntary group of funding agencies, regulators, and technical assistance providers, which also includes USDA-RD, TWDB, Public Utility Commission, Texas Commission on Environmental Quality, and US Environmental Protection Agency. The committee discusses funding programs and specific projects in order to coordinate and best serve Texas residents with water and wastewater services.

Disaster Relief

Since the state's non-entitlement program began, TxCDBG staff have coordinated with Division of Emergency Management staff to verify damage related to declared disaster events and determine estimate costs to replace damaged infrastructure.

Governor's Office Economic Development and Tourism Matrix Meeting

TDA has been invited to attend a periodic meeting hosted by the Office of the Governor Economic Development and Tourism Division for partner agencies to discuss prospective companies considering Texas for expansion. The meeting includes (but is not limited to) economic development representatives/contacts from the Comptroller of Public Accounts, Texas Department of Transportation, TCEQ, Texas Workforce Commission, Secretary of State, Office of the Lieutenant Governor, Office of Speaker of the House and TDA. The purpose of the meeting is to help identify state programs that may be applicable to the expanding business and/or community to assist the business in its decision process to possibly expand in Texas.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Local Governments

TxCDBG grantees/applicants are non-entitlement city and county governments.

Regional Councils of Governments

TxCDBG provides a percentage of its administrative funds to the 24 Regional Councils of Government for administrative duties related to the Community Development Fund and/or technical assistance to local communities, pursuant to Rider 14 of the current appropriation.

State Agencies – Agreements

Texas Department of Housing and Community Affairs – TDA and TDHCA have an interagency agreement outlining the responsibilities associated with TDHCA's administration of the Colonia Self-Help Center program, which is funded through TxCDBG funds, including the amount of administrative funds to be transferred to TDHCA.

Texas Water Development Board – TDA and TWDB have an interagency agreement outlining coordination efforts related to colonias and the Economically Distressed Areas Program.

State Agencies – Coordination

Texas Department of Housing and Community Affairs – lead agency for HUD Community Planning and Development programs annual reporting requirements, which also include TDA

Texas General Land Office – participant in HUD Community Planning and Development programs comprehensive (5 year) reporting requirements, which also include TDA.

Texas Water Development Board – member of Texas Water Infrastructure Coordinating Committee, along with TDA

Texas Public Utility Commission – member of Texas Water Infrastructure Coordinating Committee, along with TDA

Texas Commission on Environmental Quality – member of Texas Water Infrastructure Coordinating Committee, along with TDA

Texas Division on Emergency Management (TDEM), Texas A&M University – coordinate with TDA on specific projects applying for or receiving TxCDBG Disaster Relief funds

Federal Funding Agency –

US Department of Housing and Urban Development (HUD) - provides all funding for the TxCDBG program, except the administrative match funds appropriated by the Texas Legislature.

Federal Agencies -

US Department of Agriculture – member of Texas Water Infrastructure Coordinating Committee, along with TDA

US Environmental Protection Agency – member of Texas Water Infrastructure Coordinating Committee, along with TDA

North American Development Bank – member of Texas Water Infrastructure Coordinating Committee, along with TDA

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and

- **a short description of any current contracting problems.**

No contract expenditures are made through the CDBG program.

L. Provide information on any grants awarded by the program.

Eligible Applicants: Non-entitlement cities and counties whose populations are less than 50,000 and 200,000 respectively, and that are not designated as eligible for the entitlement portion of the federal Community Development Block Grant Program (CDBG).

Community Development Fund. The Community Development Fund is the largest fund category in the TxCDBG Program. This fund is available through a competition in each of the 24 state planning regions. Although most funds are used for Public Facilities (water/wastewater infrastructure, street and drainage improvements and housing activities), there are numerous other activities for which these funds may be used.

Application Deadline: February 2021

Max Award: \$275,000 - \$800,000 (varies by region)

Texas Capital Fund. Supports rural business development, retention, and expansion.

Infrastructure / Real Estate Development Programs. Provides grants or zero-interest loans for infrastructure and building improvements to create or retain permanent jobs.

- Applications due February, May, August & November 2019
- Max Award: \$1,000,000

Main Street / Downtown Revitalization Programs. Provides grant funds for public infrastructure to eliminate deteriorated conditions and foster economic development in historic main street areas and rural downtown areas.

- Application Deadline: October 2019
- Max Award: \$350,000

Fire, Ambulance, and Service Truck (FAST) Fund. Provides funds for eligible vehicles to provide emergency response and special services to LMI rural communities.

Application Deadline: June 2019

Max Award: \$500,000

Planning and Capacity Building Fund. An annual competitive grant program for local public facility and housing planning activities. Localities apply for financial assistance to prepare a “comprehensive plan” or any of its components.

Application Deadline: March 2019

Max Award: \$55,000

Disaster Relief Fund. The Disaster Relief Fund addresses emergency situations that have received an official state or federal disaster declaration. Funds can be used to restore infrastructure damaged by natural disasters to pre-disaster condition in design, function, and capacity. In a drought situation, the DR fund may also be used to install new facilities that resolve a primary drinking water supply shortage.

Application Deadline: 1 Year from Event
Max Award: \$350,000

Colonia Funds. Funds available to eligible county applicants for projects in severely distressed unincorporated areas. The term “colonia” generally means an identifiable unincorporated community that is within 150 miles of the border between the United States and Mexico.

Colonia Planning Fund. Assistance for the completion of planning activities to prepare colonia areas for water, sewer and housing improvements.

- Application Deadline: August 2019
- Max Award: \$100,000

Colonia Construction Fund. Assistance to fund water and wastewater improvements, housing rehabilitation, and other improvements in colonia areas.

- Application Deadline: August 2019
- Max Award: \$500,000

Colonia Economically Distressed Areas Program. Assistance to colonia areas to connect to a water and sewer system project funded by other state and federal funds.

- Application Deadline: As Needed
- Max Award: \$1,000,000

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

Traditional Regional Review Committee (RRC) competitive structure

Since the beginning of the state’s administration of the non-entitlement CDBG program, the Community Development Fund has used 24 separate regional competitive processes to select grant awards.

The RRC model was originally structured so each Council of Government’s (COG) staff would coordinate public hearings, collect scoring decisions from members, and tally the RRC scores. However, HUD guidance for objective scoring criteria and reduced participation by COGs have combined to concentrate the administrative responsibilities with TDA.

The efforts involved in coordinating the 24 separate RRCs is significant. While there is a great deal of overlap in the goals of each RRC, the specific criteria used are not consistent and each region must be scored and calculated separately. A unified scoring system would significantly reduce the time required for basic scoring functions, allowing communities to know their rank much sooner and staff to focus their efforts on technical assistance and other tasks needed to complete the funding process.

The Regional Review Committee is adopted in the Texas Administrative Code but is not required by either HUD or Texas statute. TDA is currently consulting with stakeholders as part of the 5-year Comprehensive Plan regarding the design of a unified scoring system that still allows for regional project priorities. For more information see Appendix B.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The primary objective of the Community Development Block Grant program is to develop viable communities by providing decent housing and suitable living environments, and expanding economic opportunities principally for persons of low- to moderate-income.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

CDBG is not a regulatory licensure program.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

CDBG is not a regulatory program. However, any complaints received are reviewed and investigated by program staff.

A. Provide the following information at the beginning of each program description.

Name of Program or Function:	Trade and Business Development Programs State Office of Rural Health (SORH)
Location/Division:	Austin, TX – Trade and Business Development

Contact Name:	Karen Reichek, Administrator for Trade and Business Development Division
Statutory Citation for Program:	Tex. Government Code, Ch. 487, Sec. 487.051

B. What is the objective of this program or function? Describe the major activities performed under this program.

Objective

The objective of the agency's State Office of Rural Health (SORH) is to sustain and improve equitable access to high-quality health care services and to eliminate health care disparities in rural Texas by strengthening and empowering rural health infrastructure and systems.

Major Activities

All major activities of the SORH serve principally rural and underserved communities and populations and focus on expanding local access to health care by strengthening rural health infrastructure and systems throughout rural Texas. This is achieved primarily through the following major activities:

- grants;
- facilitation and coordination of rural health activities throughout the state; and
- facilitation of partnerships and collaborative efforts of rural health stakeholders and health care facilities.

As designated by the U.S. Health Resources and Services Administration (HRSA), TDA serves as the SORH. Under the agency's SORH designation it administers programs to support rural health care and serves as the portal for multiple federal grant programs to the State.

Rural and underserved communities in Texas participate in each SORH program per eligibility criteria and program rules. The qualification and eligibility requirements for each program are provided in the response to Question E, below. The major rural health programs and their objectives are provided below:

- *State Office of Rural Health (SORH) Grant Program:* Funded through a grant from the HRSA, the SORH grant funding creates and funds the State Office of Rural Health and requires a 3-to-1 match from the State of Texas. While the federal dollars of the program exclusively cover administration (costs associated with creating and operating the SORH), the state matching dollars are utilized to identify and address issues that affect the health of rural communities, including hospitals and health care providers. This is accomplished by providing technical assistance, training opportunities, and timely and relevant information to rural health stakeholders.
- *Medicare Rural Hospital Flexibility Program (Flex):* HRSA funded, the Flex program encourages the development of cooperative systems of care in rural areas by joining together Critical Access Hospitals (CAH), EMS providers, clinics, and health practitioners to increase efficiencies and quality of care. The Flex Program requires

the state to develop rural health plans and funds their efforts to implement community-level outreach and technical assistance to advance the following goals:

- Improve quality of care and performance management;
 - Improve and integrate EMS;
 - Support health system development and community engagement;
 - Develop and implement rural health networks;
 - Support existing CAHs and eligible hospitals; and
 - Designate CAHs.
- *Small Rural Hospital Improvement Program (SHIP):* HRSA funded, the SHIP program provides funding in the form of non-competitive grants to small rural hospitals that can be applied to the following:
 - costs related to implementation of prospective payment systems (such as updating chargemasters or providing training in billing and coding); and
 - costs related to delivery system changes as outlined in the Patient Protection and Affordable Care Act (PPACA) such as value-based purchasing (VBP), accountable care organizations (ACO) and payment bundling.
 - *Rural Communities Opioid Response Program (RCORP):* HRSA funded, this one year funding stream (Sept 2018 – Sept 2019) is a planning grant that has brought together SORH, Dell Medical School of The University of Texas at Austin, and two rural Critical Access Hospitals (CHI St. Joseph Burleson and CHI St. Joseph Madison) in a consortium to address the needs of the populations with regard to opioid and substance use in the service areas of each county.
 - *Rural Health Facility Capital Improvement Program (CIP):* Funded through dedicated state funding, the CIP program provides competitive grants to hospitals in rural counties to make capital improvements to existing health facilities, construct new health facilities, or purchase capital equipment.
 - *Rural Communities Health Care Investment Program (RCHIP):* Funded through dedicated state funding, the RCHIP program assists rural communities in attracting and retaining health care professionals in rural communities by providing incentives such as stipends to non-physician health care professionals who agree to practice in rural medically underserved areas.
 - *Outstanding Rural Scholar Recognition Program (ORSRP):* Funded with state funding only until 2011, the ORSRP is now defunct. While active, the program assisted rural health care facilities in recruiting physicians by providing tuition reimbursement to an individual who committed to return to the community to practice for a set time period of service. This was performed through a partnership between the facility and SORH. Funding has since been eliminated by the State Legislature. Final service commitments are currently being monitored by SORH.

- *St. David’s Foundation Loan Repayment Program:* Funded entirely through the St. David’s Foundation, assists eligible health care facilities in the Foundation’s central Texas service area in attracting and retaining health care professionals by providing loan repayment assistance to those who agree to practice at the facility.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Exhibit 39: SORH Program Performance Measures**

Program	Performance Measures
Medicare Rural Hospital Flexibility Program (Flex)	FY18 Number Affected: <ul style="list-style-type: none"> • 13 hospitals received on-site in-depth financial and operational technical assistance • Approx. 70 hospitals receive ongoing quality improvement technical assistance
Small Rural Hospital Improvement Program (SHIP)	FY18 Number Affected: <ul style="list-style-type: none"> • 105 grant awards
Rural Health Facility Capital Improvement Program (CIP)	FY18 Number Affected: <ul style="list-style-type: none"> • 24 grant awards
Rural Communities Healthcare Investment Program (RCHIP)	FY 18 Number Affected: 33 awards
Rural Communities Opioid Response Program (RCORP)	FY 19 Number Affected: <ul style="list-style-type: none"> • Two CAHs and the communities they serve (Program did not exist in FY 18)
St. David’s Foundation Loan Repayment Program	FY18 Number Affected: Program started in 2018

Table 35 Exhibit 39 SORH- Performance Measures

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

1989 Center for Rural Health Initiatives created by the Omnibus Health Care Rescue Act (HB 18, 71st Legislative session)

1991 Outstanding Rural Scholar Recognition (ORSRP) Program transferred from Higher Education Coordinating Board. Program was codified as Health and Safety Code, Subchapter C, Chapter 106.

1999 House Bill 1676 established the Permanent Fund for Rural Health Facility Capital Improvement Program (CIP).

Texas Medicare Rural Hospital Flexibility Program developed as part of the Balanced Budget Act of 1997 (Public Law 105-33).

State Offices of Rural Health (SORH) grant program established in Texas. The federally funded program is authorized by Section 338J of the Public Health Service Act, 42 U.S.C. 254r.

2001 The Center for Rural Health Initiatives (which housed the State Office of Rural Health) became a part of the Office of Rural Community Affairs (ORCA), in accordance with House Bill 7 of the 77th Legislature. All programs transferred to ORCA.
 -Rural Communities Health Care Investment Program (RCHIP) established by Senate Bill 126.

2002 Small Rural Hospital Improvement Program (SHIP) Created by 1820 (g)(3) of the Social Security Act and the Department of Labor, HHS, Education and Related Agencies Appropriations Act of 2002.

2009 During the 81st Legislative Regular Session, House Bill 1918 changed the name of ORCA to the Texas Department of Rural Affairs (TDRA).

2011 Senate Bill 1080, 82nd Legislative Regular Session, abolished the TDRA and merged its programs, including all SORH programs, to the Office of Rural Affairs within the Texas Department of Agriculture.

2018 TDA enters into an agreement to administer the St David’s Foundation Loan Repayment Program transferred from the Texas Higher Education Coordinating Board.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The programs administered by the SORH address varying needs and therefore have differing eligibility requirements.

Below is a table that contains each the eligibility requirements of each SORH program:

**Texas Department of Agriculture
 Exhibit 40: State Office of Rural Health (SORH) – Qualifications and Eligibility
 Requirements**

Program	Eligibility Requirements
---------	--------------------------

Medicare Rural Hospital Flexibility Program (Flex)	<p>Eligible Applicants: Critical Access Hospitals</p> <p>To participate in the Flex program, a hospital must have obtained the Critical Access Hospital (CAH) designation. By definition, a CAH is a limited-service hospital with 25 beds or less, located outside of Metropolitan Statistical Area (MSA), and be 35 miles or more from another hospital.</p>
Small Rural Hospital Improvement Program (SHIP)	<p>Eligible Applicants: Rural hospitals</p> <p>To participate in the SHIP program, a hospital must have 49 beds or less and be located outside of an MSA (or located within a rural census tract of an MSA).</p>
Rural Health Facility Capital Improvement Program (CIP)	<p>Eligible Applicants: Rural hospitals</p> <p>To participate in the CIP program, a hospital must be a public and non-profit facility located in a county of 150,000 or less (or if in a county of 150,000 or more, located in a geographic area of that county not delineated as urbanized).</p>
Rural Communities Healthcare Investment Program (RCHIP)	<p>Eligible Applicants: All rural health care facilities</p> <p>To participate in the RCHIP program, a health care facility must be in a Health Professional Shortage Area (HPSA) or a Medically Underserved Area (MUA) and in a county of 50,000 or less.</p>
Rural Communities Opioid Response Program (RCORP)	<p>Eligible Applicants: Two CAHs and the communities they serve (Program did not exist in FY 18)</p>
St. David's Foundation Loan Repayment Program	<p>Eligible Applicants: Health care Providers</p> <p>To participate in this loan repayment program, a health care provider must have a current, unrestricted license or certification in the area of their practice and agree to work in an eligible facility within the St David's Foundation five-county service area. Eligible facilities are either non-profit or government/public health that have a primary focus on serving underserved populations.</p>

Table 36 Exhibit 40 SORH – Qualifications and Eligibility Requirements

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The SORH grant programs (CIP, RCHIP, SHIP) are administered in the following manner:

- Prepare, publish, and announce availability of the program's application and application guide.
- Application deadline.

- Review applications for eligibility and completeness.
- Score and rank applications (this does not apply to the SHIP program as it is not competitive).
- Generate a funding recommendation and obtain internal approval to make grant awards.
- Announce awards and prepare/execute grant contracts.
- Contract/award files are prepared, and projects are implemented/monitored by the grant’s manager.
- Contracts amended and modified as necessary while providing program technical assistance as requested.
- Project Completion Reports (PCR) are received with appropriate documentation and verified.
- Final grant payments are made upon receipt and verification of PCRs and close-out of the contract.

Other SORH Programs (SORH, Flex) are administered in the following manner:

- SORH (in collaboration with TDA’s Purchasing Division) prepares, publishes, and announces the availability of RFPs developed to implement activities identified within a program’s work plan submitted to and approved by HRSA for funding.
- RFP deadline and SORH staff evaluates all submitted proposals and makes selection recommendation(s).
- Purchasing awards contract(s) and General Counsel Division develops contract which is approved internally before being fully executed with the selected vendor.
- Contract files are prepared, and projects are implemented/monitored by the program’s coordinator.
- Invoices are received, and paid, based upon agreed timelines and vendor meeting specified benchmarks, milestones, etc.
- Final contract payments are made upon receipt of final deliverable and close-out of the contract.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

**Texas Department of Agriculture
Exhibit 41: State Office of Rural Health (SORH) – Funding Source**

Program (PY18)	Source	Funding Amount/Allocation
State Office of Rural Health Grant	Federal (HRSA) and State GR	Federal: \$179,871 State GR: \$271,993
Medicare Rural Hospital Flexibility Program (Flex)	Federal (HRSA)	\$723,664
Small Rural Hospital Improvement Program (SHIP)	Federal (HRSA)	\$945,000

Rural Health Facility Capital Improvement Program (CIP)	State GR Dedicated	\$2,303,549
Rural Communities Healthcare Investment Program (RCHIP)	State GR Dedicated	\$154,000
St. David’s Foundation Loan Repayment Program	St. David’s Foundation	To be determined by the Foundation based on applications

Table 37 Exhibit 41 SORH Funding Source

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

**Texas Department of Agriculture
Exhibit 42: State Office of Rural Health (SORH) – Similar Programs**

Program	Similar Program	Differences or Similarities
Rural Health Facility Capital Improvement Program (CIP)	Community Hospital Capital Improvement Fund Program (DSHS)	<ul style="list-style-type: none"> Both agencies coordinate capital improvement funds. TDA’s CIP awards to rural hospital while DSHS’ program awards to urban hospitals. The rural hospital must be in a county with a population of 150,000 or less, or, if county population is more than 150,000, the hospital must be located in a geographic area of the county that is not delineated as urbanized by the federal census bureau.

Table 38 Exhibit 42 SORH Similar Programs

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The agencies avoid duplication of services between CIP and the Community Hospital Capital Improvement Fund Program because SORH serves smaller counties while DSHS works serves larger counties. The rural hospital must be in a county with a population of 150,000 or less, or, if county population is more than 150,000, the hospital must be located in a geographic area of the county that is not designated as urbanized by the federal census bureau.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Local

SORH works with local community health systems and health care facilities to provide training support and grant assistance. Rural hospital districts are eligible to apply for agency grants and participate in programs and services.

Universities

The agency works with institutions of higher education, including Texas A&M University and the University of Texas at Austin, to accomplish certain objectives specified in the Flex and RCORP Programs.

Federal

The U.S. Department of Health and Human Services, the Health Resources Services Administration, and the Federal Office of Rural Health Policy serve primary funding sources for SORH and promote State and local empowerment to meet rural health needs in several ways. The federal agencies also support SORH and facilitate a working relationship to improve rural health.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

**Texas Department of Agriculture
Exhibit 43: State Office of Rural Health (SORH) – Program Expenditures**

Contract	Summary	Contractor	Contract Amount	Procurement Method	Accountability:	Contracting Problems
Flex Program – Quality Improvement	Work to provide technical assistance to Texas Critical Access Hospitals on quality reporting.	Texas Hospital Association Foundation	\$332,500	RFP	SORH staff ensures that the scope of work is implemented and delivered.	None
Flex Program – Financial and Operational Improvement	Work to provide technical assistance to Texas Critical Access Hospitals	Texas Organization of Rural and Community Hospitals	\$250,000	RFP	SORH staff ensures that the scope of work is implemented and delivered.	None

	on finance and operations.					
SORH Program Planning and Needs Analysis	Conduct research and report on significant issues and barriers regarding the health care landscape in rural Texas.	Health Management Associates	\$166,336	RFP	SORH staff ensures that the scope of work is implemented and delivered.	None

Table 39 Exhibit 42 SORH Program Expenditures

L. Provide information on any grants awarded by the program.

Small Rural Hospital Improvement Program (SHIP)

SHIP is a non-competitive, annual grant program that provides funding of approximately \$10,000 to an eligible hospital that can be applied to the costs related to implementation of prospective payment systems (such as updating chargemasters or providing training in billing and coding); and/or the costs related to delivery system changes as outlined in the Patient Protection and Affordable Care Act (PPACA) such as value-based purchasing (VBP), accountable care organizations (ACO) and payment bundling.

