IMPORTANT STATE LAWS AFFECTING TEXAS POULTRY PRODUCERS

Senate Bill 1693, 81st Session of the Texas Legislature
Authored by Senator Ogden (Bryan, TX)
Signed on June 19, 2009
Became effective on September 1, 2009
Amended Section 26.302 of the Texas Water Code and Section 382.068 of the Health and Safety Code;
Added Sections 26.304 and 26.305 to the Texas Water Code

Requires the Texas Commission on Environmental Quality (TCEQ) to investigate the second odor complaint against a poultry facility within 18 hours. Requires TSSWCB to adopt rules to evaluate siting and construction of a new or expanding poultry facility for its potential to cause persistent odor nuisance. Prohibits TSSWCB from certifying a *Water Quality Management Plan* if persistent odor nuisance is likely, unless TCEQ approves an odor control plan. Requires the owner/operator of a new poultry facility to complete an odor prevention training course from Texas A&M. Requires record keeping of litter use for poultry operators and end users and allows TCEQ to inspect any records required under Subchapter H of Chapter 26, Texas Water Code.

House Bill 1457, 80th Session of the Texas Legislature
Authored by Representative McReynolds (Lufkin, TX)
Signed on June 15, 2007
Became effective on September 1, 2007
Amended Section 26.303 (a) of the Texas Water Code

Removes cooking of poultry mortality for swine food as a method of poultry carcass disposal to be consistent with Section 165.026 of the Texas Agriculture Code, which prohibits feeding of restricted garbage (*ie: poultry carcasses*) to swine. It also prohibits storage of poultry carcasses on the site of a poultry facility for more than 72 hours unless the carcasses are refrigerated or frozen.

House Bill 1719, 80th Session of the Texas Legislature
Authored by Representative McReynolds (Lufkin, TX)
Signed on June 15, 2007
Became effective on June 15, 2007
Amended Section 201.026 (g) of the Texas Agriculture Code

Removes the requirement to notify the Texas Commission on Environmental Quality (TCEQ) of burial of animal carcasses if that burial is on land covered by a *Water Quality Management Plan* certified by TSSWCB that addresses site specific animal mortality burial. TCEQ rules only allow poultry carcass burial in the event of a major die-off that exceeds 0.3% per day of the total farm inventory (see 30 Texas Administrative Code §335.25).

IMPORTANT STATE LAWS AFFECTING TEXAS POULTRY PRODUCERS (continued)

Senate Bill 1339, 77th Session of the Texas Legislature
Authored by Senator Ogden (Bryan, TX)
Signed on March 8, 2001
Became effective on September 1, 2001
Amended Section 26.302 of the Texas Water Code

Requires *all persons who own or operate a poultry facility* to implement and maintain a *water quality management plan* that is certified by the State Soil and Water Conservation Board.

House Bill 3355, 77th Session of the Texas Legislature
Authored by Representative McReynolds (Lufkin, TX)
Signed on March 9, 2001
Became effective on September 1, 2001
Amended Section 201.026 of the Texas Agriculture Code

Removes the requirement for landowners to record the burial of animal carcasses in county deed records *if the landowner requests and complies with* a *water quality management plan* certified by the State Soil and Water Conservation Board.

House Bill 3673, 77th Session of the Texas Legislature
Authored by Representative Swinford (Amarillo, TX)
Signed on April 10, 2001
Became effective on September 1, 2001
Amended Section 165.026 of the Texas Agriculture Code

Prohibits the feeding of restricted garbage (*which includes cooked and uncooked poultry mortality*) to swine under any circumstances.

Senate Bill 1910, 75th Session of the Texas Legislature
Authored by Senator Ratliff (Mt. Pleasant, TX)
Signed on June 19, 1997
Act became effective on March 1, 1998
TCEQ rule implementing Act became effective September 5, 1999 (30TAC §335.25)
Added Subchapter H, *Poultry Operations*, to Chapter 26 of the Texas Water Code

Defines *poultry* as chickens or ducks. Allows burial of poultry carcasses *only* in case of major die-off. Requires poultry owner/operator to have adequate means to dispose of carcasses, litter, and other poultry waste. Requires TCEQ to adopt rules that specify approved methods for poultry carcass disposal.

IMPORTANT STATE LAWS AFFECTING TEXAS POULTRY PRODUCERS (continued)

Senate Bill 503, 73rd Session of the Texas Legislature
Authored by Senator Sims (San Angelo, TX)
Signed on April 29, 1993
Became effective on April 29, 1993
Amended Section 201.026 of the Texas Agriculture Code

Creates the *Water Quality Management Plan (WQMP) Program*. Establishes TSSWCB as the lead agency in Texas for activity relating to abating agricultural and silvicultural nonpoint source pollution.

In addition, there are TCEQ regulations relating to poultry operations under Title 30 Texas Administrative Code at:

§101.4	Air Quality Nuisance;
§106.494	Pathological Waste Incinerators;
§111.121	Single-, Dual-, and Multiple-Chamber Incinerators;
§111.125	Incineration - Testing Requirements;
§111.127	Incineration – Monitoring and Record Keeping Requirements;
§111.129	Incineration – Operating Requirements (daytime only operation);
§321.33(f)	Dry-litter Poultry CAFO Facilities
§321.47	Animal Feeding Operations
§332.3 (d)(2)	Composting – Applicability (exemption for on-farm composting);
§332.4	Composting – General Requirements;
§335.5 (d)	Deed Recordation for Burial (exemption);
§335.6 (l)	Notification for Burial (exemption);
§335.25	Industrial Solid Waste – Handling, Storing, Processing, Transporting, and Disposing of Poultry Carcasses.

TSSWCB rules relating to poultry operations are under Title 31 Texas Administrative Code at:

§523.3 (j)	Water Quality Management Plans for Poultry Facilities

If you have questions regarding these or other state laws related to poultry facilities, please contact a State Soil and Water Conservation Board (TSSWCB) office.

To ask questions or request information, write to us by email at : poultry@tsswcb.state.tx.us

TSSWCB Headquarters
4311 South 31st Street
P. O. Box 658
Temple, Texas 76503
(254) 773-2250

TSSWCB - Poultry Office
P.O. Box 633901
Nacogdoches, Texas 75963
(936) 462-7020

TSSWCB-Dublin Regional Office
611 East Black Jack
Dublin,Texas 76446-2321
(254) 445-4814

TSSWCB-Mt. Pleasant Regional Office
1809 West Ferguson, Suite B
Mount Pleasant, Texas 75455
(903) 572-4471

TSSWCB-Wharton Regional Office
1120 Hodges Lane
Wharton, Texas 77488
(979) 532-9496