

TEXAS HOUSE OF REPRESENTATIVES



CAPITOL OFFICE:  
P.O. BOX 2910  
AUSTIN, TEXAS 78768-2910  
512-463-0570  
FAX: 512-463-0315

**JOHN OTTO**  
STATE REPRESENTATIVE  
DISTRICT 18

DISTRICT OFFICE:  
P.O. BOX 965  
DAYTON, TEXAS 77535  
936-258-8135  
FAX: 936-258-7190

The Honorable Sid Miller  
Commissioner, Texas Department of Agriculture  
1700 N. Congress Ave., 11th Floor  
Austin, Texas 78711

November 6, 2015

Dear Commissioner Miller:

We are writing with deep concern about the fee increases the Texas Department of Agriculture (TDA) has proposed on many of the industries it regulates that are scheduled to go into effect on December 1, 2015.

The proposed fee increases will raise certain fees dramatically; in one case a fee will be raised more than six times the current rate. The stakeholder community has indicated that these fee increases could potentially have a dire impact on individual industries, the agricultural economy at large, and consumers. The analysis conducted to support the fee increases also appears to ignore the realities of the various industries impacted by the proposed fee increases. For example, if producers were to choose to participate in federal government-run or third-party inspection programs (e.g. grain warehouse or egg certification), then TDA could potentially lose participants if fees for Texas-run inspection programs exceed the fees of those programs. Given the significance of some of these increases, we feel it is important that you provide an analysis demonstrating that you have fully considered these effects.

The Cost Recovery Rate Analysis (dated September 2015) your agency distributed claims TDA has engaged in "early discussions with stakeholders;" however, from discussions with stakeholders, it is not clear the impacts to these industries are thoroughly understood. In order to ensure there are no potentially catastrophic economic difficulties for Texas' agriculture and related industries, the Texas economy, and consumers, we ask that you immediately suspend the proposed fee increases until the impacts have been carefully considered.

Beyond the impact to the industries regulated by TDA, the need for these fee increases appears questionable. TDA has not demonstrated that the increases will result in more inspections or better services to the public. Fee increases with no demonstrable benefit to the people of Texas or the agriculture industry are unjustifiable. It also remains unclear if TDA is attempting to generate fee revenue to fund programs and activities beyond what was debated and approved by the 84th legislature.

While the Legislature has granted TDA the authority to adjust fees to cover the actual costs of administering programs, it should not be considered blanket approval to expand the costs of these programs beyond what the Legislature approved. We urge you to consider suspending the proposed fee increases until the need for them can be demonstrated, and the potential impact on Texas businesses and consumers can be better assessed.