Rural Health Facility Capital Improvement Program (CIP)

CIP is a competitive, annual grant program that provides funding of up to \$75,000 (25% match required) to an eligible hospital to make capital improvements to existing health facilities, construct new health facilities, or purchase capital equipment.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

The State Office of Rural Health (SORH)

SORH is designed to be a focal point for rural health care in the state and a resource to all rural health care facilities and providers, including rural health clinics which number over 300 within the state. These clinics provide most of the primary care within Texas’ rural areas and are often the only source of medical care within a community. Due to the eligibility requirements of many of SORH’s programs, rural health clinics do not have access to resources needed to be sustainable and thrive in the communities that they serve. More advanced medical facilities tend to locate in urban areas, requiring rural customers to travel extended distances to those urban areas for care and leaving the rural facilities to serve a segment of the population that is unable to travel the required distances.

Recommendation: Provide additional funding for technical assistance to rural health clinics and enable partnerships to provide advanced medical care while supporting the delivery of medical care to more immobile rural customers.

Outstanding Rural Scholar Recognition Program (ORSRP)

The ORSRP program is no longer administered due to the lack of appropriations; however, due to a number of participants that defaulted on the forgivable loans that were provided to them, repayments have been made and a balance exists of approximately \$500,000 in the program's account. SORH is unable to award these funds for additional ORSRP awards (inadequate amount) and cannot utilize them for another purpose due to statute.

Recommendation: Provide TDA the ability to utilize ORSRP repayment funds in the same manner as SORH GR funding.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Texas SORH serves as a coordination, facilitation and grant issuing entity for federal and state programs related to health care in rural areas. In addition to funding opportunities, SORH serves as a data clearinghouse for rural health information and provides technical assistance to rural communities. The location of the SORH within TDA has been beneficial due to SORH's ability to partner with other TDA programs, such as CDBG, to benefit rural health care facilities and providers to enable opportunities such as construction of clinics and the purchase of ambulances.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

SORH is not a regulatory licensing program, this section does not apply.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

SORH is not a regulatory program. However, any complaints received are reviewed and investigated by program staff.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Agriculture and Consumer Protection Programs Aquaculture Program
Contact Name	Larry Mitchell; Handling of Marketing Perishable Communities (HMPC) and Aquaculture Coordinator
Location/Division	Austin, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 6, Subtitle A. Ch. 134

B. What is the objective of this program or function? Describe the major activities performed under this program.

Licensing of aquaculture facilities is necessary to ensure the state has on record the location of aquaculture facilities. TDA establishes record keeping requirements, reviews applications and issues licenses to aquaculture facilities or fish farm vehicles. Although TDA does not perform inspections of aquaculture facilities or fish farm vehicles, TDA works in cooperation with TCEQ and the TPWD for the regulation of matters related to aquaculture.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

There were 180 license holders as of July 11, 2019.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Licensees must submit an application to TDA, renew their permit every two years, possess a wastewater discharge permit or related permit from TCEQ, and hold an exotic species permit from TPWD, if required.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

- TDA licensing staff receive applications and enter them into BRIDGE.
- TDA program staff review the application for completeness and errors and verify with TCEQ and TPWD.
- Upon approval, a license is issued and biennial renewal notices are made.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Aquaculture Program operates as a full cost recovery basis with licensing fees.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Aquaculture is regulated by three state agencies: TDA, TCEQ, and TPWD, all of which have a different scope and purpose in the regulation of aquaculture facilities and fish farm vehicles. All three agencies work cooperatively in the regulation of aquaculture. TDA's sole responsibility is to license aquaculture facilities and fish farm vehicles. TCEQ is responsible for ensuring environmental standards are upheld by reviewing applications for aquaculture licenses and issuing permits to aquaculture facilities that discharge wastewater and effluent into waterways. TPWD is responsible for protecting the state's fish and wildlife resources by regulating the taking, possession, and conservation of aquatic species.

In addition, TDA works cooperatively with USDA-APHIS by providing facility location data in the event of a disease outbreak which may impact animal health as well as trade restricting quarantines.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Tex. Agric. Code, Sec. 134.031. requires a memorandum of understanding between TDA, TCEQ and TPWD.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TDA works with other state agencies to ensure that aquaculture is protected in a collaborative manner. TDA also works with federal agencies to respond to potential animal health issues.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;

- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracts related to this program.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

No.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Aquaculture plays an important role in the Texas agriculture economy. The program works to preserve and protect the industry.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Licensing of aquaculture facilities is necessary to ensure the state has a location and record of aquaculture facilities. This enables other cooperating agencies to determine where to focus their regulatory efforts.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

TDA does not conduct inspections of licensed facilities. Complaints are referred to and handled by TPWD.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Agriculture and Consumer Protection Programs Grain Warehouse Program
Contact Name	Larry Mitchell; HMPC and Aquaculture Coordinator
Location/Division	Austin, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 2, Ch. 14

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Grain Warehouse Program protects the interests of grain depositors through licensing and inspection of grain warehouses to verify the existence of grain deposits. All grain warehouses in the State of Texas that receive grain from others for storage or handling for hire must be either licensed by the State of Texas or covered by a license issued under the United States Warehouse Act. All grain warehouses licensed by the State of Texas are mandated by Texas law to be bonded based on their rated storage capacity.

Each warehouse must be insured for loss of grain stocks for its full market value and must provide proof of insurance to the department. These warehouses are inspected, and accounting records are audited by TDA grain warehouse inspectors at least once annually. The department is also authorized to make additional inspections as considered necessary or upon request by the warehouse operator.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Grain Warehouse Program
Exhibit 43: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of all grain warehouse inspections, re-inspections, and audits conducted.	02.01.02.03	Cumulative	250	217	86.80%
Number of grain warehouse licenses/permits/registrations issued.	02.01.02.04	Cumulative	135	124	91.85
Average cost per grain warehouse inspection.	02.01.02	Non-cumulative	\$1,600.00	\$1,057.88	66.06%

[Table 39 Exhibit 43 Program Statistics and Performance Measures](#)

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

1969 The Texas Legislature passed the Texas Grain Warehouse Act and charged the TDA with the regulation of grain storage facilities to ensure producers are protected when placing grain in storage facilities. TDA was authorized to license grain warehouse operators and to conduct inspections to determine if storage facility operators are accurately tracking stored grain.

2010 The Texas Agriculture Commissioner appointed a grain warehouse taskforce, including stakeholders from all grain production, storage and financial sectors, to provide input and recommendations to TDA related to grain warehouse regulation. This action was advanced due to the failure or bankruptcy of at least five grain warehouses the previous year. The taskforce submitted a final report in the fall of 2010 which was utilized by the Texas Legislature to enact statutory improvements to the regulation of Texas grain warehouses. The report may be found at:

<https://www.texasagriculture.gov/Portals/0/Publications/REG/Grain/Final%20Report%20of%20Grain%20Warehouse%20Task%20Force.pdf>

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Each warehouse must:

- Meet minimum net worth requirements based in large part upon their storage capacity and provide an annual financial statement, audited or reviewed by a CPA:
- Be insured for loss of grain stocks for its full market value and must provide proof of insurance to the department:
- Be bonded for an amount determined by their storage capacity as well as any deficiencies in net worth requirements:
- Pay their licensing and inspections fees.

All grain warehouses are inspected, and accounting records audited by TDA grain warehouse inspectors at least once annually. The department is also authorized to make additional inspections as considered necessary or upon request by the warehouse operator.

As of July 11, 2019, there were 206 facilities in 119 Grain Warehouse Single and Combination Licensees with a total capacity of over 132 million bushels.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Licensing

- TDA licensing staff receive applications and enter them into BRIDGE.
- TDA program staff review the application for completeness and errors.
- A new facility inspection and financial statement audit are conducted.
- Upon approval, a license is issued.

Annual TDA Grain Warehouse Program Licensing Renewal

- An inspection is required for all TDA licensed grain warehouses during each fiscal year (FY).
- Additional inspections may be performed throughout the year for cause or in response to a complaint.
- An audit is required of all grain warehouses licensed by TDA annually who fall within the higher risk categories of the program's risk-based ranking protocol.
- Upon approval, a renewal license is issued.

TDA Grain Warehouse Program Enforcement Procedures

- When an inspector reports a non-compliant incident, the narrative inspection report is reviewed by the program coordinator.
- If necessary, the matter is reviewed to General Counsel Enforcement for further review and possible action.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Grain Warehouse program operates as a full cost recovery initiative with licensing and inspection fees.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

TDA's Grain Warehouse Program is similar to the United States Grain Warehouse Act, administered by USDA. Warehouses licensed under the United States Warehouse Act are not subject to licensure under the Texas Grain Warehouse Act. The key differences are that Texas statute allows warehouse operators to use additional bonding to cover shortfalls in net worth requirements, but USDA does not, and USDA licensing and inspection fees are less expensive than TDA's.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Grain warehouses choose licensing to best fit the needs of their business. Because the programs are similar, TDA cannot coordinate to avoid duplication with the United States Warehouse Act based on the authority it has under the program.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Federal and state inspections may occur at licensed warehouses that have a Uniformed Grain and Rice Storage Agreement (UGRSA).

On occasion, TDA works with local district attorneys and law enforcement, as well as federal law enforcement to provide information supporting the criminal prosecution related to fraud in grain warehouses.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no barriers or challenges impeding program performance.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Grain warehouse failures can financially damage an agricultural community, potentially causing business closings and bankruptcies. Early detection of inadequate reserves of grain to protect deposits greatly enhances the potential for a depositor to recover all, or part, of the value of a grain deposit. Annual statutory inspection requirements help to ensure that obligations to depositors are documented and settled under regular accounting practices. The inspection also ensures the integrity of a negotiable warehouse receipts and the standards set by law.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Grain warehouse regulation protects the interests of Texas grain depositors. TDA is authorized to subpoena and apply for injunctive relief to collect on bond proceeds if a warehouse operator fails to uphold the provisions of the Public Grain Warehouse Law. There are penalties for operating without a license, grain fraud, unlawful delivery, fraudulently issuing a scale weight ticket or receipt or changing a receipt or scale ticket after issuance, depositing grain without title and stealing grain or receiving stolen grain.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Exhibit 44: Information on Complaints Against Regulated Persons or Entities

Grain Warehouse Program	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	NA	NA
Total number of regulated entities	136	132
Total number of entities inspected	226	217
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	22	7

Table 40 Exhibit 44 Information on Complaints Against Persons or Entities

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Agriculture and Consumer Protection Programs Handling and Marketing of Perishable Commodities
Contact Name	Larry Mitchell, HMPC and Aquaculture Coordinator
Location/Division	Austin, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 5, Subtitle D, Ch. 101

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Handling and Marketing of Perishable Commodities (HMPC) Program requires a person who buys Texas grown perishable commodities on credit for resale to be licensed. These

licensees, in addition to paying an annual license fee, also pay an annual fee to the Produce Recovery Fund.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Performance measures do not exist for the HMPC program. However, since FY 2017, the HMPC Program has paid approximately \$275,000 from the Produce Recovery Fund to producers and other dealers where purchasers/contractors have failed to pay or were unable to pay.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

2009 Cash dealer requirements for licensing were eliminated.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

The HMPC Program requires a person who buys Texas-grown perishable commodities on credit for resale to be licensed. These licensees, in addition to paying an annual license fee to TDA, also pay an annual fee to the Produce Recovery Fund. There were 293 license holders as of July 11, 2019.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Licensing

- TDA licensing staff receive applications and enter them into BRIDGE.
- TDA program staff review the application for completeness and errors.
- Upon approval, a license is issued.

Produce Recovery Fund Claims Procedures

- Claims may be filed by producers or anyone not paid by a buyer of Perishable Commodities after filing a fee and completing a form.
- HMPC Coordinator reviews the claim which is assigned to a TDA inspector.
- TDA inspector prepares a report of all findings.

- If the claim has not been settled, a hearing is held by the General Counsel Division.
- Following a hearing, the Hearings Officer will make a Proposal for Decision (PFD).
- If a claim is to be paid from the Fund, it will be processed within TDA.
- If a Respondent is an HMPC license holder and does not reimburse the HMPC Fund or sign a Reimbursement Letter with the Repayment Schedule within 90 days, TDA will begin revocation or suspension of the HMPC license.
- If no payment has been made at that point the claim may be sent to the Texas Attorney General's Office for collection.
- All appeals are heard by the Produce Recovery Fund Board.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The HMPC program operates as a full cost recovery initiative with licensing fees. The Produce Recovery Fund is financed by additional fees on each license holder as well as collections from claim respondents who are required to repay the fund for payments made to the claimants.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Perishable Agricultural Commodities Act (PACA), administered by the USDA Agricultural Marketing Service (AMS), fosters trading practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce. It prohibits unfair and fraudulent practices and provides a means of enforcing contracts. Under the PACA, anyone buying or selling commercial quantities of fruit and vegetables must be licensed by USDA. Texas produce is included under this Act.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

There are occasional instances when a claimant will file an HMPC claim with TDA and will also file a PACA claim with AMS. To avoid duplication of claims, TDA waits for the outcome of USDA AMS PACA claims prior to action on any filed HMPC claims.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

HMPC does not work with other units of government to administer this program.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contract expenditures for this program.

- L. Provide information on any grants awarded by the program.**

The HMPC program makes no grants.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

There are no barriers or challenges to the program's performance.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

This trust fund, administered by TDA, provides for the payment of claims to producers and other dealers who sell perishable commodities on credit a way of recovery in situations where the commercial purchaser/contractor refuses or is unable to pay. TDA processes claims and holds hearings to determine whether the claims merit payment from the Produce Recovery Fund.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.

The HMPC program protects Texas producers of perishable commodities from nonpayment of dealers, shippers and retail buying agents to whom they sell their Texas perishable commodities. A five-member, commissioner-appointed Produce Recovery Fund Board is authorized to conduct hearings on complaints to the HMPC program and make final disposition on disputed claims on the Producer Recovery Fund.

In the event a Respondent fails to pay, TDA seeks collection efforts against the Respondent by making a referral to the OAG. Failure to make payments may result in revocation of an HMPC license.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Exhibit 45: Information on Complaints Against Regulated Persons or Entities

Handling and Marketing of Perishable Commodities	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	NA	NA
Total number of regulated entities	305	300
Total number of entities inspected	3	8
Total number of complaints received from the public	8	9
Total number of complaints initiated investigated by agency	3	6
Number of complaints pending from prior years	4	7
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit (dismissed)	1	1
Number of complaints resolved or withdrawn	0	2
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
Reprimand	N/A	N/A
Probation	N/A	N/A
suspension	N/A	N/A
Revocation	N/A	N/A
Other	N/A	N/A

Table 41 Exhibit 45 Information on Complaints Against Persons or Entities

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Agriculture and Consumer Protection Programs Organic Certification Program
Contact Name	Mary Ellen Holliman, Coordinator for Organic Certification
Location/Division	Austin, Texas

Statutory Citation for Program:	Tex. Agric. Code, Title 2, Ch. 18
--	-----------------------------------

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Organic Certification Program certifies producers, processors, distributors and retailers that produce or handle organic food and fiber in Texas. TDA has been granted accreditation as an organic certifying agent through USDA's National Organic Program (NOP). The program's purposes are to develop Texas' agricultural economy and to provide consumers with the most abundant and diverse food and fiber supply possible. The program helps Texas farmers diversify their operations and capture a larger share of a growing premium market, guarantees the authenticity of organic food and fiber to consumers who pay that premium price, and helps retailers respond to increasing public demand.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Exhibit 46: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of compliance inspections for organic or other crop certification	02.02.01.08	Cumulative	235	203	86.38%

Table 42 Exhibit 46 Program Statistics and Performance Measures

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In 2011 and again, in 2014, TDA conducted evaluations of the Organic Certification Program and determined that fee increases were necessary to comply with changes made to the Organic Certification Program by the 82nd Texas Legislature requiring full cost recovery. The 2014 proposed rule changes and fee increase included a stipulation which would discontinue the program if Organic Program participants were not in favor of a fee increase. The department did not receive comments against the proposal, and the fee changes were adopted.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

To be certified, an operation must comply with all applicable organic production and handling regulations located in 7 CFR Part 205.

Agricultural producers who decide to produce organically grown crops and livestock also voluntarily submit to the requirements of the USDA NOP and must comply with all the applicable requirements therein in order to be able to label and sell their products as “Certified Organic”.

Exhibit 47: Organics Program – Qualifications and Eligibility Requirement

Certification Scope	Count of operations in Certification Status	Count of operations in Application Status
Crop Production	100	9
Livestock Production	8	1
Handling	97	14
Count Totals	205	24

Table 43 Exhibit 47 Qualifications and Eligibility Requirements

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Applications are received and reviewed by organic certification specialists. Following review, the application is sent to regional staff to be assigned for an initial inspection. Once the inspection is complete, the inspection report is sent to a second organic certification specialist. Upon final approval of the report and all completed documentation, a certificate is issued, or a notice of non-compliance is issued. Program staff work with applicants to complete the application process and address any areas of non-compliance.

Organic certification are valid for one year from the date of issuance. In order to update renewal, a recertification inspection must be completed by regional inspection staff.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Organic Program is a cost recovery program funded through program fees (General Revenue State Item Appropriation, B.2.1.3 Strategy: \$816,726 Organic Certification).

The TDA Organic Certification Program previously administered a pass-through cooperative agreement between USDA-Agricultural Marketing Service and the TDA Organic Certification Program. The administration of this cooperative agreement was reassigned to the Grants Program in order to obtain a more standardized approach to how the Agency administers pass-through cooperative agreements from USDA.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Private Organic Certifiers, accredited by USDA, also provide certification in the state. While there are no private certifiers currently located in Texas, 21 out-of-state certifiers are willing to provide organic certification to businesses in Texas. However, some of these certifying agents require that the facility located in Texas be part of an entity headquartered in another state, another country, or with a close business partner with another entity headquartered in another state or country.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

As stated previously in the response to Question E. above, participation in the TDA Organic Program is strictly voluntary. The program's purposes are simultaneously to develop Texas' agricultural economy and to provide consumers with the most abundant and diverse food and fiber supply possible. The program helps Texas farmers diversify their operations and capture a larger share of a growing premium market, and it helps ensure the authenticity of organic marketing claims made to consumers.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The TDA Organic Certification Program is accredited as a certifying agent under the USDA National Organic Program. Accreditation is required for an organic certifying agent to provide organic certification services for products sold as organic in the United States. Accreditation involves submitting a detailed Program Manual outlining how a certifying agent satisfies all the requirements specified in the National Organic Standards for certification programs. A desk audit of the Program Manual as well as an on-site audit of the certification program is conducted by USDA-AMS auditors in order to become accredited. Once accredited, the certifying agent submits annual reports to USDA-NOP and must reapply for accreditation every five years.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

The TDA Organic Certification Program only entered into one contract agreement in 2018. This contract was with the Organic Material Review Institute (OMRI) and totaled \$1,954.00. OMRI is accredited to ISO Guide 17065 to ensure accuracy and uniformity in their review process performance. OMRI provides TDA access to their complete catalog of reviewed input materials for organic crop production, livestock production, and handling.

The contract allows TDA to maintain federal compliance regarding expertise of technical review decisions by allowing access to OMRI catalog of input materials reviewed for compliance with 7 CFR Part 205. The contract also eliminates the need for a PSV position for either a biologist or chemist with cross-discipline knowledge, thus creating substantial cost-savings for the TDA Organic Certification Program. TDA utilized single source bidding to obtain this contract as OMRI is the only viable entity who currently provides services to the degree needed by TDA.

L. Provide information on any grants awarded by the program.

The program does not make any grants.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

One of the primary challenges to program performance is the lack of funding. As a cost recovery program, it is difficult to meet program funding needs with a limited number of licensees, while ensuring that consumer protection is met. Program operates with a small staff while providing excellent customer service with the resources available.

A major challenge of the Organic Program has been that of an inability to allow for processing of electronic fee payments and electronic processing and/or application for program participation. However, in 2019, steps have been put into place to develop procedures (working with TDA's internal Information Technology (IT) shop) to enhance the agency's ability for electronic fee collection.

Additionally, in the 86th Texas Legislative Session, TDA made a special appropriation request (which was granted) for the acquisition of software to help staff with processing, reviewing and inspection of Organic Program participants.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Participation in the TDA Organic Certification Program is voluntary. However, agricultural producers and processors that want to label their products as "Certified Organic" must participate in an organic certification program that is sanctioned by the USDA. Producers and processors have other options for organic certification, but many opt to participate in the TDA Organic Certification program because they feel that having the seal of the TDA

Organic Certification Program adds value and “organic-certified” credibility to their products especially, because TDA is governmental entity.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

The TDA Organic Certification Program is needed because it helps Texas farmers diversify their operations, incorporate practices that will maintain and/or improve the biodiversity and sustainability of their operation, and capture a larger share of a growing premium market. Furthermore, organic certification promotes consumer confidence by ensuring the authenticity of the organic marketing claim as an ever-growing number of Texans want to purchase food and fiber products produced in Texas.

