TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

January 23, 2009

The Honorable Carl Isett
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768

Dear Chairman Isett:

Thank you for your leadership during the Sunset Commission (Commission) review of the Texas Department of Agriculture (TDA). We appreciate the time and effort you and your staff dedicated to our review, and we believe the recommendations adopted by the Commission will greatly assist TDA as we serve our constituents and the State of Texas.

During the Commission hearing held on January 14, you expressed interest regarding TDA's process for promulgating rules for administration the Structural Pest Control Service (SPCS) program. One particular item I wanted to bring to your attention is the Integrated Pest Management rule (New Rule 7.150), which has not been adopted.

TDA staff worked with the Structural Pest Control Advisory Committee (Committee), industry representatives and interested stakeholders to develop the proposal published in the July 4, 2008, issue of the *Texas Register*. In addition to the subsequent comment period, TDA held a hearing to ensure industry ample opportunity to provide input. TDA received a substantive amount of comments, and we thoroughly and thoughtfully took all comments into consideration.

Because of the many comments submitted on the school integrated pest management proposal, TDA withdrew its proposal to ensure all parties would have ample input into the process without delaying adoption of the remaining rules. Specific concerns were expressed about the guidelines for determining which pesticides may be used in schools, as well as the times and conditions of their application to address pest issues without compromising the safety of children, school staff and the general public. TDA has continued working with stakeholder groups to develop a revised draft of Rule 7.150 that will be presented to the Committee at its next meeting, January 29, 2009. Prior to the

P.O. Box 12847 Austin, Texas 78711 (512) 463-7476 Fax: (888) 223-8861
For the Hearing Impaired: (800) 735-2989 (TTY)
www.tda.state.tx.us

filing of adopted rules, the Committee and industry representatives will receive a copy of the final rules and rule preambles.

There are many other aspects of the structural pest control rules and statutes which are of interest to industry and stakeholders. As we continue to further integrate the new SPCS programs into TDA's framework we will continue to work with stakeholders to ensure all areas of concern are adequately discussed and evaluated.

Due to the history of the former agency and the difficulties this industry previously encountered, TDA staff is committed to providing a thorough opportunity to hear all parties. We will continue to use the rulemaking process to only tackle a manageable amount of items at a time, and ensure input can be received and acted upon to protect the best interests of all Texans.

Thank you and please contact me if you have any further questions.

Sincerely yours,

Todd Staples

TS/DH/mwf