Sincerely,



Representative John Otto



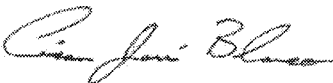
Representative Rodney Anderson



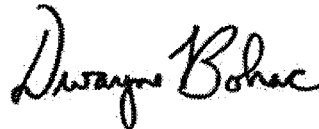
Representative Trent Ashby



Representative Jimmie Don Aycock



Representative César Blanco



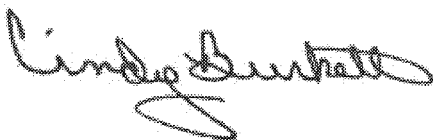
Representative Dwayne Bohac



Representative Dennis Bonnen



Representative Greg Bonnen



Representative Cindy Burkett




Representative Dustin Burrows



Representative Terry Canales



Representative Giovanni Capriglione



Representative Travis Clardy



Representative Nicole Collier



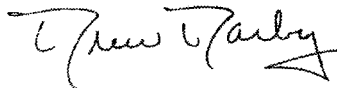
Representative Byron Cook



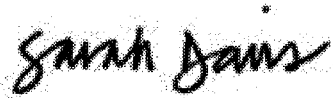
Representative Myra Crownover



Representative John Cyrier



Representative Drew Darby



Representative Sarah Davis



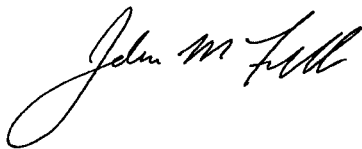
Representative Wayne Faircloth



Representative Marsha Farney



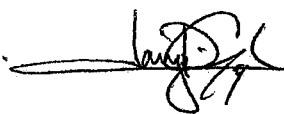
Representative Dan Flynn



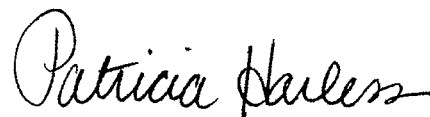
Representative John Frullo



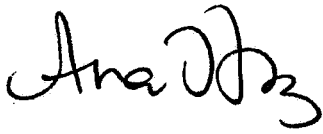
Representative Charlie Geren



Representative Larry Gonzales



Representative Patricia Harless



Representative Ana Hernandez



Representative Abel Herrero



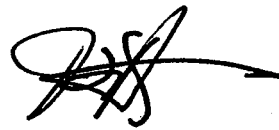
Representative Donna Howard



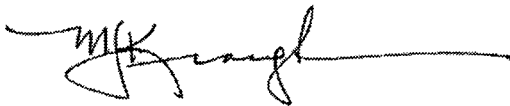
Representative Celia Israel



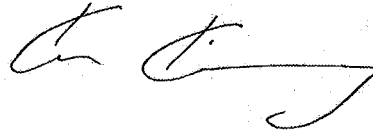
Representative Kyle Kacal



Representative Jim Keffer



Representative Mark Keough



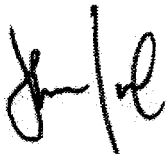
Representative Ken King



Representative Linda Koop



Representative Matt Krause



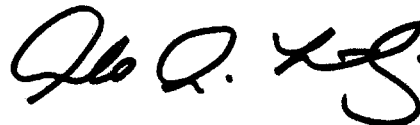
Representative John Kuempel



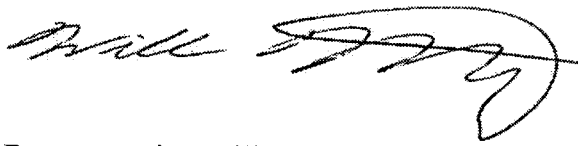
Representative Brooks Landgraf



Representative J.M. Lozano



Representative Armando "Mando" Martinez



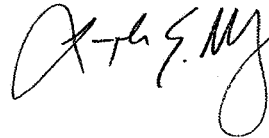
Representative Will Metcalf



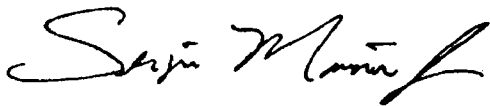
Representative Doug Miller



Representative Rick Miller



Representative Joe Moody



Representative Sergio Munoz, Jr



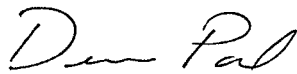
Representative Jim Murphy



Representative Andrew Murr



Representative Chris Paddie



Representative Dennis Paul



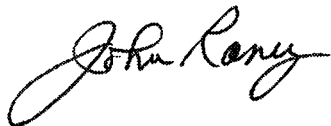
Representative Dade Phelan



Representative Larry Phillips



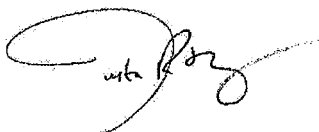
Representative Four Price



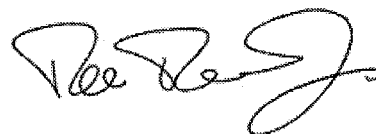
Representative John Raney



Representative Eddie Rodriguez



Representative Justin Rodriguez



Representative Ramon Romero



Representative Matt Schaefer



Representative Matt Shaheen



Representative Kenneth Sheets



Representative J.D. Sheffield



Representative Ron Simmons



Representative Drew Springer



Representative Phil Stephenson



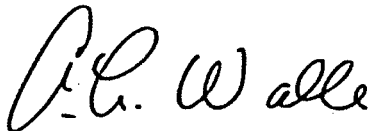
Representative Ed Thompson



Representative Chris Turner



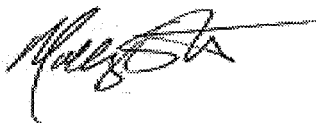
Representative Gary VanDeaver



Representative Armando Walle



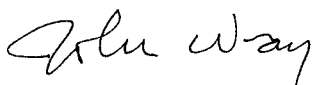
Representative James White



Representative Molly White



Representative Paul Workman



Representative John Wray



Representative John Zerwas