Organic Producers and handlers certified by TDA are required to submit annual updates to their Organic System Plans. Organic Operations certified by TDA are inspected upon initial certification and on an annual basis.

If TDA finds violations of the NOP regulations, a Notice of Noncompliance is sent to the operation stating what actions must be taken to correct the noncompliance, and a timeline to submit any required information to TDA. If a re-inspection is required to verify that the correct actions have been implemented, the applicant or licensee must pay a \$400 re-inspection fee. If non-compliance continues an organic certification is terminated.

The TDA Organic Certification Program is committed to maintaining the integrity of the organic claim. TDA has established a complaint procedure to help ensure that complaints from applicants for certification, certified operations and the public are addressed in a timely manner. When a report of violation is suspected, a report with as much detailed information as possible is required. Complete and accurate information helps ensure that the issue can be successfully reviewed or investigated.

Complaints against operations not certified by TDA should be forwarded directly to the compliance office at the National Organic Program.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Texas Department of Agriculture

Exhibit 48: Information on Corrective Action Issued against certified organic operations and operations in application status

Organic Certification Program	Fiscal Year 2017	Fiscal Year 2018
Total number of certified operations at end of fiscal year	215	204
Total number of inspections conducted	206	202
Total number of compliance investigations conducted	6	3
Number of corrective action notices issued by TDA		
Number Notices of Noncompliance	54	49
Number of willful violations identified	1	2
Notices of Denials	0	3
Notices of Proposed Suspensions	12	11
Notices of Suspensions	4	10
Notices of Proposed Revocations	0	0
Notices of Revocation	0	0
Notices of resolution of noncompliance	34	36
Number of settlement agreements established	7	1
Number of operations sampled	11	13
Number of operations who tested positive for a prohibited Substance	2	0

Table 44 Exhibit 48 Information on Complaints Against Persons or Entities

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Agriculture and Consumer Protection Programs Seed Quality Program
Contact Name	Jeff Claxton, Manager of Seed Quality
Location/Division	Giddings, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 2, Ch. 18; Title 5, Chs. 61 & 62

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Seed Quality Programs ensure the quality of vegetable and agricultural seed sold through inspection, testing, and seed and plant certification. The Seed Law, Seed Testing, and Field/Greenhouse Testing Programs focus on ensuring proper labeling of seed through testing and inspection. TDA receives service samples from seed companies or producers and pulls official samples to verify compliance with the seed law. The samples are processed at the TDA Seed Laboratory in Giddings, where purity and germination tests are performed. TDA also conducts grow-outs on trueness-to-variety as well as winter test grow-outs.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Department of Agriculture
Exhibit 49: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of Official Seed Samples Drawn and Submitted for Analysis	02.01.01.01	Non-Cumulative	4500	4604	102.31%
02-01-01 Number of seed law infringements found on official seed samples	02.01.01.02	Cumulative	250	445	178.00%
Number of acres inspected for seed certification, this is a volunteer program, we have no control over how many acres are applied on, but we inspect 100% of acres applied only	02.01.01.03	Cumulative	157,000	87,312	55.61%

Table 45 Exhibit 49 Program Statistics and Performance Measures

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

2011 Seed Quality Program becomes a cost recovery program. As a result of this change, the TDA seed labs in Stephenville and Lubbock were closed and program staff was reduced at the lab in Giddings, Texas. With the closing of labs and reduction of FTEs the program stopped providing service sample seed tests and only tested regulatory seed samples.

2012 The Seed Quality Program once again started offering service sample seed testing in response to the interest expressed by Texas cotton farmers wanting the ability to have seed tested for germination prior to planting by the state lab at TDA.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Any consumer that purchases agricultural seed, grass seed, or vegetable seeds are affected by the regulation of seed. Labelers of agricultural seed must pay an inspection fee by purchasing analysis labels from TDA or by applying for a Texas permit number and paying a quarterly fee based on pounds of seed sold. Labelers of vegetable seed must purchase a yearly seed license. To become a certified producer of plants and seed, an individual must

fill out and application, pay a fee to the department and be approved by the State Seed and Plant Board.

The following is a breakdown of persons and entities affected by the Seed Law Program:

- 171 Seed Companies/Producers/etc. requesting seed testing
- 246 Reporting System Members
- 76 Vegetable Licenses
- 24 Companies/Producers/etc. which use Tested Seed Fee Labels
- 819 Certified Seed Growers (113 active growers)
- 105 licensed Conditioning Plants for seed certification

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Seed Law (Tex. Agric. Code, Ch. 61, Inspection, Labeling and Sale of Agricultural and Vegetable Seed)

- Seed Samples are drawn by TDA Inspectors and submitted with the analysis label for the sample to the TDA Seed Lab.
- TDA Seed Lab reviews the analysis label to verify the seed has been labeled as required by law and performs purity and germination testing to verify seed quality.
- Seed Samples found to be in compliance are considered completed.
- Seed Samples found to be in non-compliance will have notice issued to the responsible party, either the seed labeler or seed vendor. An opportunity to address the non-compliance is provided. If the issue is not addressed, the matter is sent to General Counsel Division for enforcement.

Seed Certification (Tex. Agric. Code, Ch. 62 Seed and Plant Certification)

- Certified Seed Growers submit a field inspection application to the TDA Seed Lab.
- Upon approval, an inspection is conducted by a TDA inspector. After the field has been inspected, the TDA Inspector will send their findings to the TDA Seed Lab.
- If the field has passed inspection the Certified Seed Grower will order Certified Seed Labels from TDA for the seed produced from that field.

The Agriculture Commodity Program staff of the Agriculture and Consumer Protection Division administers the Seed Quality Programs who, disseminate inspection work to the various inspectors that report to five regional offices across the state carry out the functions of the programs. Division staff develop the policy, procedure, and regulations which are enforced by regional inspectors. The division establishes an annual criterion for inspection which is used by inspectors to target establishments for inspection.

Regulatory Field Facilities:

- Giddings Seed Lab and Greenhouse/Grow-out facilities

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

**Texas Department of Agriculture
Seed Quality Program
Exhibit 50: Funding Sources**

Program	Sub Program	Fee Type	Current Fee	Number of Licenses Issued/ Inspections Conducted
Seed Arbitration	Seed Arbitration	Filing Fee	\$500	N/A
Seed Certification	Field Inspection	All Crops	\$1.15 to \$20.20/acre	87,312 acres inspected
Seed Certification	Interagency	Per Certificate	\$200	3
Seed Certification	Certified Grower	License	\$250 (onetime fee)	6
Seed Certification	Registered Plant Breeder	License	\$250 (onetime fee)	0
Seed Certification	Seed Certification Labels	Certified Labels 100lbs or less	\$0.16/100lbs	860,805 lbs.
Seed Certification	Seed Certification Labels	Certified Labels over 100lbs	\$0.16/100lbs	55,863 lbs.
Seed Law	Seed Service Testing	5 types of test	\$45 to \$90	118 (number of tests)
Seed Law Agricultural	Quarterly Reporting	Seed Sales Quarterly Report	\$0.45/100lbs	371,839,058 lbs.
Seed Law Agricultural	TX Tested Seed Labels	Texas Tested Seed Labels 100lbs or less	\$0.45/100lbs	15,951 lbs.
Seed Law Agricultural	TX Tested Seed Labels	Texas Tested Seed Labels over 100lbs	\$0.45/100lbs	4,788 lbs.
Seed Law Vegetable	Vegetable Seed	License	\$350	76 Licenses

Table 46 Exhibit 50 Funding Sources

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

TDA is the only entity authorized by USDA to conduct seed and plant certification in Texas. TDA's lab is the only commercial seed lab in Texas.

USDA AMS also conducts inspections on Texas seed (the seed samples are collected by USDA approved TDA seed inspectors).

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If**

applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

**Texas Department of Agriculture
Seed Quality Program
Exhibit 51: Memorandums of Understanding/Agreements**

Parties	Agreement
USDA Agriculture Marketing Service and TDA	TDA agrees to draw and inspect samples of seed within the state, subject to the Federal Seed Act.
USDA Agriculture Marketing Service and TDA	Cooperative activities for the Organization for Economic Cooperation and Development (OECD) Seed Schemes. Involves seed certified for varietal purity that is shipped in international commerce
Texas Juvenile Justice Department (TJJD) and TDA	Lease agreement with TJJD for the Giddings greenhouse and 65.609 acres for field grow outs. The agreement is until April 2012 for the sum of \$1 annually.

[Table 47 Exhibit 51 Memorandums of Understanding/Agreements](#)

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Seed Quality Program works with the USDA AMS as well as the Texas Juvenile Justice Department (TJJD). Descriptions of those partnerships can be found above in Question I.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contract expenditures under this program.

L. Provide information on any grants awarded by the program.

There are no grants made by this program.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

There are currently no barriers.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Seed Certification is a voluntary program offered to Texas farmers and seed producers. To ensure quality seed, any person producing certified seed must be an approved Texas certified seed grower. TDA ensures genetic identity through field inspections and specific guidelines must be met for the crop being grown.

All certified seed growers and varieties must be approved by the Texas State Seed and Plant Board. The State Seed and Plant Board is made up of individuals from Texas A&M and Texas Tech, growers, producers and one individual from TDA.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**
 - Agricultural and vegetable seed have truth in labeling requirements which are enforced by TDA to ensure producers/farmers are getting what is described on the seed tag or label.
 - Seed inspections are conducted throughout the year with more frequency during the fall and spring when seed is being planted and harvested. Inspectors physically draw seed samples for inspection at locations where seed is sold. These samples are then submitted to the TDA seed lab for analysis.
 - When non-compliance of labeling is identified by the lab test, a “notice of apparent violation” is issued by the seed lab to notify the seed vendor or seed labeler of discrepancies found between the label and the analysis.
 - When TDA receives a complaint, an inspector is deployed to the location of the alleged violation and an inspection/investigation is carried out.
 - Appropriate enforcement action is taken, if necessary, after the inspection/investigation is complete.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

When TDA receives a complaint against a certified seed producer, the complaint is entered and tracked in a centralized database. An inspector is deployed to the location of the alleged violation and an inspection/investigation is carried out. In the event non-compliance is identified, the matter is referred to the Enforcement Division of Legal and action is taken, if necessary.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Agriculture and Consumer Protection Programs Ag Pesticide Regulation
Contact Name	Philip Wright, Administrator for Regulatory Affairs
Location/Division	Austin, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 5, Ch. 76

B. What is the objective of this program or function? Describe the major activities performed under this program.

Objective:

Administering both state and federal laws concerning pesticide distribution and use.

Key functions:

- Educating new and current applicators, licensing pest control applicators and investigating complaints;
- Conducting inspections on pesticide applications;
- Regulating all pesticides sold or applied in Texas.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Exhibit 52: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of licenses and certificates issued to pesticide applicators	Output -01	Cumulative	18,000	17,027	94.59
Number of Agriculture Pesticide Inspections Conducted	Output - 02	Cumulative	4,260	4,658	109.34

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of agriculture pesticide-related complaint investigations	Output KEY - 03	Cumulative	225	211	93.78
Number of Pesticide Analyses Performed	Output -04	Cumulative	6,200	6,432	103.74
Number of Formal Enforcement Actions taken for Ag Pesticide-related violations	Output - 05	Cumulative	100	262	262.00
Number of informal enforcement pesticide violations related to Chapter 76 Texas Agricultural Code	Output - 06	Cumulative	50	94	188.00
Number of pesticides registered in Texas annually	Output - 07	Cumulative	8,800	9,606	109.16
Average cost per agricultural pesticide inspection	Efficiency 01		\$176.00	\$373.34	212.13
Average cost per pesticide registered	Efficiency 02		\$38.00	\$23.22	61.11
Total dollar amount of fines and penalties collected for Pesticide Violations	Explanatory - 01	Cumulative	\$100,000	\$229,845.25	230.00
Percent of Ag pesticide complaint investigations completed within 6 months (180 days).	Explanatory - 02	Percentage	75%	82.12%	109
Percent Ag Pesticide Inspections in Compliance with Laws and Regulations.	Outcome KEY – 01	Percentage	92.%	84.41%	91.75
Percent of Agricultural Pesticide Worker Protection Inspections in Compliance.	Outcome – 02	Percentage	92%	82.50%	89.67

Table 48 Exhibit 52 Program Statistics and Performance Measures

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

1976 TDA became the State Lead Agency (SLA) for Pesticide Regulation under Section 26 of the Federal Insecticide, Fungicide and Rodenticide Act. TDA submitted an official State Plan for the Certification of Pesticide Applicators that was approved by EPA on October 13, 1976.

1991 TDA entered into a cooperative grant agreement with USDA to perform pesticide residue analyses for the Pesticide Data Program. This new function was in addition to the enforcement duties performed in support of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Texas Agriculture Code. The need for analytical support for enforcement activities will continue as long as pesticides are used in agriculture. The Pesticide Data Program is expected to continue since the data generated by the program ultimately supports EPA's ability to establish residue tolerances under the Food Quality Protection Act. Additionally, the laboratory has provided laboratory analyses for the

Organic Certification Program since its inception in the late 1980s. This program is also expected to continue.

Mid-1990s EPA passed the federal Worker Protection Standard and the administration of this standard was incorporated into the pesticide education and outreach program area. Previously, the Agricultural Hazard Communication Law was in place in Texas and administered by this program. Now this program administers both worker protection provisions.

Risk assessment was established to support the division's need for scientific expertise to help with special registration applications. The program has expanded since then to accommodate the agency's needs to participate in and monitor water related issues affecting agriculture in the state. Additionally, the added scientific expertise has enhanced and supported many other functions within the agency and provided agency participation on a national level in scientific issues associated with agriculture.

2007 The Structural Pest Control Service (regulating residential and commercial pesticide applications) came into the Pesticide Division.

2011 TDA reorganized and the Pesticide Division was consolidated with the Regulatory Division to form the new Agriculture and Consumer Protection Division. The compliance function remains in the program and will continue to be needed to set the protocols and provide inspector training as long as inspections are conducted. The enforcement function is now a part of the TDA Legal Division.

2015 The federal Worker Protection Standard regulations were revised.

2017 The federal Certification and Training regulations have been modified.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The Pesticide Evaluation and Registration program affects persons and entities wishing to market, distribute and/or apply a pesticide product in Texas. To be eligible for registration in Texas, a product must first be registered with EPA. Additionally, the program affects those agricultural producers who have a need for the special registration functions performed by the program to address unique situations.

The Ag Pesticide Certification and Compliance Program affects persons wishing to become licensed to apply restricted-use pesticides, state-limited-use pesticides, and regulated herbicides. To be licensed, applicators must meet the requirements set forth in the Texas Pesticide Laws and Regulations and administered by this program including training, testing and recertification. Providers offering continuing education courses for the recertification of applicators must seek approval from the program. The program provides necessary protocols and technical support for field staff who perform inspections, testing and training courses related to applicators and those covered by the applicable laws.

TDA's Pesticide Laboratory provides pesticide residue analyses to support TDA in enforcement actions involving the misuse of pesticides, as well as lab analyses to satisfy the certification requirements for the Organic Certification Program. Additionally, the lab produces pesticide residue data for USDA under the Pesticide Data Program, which factors into registration decisions. The lab performs approximately 7,000 analyses to support these activities annually.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

TDA divides the State of Texas into five regional offices. A Regional Director, who oversees all ACP operations within the regional area, manages each office, program implementation, and staffing. Assistant Regional Directors serve as program leads to facilitate, coordinate and supervise work activities in each respective area. The regional field staff are assigned to specific geographical areas, which may include certain counties and/or zip codes in the vicinity of their residence. Field staff strategically reside across the region within their coverage areas. This employee placement allows TDA to respond and provide an instant service to a problem or need with an agricultural activity. Because the field staff are equipped with supplies and computers, they can operate from remote locations and communicate any confirmations, follow-up or assistance quickly.

The Legal Enforcement Division works with Ag Pesticide Program to protect the citizens of the state of Texas. During the licensing and renewal process, Enforcement attempts to identify those individuals who present a danger to the public and to provide necessary evidence and information for appropriate actions to be taken regarding these licensees. In the event of a noncompliance, the Enforcement Division works to process any notices of violation, hearings, appeals and penalties.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Ag Pesticide Program is considered a cost recovery program by the Texas Legislature. Fees are collected for the licensing of all Ag Pesticide Applicators including Private Applicators (\$125/5-year license), Commercial Applicators (\$200/1-year license), Non-Commercial Applicators (\$140/1-year license), and Non-Commercial Political Applicators (\$75/1-year license). Pesticide Dealers are charged a fee of \$200/2 year license. Each Pesticide Product for sale in Texas is required to be registered with the department prior to sale or distribution within the state. Each product is charged a \$600/2-year registration fee. Only products that EPA requires registration of are required to be registered by the department.

TDA requires other registrations such as FIFRA Section 18, 5, 24(c) and 2(e), but there are no fees. TDA does not charge a fee to Continuing Education Providers for approval of courses, or to have program staff give Continuing Education Courses, Regulated Herbicide Spray Permits or Commercial Applicator Business registrations.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The TDA Structural Pest Control Service (SPCS) licenses and regulates businesses and individuals who apply pesticides (regardless of the product) and use pest control devices to control various pests. The SPCS receives their authority under Chapter 1951 of the Occupations Code. Both the Ag Pesticide Program and the SPCS follow the regulations from the Federal Insecticide, Fungicide, and Rodenticide Act and Sec. §40 Federal Code of Regulations. Both the ag pesticide and structural pesticide license pesticide applicators having various categories of license, with some overlap in Pesticide License Categories.

Within this overlap there is significant conflict between the two statutes and differing licensing requirements for each Act. The two Acts are also sometimes burdensome to applicators that conduct applications outside of the overlap, as they are required to maintain two licenses with the department to legally conduct these applications. In addition, there is a significant difference in qualifications for the two licenses.

The Federal Worker Protection Standard regulations were established in 1995 in order to protect agricultural workers from potentially adverse effects from pesticides. The Texas Agricultural Hazard Communication Act, Sec. §125 of the Texas Agricultural Code, establishes many of the same protections to agricultural workers as the federal Worker Protection Standard. Whereas the Federal Worker Protection Standard regulations have been modified, most recently in 2015, the Texas Agricultural Hazard Communication Act has not been revised since its introduction in 1987.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The department has worked through the duplication within TDA and with its customers using policy documents.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

TDA pesticide division works with Texas A&M AgriLife Extension Service (Extension) to coordinate education of applicators; with the USDA to participate in the Pesticide Data Program; and with the EPA to train and license pesticide applicators and to conduct inspections to ensure pesticides are being applied correctly.

TDA pesticide staff members also serve on many water quality interagency committees and task forces. Pesticide Certification and Training Program is required to meet at least twice per year with the Pesticide Safety Education Program of the Extension. The purpose of this meeting is to give program the opportunity to exchange information with Extension regarding training needs based on changes in rules, and enforcement trends and/or other such information. The Structural Pest Control Service is also present at these meetings.

The program also works with the Texas Department of Transportation (TxDOT) to coordinate certification and licensing of pesticide applicators employed by TxDOT. TxDOT has a memorandum of understanding with TDA regarding the specialized training provided and certification exams taken by their staff for the pesticides applied by that agency.

Reciprocity agreements are in place with several states for recognition of exams for initial applicator certification. TDA reciprocates with ten states in most agricultural application categories, including Arkansas, Indiana, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, New Mexico, Ohio and Oklahoma.

The pesticide residue laboratory performs analyses for the USDA's Agricultural Marketing Service, Science and Technology Programs to provide data on pesticide residues in food for the Pesticide Data Program. This data is also used by the EPA to assess dietary exposure during the review of the safety of existing pesticide tolerances. In addition, the laboratory provides analytical support for the enforcement of federal and state pesticide laws through a cooperative agreement with EPA.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

TDA contracts with PSI Services, LLC (PSI) to administer TDA Ag Pesticide and SPCS applicator exams. Exams are administered electronically at 22 sites throughout the state. The current contract was awarded through a RFP in 2018. The amount awarded to PSI for 2018 was \$202,748 for Ag Pesticide Programs.

