

PINK BOLLWORM COMMISSION

Staff Report
to the
Sunset Advisory Commission
January 9, 1978

TABLE OF CONTENTS

	<u>Page</u>
Introduction	1
Background	1
Review of Operations	3
Conclusions	4
Recommendations	5

Introduction

This report is submitted pursuant to Section 1.06, Subsection (3) of the Texas Sunset Act and contains a review of the operations of the Pink Bollworm Commission. Termination of the Pink Bollworm Commission has been scheduled for September 1, 1979 unless it is continued by law.

The material contained in the report is divided into four sections: background, review of operations, conclusions, and recommendations. The Background section contains a brief history of legislative intent and a discussion of the original need for the Pink Bollworm Commission. The Review of Operations section contains a review of the operation of the agency, and uses the self-evaluation report submitted by the agency as the basis of review unless noted. The information contained in the self-evaluation report was verified, and additional data were obtained through interviews and review of agency files and other data sources.

The Conclusions section discusses the agency's response to the present need for its existence, and an overall determination is made as to whether or not Sunset criteria are being met. The final section presents staff recommendations to the Sunset Commission.

This report is designed to provide an objective view of agency operations, based on the evaluation techniques utilized to date. Together with pertinent information obtained from public hearings, a factual base for the final recommendations to the Legislature will be provided.

Background

The Pink Bollworm law was originally enacted by the Thirty-fifth Legislature in 1917, amended in 1919, and then again in 1920 when the Thirty-sixth Legislature created the Pink Bollworm Commission. Under this Act, the governor

was authorized to take necessary steps to ensure the conditions necessary for the control of this pest. This grant of authority was necessary due to the large adjustment in farming practices and methods required to control this type of agricultural infestation. The Commission is composed of five members appointed by the Governor to assist in control efforts mandated by this Act. The Commissioner of Agriculture has the responsibility under the Act to suggest appropriate persons for appointment to the Commission and the authority to effect, based on recommendations of the Commission and the Governor, whatever actions are deemed necessary to control the pink bollworm. The Act, also provided for compensation to be paid to farmers whose fields were ordered destroyed due to infestation. Payments were made in response to a review conducted by a three-member Compensation Claims Board specified in the statute.

The Pink Bollworm Commission, upon investigation of reported infestation, could make one of the following recommendations to the Governor:

- a. It is safe to grow cotton in the specified counties under rules and regulations promulgated by the Commissioner of Agriculture.
- b. It is dangerous to grow cotton in the specified counties and a non-cotton growing zone should be established.
- c. To report whether it may be dangerous to allow free movement of contaminated material from infested territories outside of Texas within the state.
- d. Carefully consider the conditions existing, or likely to exist, on the non-Texas side of the boundary line, and the evidence concerning such conditions shall be such as to reasonably show that the establishment of a non-cotton zone in the county or counties will effectively protect the cotton industry of Texas against the further spread of the infestation.

- e. Make a report to the Governor immediately after each hearing, make recommendations for establishment of non-cotton zones, for controlled cotton-growing zones, and specify the area to be included in such non-cotton and/or controlled cotton areas.

Upon receiving the recommendations of the Pink Bollworm Commission, the Governor is required to issue a "Proclamation" making the designated area a "Pink Bollworm Regulated Area" which allows the Commissioner of Agriculture to issue regulations under the quarantine issued by the Governor.

Review of Operations

Information concerning the historical activities of the Bollworm Commission and the Compensation Rate Board were obtained through interviews with the Director of Agriculture and Environmental Sciences Division, Texas Department of Agriculture, as well as a cotton insect specialist from the same department. Files containing minutes of Commission meetings, Governor's proclamations, payments made by the Compensation Claim Board, reports made by the inspectors of the Bureau of Entomology and Plant Quarantine and pertinent correspondence were also reviewed in the effort to document Commission activities.

The material reviewed indicates that the Act originally established a zone consisting of the 16 counties contiguous to the Texas-Mexico border and provided for the inspection and general control of all cotton products in this zone. It is documented that by 1938, the 13 southernmost counties of Texas were investigated and declared infested. The infestation gradually spread to 119 counties. There are still some counties in Texas where cotton is grown that were not proclaimed Pink Bollworm Regulated Areas, but reliance upon the voluntary efforts of cotton farmers in these areas has proved successful in the control of the bollworm. The last proclamation declaring counties to be included in the regulated area occurred November 29, 1967. However, most of the Commission's activities occurred prior to 1953.

A full review of the Compensation Claims Board, which indemnified farmers who suffered crop losses due to efforts to control infestation, was not possible as files documenting this board's activities were unavailable for years prior to 1944 and incomplete for succeeding years. Records available for the years 1944 through 1946 indicate that 32 payments were certified for cotton destroyed or lost. With the exception of one large claim for \$20,700, the average claim payment authorized was approximately \$500. The total amount paid for losses in this three-year period totalled \$36,719. Such claims were paid through the issuance of state warrants. No evidence of claims paid since 1946 was available.

Conclusions

The activities of the Pink Bollworm Commission resulted in the control of bollworm infestation in most areas where cotton is grown. Control of pink bollworm infestation in these areas is achieved primarily through the establishment of dates for the planting and harvesting of cotton which interrupt the life cycle of the bollworm. In cotton producing areas where the Commissioner of Agriculture has not been given authority under this Act, voluntary compliance has proved successful in the continued efforts to control the bollworm and minimize damage. The activities of the Commission have also resulted in changes in farming practices which promote the control of this pest.

The virtual inactivity of the Commission since 1967 is a further indication that the need for which it was created no longer exists. The activities of the Compensation Claims Board, established under this same law, shows the same evidence of declining need as measured by the absence of records concerning claims subsequent to 1946.

Recommendations

IT IS THE RECOMMENDATION OF THE STAFF THAT THE PINK BOLLWORM COMMISSION AND ITS COROLLARY, THE COMPENSATION CLAIMS BOARD, BE ABOLISHED. IT IS FURTHER RECOMMENDED THAT THOSE PORTIONS OF THE PINK BOLLWORM ACT WHICH AUTHORIZE THE COMMISSIONER OF AGRICULTURE TO TAKE REGULATORY ACTION CONCERNING THIS PEST BE CONTINUED UNDER THE AUTHORITY OF THE COMMISSIONER OF AGRICULTURE.