

# U.S. Department of Labor finalizes farmworker protection

*The rule targets vulnerability and abuses experienced by workers under the H-2A program that undermine fair labor standards for all farmworkers in the U.S.*

[The Department of Labor today announced a final rule to strengthen protections for farmworkers.](#) The rule targets vulnerability and abuses experienced by workers under the H-2A program that undermine fair labor standards for all farmworkers in the U.S.

The H-2A program allows employers to hire temporary foreign workers when the department determines there is a lack of able, willing and qualified U.S. workers to perform the agricultural labor or services, and that employing temporary labor will not adversely affect the wages and working conditions of similarly employed U.S. workers.

“H-2A workers too frequently face abusive working conditions that undercut all farmworkers in the U.S.,” said Acting Secretary Julie Su. “This rule ensures farmworkers employed through the H-2A program are treated fairly, have a voice in their workplace and are able to perform their work safely. It also promotes employer accountability, benefitting all farmworkers by upholding labor standards. The Biden-Harris administration is committed to being the most pro-worker administration in history, and this rule is a significant milestone in that effort.”

The final rule includes the following:

- Adding new protections for worker self-advocacy: The final rule improves workers’

ability to engage in advocacy regarding their working conditions by expanding the range of activities protected by anti-retaliation provisions. For workers not protected by the National Labor Relations Act, this rule protects workers’ choice to engage in self-organization or concerted activities and to decline attending employer-sponsored “captive audience” meetings where employers discourage workers from joining unions or engage in other protected activities. The rule also allows workers to consult key service providers, such as legal service providers, and to meet with them in employer-furnished housing. Workers also may now invite and accept guests, including labor organizations, service providers and others, to their employer-furnished housing.

- Clarifying “for cause” termination: Workers employed under the H-2A program have the right to payment for three-fourths of the hours offered in the work contract, as well as housing and meals until the worker leaves, outbound transportation and — if the worker is a U.S. worker — to be contacted for employment in the next year, unless they are terminated for cause. The final rule clarifies that an employer only terminates a worker for cause when the worker either fails to comply with employer policies or fails to perform job duties satisfactorily after, in most cases, the transparent application

*(See LABORERS, Page 4)*



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## Introducing the New TPT Legislative Liasion

I wanted to start by introducing myself. My name is Curtis Smith, and I started on May 1, 2024 as the Director of Legislative and Regulatory Affairs at the Texas Nursery and Landscape Association. I am excited to work with our friends at Turfgrass Producers of Texas on our shared goal of supporting the Texas green industry. I came to TNLA after working in the Texas House of Representatives for 15 years. I served as the lead House staffer for the Agriculture Sunset Bill in 2021 and the Texas Water Development Board Sunset Bill in 2023, among many other pieces of legislation. I am excited to use my extensive legislative experience to support our thriving green industry.



**CURTIS SMITH**  
*Director of Legislative and Regulatory Affairs  
Texas Nursery & Landscape Association*

We are a little over seven months from the next Texas Legislative Session. The number one issue for our industry going into the 89<sup>th</sup> Texas Legislative Session appears to be water. Though much of Texas has received significant rainfall accumulations over the past month, there are concerns about the drought conditions we will face during the session run-up. A lot is up in the air about how legislators will approach water issues in the 89<sup>th</sup>. There has been talk about creating a new dedicated funding source for the Texas Water Development Board. In the past, the state relied on the legislature to move one-time funding sources into the Water Development Board for their low-interest loans and grants for water supply projects. Creating a stable ongoing funding source could help the State of Texas better leverage its water investments by ensuring long-term constant funding.

The Texas Lieutenant Government issues his interim charges for the

Senate in April and the Texas Speaker of the House issues his in May for the House. These study topics can help reveal what our state's leaders see as our industries' top issues. The House Committee on Agriculture and Livestock is looking at foreign ownership of Texas farms, timber, pastureland, and

agricultural processing facilities. Concerns have been raised that our agriculture supply chains are not adequately protected from foreign ownership. Interest in this topic is growing, and we expect this to be a big topic in the 2025 Legislative Session.