L. Provide information on any grants awarded by the program.

For Fiscal year 2018, the department awarded five grants using program funds. They are listed below:

Texas Department of Agriculture

**Ag Pesticide Program
Exhibit 53: Grants Awarded**

Grant Type	Grantee	Amount Granted
Pesticide outreach and Education Improvement Project – Auxin Training	Texas A&M AgriLife Extension Service	\$50,000
Pesticide Outreach and Education Improvement Project – Inspector Training	Texas A&M AgriLife Extension Service	\$85,000
Pesticide Outreach and Education Improvement Project – Pesticide Waste and Container Disposal Events	Texas A&M AgriLife Extension Service	\$400,000
Pesticide Outreach and Education Improvement Project – First Responder Pesticide Exposure	Tarleton State University	\$168,361
Pesticide Outreach and Education Improvement Project – Developing a Social Marketing Campaign Promoting Texans’ Safe Use of Pesticides	Texas Tech University	\$187,568

Table 49 Exhibit 53 Grants Awarded

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

As noted above, there are issues in conflicting language between the Chapter 1951 of the Occupations Code, and Chapter 76 of the Agriculture Code.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

An agriculture pesticide license is required for a person who uses or supervises the use of restricted-use or state-limited-use pesticides for the purpose of producing an agricultural commodity. An agricultural commodity is defined as a plant or animal grown for sale, lease, barter, feed or human consumption and animals raised for farm or ranch work. Private applicator licenses are valid for five years, and the applicator must obtain 15 CEUs during that time to renew.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

All pesticide products sold or distributed in Texas required to be registered by the TDA are reviewed and approved according to the EPA label by TDA staff. Adherence to state and federal pesticide regulations is vital to the protection of agricultural, industrial and governmental workers and the millions of employees, homeowners and residents, and consumers in the state of Texas. Pesticide dealer and marketplace inspections associated with the registration of pesticides are needed to ensure all products offered for sale in Texas have met registration requirements and are currently registered. Inspections of other regulated entities are needed to maintain compliance with established pesticide laws and regulations and to determine the current compliance rate for those requirements.

The number and types of inspections are established by agency commitments to the Texas Legislative Budget Board (LBB) and the United States Environmental and Protection Agency (EPA). Protocols for these inspections are established that satisfy EPA's criteria for compliance/enforcement as well as those of the state. Inspection and complaint investigation manuals contain the protocols for these activities and written annual work plans outline the number and type of inspections conducted by field personnel. A Stop Use, Stop Distribution, or Removal Order (SUSDRO) is placed on all unregistered products found in the marketplace. Follow-up activities - conducted when additional areas of noncompliance are identified - are varied and may include administrative penalties, additional training, or re- inspection.

Enforcement actions resulting from inspections are administered by the agency's Legal Enforcement Division. The Pesticide Compliance and Certification program is responsible for the protocol for conducting complaint investigations; however, these investigations are tracked by the Legal Enforcement Division. Enforcement regulatory actions start with a review of inspection reports, and if a potential violation is found an assessment by staff to determine if a notice of violation, with a fine or warning, will be issued to the licensee. Violations are negotiated as to fine/penalty or proceed to a hearing before the State Office of Administrative Hearings. Non-compliance can result in license forfeitures.

Regulations for the certification of pesticide applicators and protection of workers and handlers are needed to ensure pesticides are used in a safe manner according to the State Certification and Training Plan approved by EPA. Numbers of inspections of regulated entities are set according to various LBB performance measure requirements and the requirements specified in the EPA cooperative agreement. Follow-up activities - conducted when noncompliance is identified - are varied and may include administrative penalties, license forfeitures, or additional training.

These inspection and enforcement activities are performed by personnel outside this program area. The Agriculture and Consumer Protection Division does not have the enforcement responsibilities of the pesticide licensing or certification programs; however, we cooperate with the Legal Enforcement Division on enforcement issues. There are procedures in place to handle complaints associated with pesticide applicators and/or agricultural establishments; however, this program area is not responsible for those procedures or tracking complaints. Complaints are tracked by the Enforcement Division.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

**Texas Department of Agriculture
Ag Pesticide Programs
Exhibit 54: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	N/A	N/A
Total number of regulated entities	N/A	N/A
Total number of entities inspected	4,458	4,658
Total number of complaints received from the public	187	211
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	N/A	N/A
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	187	211
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

Table 50 Exhibit 54 Information on Complaints Against Persons or Entities

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Agriculture and Consumer Protection Programs Structural Pest Control Services (SPCS)
Contact Name	Philip Wright, Administrator for Regulatory Affairs
Location/Division	Austin, Texas and Regional Operations
Statutory Citation for Program:	Tex. Occupations Code, Title 12, Subtitle B, Ch. 1951

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

SPCS Mission

SPCS will provide exceptional customer service to the public and the industry. Enhance the educational and professional standards of license holders and ensure the health, safety and welfare of the public

SPCS Purpose

TDA's Structural Pest Control Service licenses and regulates pest management professionals who apply pesticides in and around structures (governmental, residential, and commercial buildings). The purpose of this program is to register all eligible apprentices and license all eligible applicators; make certain technicians and certified applicators continue to be licensed; assure appropriate training and education standards for applicators; and ensure approved continuing education courses meet or exceed minimum standards.

The program will also provide education and awareness to the public and the industry concerning matters relating to pest control and integrated pest management (IPM) in Texas public schools; and conduct criminal background checks on all registered individuals and licensees.

The major activities include providing education and information to the public and pest control industry through personal, written and electronic communication; as well as monitoring and inspecting businesses, homes, apartment buildings, day-care centers, hospitals, nursing homes, hotels/motels/lodges, warehouses, food-processing establishments, and public schools to ensure compliance with laws and regulations and school integrated pest management (IPM).

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function?

The program measures its performance by tasks outlined in the LBB performance measures and the work plan developed in cooperation with the EPA Cooperative Agreement. Additionally, the division cooperates with any internal audits conducted by the agency auditor and with any reviews conducted by EPA in their oversight of the Cooperative Grant Agreements.

In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Structural Pest Control Services (SPCS)
Exhibit 55: Program Statistics and Performance Measures — Fiscal Year 2018**

Self-Evaluation Report

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of new individual and business licenses issued.	02-02-02.01-Output Measures - Key		5000	8367	167.34%
Number of licenses renewed (individuals and business).	02-02-02.02-Output Measure - Key		16500	27371	165.88%
Number of structural pest control complaints resolved.	02-02-02.03-Outout Measures - Key		125	94	75.20%
Number of structural business license inspections conducted	02-02-02.04-Output Measures - Key		980	1323	135.00%
Number of structural pest control noncommercial establishment inspections	02-02-02.05-Output Measures		460	466	101.30%
Number of enforcement actions taken that result from complaints.	02-02-02.06- Output Measures		54	75	138.89%
Number of school inspections.	02-02-02.07-Output Measures - Key		250	326	130.40%
Total number of use observation inspections conducted	02-02-02.08-Output Measures		190	192	101.05%
Average licensing cost per individual and business license issued.	02-02-02.01-Efficiency Measures - Key		\$11.00	\$8.87	80.64%
Average time for individual and business license issuance (days).	02-02-02.02-Efficiency Measures		10.00	7.50	75.00%
Average time for individual and business license renewal (days)	02-02-02.03 - Efficiency Measures		8.00	4.29	53.63%
Average cost per Structural Pesticide Inspection.	02-02-02.04 - Efficiency Measures		\$300.00	\$356.50	118.83%

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Total number of structural pest control complaints received during the reporting period.	02-02-02.01 – Explanatory Measures		150	117	78.00%
Percent of routine structural business license inspections conducted that comply with the law.	02-02-02.04 – Outcome Measures		55.00%	57.72%	104.95%
Percent of complaints resolved within six months.	02-02-02.05- Outcome Measures – Key		75.00%	90.10%	120.13%
Percent of routine school district inspections conducted that comply with the law.	02-02-02.06 – Outcome Measures – Key		55.00%	58.39%	106.16%

Table 51 Exhibit 55 Program Statistics and Performance Measures

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

Effective Sept. 1, 2007, TDA assumed the duties of the Texas Structural Pest Control Board.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

The Structural Pest Control Service impacts individuals who want to be licensed and those who own and operate a commercial or noncommercial business/entity. This includes licensed certified applicators, technicians and apprentices. Applicants for licenses must meet the qualifications as listed in the Texas Occupations Code, Subtitle B, Practices Related to Health and Safety, Chapter 1951, Structural Pest Control, Subchapter G, H and I.

The Legal Enforcement Division works with to protect the citizens of the state of Texas. Enforcement attempts to identify those individuals who present a danger to the public and to provide necessary evidence and information for appropriate actions to be taken regarding these licensees. Every citizen, including licensees, could be a complainant or a witness in the event a complaint or noncompliant inspection is made.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Inspections of licensed pest control businesses are conducted in the business' first year of operation and at least once every four years after that as required by state statute and to fulfill U.S. Environmental Protection Agency cooperative grant requirements. Every public-school district is inspected at least once every five years by statute. Inspections include pesticide application records, pesticide storage, training records, licensing records, vehicles, contracts, and other documents to ensure proper use and handling of pesticides and compliance with laws and regulations. The program also conducts inspections of non-commercial entities such as apartment buildings, day-care centers, hospitals, nursing homes, hotels/motels/lodges, warehouses, food-processing establishments, and conducts pesticide use observations as well. These inspections also provide opportunities for compliance assistance. Complaints are responded to by investigation.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The Structural Pest Control Service is funded through the State Appropriated Funds. For FY 2018, the program received \$2,341,419 in General Revenue cost recovery funding. Funds are recovered through fee collections.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

The Structural Pest Control Service licenses and regulates businesses and individuals who apply pesticides, regardless of the classification of the pesticide (e.g. general use, restricted use, state limited use), and use pest control devices to control various pests. The Structural Pest Control Service receives its authority under Chapter 1951 of the Occupations Code; the Agricultural Pesticide program receives its authority under Chapter 76 of the Agriculture Code. Both the Agricultural Pesticide Program and the Structural Pest Control Service follow the regulations from the Federal Insecticide, Fungicide, and Rodenticide Act and Title 40, Chapter 1, Subchapter # of the Code of Federal Regulations.

The Occupations Code exempts individuals from licensing under its code if they are licensed under the Agriculture Code. Both Programs license Pesticide Applicators having various categories of license, with some overlap in Pesticide License Categories. Within this overlap there is significant conflict between the two statutes and differing licensing

requirements for each Act. The two Acts are also sometimes burdensome to applicators that conduct applications outside of the overlap, as they are required to maintain two licenses with the department to legally conduct these applications. In addition, there is a significant difference in qualification for the two licenses. Initial certification for structural pest control has prerequisite training; certification for agricultural pest control does not.

TDA's SPCS program duties include initial certification, licensing and recertification of pesticide applicators; and approval and review of recertification courses. These duties are very similar to those performed by TDA's Pesticide Certification and Compliance Program. However, the clientele served by the SPCS and those served by the Pesticide Certification and Compliance Program are different. SPCS licensed and certified applicators perform structural pest control services in and around structures while, TDA Pesticide Certification and Compliance customers perform mostly agricultural, landscape maintenance and vegetation management pest control services. The SPCS allows for nuisance mosquito control and rodent control under the Pest category; the Pesticide Certification and Compliance Program allows for the treatment of mosquito and rodent vectors under the Public Health Pest Control category.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

In order to lessen some of the duplication listed in Section H, the SPCS and the Pesticide Certification and Compliance Program have developed guidance documents for program staff and inspectors to use during education programs and answering questions from the agency's customers. The guidance documents have also been shared with Texas A&M AgriLife Extension personnel that assist with training applicators. In addition, the TDA web pages have instructions on licensing categories but there is a separate page to explain the types of license and category requirements for someone making mosquito control applications. TDA has been unable to avoid all instances of duplication and conflict by regulation and policy changes.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The SPCS works with Texas A&M AgriLife Extension Service (Extension) to coordinate education of applicators; and with the U.S. Environmental Protection Agency to train and license pesticide applicators, and to conduct inspections to ensure pesticides are being applied correctly. TDA's SPCS staff is required to meet at least twice a year with Extension but meets with them many more times per year to discuss education and outreach. During emergency situations, TDA coordinates with local governments for mosquito control.

- K. If contracted expenditures are made through this program please provide**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

TDA contracts with PSI Services, LLC (PSI) to administer TDA Ag Pesticide and SPCS applicator exams. Exams are administered electronically at 22 sites throughout the state. The current contract was awarded through a RFP in 2018. The amount awarded to PSI for 2018 was \$293,100 for Structural Pest Control Services.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The overlap in jurisdiction for certification of pesticide applicators in the Lawn and Ornamental (landscape maintenance) and Weed (vegetation management) pest control categories, Section 76.102 (a)(3) of the Agriculture Code and Section 1951.053 of the Occupations Code, should be reviewed and addressed by the legislature. While the requirements for each statute are different, the tasks performed by applicators in these categories are essentially the same.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Inspections of regulated entities are needed to maintain compliance with established pesticide laws and regulations and to determine the current compliance rate for those requirements. The number and types of inspections are established by agency performance measures and commitments to the EPA, as well as consumer complaints. Protocols for

these inspections are established that satisfy EPA's criteria for compliance/enforcement as well as those of the state. Inspection and complaint investigation manuals contain the protocols for these activities and written annual work plans outline the number and type of inspections conducted by field personnel. Follow-up activities, conducted when additional areas of noncompliance are identified, are varied and may include administrative penalties, additional training, or re- inspection. Enforcement actions resulting from inspections are administered by the agency's Legal Enforcement Division. The SPCS program is responsible for the protocol for conducting complaint investigations; however, these investigations are tracked by the Legal Enforcement Division.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

**Texas Department of Agriculture
Structural Pest Control Service
Exhibit 56: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons and entities (businesses)	34,747	35,738
Total number of regulated entities	N/A	N/A
Total number of entities inspected (commercial businesses)	1310	1323
Total number of complaints received from the public	90	117
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	4	6
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	115	94
Average number of days for complaint resolution	N/A	N/A
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
Reprimand	N/A	N/A
Probation	N/A	N/A
Suspension	N/A	N/A
Revocation	N/A	N/A
Other	N/A	N/A

Table 52 Exhibit 56 Information on Complaints Against Persons or Entities

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Agriculture and Consumer Protection Programs Consumer Product Protection
------------------------------------	---

Contact Name	Philip Wright, Administrator for Regulatory Affairs Leslie Smith, Senior Director for Regulatory Affairs
Location/Division	Austin, Texas
Statutory Citation for Program:	Tex. Agric. Code, Title 2, Chs. 13 and 17; Title 6, Ch. 132

B. What is the objective of this program or function? Describe the major activities performed under this program.

Objectives

- Ensuring the quality of certain agricultural commodities and products offered to consumers before they are sold;
- Ensuring price and quantity accuracy for consumers of certain products sold in Texas.

Key functions

- Developing and maintaining various consumer protection programs through inspection and certification efforts.
- TDA Regulatory programs protect consumers and businesses by ensuring the quality of consumer products before they are sold, eliminating fraud and misrepresentation in commercial transactions, discouraging unfair and dishonest commerce.

Egg Quality

This program ensures eggs sold to Texas consumers meet the standards of quality established by TDA through licensing of dealer-wholesalers, processors, and brokers and through the inspection of eggs at the state’s packing plants, distribution centers, and retail outlets. TDA inspectors conduct egg inspections to ensure the standards of shell egg quality, grade, and size are at least equal to those adopted by USDA and the FDA. Regulation of egg quality is necessary to ensure eggs purchased by Texas consumers meet USDA quality standards. Eggs failing to meet quality standards are prohibited from sale.

Weights and Measures

The purpose of the Weights and Measures Program is to protect consumers and businesses by ensuring equity prevails in all commercial transactions involving determination of quantity. Weighing and measuring devices are inspected to ensure performance within acceptable tolerances, and packages are inspected to enforce net content and labeling regulations. The program adopts rules and regulations aimed at eliminating fraud and misrepresentation in commercial transactions.

Prior to the enactment of SB 2119 during the 86th Legislative Session, TDA had the authority and responsibility to monitor and regulate quantity of fuel delivered and the motor fuel devices in this state.

Fuel Quality

Prior to the enactment of SB 2119 during the 86th Legislative Session, TDA had the authority and responsibility to monitor and regulate the quality of motor fuel sold or offered for sale in this state.

TDA's former regulatory goals were to provide consumers and businesses with a fair and efficient trade environment, to encourage business development, and to inspire consumer confidence. To achieve these goals, TDA enforced a variety of fuel quality standards through routine and risk-based inspection programs, complaint investigations, and other regulatory activities involving suppliers, dealers (retailers), and other distributors of motor fuel.

Licensed Service Companies

Pursuant to the Texas Administrative Code, Title 4, Part 1, Chapter 12, Subchapter E, Sec. 12.42, licensed service companies (LSC) are authorized to perform device maintenance activities. Responsibilities for a service company are to ensure compliance with Texas Administrative Code, Title 4, Part 1, Chapter 12 and that the device is suitable for its intended use. LSCs are to submit a prescribed service report within ten days of placing a commercial weighing or measuring device into service; installing, calibrating, or repairing a commercial weighing or measuring device; or removing an out-of-order tag, stop-sale order, security seal, lock, condemnation notice, or other form of use prohibition placed on a weighing or measuring device by the department, and notify the department in writing within ten days of a change of name, address, or business location.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Texas Department of Agriculture
Exhibit 57: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
02-03-01.01 OUTPUT MEASURES Number of weights and measures device inspections conducted.	02-03-01.01	Cumulative	60,028	58,370	97%
02-03-01.02 OUTPUT MEASURES Number of calibrations performed.	02-03-01.02	Cumulative	17,125	23,706	138%
02-03-01.04 OUTPUT MEASURES Number of Fuel Quality Inspections Compliant with National Standards	02-03-01.04	Cumulative	2,000	1,992	100%

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
02-01-02.01 OUTPUT MEASURES	02-01-02.01	Cumulative	2,100	2,212	105.33%

Table 53 Exhibit 57 Program Statistics and Performance Measures

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

During the 85th Legislative Session, the legislature passed HB 2174, which removed TDA’s authority to conduct performance testing (calibration control and malfunction correction) and inspections of motor fuel metering devices and fuel quality (water and sediment contamination and octane standards) and delegated that authority to Service Companies and Licensed Service Technicians licensed by the department. Effective September 1 2017, TDA implemented changes, as a result of HB 2174, to change the way device complaints were processed. An inspection was no longer required in response to a consumer complaint regarding a fuel station device; an inspection was only conducted if three complaints were received within a 12-month period, or an inspection was conducted if no calibration had been conducted within 18 months.

During the 86th Legislative Session, the legislature passed SB 2119 to transfer the Liquid Measuring Device portion of the Weights and Measures program to the Texas Department of Licensing and Registration. The legislation left a gap in regulatory authority, by immediately repealing parts of Chapters 13 and 17 of the Agriculture Code which grant TDA authority over liquid measuring devices, but delayed the effective date of the statutory authorizations that enables TDLR to regulate motor fuel devices and fuel quality until September 1, 2020. See Sections 10 and 13 of SB 2119. As a result, there is no state agency that can test fuel quality and enforce violations regarding fuel quality. SB 2119 has placed consumers in a position, for at least a year, where they where they will have no redress for damages or losses resulting from faulty fuel or faulty prices at the pump. Fuel measurement and quality violation findings have declined markedly since September 1, 2017 to the present due to reductions in regulatory authority.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Because regulatory programs impact a wide array of consumers, producers, and various agricultural industries, much of the population of Texas as well as others outside the state are affected by the functions of TDA’s Agriculture and Consumer Protection Division. For example, the Weights and Measures Program affects every consumer who buys groceries.

- The Egg Quality program licenses 156 egg dealer/wholesalers and 2 egg processors
- The Weights and Measures Program licenses 31,136 establishments that use commercial weighing and measuring; 227 licensed service companies, 1,650 registered licensed service technicians, and 704 county public weighers.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TDA Division staff administer programs of the Agriculture and Consumer Protection Division, and inspectors who report to five regional offices across the state carry out the inspection functions of the programs (and some enforcement activities for stop orders). Division staff develop the policy, procedure and regulations, which are enforced by regional inspectors. The division establishes annual criteria for inspection in each program, which is used by inspectors to target establishments for inspection. The Agriculture and Consumer Protection Division also manages training functions and acquisition of inspection equipment.

The Consumer Product Protection metrology lab is in Giddings, Texas.

Field inspectors perform a variety of inspections that ensure consumer protection while providing standards for the private industry, which discourage unfair and dishonest commerce. Inspection reports from field inspectors are electronically transferred to Austin headquarters for assessment and determination of fines/penalties if appropriate.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Consumer Product Protection funding comes from two sources: General Revenue Cost Recovery and Appropriated Receipts. Both of which are fee recovery based.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Egg Quality

The DSHS has regulatory oversight over all food handling establishments, including establishments where TDA conducts egg inspections. Since TDA and DSHS share authority in the area of shell egg storage temperature requirements, a MOU was developed to eliminate duplication. The two agencies have agreed that DSHS will enforce temperature

requirements at retail establishments and TDA will enforce temperature requirements at egg packer and egg distributor establishments.

Licensed Service Company

While the Motor Fuel Program was transferred to TDLR, TDA can still license the LSC and their technicians for the performance testing and calibrations on motor fuel metering devices with an output of 20 gallons per minute (GPM) or less, and pull fuel samples for fuel quality testing. Licensed service technicians are tested every five years when their license is up for renewal, as TDA requires a 70 or better on the exam for a passing grade. LSCs are required to submit calibration reports to TDA for review.

