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 Agriculture

Texas Structural Pest Control Board

A State Agency

PO Box 1927
 Austin, Texas 78767-1927

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January 26, 2005

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OPINION COMMITTEE

The Honorable Greg Abbott
 Attorney General of the State of Texas
 Office of the Attorney General
 P.O. Box 12548
 Austin, TX 78711-2548

FILE # ML-44117-05

I.D. # 044117

CMRRR 7001 0360 0000 1989 9838

RE: Request for Interpretation of the Texas Structural
 Pest Control Act; Occ., Code Chpt. 1951

Dear Attorney General Abbott:

RQ-0314-GA

Pursuant to Gov.'t Code §402.042, the Texas Structural Pest Control Board (Board) requests an Opinion as to the interpretation of the Occ. Code, Chpt. 1951.

The Board is having increasing interaction with individuals who deal with the removal of vertebrate creatures from around structures. This increased interaction has led the Board to seek an Opinion. Some parties try to distinguish themselves with their licensing authority. The Board during its review of this question finds itself dealing with these parties who often believe that they are solely under the jurisdiction of Texas Parks & Wildlife because of their practices. While the Board does not dispute the jurisdiction of Texas Parks & Wildlife, these parties are often performing trapping services in a structural environment.

1. May the Board regulate the removal of vertebrate animals from around structures? Occ. Code, Chpt. 1951.003 states "rodents" and "other obnoxious or undesirable animals". No specific animal control mechanisms are identified in the Occ. Code.

Thank you for your assistance in this matter.

Sincerely,

Dale Burnett
 Dale Burnett
 Executive Director

DB:db:fc

cc: Cliff Moore
 Animal Services
 P.O. Box 1447
 Van Alstyne, TX 75495