The House Agriculture Committee is also studying the notice procedures, issuance of written stop-sale orders by the Texas Department of Agriculture, and the seizure and destruction of infested, infected, or non-compliant products. The House Natural Resources Committee is looking at water reuse, the reliability of local water systems throughout the state, and groundwater conditions.

The Texas Senate Committee on Water, Agriculture, and Rural Affairs is looking at local water system reliability and joining the House in monitoring Senate Bill 28 from the last session, which created a new funding category at the Texas Water Development Board for acquiring new water sources and upgrading and repairing old water infrastructure.

We will monitor these interim committee hearings and keep you updated in the months ahead as we prepare for the upcoming legislative session. As we move forward, the major issues affecting our industry in the upcoming legislative will become increasingly clear, and we will work to keep our members informed.

# Laborers more protected from exploitation

(Continued from Page 1)

of a system of progressive discipline. The rule establishes that for a worker to be terminated for cause, five conditions must be met, including a requirement that workers are either informed about or reasonably should have known the policy, rule or performance expectation unless the worker has engaged in egregious misconduct.

- **Making foreign labor recruitment more transparent:** The final rule imposes new disclosure requirements to improve foreign worker recruitment chain transparency, provides additional information about the nature of the job opportunity and bolsters the department's ability to protect workers from exploitation and abuse. The new provisions require employers to provide a copy of all agreements with any agent or recruiter they engage or plan to engage, disclose the name and location of any person or entity working for the recruiter who will solicit prospective H-2A workers and disclose in the H-2A application the name, location and contact information of the workplace's owners, operators and managers.
- **Ensuring timely wage changes for H-2A workers, which helps prevent an adverse effect on the wages of similarly employed workers in the U.S.:** Returning to longstanding practice, the final rule designates the effective date of updated



adverse effect wage rates as of the date of publication in the Federal Register. This change safeguards fair compensation for workers under the H-2A program and addresses potential adverse effects on the wages and working conditions of similarly employed workers in the U.S. The rule would also require employers who fail to provide adequate notice to workers of a delay in their start date to pay workers the applicable rate for each day that work is delayed for up to 14 days.

- **Improving transportation safety:** Many H-2A workers travel in vans or buses, sometimes driven after long days by tired workers. The final rule includes a seat belt requirement to reduce the hazards associated with the transportation of farmworkers. If a vehicle is required by Department of Transportation regulations to be manufactured with seat belts, the final rule prohibits the operation of these vehicles to transport workers under the H-2A program unless each occupant is wearing a seat belt.
- **Preventing labor exploitation and human trafficking:** The final rule clarifies that employers are prohibited from holding or confiscating a worker's passport, visa or other identification documents, which is a tactic used to exploit workers.
- **Ensuring employer accountability:** The final rule updates procedures for discontinuing employment services for employers that have failed to meet the Department of Labor's requirements. Relatedly, the rule

(See EMPLOYER, Page 21)

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# Is Austin Going to Run Out of Water?

***As Central Texas battles extreme drought, shrinking lakes, and over tapped aquifers, some communities find themselves in crisis.***

By **Asher Elbein**  
[May/June 2024](#)

On an unseasonably warm day in 2023, conservationist Robert Mace looked down into the clear spring waters near San Marcos and saw signs of trouble. As executive director at the Meadows Center for Water and the Environment, he spends his days studying the ecology south of Austin around Spring Lake, which is fed by the Edwards Aquifer and

was formed originally by hundreds of artesian springs. The sputtering seeps he observed daily around the lake weren't the only source of concern. During a visit to cherished Hill Country swimming spot Jacob's Well, Mace found

a bone-white limestone creek bed and a stagnant, algae-smothered pool huddling down the shaft. "Not particularly appetizing for swimming in," he recalled.