- I. **Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency’s customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

**Texas Department of Agriculture
Consumer Protection
Exhibit 58: Memorandum of Understanding/Agreements**

Parties	Agreement
Texas Department of State Health Services And TDA	To coordinate regulatory programs and eliminate conflicting regulatory requirements and inspection standards of shell eggs at the retail level.
Texas Lottery Commission and TDA	TDA’s Metrology Laboratory weighs the Texas Lottery Commission’s game balls to ensure such balls are within the proper weight tolerances.

Table 54 Exhibit 58 Memorandum of Understanding/Agreements

- J. **If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The MOUs in the section above describe many of this program’s relationships with local, regional and federal units of government, TDA meets annually (or when necessary) with state and federal agencies with Memoranda of Understanding to review and, if necessary, update agreements.

As required by statute, county public weighers are required to file a bond with the county clerk’s office in the county where the county public weigher is licensed. The county clerk offices file and maintain records of each county public weigher bond.

- K. **If contracted expenditures are made through this program please provide**
 - a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;

- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Consumer Product Protection currently has three contracts in place to assist with providing consumer protection for the fuel quality and licensed service company programs: two fuel quality contracts and one contract for the testing of licensed service technicians. For FY 2018 TDA renewed a fuel quality contract based on an earlier RFP with Tribologik, an out of state lab that was procured through the state RFP process to do the bulk of the fuel sample testing at a lower price. In FY19, Saybolt, an in-state lab was also procured through the RFP process to do more complaint and re-inspection fuel sample testing. Saybolt provides these services at a higher cost per sample. The agreements were renewed and will be transferred to TDLR as part of the transition process. TDA currently has a contract with PSI International, Inc. for the testing of individuals for licensing and certification (see the mention of the contract above). Consumer Product Protection utilizes the contract with PSI to test and license licensed service technicians.

**Texas Department of Agriculture
Consumer Protection
Exhibit 59: Contracted Expenditures**

FY 18 Vendor/Contractor	Purpose	FY 18 Dollar Amount
PSI	Testing for the licensing of LSTs	\$40,248 was the FY2018 W and M portion of the PSI testing contract.
Tribologik	Fuel quality sample testing for routing and complaint FQ inspections.	\$296,000 expended on 1,459 fuel samples for FY18

Table 55 Exhibit 59 Contracted Expenditures

L. Provide information on any grants awarded by the program.

The program did not make any grant awards.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

With the recent changes made in the last two legislative sessions, TDA can no longer complete complaint inspections during the transfer of the liquid measuring device and fuel quality programs over TDLR.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Without consumer product protection, Texas consumers can be taken advantage of and Texas producers risk loss of world market share.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- **why the regulation is needed;**
 - **the scope of, and procedures for, inspections or audits of regulated entities;**
 - **follow-up activities conducted when non-compliance is identified;**
 - **sanctions available to the agency to ensure compliance; and**
 - **procedures for handling consumer/public complaints against regulated entities.**

Egg Quality

Regulation for egg quality is needed to protect consumers against fraudulent trade practices and for health and safety of the food supply. Texas is an egg deficit state and regulation protects producers by providing for equity in marketplace.

TDA Inspectors perform routine and complaint inspections on retail, wholesale, distributions plants and producer farms to ensure that egg quality standards are met regarding size, quality, record keeping and storage requirements. TDA Inspectors forward findings to the program division for review and violations are sent to the enforcement division for possible administrative penalties.

TDA inspectors will conduct follow-up inspections when non-compliance is found.

Penalties, stop sales and license revocation may result due to non-compliance and repeat violations

TDA responds to and inspects facilities on all consumer complaints. HB 2174 from the 85th Legislative session invoked a 3 complaint in 18-month regulation for Fuel facilities requiring 3 complaint in an 18-month period before action must be taken by the facility.

Weights and Measure

Regulation is needed to ensure consumer protection against fraudulent trade practices and guarantee consumers are getting what they pay for. In addition, regulation protects the industry to ensure equity in the marketplace by protecting individual business and providing for a level playing field.

TDA Inspectors perform routine and complaint inspections on retail locations that utilize a weighing and measuring device in a commercial transaction to ensure that devices are operating in accordance with standards set forth by the National Conference on Weights and Measures. TDA Inspectors forward findings to the program division for review and violations are sent to the enforcement division for possible administrative penalties.

TDA inspectors will conduct follow-up inspections when non-compliance is found.

Penalties, stop sales orders, and license revocation may result due to non-compliance and repeat violations.

TDA responds to and inspects facilities on all consumer complaints.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

**Texas Department of Agriculture
Consumer Product Protection
Exhibit 60: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	1,650 (estimated LSTs)	1,650 (estimated LSTs)
Total number of regulated entities	31,487	31,596
Total number of entities inspected	24,019	20,593
Total number of complaints received from the public	4,116	5,120
Total number of complaints initiated by agency	N/A	N/A
Number of complaints pending from prior years	N/A	N/A
Number of complaints found to be non-jurisdictional	15	21
Number of jurisdictional complaints found to be without merit	N/A	N/A
Number of complaints resolved	All	All
Average number of days for complaint resolution	3.18	14.13
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
Reprimand	N/A	N/A
Probation	N/A	N/A
Suspension	N/A	N/A
Revocation	N/A	N/A
Other	N/A	N/A

Table 56 Exhibit 60 Information on Complaints Against Persons or Entities

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function	Agriculture and Consumer Protection Programs Plant Health Program
Contact Name	Philip Wright, Administrator for Regulatory Affairs
Location/Division	Austin, Texas and Regional Operations
Statutory Citation for Program:	Tex. Agric. Code, Title 2, Ch. 19; Title 5, Subtitle B, Chs. 71, 72, and 73

B. What is the objective of this program or function? Describe the major activities performed under this program.

These programs help prevent the introduction and spread of harmful plant pests and diseases in Texas through education, pest detection, containment, eradication, field and plant inspections, quarantines, and through cooperation with USDA, other state agencies, universities, industry, producers, and local authorities.

These programs are associated with many grower and agricultural plant industries, including nursery/floral, cotton, and citrus. TDA also conducts plant protection activities through inspection, pest detection, phytosanitary certification, and implementation of quarantines. Some inspections are done at road stations while others are at destination. TDA also conducts inspections to certify plant products are free of pests so the products may be shipped to other states and countries. TDA conducts roadside inspections of plants on major traffic arteries into the state.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Department of Agriculture
Plant Health Program
Exhibit 61: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Output Measures – Licensing Number of Nursery and Floral Certificates	02.01.01 – 04	Cumulative	15,000	17,324	115.49
Output Measures KEY – Number of Nursery and Floral Establishments Inspections Conducted	02.01.01 – 05	Cumulative	8,000	8,332	104.15
Output Measures – Number of acres inspected or surveyed for the presence of pests and diseases	02.01.01 – 06	Cumulative	95,000	46,862	49.33
Output Measures KEY – Number of Hours Spent Conducting Inspections of Plant Shipments and Other Regulated Articles	02.01.01 - 07	Cumulative	9,100	9,847.25	108.21
Output Measures - Number of Nursery Floral Inspections Found Noncompliant with Phytosanitary Requirements	02.01.01 – 08	Cumulative	175	225	128.57

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Output Measures – Number of State/Federal Quarantine Inspections to Verify Compliance with Quarantine Regulations	02.01.01 - 09	Cumulative	500	680	136.00
Efficiency Measures – Average Cost per Nursery Floral Certificate Issued	02.02.01 - 03	Average	\$10.00	\$4.79	47.90
Efficiency Measures – Average Cost per Nursery Floral Establishment Inspected	02.02.01 - 04	Average	\$88.00	\$97.55	110.85
Outcome Measures – Percentage of the Nursery/Floral Inspections Found in Compliance with State and Federal Phytosanitary requirements	02.01.01-02	Percentage	99.00%	97.30%	98.28
Outcome Measures – Percentage of Vehicles Transporting Regulated Articles Compliant with Quarantine	02.01.01 – 05	Percentage	96.00%	96.18%	100.19
Outcome Measures - Percent of Cotton acres in Pes Management Zones in Compliance	02.02.01 - 03	Percentage	98.00%	98.50%	100.51

Table 57 Exhibit 61 Program Statistics and Performance Measures

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

The Plant Health Program has operated by funds provided jointly from the State's General Revenue Fund as well as from grants. Historically, most of the grants have been provided by USDA Animal and Plant Health Inspection Service – Plant Protection and Quarantine Branch. Recently, two grants have provided a significant source of funds to the program. Those grants are the Citrus Health and Response (CHRP) grant and the Critical Entry Point (CEP) grant. Both grants provide funding for personnel and operating expenses to provide critical inspections to the program.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

The Plant Health Program requires licenses for any person or business that grows or distributes plant material in the state. There are five types of licenses provided by TDA. A Class I license is given to those business selling plants only such as a retail florist. Class II – IV licenses are given to those businesses that grow plant material depending on the size in acres of the location. A Class M license is issued to a street or event vendor and is specific for a particular event.

Phytosanitary certificates and Compliance Agreements are issued to businesses sending host material from a quarantine area to an unquarantined or free area. This can be for intra- or inter-state movement of plant material. Budwood fees are collected by TDA for the sale of citrus budwood sold in the state. Quarantines are established to prevent the spread of a pest and disease from one area to another. TDA monitors the compliance with various quarantines through road station inspections and through quarantine inspections. Pest surveys are conducted for a variety of pests that could be harmful to the Texas Plant Industry.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

TDA administers the program through its headquarters in Austin and its five regional offices. A Regional Director, who oversees all TDA operations within the regional area, manages each office, program implementation, and staffing. Each function has a program lead who facilitates, coordinates and supervises work activities in each respective area (regulatory or pesticide). The regional field staff are assigned to specific geographical areas, which may include certain counties and/or zip codes in the vicinity of their residence. Field staff strategically reside across the region within their coverage areas.

This employee placement allows TDA to respond and provide an instant service to a problem or need with an agricultural activity. Because the field staff are equipped with supplies and computers, they can operate from remote locations and communicate any confirmations, follow-up or assistance in an instant.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The Plant Health Programs have an array of funding sources, from General Revenue to funding from USDA/Animal and Plant Health Inspection Service. Below is a list of the funds received from USDA during 2018.

**The Texas Department of Agriculture
Plant Health Program
Exhibit 62: Funding Sources**

Activity	Award from USDA
Critical Entry Point (Road Stations)	\$685,000
Citrus Health Response Program Regulatory Activities	\$575,720
Gypsy Moth Survey	\$58,540

Don't Pack A Pest Campaign	\$280,000
Imported Fire Ant Survey	\$119,000
Cooperative Agriculture Pest Survey (CAPS) Program Infrastructure	\$119,380
Fruit Fly Program (Citrus)	\$250,000
Karnal Bunt Survey	\$4,417

Table 58 Exhibit 62 Funding Sources

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There is much overlap in the services provide by USDA-Animal and Plant Health Inspection Service/Plant Protection and Quarantine unit. However, while USDA is only focused on interstate travel, TDA is responsible for both intra- and inter- state movement of commerce.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The TDA Plant Quality Program works collectively with USDA Animal and Plant Health Inspection Service – Plant Protection and Quarantine. The USDA provides a large source of funding for TDA programs as well as much of the expertise and resources. TDA also works with Texas A&M AgriLife Extension Service to conduct surveys, provide expertise for various plants, pests and diseases as well out outreach to stakeholders. TDA has the following MOU's for the Plant Quality Program:

**Texas Department of Agriculture
Plant Quality Program
Exhibit 63: MOU's with USDA**

USDA Animal and Plant Health Inspection Service Plant Protection and Quarantine and TDA	To provide for cooperative participation between the parties to perform phytosanitary export certification of plants and plant products and to expand the system of issuance of Federal plant export certificates.
USDA Animal and Plant Health Inspection Service Plant Protection and Quarantine and TDA	To outline the roles and responsibilities of the parties in the inspection and monitoring of post-entry quarantine sites and the monitoring and enforcement of importer compliance with post-entry quarantine requirements.
USDA, Animal and Plant Health Inspection Service Plant Protection and Quarantine and TDA	To provide for cooperation to protect agricultural, horticultural, timber and natural plant resources from losses caused by plant pests or noxious weeds.

Table 59 Exhibit 63 MOU's with USDA

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The program works with and relies heavily on the USDA Animal and Plant Health Inspection Service – Plant Protection and Quarantine for their funding, expertise and resources. Additionally, TDA works and relies on Texas A&M AgriLife Extension Service for their expertise and outreach to stakeholders. Finally, TDA works with various county and local governments during quarantine operations.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**
TDA awarded \$129,000 to Texas Department of Public Safety for security and law enforcement to assist in the operation of 72-hour plant inspection road stations.
- **the amount of those expenditures in fiscal year 2018;**
\$129,000
- **the number of contracts accounting for those expenditures;**
1
- **the method used to procure contracts;**
Interagency Cooperative Contract
- **top five contracts by dollar amount, including contractor and purpose;**
\$129,000 – Texas Department of Public Safety
- **the methods used to ensure accountability for funding and performance; and**
N/A
- **a short description of any current contracting problems.**
N/A

L. Provide information on any grants awarded by the program.

**Texas Department of Agriculture
Plant Quality Program
Exhibit 64: Grants Awarded**

Grantee	Grant Use	Amount Awarded
Texas A&M Citrus Center	Sample Analysis for Citrus Tissue for Citrus Quarantines	\$30,000
Texas Plant Disease Diagnostic Laboratory	Sample Analysis for Phytosanitary Certificate Issuance	\$20,000
Texas Citrus Corporation	Citrus Outreach	\$6,500
Texas Department of Transportation	Quarantine Signage	\$31,150
USDA	Mexican Fruit Fly Facility Support	\$100,000 (federal)

Texas Plant Disease Diagnostic Laboratory	Nematode Samples for Phytosanitary Certificate Issuance	\$15,000
Sam Houston State University	Fire Ant Sample Collection/Survey	\$17,500
Texas A&M AgriLife Extension Service	Panhandle Fire Ant Sample Collection/Survey	\$26,256

Table 60 Exhibit 64 Grants Awarded

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

TDA’s current abilities to inspect plants entering the state are inadequate due to resource limitations. A major challenge is preventing the spread of the citrus plant related pests and diseases that devastated the Florida citrus industry and cost Florida billions of dollars. Current methods of plant inspection utilize mostly unimproved sites on major highways coming into Texas. TDA does have one \$65,000 building at a site in Orange County, Texas on IH 10. There are no weather covered inspections facilities and not facilities for travelers/truck drivers inconvenienced by inspections.

Inspection sites are not well paved, and there is little air conditioning available to staff and travelers. Inspections sites are not shaded, and full sun conditions generally exist.

TDA does not have sufficient numbers of inspection stations or staff to inspect significant portions of plant materials brought into the state.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

TDA protects consumers and the plant industry by regulating agricultural products through nursery/floral licensing, phytosanitary inspection of plant products, and through quarantine enforcement and pest monitoring for a wide variety of pests. This is accomplished through a cooperative relationship with the USDA. Inspections are conducted according to the Plant Quality Inspection Manual. All complaints are sent to Regional Operations which trigger a complaint investigation. TDA may enforce fines or licensure revocation for sanctions for noncompliance.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Complaints are submitted to the department and assigned to a regional inspector for investigation.

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function:	Prescribed Burning Board
Location/Division:	Austin, Texas/Agriculture and Consumer Protection Division
Contact Name:	Patrick Dudley, Coordinator for Agriculture Commodities and Producer Relations.
Statutory Citation for Program:	Tex. Natural Resources Code, Ch. 153

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The Prescribed Burning Board (established by the 76th Leg., R.S.) was created to establish standards for prescribed burning in Texas and requirements for education, training and experience for those individuals who wish to be certified as Certified and Insured Prescribed Burn Managers (CIPBMs). The statute provides landowners who use CIPBMs to conduct prescribed burns with a limitation on liability as a result of their use of CIPBMs. The Prescribed Burning Board oversees the certification and re-certification of burn managers and lead burn instructors. Prescribed burns are utilized to modify and improve grasslands and forests and decrease fire risks associated with accumulated plant material which supports wildfires.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

N/A

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

Information has been included above.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

The program affects individuals who are or wish to become Certified and Insured Prescribed Burn Managers and landowners who work with Certified and Insured Prescribed Burn Managers. To become a CIPBM, an individual must successfully complete the certified prescribed burn training course approved by the Board and a specialty course for the region(s) in which the prescribed burning will be conducted. The manager must also have minimum experience requirements as determined by the board and provide proof of adequate insurance. In order to renew their license a CIPBM must complete six hours of Continuing Fire Training within the two-year licensing period and keep up to date insurance coverage.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The Prescribed Burning Board is jointly administered through the Agriculture and Consumer Protection (ACP) and Legal Services divisions at the Texas Department of Agriculture. The Coordinator for Agriculture Commodity Boards and Producer relations, under the ACP division, administers licensing, administrative and program components of the program. Legal Services reviews all insurance policies provided by applicants seeking certification to ensure program insurance requirements are met. Applications are reviewed by staff and forwarded to the Chair and/or Vice-Chair of the board for final review. Upon review of the applications and determining the minimum requirements are met, the Chair and/or Vice-Chair will approve or disprove the application on behalf of the board. If a board meeting is scheduled in the near future, staff will place pending applications on the agenda for consideration by the full board.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

The only source of funding for the Prescribed Burning Board is through licensing fees generated by new applications and renewals. License renewal occurs every two years from the effective date of a license and new applications happen at will. Late fees are applied immediately after the renewal due date and then increased three months after the renewal due date. Because licensing fees are generated upon the receipt of new applications, and license renewal dates are based on the date of the certification, funding varies from year to year.

H. Identify any programs, internal or external, to your agency that provides identical or similar services or functions to the target population. Describe the similarities and differences.

There are no programs that provide identical or similar services to those seeking to become CIPBMs. The Board is the only entity in Texas authorized to approve training conducted by individuals and organizations that provide courses necessary for certification as a Certified and Insured Prescribed Burn Manager.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Prescribed Burning Board has member representatives from the state agencies discussed in subsection J below and uses the agency knowledge and expertise provided by these members to avoid duplication in regulatory functions or services.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Representatives from several state entities participate on this board as required by statute, including representatives from the Texas A&M Forest Service, Texas Parks and Wildlife Department, Texas Commission on Environmental Quality, Texas A&M AgriLife Extension, Texas A&M AgriLife Research, Texas Tech University and the Texas State Soil and Water Conservation Board. Certified and Insured Prescribed Burn managers must comply with all outdoor burning rules which fall under the jurisdiction of the Texas Commission on Environmental Quality. The board conducts outreach efforts, through board meetings, publications, and attendance at meetings of industry and trade groups, to ensure city and county officials understand the scope of a CIPBM's authority and to ensure burn managers understand that they need to conduct prescribed burns in consideration of and in conjunction with county regulations and authority.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are no contracted expenditures made through this program.

L. Provide information on any grants awarded by the program.

There are no grants awarded by this program.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

One barrier is only roughly three percent of funding of the entire fee collection is appropriated to administer the Board. This makes it difficult to reimburse members on travel, investigate any complaints that may arise, perform regular CIPBM reviews, or create educational materials for Lead Burn Instructors (i.e. tests) and/or for public awareness. If 100% of the fees were appropriated to the Board these barriers could be partially overcome.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

Certification of qualified burn managers is vital to ensure that range management is handled in a responsible manner that protects the agriculture community and all surrounding areas.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Licensure of Certified and Insured Prescribed Burn Managers is necessary to establish a group of properly educated, trained, experienced and insured individuals in Texas available to conduct prescribed burns as needed for Texas landowners and lumber industries who desire to burn private land to enhance their agricultural or forestry operations, for conservation purposes, pasture improvement, or to mitigate the risk of or damage resulting from wildfires.

TDA, the Board and CIPBMs work together to ensure unlicensed personnel do not pass themselves off as CIPBMs and that prescribed burning is conducted in a manner to ensure the safety of property and citizens. CIPBMs must complete Continuing Fire Training courses to renew their licenses. Additionally, a CIPBM must provide proof of annual insurance renewal to maintain certification under the program. If a rare non-compliance is identified, TDA seeks the board's assistance and expertise and take appropriate action to enforce applicable statutes and regulations.

It is important to note that Chapter 153 neither requires a CIPBM to conduct a prescribed burn nor prohibits a landowner from burning on their property, a policy that is embedded in the statute and which the Board fully supports. The Board's focus is on its duties to set standards for prescribed burning and to regulate CIPBMs as authorized and required by statute.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Upon receipt of a complaint, it is reviewed by program staff in consultation with the Legal Affairs Division.

VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2013–2018, or earlier significant Attorney General opinions, that affect your agency’s operations.

