



TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION

*...protecting the stewards of land and livestock in the Southwest*

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June 3, 2008

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

Re: Sunset Advisory Commission review of TDA and the Prescribed Burning Board

Dear Chairman Isett:

Thank you for allowing the Texas and Southwestern Cattle Raisers Association (TSCRA) the opportunity to testify at the Sunset Advisory Commission meeting on April 22, 2008. This letter is follow up to issues regarding the sunset review of the Texas Department of Agriculture (TDA) and the Prescribed Burning Board (PBB).

Prescribed burning is an important and cost effective land management tool for ranchers in Texas. Ranchers statewide have spent a great deal of money on prescribed burns and they have proven to be very successful. It is used to manage vegetation on agricultural lands for livestock and wildlife, and has great environmental and ecological value. When used in conjunction with brush management, prescribed burning provides for a healthy ecosystem that benefits livestock and wildlife. Prescribed burning is also one of the most cost effective water conservation methods available and helps prevent wildfires in and around urban areas.

Careful consideration should be given before making the PBB an advisory committee, rather than keeping it a stand-alone board. The volunteer members of the PBB have valuable knowledge and expertise that could be lost in the transition to an advisory committee. This could also add another layer of bureaucracy and delay timely decision making for certified prescribed burn managers (CPBMs).

TSCRA agrees with Commissioner Todd Staples that a statutory change would be useful in clarifying how a state proclamation related to fire danger, but not specifically imposing a burn ban, affects prescribed burning conducted by CPBMs. Unless a proclamation issues a ban on all outdoor burning, CPBMs should be allowed to perform prescribed burns. The distinction must be made as to whether or not the proclamation is intended to access disaster assistance or to impose an actual burn ban. If this distinction is not made, counties will continue to interpret the proclamations as burn bans, as they did this last year. In addition, CPBMs should continue to be allowed, under current state law, to conduct prescribed burns under county burn bans.

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As TSCRA testified, ranchers should continue to have the right to conduct burns on their own property, while assuming all liability. Ranchers should also retain the right to hire a CPBM in order to burn under a county burn ban and thus, transferring the liability. In addition, other classes of licenses should be created to allow a rancher to be a CPBM, in order to burn on their own property during a county burn ban, but not have to meet the rigorous insurance requirements of a commercial/for-hire CPBM.

TSCRA supports education and training of ranchers to prepare for safe prescribed burns and believes compliance and enforcement of state laws, as they apply to CPBMs, are also critical to protect the reputation of prescribed burning. Prescribed burning may well be the only reasonable and economic brush control tool that ranchers have left, given rising energy costs. We need to ensure that this tool remains available and does not get caught up in regulatory over-reaction.

Please contact TSCRA if we can provide you with more information on this important topic.

Sincerely,

A handwritten signature in cursive script that reads "Jon Means".

Jon Means  
President

cc: Joey Longley, Director, Sunset Advisory Commission