In wet years, lines of thunderstorms lumber through Central Texas, dumping life-giving rain onto Austin and surrounding areas. Some of that water runs directly along the surface, through creeks and rivers, and into open reservoirs like Lake Travis and ultimately the capital city's network of pipes. The rest takes a subterranean path: percolating through soil and stone into the aquifers, vast flooded basins of honeycombed rock. This delicate labyrinth of caverns, rocky outcrops, and artesian wells known as a karst landscape is key to understanding water access in Central Texas.

Locked beneath the limestone, these liquid vaults are safe from evaporation, and soil and rocks act like a natural Brita filter, producing the clear, clean springs that Austinites have come to love.

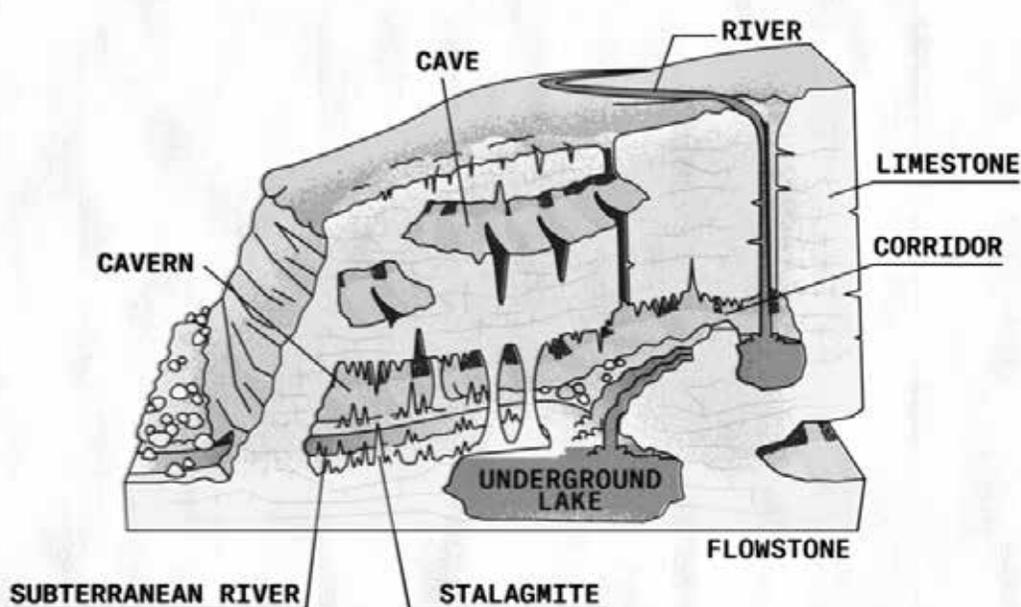
The streams that flow through Austin's greenbelts are visible reminders of something many of us take for granted. Water seemingly exists behind the turn of a tap, available on demand to drink or bathe in, to maintain expensive lawns or wash cars. Despite its ubiquity, water is largely harvested and managed out of public view; it's easy to ignore because it seems so eternal. It is not. When it disappears, settlements die, as steadily and inexorably as grass bleaching in the sun. The failure

of a spring is an unignorable warning that may portend a bleak future—a world where once seemingly infinite kitchen faucets, just like those natural flows, begin to run dry.

Imagine a karst landscape as a giant, porous sponge that soaks up and retains

liquid. But due to the landform's irregular physical structure, it can be difficult to get accurate measurements on that hidden groundwater—and when it might be running low. Illustration by Becky Plante.

The San Marcos Springs near the Meadows Center had managed a more consistent production than what Mace had seen at Jacob's Well, but as the days passed, he and his colleagues noticed evidence of an ecosystem under serious strain. Springs that normally danced up from the Edwards Aquifer into the lake silt lay dormant. Aquatic plants drooped, and long strings of choking algae



(See *LOWEST*, Page 8



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# Lowest flows seen in 70 year span

*(Continued from Page 8)*

sent questing fingers through the blue waters. “Over the last year, we’ve seen the lowest flows since the mid-1950s,” Mace said. “We’re seeing conditions we haven’t seen in 70 years.”