**Texas Department of Agriculture
Exhibit 65: Statutes / Attorney General Opinions**

Statutes

Citation/Title	Authority/Impact on Agency (e.g., Provides authority to license and regulate nursing home administrators)
Tex. Agric. Code § 12.002, Development of Agriculture	Allows TDA to encourage the proper development and promotion of agriculture, horticulture, and other industries that grow, process or produce products in this state.
Tex. Agric. Code § 12.0025 Administer Nutrition Programs	Allows TDA to administer 8 federal and state nutrition programs including: the Commodity Supplemental Food program, the Food Distribution Program, the Emergency Food Assistance Program, the School Lunch Program, the Summer Food Service Program, the Child and Adult Care Food Program, the Special Milk Program, and the School Breakfast Program
Tex. Agric. Code § 12.006, Development of Domestic and Foreign Markets	Allows TDA to investigate and report on the question of broadening the market and increasing the demand for cotton goods and all other agricultural or horticultural products in the United States and foreign countries.
Tex. Agric. Code § 12.007, Investigate Plant diseases and pests	Allows TDA to investigate the diseases of crops grown in this state, including grain, cotton, and fruit, to discover remedies. Also allows TDA to investigate the habits and propagation of insects that are injurious to the crops of the state and the best methods for their destruction.
Tex. Agric. Code § 12.010, Correspondence with Government Agencies	Requires the Department to correspond with the US Department of Agriculture, with the agriculture departments of other states and territories and foreign countries to gather information to further the interests of Texas agriculture.
Tex. Agric. Code § 12.011, Agricultural Resource Statistics	Authorizes TDA to collect and publish agricultural resource statistics.
Tex. Agric. Code § 12.016, Rule Adoption	Authorizes TDA to adopt rules as necessary to administer its powers and duties under the Code.
Tex. Agric. Code § 12.0175 Grown or Produced in Texas Program	Allows TDA to establish programs to promote and market agricultural products and other products grown, processed or produced in the state.
Tex. Agric. Code § 12.020, Administrative Penalties	Establishes agency authority to assess administrative penalties.

Tex. Agric. Code § 12.0201, License Sanctions	Authorizes the agency to issue sanctions related to a license as a result of violations.
Tex. Agric. Code § 12.0202, Administrative Hearings	Requires administrative hearing prior to a suspension, revocation or refusal to renew a license.
Tex. Agric. Code §12.027, Economic Development Program	Requires to the Department to maintain an economic development program for rural areas of Texas.
Tex. Agric. Code § 12.0271, Rural Economic Development and Investment Program	Requires the Department to establish a financial assistance program to encourage private economic development in rural areas.
Tex. Agric. Code § 12.032, Cooperation with State Office of Administrative Hearings	Requires agency cooperation with SOAH.
Tex. Agric. Code § 12.038, Office of Rural Affairs	Requires the Department to establish and maintain an Office of Rural Affairs.
Tex. Agric. Code § 12.040, Texas Certified Retirement Community Program	Requires the Department to establish and maintain a Certified Retirement Community Program.
Tex. Agric. Code § 12.039, Certain Wine Produced or Bottled in This State	Provides the Department the authority to reduce the percentage by volume of Texas grapes that must be included in wine sold in dry counties (Sec 16.011, Alcoholic Beverage Code); provides the authority to establish a voluntary grape registry.
Tex. Agric. Code § 12.042, Home-Delivered Meal Grant Program	Department shall establish a home-delivered meal grant program.
Tex. Agric. Code § 12.046, Texas Rural Investment Fund	Department shall administer the Texas Rural Investment Fund.
Tex. Agric. Code § 13.002, Weights and Measures	Provides the authority to supervise all weights and measures sold or offered for sale in the state through licensing and inspection.
Tex. Agric. Code § 14.015, Warehouse Regulation	Provides the authority to license and investigate the storing, shipping and handling of grain through the inspection of public grain warehouses, the grain within and all property and records.
Tex. Agric. Code § 18.002; Organic Certification and Agricultural Product Standards	Provides the authority to license and regulate organic producers, processors, distributors and handlers of organic agricultural products.
Tex. Agric. Code § 19.004, Citrus Budwood Certification Program	Provides the Department shall administer the Citrus Budwood Certification Program.
Tex. Agric. Code § 21.001 Grant Program for Distribution of Surplus Agricultural Products	Provides authority to develop a program to award grants to nonprofit organizations for the purpose of collecting and distributing surplus agricultural products to food banks and other charitable organizations that serve needy or low-income individuals.
Tex. Agric. Code § 25.001, Grant Program for Children's Access to Nutritious Food	Provides the department shall develop and implement a children's access to nutritious food program to award grants to nonprofit organizations for the purpose of allowing food banks to provide children at risk of hunger or obesity with access to nutritious food outside the school day.
Tex. Agric. Code § Chapter 41, Commodity Producers Boards	Provides statutory oversight requirements over the state's Producer Commodity Boards. The Department reviews and

	approves each board's election processes, budgets, and annual reports.
Tex. Agric. Code § 42.001, Food and Fibers Research Grant Program	Establishes the Food and Fibers Research Grant Program to be administered by TDA.
Tex. Agric. Code § 44.002, Creation of Microenterprise Programs	Provides the Texas Agricultural Finance Authority (TAFE) the authority to create a program to provide financial assistance to microenterprises in rural Texas; authorizes the TAFE Board to administer the Microenterprise Loan and Interest Rate Reduction Programs.
Tex. Agric. Code § 44A.002, Creation of Urban Farm Microenterprise Support Program	Provides the Texas Agricultural Finance Authority (TAFE) the authority to create a program to provide financial assistance to microenterprises in urban areas related to agriculture; authorizes the TAFE Board to administer Urban Farm Microenterprise Support Program Loans.
Tex. Agric. Code § 45.005, Texas-Israel Exchange Research Program	Provides authority to establish a fund to promote and support practical and applied agricultural research and development that will result in mutual benefit to Texas and Israel.
Tex. Agric. Code § 46.003, "GO TEXAN" Partner Program	Requires the Department to establish and maintain the GO TEXAN Partner Program to increase consumer awareness of Texas agricultural products and expand the markets for Texas agricultural products.
Tex. Agric. Code § 47.052, Texas Shrimp Marketing Assistance Program	Authorizes the creation of the Texas Shrimp Marketing Assistance Program within the Department to assist the Texas wild-caught shrimping industry in promoting and marketing Texas-produced shrimp and educating the public; the Shrimp Marketing Advisory Committee shall be appointed to implement the program.
Tex. Agric. Code § 48.001, Agricultural Projects in Certain Urban Schools	Provides authority to develop a program to award grants to public elementary schools in large urban school districts for the purpose of demonstrating agricultural projects or fostering an understanding or awareness of agriculture.
Tex. Agric. Code § 49.002, Agricultural Technology Program	Provides that the Department shall develop, maintain, and administer the agri-tech program to provide support for eligible institutions to conduct research projects on methods to address agricultural crises in this state.
Tex. Agric. Code § 50B.002; 50B.003, Wine Industry Development Advisory Committee and Wine Industry Development Fund	Provides the Commissioner shall appoint a Wine Industry Development Advisory Committee. Establishes the Wine Industry Development Fund to be administered by TDA.
Tex. Agric. Code § 50C.002, Texas Organic Agricultural Industry Advisory Board	Establishes the Texas Organic Agricultural Industry Advisory Board; Provides the Commissioner shall appoint the board.
Tex. Agric. Code § 52.032, Cooperative Marketing Associations	Persons considering organization of marketing associations are urged, but not required, to consult with the Department. Upon the association's request, the Department shall inform the group of the results of a survey of the marketing conditions affecting the commodities to be handled by the proposed association; and

	the probability of the association’s success based on those results.
Tex. Agric. Code § 58.011, Texas Agricultural Finance Authority	Establishes the Texas Agricultural Finance Authority within the Department to provide financial assistance for the expansion, development, and diversification of production, processing, marketing, and export of Texas agricultural products.
Tex. Agric. Code § 59.002, Farm and Ranch Finance Program Fund	Provides TAFE shall administer the Farm and Ranch Finance Program Fund.
Tex. Agric. Code §60.054 and 60.0631, Texas Agricultural Development Districts	Provides authority to maintain records and approval authority relating to Agricultural Development Districts.
Tex. Agric. Code § 61.002, Inspection, Labeling, and Sale of Agricultural and Vegetable Seed	Department shall administer and enforce regulations related to the inspection, labeling, and sale of agricultural and vegetable seed. Provides authority to collect inspection fees and to conduct seed inspections.
Tex. Agric. Code § Chapter 62, Seed and Plant Certification	Establishes the State Seed and Plant Board which is administratively managed by the Department; also provides that the Department as the certifying agent for seed and plants in Texas.
Tex. Agric. Code § 64.007, Arbitration of Seed Performance	Authorizes the Department to adopt rules related to arbitration of claims or counterclaims due to the failure of seed purchased in a seed bag or package. The commissioner refers complaints to the Seed Arbitration Board.
Tex. Agric. Code § Chapter 71, Horticultural Diseases and Pests – General Control	Provides that the Department shall establish quarantines of infested areas to prevent the spread of pests and disease. Provides the Department the authority to inspect vehicles and plant products, regulate the growing, shipping, selling and leasing of nursery products through licensing, quarantine and inspection.
Tex. Agric. Code § 72.002, Mexican Fruit Fly Control	Provides the Department shall administer a program to eradicate the Mexican fruit fly in Texas to protect all premises from this pest; authorizes the Department to enter premises, inspect and determine the best method of controlling or eradicating a Mexican fruit fly infestation.
Tex. Agric. Code § 73.002, Citrus Diseases and Pests	Provides broad authority to use all constitutional measures to protect this industry from destruction by pests and diseases.
Tex. Agric. Code § Chapter 74, Cotton Diseases and Pests	Authority to establish pest management zones, administrative committees, dates and appropriate methods for destruction of cotton stalks, other parts and products of host plants for boll weevils. Allows for field inspection, destruction and treatment of host plants, and penalties.
Tex. Agric. Code § Chapter 76, Pesticide and Herbicide Regulation	Specifies TDA’s authority and responsibilities as related to the regulation of pesticide sale and use in Texas.
Tex. Agric. Code § 78.056, Noxious Weed Control	Providing that a noxious weed control district shall file a report with the department stating the amount of money received through the assessments by the district in the 12 months ending the last June 30. The Department shall certify the amount to the CPA.

Tex. Agric. Code § Chapter 91, General Grades and Packs of Fruits and Vegetables	Provides for the Department shall establish rules and enter into cooperative agreements with the United States Department of Agriculture, or with any Texas firm, corporation, or association to carry out shipping point and receiving market inspections under the Agricultural Marketing Act of 1946.
Tex. Agric. Code § Chapter 92, Tomato Standardization and Inspection	Provides the Department shall direct the inspection and certification of tomato grades, sizes, packs, markings, and container designations.
Tex. Agric. Code § 93.004, Citrus Fruit Standardization and Inspection	Provides the Department shall direct the inspection, grading, and classification of grapefruit and orange.
Tex. Agric. Code § 94.003, Citrus Fruit Maturity Standards	Provides the Department shall direct and supervise the inspection and certification of maturity of citrus fruit.
Tex. Agric. Code § 95.003, Citrus Fruit Coloring Matter	Department shall set citrus fruit coloring rules and inspect citrus fruit coloring. Authority to license resellers of Texas grown perishable commodities.
Tex. Agric. Code § Chapter 101, Handling and Marketing of Perishable Commodities	Establishes licensure for Handling and Marketing of Perishable Commodities within the Department.
Tex. Agric. Code § Chapter 102, Handling and Marketing of Citrus Fruit	Authorizes the department to execute marketing agreements and issue licenses to persons engaged in intrastate commerce transactions in the marketing, processing, packing, shipping, handling, or distributing of citrus fruit.
Tex. Agric. Code § Chapter 103, Produce Recovery Fund	Establishes the Produce Recovery Fund which is a special trust fund with the comptroller administered by the Department, without appropriation, for the payment of claims against license holders, retailers, and persons required to be licensed under Chapter 101; Establishes the Produce Recovery Fund Board to investigate claims that result from a violation of terms or conditions of a contract made by the license holder or person required to be licensed for the sale of Texas-grown produce.
Tex. Agric. Code § Chapter 125, Agricultural Hazard Communication	Requires the Department to develop forms and requirements related to chemical lists, training and other information regarding hazardous chemical exposure. Authorizes the Department to develop rules to implement the chapter and requires agricultural employers to supply information regarding hazardous chemicals to employees.
Tex. Agric. Code § Chapter 132, Eggs	Requires the Department to adopt standards for the inspection and regulation of shell eggs, including quality, grade, and size of shell eggs. Authorizes licensing and inspection of packers, distributors, wholesalers and retailers of eggs.
Tex. Agric. Code § Chapter 134.011, Regulation of Aquaculture	Provides the Department the authority to license all aquaculture facilities in Texas. Requires licensure by Department for operation.
Tex. Agric. Code § Chapter 146, Subchapter B, 146.021, Sale and Shipment of Livestock	Provides the authority to receive and hold for processing, animals and animal products transported in international trade. Authorizes the collection of reasonable fees for yardage, maintenance, feed, medical care, facility use and other

	necessary expenses incurred in the course of processing those animals.
Tex. Alcoholic Beverage Code § Chapter 110, Texas Wine Marketing Assistance Program in the Department of Agriculture	Establishes the Texas Wine Marketing Assistance Program in the Department of Agriculture to assist the Texas wine industry in promoting and marketing Texas wines and educating the public about the Texas wine industry.
Tex. Government Code § Chapter 487, Office of Rural Affairs in Department of Agriculture	Establishes the Office of Rural Affairs in the Department to assist rural communities in the key areas of economic development, community development, rural health, and rural housing, in addition to other duties.
Tex. Occupations Code § Chapter 1951, Structural Pest Control Service	Provides that Structural Pest Control Service is a service of the Department responsible for the regulation and licensing of persons engaged in the business of structural pest control.
Tex. Nat. Resources Code § Chapter 153, Prescribed Burning Board	Established the Prescribed Burning Board within the Department; Provides that the Department shall handle complaints related to certified and insured prescribed burn managers.
Tex. Parks and Wildlife Code § Sec. 77.002, Shrimp License Fees	Authorizes license fees from shrimping in Texas to be deposited to a shrimp marketing account within the Department solely for the purpose of the Texas shrimp marketing assistance program established under Subchapter B, Chapter 47, Agriculture Code.
Child Nutrition Act of 1966, 42 U.S.C. § 1771, et seq.	Authorizes and provides funding for states and schools to participate in the CN programs.
Code Federal Regulations: Title 7, Subtitle B, Chapter II, Subchapter A.	Provides authority for the national school, milk, school breakfast, summer food service, child and adult care, and farmers market nutrition programs.
Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 (2004)	Authorizes and provides funding for states and schools to participate in the CN programs.
Endangered Species Act, 16 USC, Ch. 35	Placed requirements on EPA to consider possible effects that registration decisions may have on endangered species. These requirements must also be addressed by the states when pursuing special registrations.
Federal Insecticide, Fungicide and Rodenticide Act, 7 USC § 136 et seq.	Provides for the delegation of primary authority to the states for the enforcement of federal pesticide laws and regulations concerning pesticide registration, pesticide application, applicator certification, etc.
Federal Worker Protection Standard, 40 CFR Part 170	Established requirements designed to reduce the risk of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.
Food Quality Protection Act of 1986, P.L. 104-70	This federal act was passed in 1996 and significantly modified the way EPA handles the federal registration of pesticide products. The act has also had an effect on the way special

	registrations are conducted by the states. Additionally, this act was the basis for the USDA Food Safety Program which involves our laboratory.
Housing and Community Development Act of 1974, 42 U.S.C. Section 5301 et seq. and Public Law No. 97-35	Authorizes and provides funding for state community development block grant programs, including the Texas Capital Fund.
Richard B. Russell National School Lunch Act, 42 U.S.C. § 1751, et seq.	Authorizes and provides funding for states and schools to participate in the CN programs.
21 CFR Part 112-Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.	Establishes provisions related to the administration of the Produce Safety Rule as part of the Food Safety Modernization Act which the Department administers under a cooperative agreement with the US Food and Drug Administration.
7 CFR Part 205 National Organic Program	Provides authority to operate the organic certification program within the Department.
H.R.2 - Agriculture Improvement Act of 2018 (Farm Bill).	Authorizes the production of hemp and requires submission of a state plan by Department for administration of hemp program within the state.

Table 61a Exhibit 65 Statutes

**Texas Department of Agriculture
Prescribed Burning Board (PBB)
Exhibit 66: Statutes**

Statutes

Citation / Title	Authority / Impact on Agency (e.g., “provides authority to license and regulate nursing home administrators”)
Tex. Nat. Res. Code, Chapter 153, Prescribed Burning	Establishes the PBB within the Department and sets the criteria related to prescribed burning and CIPBM.

Table 61b Exhibit 66 Statutes

**Texas Department of Agriculture
Exhibit 67: Attorney General Opinions**

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
KP-0193 (2018)	Found that TDA’s rules implementing section 13.1002 of the Agriculture Code, which creates an exemption from regulation for devices used to weigh food sold for immediate consumption, to be invalid to the extent the rules impose the additional burden of requiring a purchase to consume food on the premises in order for the seller to obtain an exemption from TDA.
AGO GA-930	Tex. Att’y Gen. Opinion. No. GA-930 opines that a commissioners court may place further restrictions, limitations or exemptions on a burn ban issued under subsection 352.081(c) of the Local Government Code, but further opines that the Legislature has prohibited a commissioners court from regulating outdoor burning activities described in subsection 352.081(f) of the Local Government Code.

Table 61c Exhibit 67 Attorney General Opinions

- B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.**

**Texas Department of Agriculture
Exhibit 68 & 69: 86th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 191	Phil Stephenson	-Creates the Pesticide Disposal Fund within the department for the purpose of collecting pesticide waste and containers.
*HB 1325	Tracy King	-Legalizes hemp production in the State of Texas. Give TDA authority to create and implement a state hemp production plan.
HB 2053	Andrew Murr	-Changes the scope of responsibilities and liabilities those who participate in prescribed burn activities but does not grant additional authority to TDA.
HB 2155	Bobby Guerra	-Extends the grant program, through the next biennium, to reduce inspection wait times at the Texas-Mexico border for agricultural vehicles
HB 2223	John Frullo	-Exempts scales used to weigh food for immediate consumption from standard inspection and calibration requirements
HB 2900	Art Fierro	-Allows for commodity producer boards or committees to hold meetings via telephone conference
*HB 2945	Mary Ann Perez	-Establishing rules to combat credit card skimmer fraud (transferred to TDLR with fuel program regulation)
SB 743	Bob Hall	Creates the Texas Olive Oil Industry Advisory Board, which will be housed in the Texas Department of Agriculture
SB 979	Bryan Hughes	Clarifies the Texas Ag Code definition of the words citrus budwood and citrus nursery; specifically clarifying the ability to produce citrus by rooted cuttings in addition to grafting or budding
SB 1113	Eddie Lucio	-Creates a waiver for municipalities to expedite the ability to spray for mosquitos during emergency situations
SB 1312	Eddie Lucio	- Creates a noncommercial applicator license for mosquito control in border counties through TDA
SB 1939	Kelly Hancock	-Allows grape growers to retain title over their grape product at the grower's discretion as well as requires a warehouse operator to issue a receipt to the produce deliverer or owner of the product that contains necessary details
*SB 2119	Carol Alvarado	-Transfers the regulation of motor fuel metering and motor fuel quality from the Texas Department of Agriculture to the Texas Department of Licensing and Regulation

Table 62a Exhibit 68 Legislation Enacted 86th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions
HB 70	Mary Gonzalez	-Creates a strategic plan within the agency to prevent crop diseases in Texas. -Vetoed by the Governor because it is an unnecessary directive
HB 136	Mary Gonzalez	-Requires TDA to work with AgriLife to create educational materials on best practices of spraying pesticides to protect bees -Left pending in Senate Agriculture Committee
HB 989	Ryan Guillen	-Creates a hemp pilot program, based off the 2014 Farm Bill provisions -Left pending in House Ag and Livestock Committee due to outdated bill language
HB 1230	Alex Dominguez	-Legalizes hemp production in the State of Texas. - Left pending in House Ag and Livestock Committee
HB 1657	Roland Gutierrez	-Legalizes hemp production in the State of Texas. - Left pending in House Ag and Livestock Committee
HB 1695	Craig Goldman	-Transfers the regulation of motor fuel metering and motor fuel quality from the Texas Department of Agriculture to the Texas Department of Licensing and Regulation -Left pending in House International Relations/Economic Development Committee
HB 1723	Terry Meza	-Repealed certain permit regulations for bee transportation -Left pending in House Ag and Livestock Committee
HB 3280	Art Fierro	-Exempts certain small florists or nursery growers from certain regulations on nursey products and florist items -Left pending in House Ag and Livestock Committee
HB 4212	Terry Meza	-Establishes professional training and licensing program for bee removal -Left pending in House Ag and Livestock Committee
HB 4276	Bill Zedler	-Removes hemp from the controlled substance list -Left pending in the House Public Health Committee
HB 4374	Andrew Murr	-Proposed to add new Section 153.083 to the Natural Resources Code, which stated that an individual directing a prescribed burn was not liable for property damage, personal injury, or death caused by or resulting from the burn in excess of the insurance requirements if the individual completed an accredited prescribed burning training course approved by PBB and satisfied the experience requirements prescribed by the board. -Left pending in Senate Water and Rural Affairs Committee
HB 4395	Andrew Murr	-Proposed to delete subsection 352.081(f)(3) from the Local Government Code, thus removing the authority of members of a prescribed burning organization to conduct outdoor burning activities during a burn ban. -Proposed to remove all references to a prescribed burning organization from Chapter 153 of the Natural Resources Code, thus removing a prescribed burning organization and its members from prescribed burning activities under statute, and further proposing to remove the protection afforded landowners who utilize members of

Self-Evaluation Report

		a prescribed burning organization to conduct prescribed burns on their land. -Left pending in Senate Water and Rural Affairs Committee
SB 116	Jose Menendez	-Creates a hemp pilot program, based off the 2014 Farm Bill provisions -Left pending in Senate Business and Commerce Committee due to outdated bill language
SB 677	Bob Hall	-Repealed certain permit regulations for bee transportation -Left pending in House Ag and Livestock Committee
SB 1240	Charles Perry	-Legalizes hemp production in the State of Texas. Give TDA authority to create and implement a state hemp production plan. -Left pending in Senate Business and Commerce Committee
SB 1648	Judith Zaffirini	-Establishing rules to combat credit card skimmer fraud -Left pending in Senate Business and Commerce Committee
SB 2170	Jose Rodriguez	-Requires TDA to work with AgriLife to create educational materials on best practices of spraying pesticides to protect bees -Left pending in Senate Agriculture Committee

Table 62b Exhibit 69 Legislation Not Passed 86th Leg

IX. Major Issues

Issue 1: Texas Rural Foundation

Issue: The Texas Rural Foundation has not been able to successfully complete a project and/or a plan of work to date. The appointed board of directors does not have the time to provide full-time leadership or direction to establish a plan of work in order to complete a project. Because the Foundation has no employees or full-time volunteers, it is unable to effectively pursue grant funds and/or create a plan of work that will assist with its statutory mission. As a result, the Texas Rural Foundation has lost its IRS tax exemption status and a Texas Rural Foundation Board of Director's meeting has not been held since at least June of 2015.

Discussion: The Texas Rural Foundation was established as an independent Section 501(c)(3) non-profit organization. The Foundation may raise money from foundations, governmental entities, and other sources to finance health, community, and economic development programs in the rural areas of the state. The Texas Rural Foundation is governed by a board of directors appointed by the commissioner. Due to a lack of full-time leadership and direction at the non-profit organization, the Texas Rural Foundation is unable to be effective in pursuing grant funds and creating a plan of work.

Possible Solutions and Impact: A full-time employee and/or volunteer would assist the Texas Rural Foundation in formally organizing the Board of Directors and help with a plan of work to include the pursuit of grant funding. This will allow the Foundation to more effectively meet its mission.

Issue 2: Wine Funding

Issue: SB 881 was passed by the Texas Legislature in 2015; however, the funding formula included in the bill distinguished between revenue derived from in state and out of state wine. Wine excise tax revenues are not tracked liked this and no funding could be validated by the Comptroller's Office to authorize an appropriation to TDA for activities identified in the bill.

Discussion: The bill passed in 2015 was an update to language originally passed in 2005 that allocated wine excise tax revenues to multiple agencies, including higher education institutions, to assist the growing wine industry with research and marketing needs. When the bill first passed in 2015, there was no concerns with the formula because it did not change any previously approved language, but merely updated dates and numbers. It wasn't until after the legislature adjourned that the Comptroller and TABC determined that the information they collect was not detailed enough to determine the difference between excise tax revenue derived from in-state vs. out-of-state wines. Because this information could not be determined, no appropriations would be allocated based on this bill to TDA.

Some discussion was had that the TABC and/or Comptroller would begin tracking revenues, but TDA is uncertain if this has occurred or how long it would be necessary to collect this information before enough historical data is available to allow the formula to work as intended.

Possible Solutions and Impact: TDA believe the formula outlined in SB 881 could be re-evaluated and changes to the language could address the concerns and accomplish the original intent of the bill. If the concern is truly the separation of the two sources of funding, then it stands to reason the bill language could be rewritten to combine those sources or a maximum of \$2 million (as opposed to \$1 million from each source).

Issue 3: GO TEXAN license plate revenue

Issue: In 2000, TDA issued a specialty license plate dedicated to supporting the GO TEXAN program. Statute identified that proceeds from these plates would go into the GO TEXAN Partner Program account. In 2015, the GO TEXAN Partner Program was suspended and the account closed. Revenues from the license plates continue to be received; however, TDA has no authorization to use these funds for promotion of the GO TEXAN Program.

Discussion: The GO TEXAN Partner Program (GOTEPP) was established as 1:1 matching grant program open to current GO TEXAN members who wanted financial assistance to market their products. GOTEPP was originally suspended in 2013 but allowed to continue until funds in the dedicated account were depleted. The annual revenue received from the license plates is approximately \$3,000. This amount of funding is not sufficient to warrant a round of grants.

Possible Solutions and Impact: TDA recommends that funds received through the sale of GO TEXAN license plates be deposited into the Marketing cost-recovery account and made available to the agency to support the GO TEXAN program and any relevant expenses.

Issue 4: Cost Recovery Model for Marketing

Issue: In 2011, several programs under TDA's administration were moved from general revenue funded to cost recovery. Although logical for regulatory fee-based programs, this model does not work for a volunteer marketing program such as GO TEXAN. Unknown last quarter revenues result in money left unexpended, while participants believe their fees are being fully utilized by the agency.

Discussion: This program is not a required license. The GO TEXAN mark is used to identify products that are grown, produced, manufactured or value-added in the state of Texas. Texas businesses can annually apply for the use of the mark; however, TDA is unable to offer multi-year use agreements because of the funding situation. Companies have indicated they would participate in the program, but don't want to be required to pay annual dues but would be willing to pay more for a long-term or life membership.

TDA believes the more companies using the GO TEXAN mark adds recognition and value to the mark but revenue must be received to meet annual administrative needs.

Possible Solutions and Impact: While unexpended balance authority within the biennium will help address this problem, TDA believes the better solution for the GO TEXAN program only, would be to treat it as a conference account in which unexpended funds roll from one year to the next, regardless of biennium year.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency and be sure to include the most recent email address.

Texas Department of Agriculture Exhibit 70, 71 & 72: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Association of Rural Communities in Texas Kara Mayfield	1122 Colorado St. Ste. 102 Austin, TX 78701	(512) 788-1819	N/A
Corn Producer Association of Texas David Gibson	4205 N 127 Lubbock, TX 79403	(806) 786-7265	dgibson@texascorn.org
Independent Cattlemen's Association Bill Hyman	P.O. Box 1168, Lockhart, TX 78644	(512) 620-0162	hyman@icatexas.com
Plains Cotton Growers, Inc. Steve Verett	4517 West Loop 289 Lubbock, TX 79414	(806) 792-4904	steve@plainscotton.org
South Texas Cotton and Grain Asso. Inc Jeff Nunley	P.O. Box 4881 Victoria, TX 77903	(361) 920-0631	jnunley@stcga.org
Texas Ag Industries Association Donnie Dippel	726 Camp Lone Star Road La Grange, TX 78945	(979) 247-4300	ddippel@cvtv.net
Texas Agricultural Aviation Association Chris Shields	1005 Congress, Suite 480 Austin, TX 78701	(512) 476-4405	cshields@thetexascapitol.com
Texas Aquaculture Association John Jones	1619 Gooseneck Rd Bryan, TX 77808	(979) 703-7988	jones@lochowranch.com
Texas Association of Dairymen Darren Turley	125 W. Mesquite Dublin, TX 76446	(817) 410-4538	dturley@milk4texas.org
Texas Association of Olive Oil Ilissa Nolan	4330 Gaines Ranch Loop Ste. 240 Austin, TX 78735	(512) 348-4948	inolan@baw.com
Texas Boll Weevil Eradication Foundation, Inc. Lindy Patton	P.O. Box 5089 Abilene, TX 79608	(325) 672-2800	Lindy@txbollweevil.org
Texas Center for Rural Entrepreneurship Dr. Greg Clary	P.O. Box 38 Overton, TX 75684	(903) 834.6191	g-clary@tamu.edu
Texas Cattle Feeders Association Ross Wilson	5501 West I-40 Amarillo, TX 79106	(806) 358-3681	ross@tcfa.org

Self-Evaluation Report

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Citrus Mutual Dale Murden	901 Business Park Drive, Suite 400 Mission, TX 78572	(956) 584-1772	dale@valleyag.org
Texas Cotton Ginners' Association Tony Williams	408 West 14th Street Austin, TX 78701- 1619	(512) 476-8388	tony@tgca.org
Texas Deer Association Patrick Tarlton	816 Congress Ave. Austin, TX 78701	(512) 499-0466	patrick@texasdeerassociation.com
Texas Farm Bureau Si Cook	P.O. Box 2689 Waco, TX 76702	(254) 751-2215	scook@txfb.org
Texas Forestry Association Rob Hughes	P.O. Box 1488 Lufkin, TX 75902- 1488	(936) 240-2528	rhughes@texasforestry.org
Texas Grain and Feed Association Tara Athro	1701 River Run, Ste. 802 Fort Worth, TX 76107	(817) 336-7879	tara@tgfa.com
Texas Grain Sorghum Producers Board Wayne Cleveland	P.O. Box 905 Salado, TX 76571	(254) 541-5375	wcleveland@mindspring.com
Texas Nursery and Landscape Association, Inc. Amy Graham	7730 South IH-35 Austin, TX 78745	(512) 280-5182	agraham@tnlaonline.org
Texas Peanut Producers Board Dale Curb	P.O. Box 338 Gorman, TX 76454	(254) 734-2222	N/A
Texas Pecan Producers Board Blair Krebs	4348 Carter Creek Pkwy., STE 101 Bryan, TX 77802	(979) 846-3285	blair@tpga.org
Texas Pork Producers Association Brandon Gunn	151 A Kirkham Circle Kyle, TX 78640	(512) 262-0595	bgunn@texasprk.org
Texas Poultry Federation James Grimm (Retiring in September 2019)	595 Round Rock West Drive, Ste. 305 Round Rock, TX 78681	(512) 248-0600	tpf@jumpnet.com
Texas Retailers Association George Kelemen	1250 Capital of Texas Hwy. Bldg. 3, Ste. 400 Austin, TX 78746	(512) 472-8261	jwilliamson@txretailers.org
Texas Rice Producers Board LG Raun	311 Ave A El Campo, TX 77437	(979) 541-0039	lgraun@swbell.net
Texas Seed Trade Association Bryan Gentsch	P.O. Box 1588 Goldthwaite, TX 76844	(512) 413-9766	bryan@txseed.org
Texas Sheep and Goat Raisers' Association Bob Turner	40 CR 340 Voss, TX 76888	(512) 382-7581	bobturner@webaccess.net
Texas and Southwestern Cattle Raisers Association Jason Skaggs	1301 West Seventh Street Fort Worth, TX 76102	(800) 242-7820	jskaggs@tskra.org

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas State Florists' Association	P.O. Box 140255 Austin, TX 78714	(512) 834-0361	Dianna Doss TXSFA@aol.com
Texas Vegetation Management Association Donnie Dippel	145 West Travis La Grange, TX 78945	(979) 968-5602	ddippel@cvctx.com
Texas Wheat Producers Board Rodney Mosier	5405 West Interstate 40 Amarillo, TX 79106	(806) 352-2191	rmosier@texaswheat.org
Texas Wildlife Association David Yeates	3660 Thousand Oaks Blvd. Ste.126 San Antonio, TX 78247	(210) 826-2904	dyeates@texas-wildlife.org
Texas Wine and Grape Growers Association Docota Haselwood	624 S. Dooley Grapevine, TX 76051	(817) 421-3201	dacota@twgga.org
U.S. Rice Producers Association Marcela Garcia	25722 Kingsland Blvd., Ste 203 Katy, TX 77494	(713) 974-7696	marcela@usriceproducers.com

Table 63a Exhibit 70 Interest Groups

Interagency, State, or National Associations*(that serve as an information clearinghouse or regularly interact with your agency)*

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Association of Fruit and Vegetable Inspection and Standardization Agencies Laura Thomas	P.O. Box 790 Boise, ID 83701-0790	(208) 332-8672	Laura.thomas@isda.idaho.gov
Association of Official Seed Analysts Jess Peterson	8918 W. 21 st St N., Ste. 200 #246 Wichita, KS 67205	(202) 870-2412	aosa@aosaseed.com
Bob Bullock Texas State History Museum Margaret Koch	P.O. Box 12874 Austin, TX 78711	(512) 936-4660	ContactUs@TheStoryofTexas.com
National Conference on Weights and Measures Don Onwiler	1135 M Street, Ste. 110 Lincoln, NE 68508	(401) 434-4880	info@ncwm.net
National Plant Board Ann Gibbs	5329 Fayette Ave. Madison, WI 53713	N/A	N/A
School Nutrition Association Gay Anderson	2900 S. Quincy, Ste 700 Arlington, VA 22206	(703) 824-3000	servicecenter@schoolnutrition.org
Southern U.S. Trade Association Bernadette Wiltz	701 Poydras Street, Ste 3845 New Orleans, LA 70139	(504) 568-5986	susta@susta.org
Texas Association for School Nutrition Karen Andradi	4130 Spicewood Springs Rd. #201 Austin, TX 78759	(512) 371-0087	karena@tasn.net

Self-Evaluation Report

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Association of School Board Brian Bolinger	P.O. Box 400 Austin, TX 78759	(512) 467-0222	N/A
Texas Association of School Administrators Kevin Brown	406 East 11 th Street Austin, TX 78701-2617	(512) 477-6361	N/A
Texas Beef Council Richard Wortham	8708 Ranch Road 620 North Austin, TX 78726	(512) 335-1333 Ext. 100	rw@txbeef.org
Feed Texas Celia Cole	1524 South IH-35 Ste 342 Austin, TX 78704	(512) 527-3613	N/A
Texas PTA Kyle Ward	408 West 11 th Street Austin, TX 78701	(512) 320-9801	N/A
Texas Wine Marketing Research Institute – Texas Tech University Tim Dodd	P.O. Box 41240 Lubbock, TX 79409-1240	(806) 834-7472	Tim.dodd@ttu.edu
USDA Agriculture Marketing Service Bruce Summers	1400 Independence Ave., S.W. Washington, DC 20250	(202) 720-8998	PA@ams.usda.gov
USDA, Agricultural Marketing Service-Seed Branch Richard Payne	801 Summit Crossing Place Gastonia, NC 28054	(704) 810-8870	richard.payne2@usda.gov
USDA , Animal and Plant Health Inspection Service	P.O. Box 9000 Brownsville, TX 78520-9000	(956) 546-1203	
USDA, Animal and Plant Health Inspection Service Stuart Kuehn	903 San Jacinto, Suite 270 Austin, TX 78701	(512)916-5241	stuart.w.kuehn@aphis.usda.gov
U.S. Environmental Protection Agency Andrew Wheeler	1200 Pennsylvania Avenue, N.W. Washington, DC 20460	(202) 546-4700	N/A
USDA National Agriculture Statistics Service	USDA/NASS Texas Field Office P.O. Box 70 Austin, TX 78767	(512) 916-5581	N/A
USDA-Natural Resource Conservation Service Kaveh Sadeghzadeh	1400 Independence Ave., SW, Room5105-A Washington, DC 20250	(202) 720-3210	N/A
Institute of Child Nutrition Aleshia Hall-Campbell Executive Director	University of Mississippi P.O. Drawer 188 University, MS 38677	(662) 915-7658	ALHALL1@OLEMISS.EDU
National CACFP Sponsors Association Lisa Mack Executive Director	PO Box 1748 Round Rock, TX 78680	(512) 850-8278	nca@cacfp.org
School Nutrition Association Patricia Montague Chief Executive Officer	2900 S. Quincy Street Suite 700 Arlington, VA 22206	(703) 824-3000	pmontague@schoolnutrition.org

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Association for School Nutrition Karen Andradi Executive Director	4130 Spicewood Springs Rd. #201 Austin, TX 78759	(512) 371-0087 x204	karena@tasn.net
Texas Association of School Boards James Crow Executive Director	12007 Research Blvd. Austin, TX 78759	(512) 467-0222	Jim.crow@tasb.org
Texas Association of School Administrators Kevin Brown Executive Director	406 East 11 th Street Austin, TX 78701	(512) 477-6361	kbrown@tasanet.org
Feeding Texas Celia Cole Chief Executive Officer	1524 South IH-35 Suite 342 Austin, TX 78704	(512) 527-3613	ccole@feedingtexas.org
Share our Strength No Kid Hungry Texas Kathy Green Director	1030 15 th Street, NW Suite 1100 Washington, DC 20005	(800) 969-4767	kgreen@strength.org
American Commodity Distribution Association Brandice Pelfrey Executive Director	PO Box 841 Pensacola, FL 32591	(850) 480-7332	brandice@commodityfoods.org
Texas Hunger Initiative Jeremy Everett Executive Director	Baylor University Diana R. Garland School of Social Work 811 Washington Ave Waco, TX 76701	(254) 710-6800	Jeremy_Everett@baylor.edu
USDA, Food and Nutrition Service, Southwest Regional Office William "Bill" Ludwig Regional Administrator	1100 Commerce Street Room 522 Dallas, TX 75242	(214) 290-9800	William_Ludwig@usda.gov

Table 63b Exhibit 71 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Governor's Division of Emergency Management Nim Kidd	Texas Department of Public Safety P.O. Box 4087 Austin, TX 78773- 0220	512.424.2443	Nim.kidd@txdps.texas.gov
Texas Department of Information Resources Amanda E. Crawford	300 W 15th Street #1300, Austin, TX 78701	512.475.4700	amanda.crawford@dir.texas.gov
Texas Department of Licensing and Regulation	920 Colorado Street, Austin, TX 78701	512.463.3171	executive.director@tdlr.texas.gov

Self-Evaluation Report

Brian E. Francis			
Texas Department of State Health Services Ricky Garcia	1100 West 49th Street, Austin, TX 78756	512.776.7113	ricky.garcia@dshs.texas.gov
Texas Department of Transportation James M. Bass	300 W 15th Street #1300, Austin, TX 78701	512.305.9501	james.bass@dot.state.tx.us
Texas Fruit Growers Association	3199 County Road 269, Somerville, TX 77879		
Texas Education Agency Megan Aghazadian	1701 N. Congress Avenue, Austin, TX 78701	512.463.9990	megan.aghazadian@tea.texas.gov
Texas Ethics Commission Seana B. Willing	201 E 14th Street #10, Austin, TX 78701	512.463.5800	seana.willing@ethics.state.tx.us
Texas General Land Office Brian Preston	1700 Congress Avenue, Austin, TX 78701	512.936.4323	brian.preston@glo.texas.gov
Texas Health and Human Services Commission Dr. Courtney M. Phillips	4900 N. Lamar Boulevard, Austin, TX 78751	512.424.6500	courtney.phillips@hhsc.state.tx.us
Texas Historical Commission Mark S. Wolfe	1511 Colorado Street, Austin, TX 78701	512.936.4323	mark.wolfe@thc.texas.gov
Texas Lottery Commission Gary N. Grief	611 E 6th Street, Austin, TX 78701	512.344.5160	gary.grief@lottery.state.tx.us
Texas Parks and Wildlife Department Carter Smith	4200 Smith School Road, Austin, TX 78744	512.389.4999	carter.smith@tpwd.texas.gov
Texas State Soil and Water Conservation Board Rex Isom	1497 Country View Lane, Temple, TX 76504	254.773.2250	risom@tsswcb.texas.gov
Texas Water Development Board Jeffery Walker	1700 Congress Avenue, Austin, TX 78701	512.463.7847	jeff.walker@twdb.texas.gov
Texas Vegetable Association Angelo Grant	901 Business Park Dr #400 Mission, TX 78572	956.584.1681	Agrant@farmjournal.com
Texas Department of State Health Services John Hellerstedt, MD Commissioner of Health	1199 West 49th Street Austin, TX 78756	512.776.7363	
Texas Education Agency	1701 North Congress Avenue Austin, TX 78701		
Texas Health and Human Services Commission	4900 North Lamar Austin, TX 78781	512.424.6500	

Dr. Courtney N. Phillips Executive Commissioner			
Pamela Bolton LBB Analyst	P.O. Box 12666 Capitol Station Austin, TX 78711	512.463.7054	pamela.bolton@lbb.state.tx.us
Fisher Reynolds Governor's Office Budget Analyst	P.O. Box 12428 Austin, TX 78711-2428	512.463.8966	fisher.reynolds@gov.texas.gov
Christopher Lea Appropriation Control Officer	111 E. 17 th St. Austin, TX 78774	512.936.8350	chirstopher.lea@cpa.texas.gov