Red flags like the scenes at Jacob’s Well and Spring Lake have been abundant lately. Throughout 2023, Central Texas seared under a record-breaking stretch of triple-digit temperatures and brutally dry weather. Trees sickened and died under the unforgiving

sun. In Barton Creek, hardy grasses crept down into streambeds where fish and turtles once swam. The mighty Edwards Aquifer hit its lowest point in a decade, and the Trinity Aquifer’s levels sank by 1 to 3 feet across the region. Lakes Travis and Buchanan, which provide much of Austin’s drinking supply, didn’t fare any better: Historically low inflow from rivers has left the reservoirs at 42 percent of their capacity. In the caves and tunnels below our cities, the aquifer’s once-abundant resources are starting to vanish.

Despite a recent reprieve in the form of a wetter winter that coaxed greenery up from lawns and sent currents rushing down greenbelt creeks, it would be a mistake to conclude that 2023 was an aberration. Texas just saw its second-hottest summer on record; for Austin, it was the hottest, as well as the driest in 113 years. In some places, the drought has already outstripped 2011 levels, and

researchers warn that worse conditions are likely on the way.

Droughts often arrive without announcing themselves. Any given storm could be the last one

for months, or years. The best warning sign is an increased amount of heat, which steals the moisture from the soil, leaving less water to infiltrate the aquifers or make its way into struggling reservoirs.

Anyone who’s ever watched a drying puddle on a summer afternoon could tell you that

standing liquid is an evaporation factory. Even when normal rain levels

arrive, the increased heat of consecutive 105- and 106-degree days effectively steals much of it away through vaporization.

Driving back down from a trip to Dallas in mid-January, Mace saw clouds in the distance dumping watercolor smears of rain that faded and vanished before they ever hit the ground. “That’s a desert phenomenon,” he said. “That struck me as not a good sign.”

Some climate models suggest Texas is in for violent swings between brutal drought and punishing floods, according to Jay Banner, a hydrologist at the University of Texas. But at some point, “drought” may stop being the correct word. Droughts, after all, are theoretically temporary. Long-term projections suggest that the “dry line”—a boundary between the parched air of the desert Southwest and the humid breath of the Gulf of



***Would-be swimmers dip their feet into the dwindling water at Jacob’s Well in summer 2023. Photo by David Baker, courtesy Watershed Association.org***

*(See MAJOR, Page 10)*

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# Major Environmental Shifts Imminent

*(Continued from Page 8)*

Mexico—is growing wobbly, leaving its traditional home along I-35 and moving ever eastward. As it does, Central Texas will fall into the arid weather patterns of West Texas, and drought will not be an exception but the basic state of Austin’s ecology.

While the date by which this will become an all-out emergency remains uncertain, major environmental shifts are imminent. In

a presentation to the City Council in January, Austin officials noted that the city currently has enough surface water on hand to avoid increasing restrictions until at least July—but said nothing of August and September, the region’s hottest months.

For now, that likely means relatively minor restrictions, resulting in brown lawns and unwashed cars. But the long-term prognosis is more dire. “People need to be thinking about what happens when you run out of water,” said Mace, adding that no one likes considering what Austin will do if the Highland Lakes dry up. “People say, well, it’ll rain—but sometimes, it simply doesn’t.”