Table 63c Exhibit 72 Liaisons at Other State Agencies

**Prescribed Burning Board
Exhibit 73, 74 & 75: Contacts**

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Oaks and Prairies Joint Venture /Dr. Jim Giocomo	1141 Renaissance Trail Round Rock, TX 78665	202-234-7181	jgiocomo@abcbirds.org
Texas Longleaf Taskforce / Kent Evans		979-458-6650	99kevans@gmail.com
Central Texas Prescribed Fire Council / Lucien Ball	3621 S FM 620 Austin, TX 78738	512-972-1683	lucien.ball@austintexas.gov
Prescribed Burn Alliance of Texas / Mort Kothmann		979-693-8134	mort.kothmann@gmail.com
Quail Forever / Will Newman	1106 10 th St. Floresville, TX 78114	817-528-9455	wnewman@quailforever.org
Prescribed Burn Alliance of Texas / Andrew Bivins	P.O. Box 708 Amarillo, TX 79105	806-679-9969	Andrew@bivins.org
Cross Timbers Prescribed Burn Association / Bill Brooke			wfbrooke@gmail.com
Acorn Forestry / Jason Raines	P.O. Box 151537 Lufkin, TX 75915	936-635-1494	jraines@acornforestry.net
Oak Woodlands and Forest Fire Consortium / Joe Marshall	c/o Michael Stambaugh 203 C ABNR Bldg. Dept of Forestry University of Missouri Columbia, MO 65211		marshallj@missouri.edu
Cook's Branch Conservancy / Sarah Mitchell			ssm.goodwin@gmail.com
Raven Environmental Services / Ross Carrie	6 Oak Bend Rd. Huntsville, TX 77320	936-581-0492	carrie@ravenenvironmental.com
Texas Forestry Association / Rob Hughes	1903 Atkinson Dr. Lufkin, TX 75901	936-240-2528	rhughes@texasforestry.org

Self-Evaluation Report

Group or Association Name/ Contact Person	Address	Telephone	Email Address
King Ranch / Verl Cash	P.O. Box 1090 Kingsville, TX 78364	361-221-0300	vcash@king-ranch.com
Red Buffalo LLC / Keith Blair	61 S Lakeshore Drive Ransom Canyon, TX		Keith.Blair@Redbuffalo.us
Prescribed Burn Alliance of Texas and Advisory Board Chair / Ray Hinnant	6578 Waterway Dr College Station, TX 77845	979-820-1778	Ray.Hinnant@gmail.com
Beavers Dozer and Land Management LLC / Shane Beavers	1215 SH 59 S Bowie, TX 76230	940-841-3400	sebeavers@earthlink.net
El Coyote Ranches – La Paloma Ranch / Eric Grahmann	581 W State HWY 285 Rivera, TX 78379	361-522-9868	Flycatcher_edg@yahoo.com
Lead Burn Instructor / CIPBM / Brian Treadwell	5476 FM 2335 Christoval, TX 76935	800-203-2950	bet@wcc.net
Chloeta Fire LLC / Phillip Daw	2501 Liberty Parkway, Ste 176 Midwest City, OK 73110	877-245-6382	pdaw@chloeta.com
Texas and Southwestern Cattle Raisers Association / Jason Skaggs	1301 W 7 th St. Ste 201 Fort Worth, TX 76102	800-242-7820	jskaggs@tskra.org
Texas Wildlife Association / CIPBM / Tom Vandivier	8 Longwood Austin, TX 78737	512-633-3811	tmvandivier@gmail.com

Table 64a Exhibit 73 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
USDA-NRCS / Frank Baca	NRCS 104368 Bryan, Texas	361-592-0309	Franklin.Baca@tx.usda.gov
US Forest Service / Jamie Sowell	Region 8 – 111 Walnut Ridge Road Zavala, TX 75980	936-897-1068	jtsowell@fs.fed.us
Texas A&M Forest Service / Mark Stanford	200 Technology Way Suite 1162 College Station, TX 77845	979-458-7342	mstanford@tfs.tamu.edu
Texas A&M University at Kingsville / Sandra Rideout- Hanzak	252 Melanie Ln Kingsville, TX 78363	361-593-4546	sandra.rideout-hanzak@tamuk.edu
Borger Fire Department / Archie Stone	1306 Goodnight Trail Fritch, TX	806-274-8371	astone@borgertx.gov
Borger Fire Department / Bob Watson	200 N Cedar Borger, TX 79007	806-231-9563	bwatson@borgertx.gov
Brad Shoemaker / CSU-CEMML – Air Force Wildland Fire Program	2330 Stanley Rd San Antonio, TX 78234	201-652-6821	Bradley.Shoemaker@colostate.edu
United States Fish and Wildlife Service / Carl Schwope	24518 FM 1431 Box 1 Marble Falls, TX 78654	512-339-9432	carl_schwope@fws.gov

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas A&M Forest Service / William "Andy" McCrady	2127 S First St. Lufkin, TX 75901	936-689-9393	wmccrady@tfs.tamu.edu
Texas A&M Forest Service / Dr. Craig Rotter	2134 TAMU AgriLife Extension South Campus 1470 William D Fritch Pkwy, Suite 171 College Station, TX 77843	979-845-2035	Craig.Rotter@ag.tamu.edu
US Forest Service / Dale Snyder	111 Walnut Ridge Rd. Zavalla, TX 75980	936-897-1068	djsnyder@fs.fed.us
Travis County Parks / Glen Gillman	4201 Ed Bluestein Blvd. Austin, TX 78721	512-854-1271	glen.gillman@traviscountytexas.gov
Texas Parks and Wildlife / Greg Pleasant	4200 Smith School Rd. Austin, TX 78744	979-540-2744	greg.pleasant@tpwd.texas.gov
Austin Fire Department / Justice Jones	12010 Brodie Lane Austin, TX 78748	512-974-0272	Justice.Jones@austintexas.gov
The Nature Conservancy / Larry Belles	14630 FM 225 S Douglass, TX 75943	936-615-0295	lbelles@tnc.org
Texas A&M AgriLife Research / Dr. Doug Tolleson	P.O. Box 918 (395 CR 760) Sonora, TX 76950	325-387-3168	Douglas.Tolleson@ag.tamu.edu
Texas A&M Forest Service / Wes MooreHead	155 Texas Forest Service Loop Lufkin, TX 75904	936-875-4400	wmoorehead@tfs.tamu.edu
Austin Fire Department / Mark Stinson	4201 Ed Bluestein Blvd Austin, TX 78721	512-974-1259	Mark.stinson@AustinTexas.gov
Texas Parks and Wildlife Department / Jeff Sparks	12016 FM 848 Tyler, TX 75707	903-566-5698	Jeff.Sparks@tpwd.state.tx.us

Table 64b Exhibit 74 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Parks and Wildlife / Board Member / Chris Schenck	11942 FM 848 Tyler, TX 75707	903-343-2437	Chris.Schenck@tpwd.texas.gov
Texas A&M Forest Service / Board Member / Rich Gray	P.O. Box 1991 Bastrop, TX 78602	979-218-2406	rgray@tfs.tamu.edu
Texas A&M AgriLife Extension Service / Board Member / Dr. Morgan Treadwell	7887 N US HWY 87 San Angelo, TX 76901	325-653-4576	Morgan.Treadwell@ag.tamu.edu

Self-Evaluation Report

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Texas Commission on Environmental Quality / Board Member / Keith Sheedy	12100 Park 35 Circle, Bldg. A MC 174 Austin, TX 78753 P.O. Box 13087 Austin, TX 78711-3087	512-239-3770	Keith.Sheedy@tceq.texas.gov
Texas A&M University / Board Member / Dr. William (Bill) Rogers	Texas A&M University 2126 TAMU Kleberg Bldg. RM 218 C College Station, TX 77843-2126	979-845-0317	wer@tamu.edu
Texas State Soil and Water Conservation Board / Board Member / Rusty Ray	1497 Country View Lane Temple, TX 76504	254-773-2250 x-228	rray@tsswcb.texas.gov

Table 64c Exhibit 75 Liaisons at Other State Agencies

XI. Additional Information

- A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. *See Exhibit 17 Example.*

**Texas Department of Agriculture
Exhibit 76: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
<i>Farmer's Market Nutrition Program Biennial Report</i>	Agriculture Code Chapter 15, Farmers' Market Nutrition Program, Subchapter A	No due date; Biennial	Texas Legislature	Provides an overview of how the program connects low-income women and children with local fruits and vegetables at farmers markets. This report also offers an assessment of the program's viability, the number of persons served, vouchers redeemed, and partnerships utilized, as well as funds received and expended.	The report is not needed. This federal program is reviewed by the federal oversight agency. State funds are not utilized to administer the program and TDA is unaware of a time the information from the report has been the catalyst for state legislative action. This information would remain readily available upon request.
Summer Nutrition Program Report	Senate Bill 89 (2011); Texas Agriculture Code, section §12.0029	December 31.; Biennial	Texas Legislature	Provides a report on Texas schools' participation in the Seamless Summer or Summer Food Service Program.	The Texas Legislature has an on-going interest in the Summer Nutrition Programs and has mandated school districts' participation in the program. This report provides context to the impact of the state mandate.

Table 65 Exhibit 76 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

- B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

TDA reviewed its administrative, enabling and programmatic statutory authority and found it to be compliant with the legislature's directive to utilize person-first respectful language, as required by Chapter 392 of the Texas Government Code.

C. Please describe how your agency receives and investigates complaints made against the agency.

For State Fiscal Years 2017-2018, TDA's Ethics Officer received 2 complaints against the agency alleging violations of TDA's Ethics Policy.

Complaints may be submitted to the agency's headquarters in Austin, Texas or any one of the agency's five regional offices in any of the following communication methods by phone, postal or overnight mail, or email directed to:

- TDA's Ethics Officer, Susan Maldonado, at susan.maldonado@TexasAgriculture.gov or Ethics@TexasAgriculture.gov.
- TDA's Fraud Program co-administrators TDA's Ethics Officer, Susan Maldonado (email previously provided), or the Director for Internal Audit, Zoi Kondis at zoi.kondis@texasagriculture.gov or fraud@texasagriculture.gov.
- TDA's Customer Relations email also referred to as "Tell TDA" customerrelations@texasagriculture.gov.
- Fuel, Weights and Measures, or other Regulatory program: fuelquality@texasagriculture.gov.
- TDA's Food and Nutrition program email: squaremeals@texasagriculture.gov.

Any complaints received against the agency through the programs are directed to TDA's General Counsel and the Ethics Officer.

In the event a complaint against TDA alleging violations of the agency's Ethics Policy is received, TDA's Ethics Officer has primary responsibility for conducting the investigation into the complainant's allegations in a manner consistent with TDA's Ethics Policy. That policy provides as follows:

Duty to Report and Investigations

The Ethics Officer will investigate all reports of illegal or unethical behavior. He will interview whomever he believes will be of assistance in the investigation. Violations of state regulations, state and federal laws, or TDA policies subject an employee to disciplinary action up to and including termination. Possible violations of Texas Penal Code provisions by an employee will be referred to the appropriate prosecuting attorney for investigation and potential action. The Ethics Officer will complete a report detailing the findings of an investigation concerning the alleged violation. A copy of that report will be provided to the Deputy Commissioner who will make the final decision on appropriate action to be taken.

As standard practice, during the course of an investigation, TDA's Ethics Officer identifies and compiles any existing agency records related to the complaint allegations for review and, depending on the allegations, may obtain a statement any individual who has (or is likely to have) direct, personal knowledge of the underlying facts, either in writing or via interview.

Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate.

**Texas Department of Agriculture
Exhibit 77: Complaints Against the Agency — Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Number of complaints received	1	1
Number of complaints resolved	1	1
Number of complaints dropped / found to be without merit	1	1
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	90 days	90 days

Table 66 Exhibit 77 Complaints Against the Agency

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

**Texas Department of Agriculture
Exhibit 78, 79 & 80: Purchases from HUBs**

Fiscal Year 2016

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction**	--	--	--	NA	11.2%
Building Construction**	--	--	--	NA	21.1%
Special Trade	\$ 44,298	\$ 25,508	57.58 %	NA	32.9%
Professional Services	\$ 1,725,836	\$ 326,733	18.93 %	NA	23.7%
Other Services	\$ 7,290,881	\$ 2,857,684	39.20 %	NA	26.0%
Commodities	\$ 2,194,790	\$ 955,238	43.52 %	NA	21.1%
TOTAL	\$11,255,807	\$ 4,165,164	37.00 %		

Table 67a Exhibit 78 HUB Purchases for FY 2016

** TDA does not regularly engage in heavy or building construction, as that is primarily the duty of the Texas Facilities Commission.

Fiscal Year 2017

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction**	--	--	--	NA	11.2%
Building Construction**	--	--	--	NA	21.1%
Special Trade	\$ 28,571	0	0	NA	32.9%
Professional Services	\$ 420,783	\$ 34,631	8.23 %	NA	23.7%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Other Services	\$ 7,218,035	\$ 1,675,637	23.21 %	NA	26.0%
Commodities	\$ 2,375,686	\$ 495,449	20.86 %	NA	21.1%
TOTAL	\$10,043,077	\$ 2,205,718	21.96 %		

Table 67b Exhibit 79 HUB Purchases for FY 2017

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction**	--	--	--	NA	11.2%
Building Construction**	--	--	--	NA	21.1%
Special Trade	\$ 74,070	\$ 13,280	17.93 %	NA	32.9%
Professional Services	\$ 1,775,594	\$ 21,000	1.18 %	NA	23.7%
Other Services	\$ 6,454,799	\$ 2,027,136	31.41 %	NA	26.0%
Commodities	\$ 2,851,220	\$ 924,487	32.42 %	NA	21.1%
TOTAL	\$11,155,684	\$ 2,985,903	26.77 %		

Table 67c Exhibit 80 HUB Purchases for FY 2018

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

TDA specific rules for diversity in procurement are located at Title 4, Part 1, Chapter 1, Subchapter C of the Texas Administrative Code. It is TDA's policy to follow the guidance and directives in the Texas Comptroller of Public Accounts (CPA) State of Texas Procurement and Contract Management Guide. TDA provides additional guidance to its employees in the TDA Procurement and Contracting Guide and encourages HUB utilization in other processes such as use of the state payment card.

When taking office in 2015, TDA ranked number 7 among the bottom 25 state agencies spending over \$5 million with the lowest percentage of HUB spend. In 2016 TDA ranked number 5 among the 25 top agencies spending more than \$5 million with the largest percent spent on HUBs. In 2019, TDA ranked among the 25 top agencies at the six-month mark. The improved performance was achieved by reviewing gaps in the HUB Program and taking corrective action. For example, in 2015 the agency had only two purchasers, with no focus on HUB participation. Management recognized that building a successful program required resources, and a new position was added to the procurement division to coordinate the HUB Program.

Each year the HUB Program is assessed and a target for the year is identified. For example, in 2016-17 TDA's grant programs were targeted. Although HUB utilization by grantees is not calculated in state HUB goals, TDA considered HUB program outreach to grantees a worthwhile use of its resources. The HUB director participated in a "coffee talk" with

grantees about including HUBs when spending grant funds. Assistance was provided to the CDBG program in developing criteria to increase HUB participation among grantees using grant funds for infrastructure and other projects. TDA set up a contact point for local government and contractors to provide notice of bid opportunities, which TDA distributes to professional groups across the state. A HUB component was added to a joint grant application with the Governor's Office that would help businesses that were ready to begin or increase exporting. Finally, TDA hosted HUB events providing information to diversity suppliers on grants and other funding opportunities.

In 2017, TDA began to leverage the Spot Bid Fair held each year in May to increase opportunities to increase HUB expenditures. Internal solicitation of items for the Fair begins in February in coordination with TDA program areas. Items that are not needed immediately are held and taken to Spot Bid Fair. State agencies are, by rule, supposed to use state contracts where items are available. Although agency funds are used for state contract purchases, the credit toward the expenditures goes to the CPA. However, at Spot Bid Fair the term contract rule is suspended, and the expenditure credit belongs to the agency. While not the largest agency at the fair, TDA is consistently one of the top participants. In 2019, TDA ranked number one among participating agencies for bringing the most spot bids to the Fair.

Supplier diversity is an agency wide commitment. As a result, the HUB program has made continual improvement. One of the primary responsibilities of the agency is to increase market opportunities in agriculture and related businesses. Texas agriculture relies on women and minority farmers and the small diverse businesses that support agriculture. TDA incorporates state goals for agency HUB expenditures into TDA's mission. For example, Food and Nutrition showcases farm fresh, nutritious eating at the State Fair of Texas by providing apples to children visiting the exhibit. The apples will be purchased from a Texas minority farmer.

TDA's reporting and analysis is dependent on manual processes. However, TDA will go live on the state's Centralized Accounting, Payroll, and Personnel System (CAPPS) on September 1, 2019, which should improve data capture for program analysis.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

Yes, TDA follows the state requirements. Additionally, TDA has implemented a lower threshold for minority HUB subcontractor participation. Formal solicitations by TDA require a HUB plan when the estimated value of the contract is greater than \$80,000. This has the added efficiency of not requiring a new solicitation if the proposals come in at \$100,001, but the solicitation was estimated to be less than the statutory minimum and no HUB plan was included.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)

The coordinator position is currently vacant. The program is directed by April Bacon, Administrator for Procurement, Contracting, and HUB/MWBE. Phone: (512) 463-7493. Email: April.Bacon@TexasAgriculture.gov.

2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)

TDA actively engages diversity suppliers in a variety of settings:

- Participation in forums hosted by other agencies, as a speaker and to showcase TDA to attending suppliers;
- Co-hosting forums with other state agencies;
- Bringing program staff to forums to meet prospective suppliers and discuss upcoming opportunities;
- Developing unique opportunities for suppliers, such as the 2016 event to introduce grant and other funding resources available through TDA and the Small Business Association;
- Hosting lunch and learn opportunities where a supplier can present information about their goods and services to employees that use those service or commodity types; and
- Attending local meetings for diversity supplier organizations in areas such as Houston, where TDA has a local office.

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)

TDA has a mentor protégé program, but mentoring takes time and soliciting a business willing to devote that time with little operational return is challenging. Turnover in the HUB Program coordinator position has further impacted the ability to grow this part of TDA's diversity supplier program. However, when the current vacancy is filled, TDA plans to increase its engagement in this area.

H. Fill in the charts below detailing your agency's Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification "paraprofessionals," which is not tracked

by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Department of Agriculture
Exhibit 81-86: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	32	6.25%	11.0%	12.5%	15.4%	40.63%	53.2%
2017	26	7.69%	11.0%	11.54%	14.9%	42.31%	53.4%
2018	27	11.11%	11.4%	11.11%	15.2%	48.15%	54.2%

Table 68a Exhibit 81 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	548	13.69%	11.0%	25%	15.8%	50.73%	56.2%
2017	550	14.55%	11.0%	26.18%	16.2%	51.45%	56.4%
2018	578	14.71%	11.1%	25.43%	16.4%	52.42%	56.3%

Table 68b Exhibit 82 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	53	5.66%	18.5%	22.64%	25.5%	35.85%	60.2%
2017	48	4.17%	18.9%	33.33%	25.9%	25.0%	60.5%
2018	49	4.08%	18.4%	32.65%	25.9%	24.49%	60.7%

Table 68c Exhibit 83 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	77	10.39%	18.1%	28.57%	31.9%	87.01%	82.1%
2017	58	17.24%	18.3%	36.21%	32.7%	91.38%	81.0%
2018	58	18.97%	17.7%	34.48%	33.5%	93.10%	81.8%

Table 68d Exhibit 84 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	7	---	25.0%	85.71%	35.1%	----	44.1%
2017	5	----	24.8%	80.0%	35.8%	----	44.7%
2018	4	----	24.7%	75.0%	35.6%	----	44.5%

Table 68e Exhibit 85 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	1	----	8.5%	-----	26.6%	-----	6.4%
2017	1	----	8.9%	-----	27.7%	-----	8.0%
2018	1	----	8.7%	-----	27.6%	-----	8.1%

Table 68f Exhibit 86 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes, TDA has a Workforce Diversity/Equal Employment Opportunity Policy.

Agency management, the Administrator for Human Resources (HR) or the Deputy General Counsel/Ethics Officer will immediately take steps to remedy a situation regarding employment decisions when there is reason to believe that a particular policy or procedure results, or has the potential to result, in disparate treatment of certain employees or establishment of an unlawful disparate impact on certain employees and/or their conditions of employment.

HR prepares a Workforce Summary each biennium that includes a narrative report and a summary of the program’s achievements, progress and shortcomings with accompanying recommendations. HR’s Summary also includes an analysis of the racial, ethnic and gender profile of TDA personnel by EEO category.

TDA has developed a Recruitment Plan as it is committed to achieving excellence in the workforce through diversity. It is important that applicant pools include a wide range of highly qualified candidates, including candidates from underrepresented groups. The agency reaches out to underrepresented communities through college job fairs (with historically larger populations of Hispanic, African American and women students), Veteran Job Fairs and others.

Mandatory EEO/Discrimination training is required for all TDA employees upon hire and every two years thereafter.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

APPENDIX

- A. Food and Nutrition Key Datasets
- B. Community Development Criteria Committee FAQ
- C. 2020-2021 Legislative Appropriations Request
- D. Annual Financial Report FY 16
- E. Annual Financial Report FY17
- F. Annual Financial Report FY18
- G. Operating Budget FY16
- H. Operating Budget FY18
- I. Performance Measures FY 18
- J. Annual Key Performance Measures FY17
- K. Efficiency and Output Measures FY18
- L. Outcome Measures FY18
- M. Efficiency and Output Measures FY17
- N. Outcome Measures FY17
- O. Report Complains FY17 & FY18
- P. 2018 Prescribed Fire Use Survey Report