## Running Dry

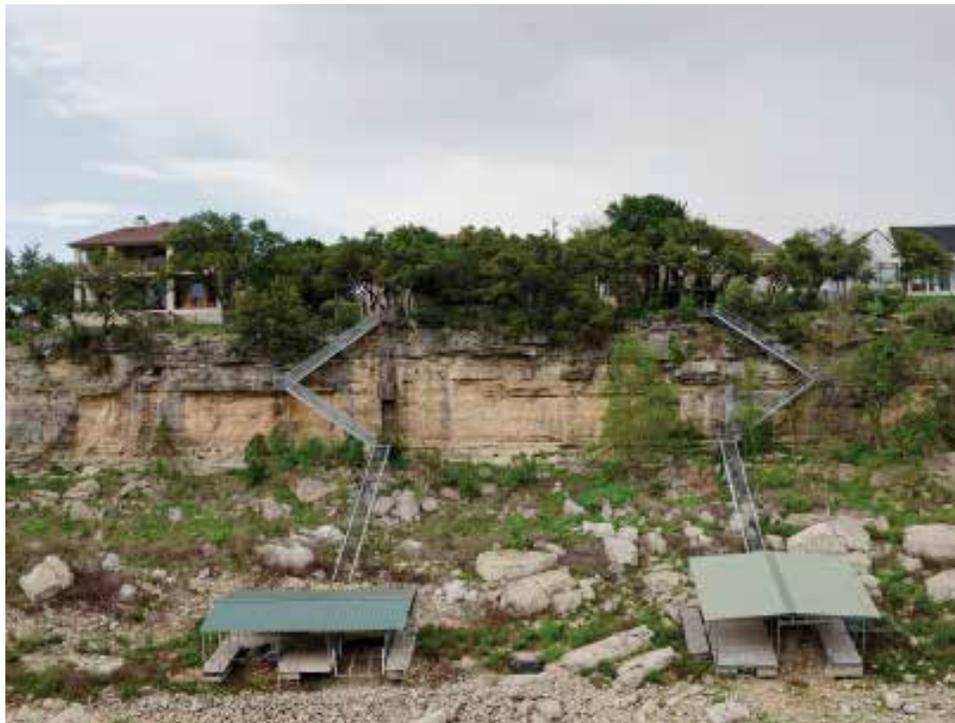
Months had passed without substantial precipitation in Kyle, a rapidly growing city on

Austin’s southern fringe, when Council Member Yvonne Flores-Cale received an alarming shock. It was August 2023, and the area had received less

than a quarter of its typical rainfall the month prior, as the town baked in sweltering temps. But faucets turned on at office buildings and toilets flushed in homes as usual, using resources largely sourced from the Edwards Aquifer. Now, the council learned, the city had overdrawn its budget from the aquifer for the second year in a row. That left Flores-Cale and her colleagues

with only two options: try to borrow allotments from nearby cities, or pump unauthorized groundwater and pay hefty fines.

Recent extreme weather events have coincided with a furious development boom in Central Texas, which has spurred an influx in people and a corresponding demand for water. Like much of the U.S. Sun Belt, the region has attracted newcomers with its warm weather, low taxes, and cultural cachet. Austin is among the fastest-growing metropolitan areas in the U.S., as the humming tech industry has welcomed new campuses from companies like Tesla, Amazon, and Apple. The growth has sloshed out along the city’s margins and frontiers: Hays County has exploded in population over the last decade, vaulting from 160,000 to 240,000. Overall, the Greater Austin metropolitan area (which stretches from Round Rock to San Marcos) is on track to hit anywhere from 5 million



***Bare limestone and dry docks on Lake Travis, as seen from Point Venture near Lakeway. Photo by Leonid Furmansky.***

*(See AQUIFER, Page 14)*



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# Comprehensive Strategies to Combat Merchant Chargebacks in Agriculture

Farming is not just a profession; it's a way of life deeply rooted in tradition, hard work, and resilience. In today's rapidly evolving digital landscape, safeguarding our farm businesses from merchant chargebacks due to fraud is paramount to preserving this way of life. Drawing upon expertise in payment fraud prevention and insights specific to the farming vertical, here are comprehensive strategies tailored for farmers to combat this financial threat:

## 1. Educating and Training Farm Staff:

Just as we equip our workforce with the knowledge and skills to tend to our fields, it's essential to educate farm staff about the risks of merchant chargebacks and fraud prevention measures. Conduct regular training sessions to raise awareness and instill best practices, ensuring that everyone involved in financial transactions understands their role in mitigating risks.

## 2. Leveraging Technology for Secure Transactions:

Embrace technological advancements in payment processing to enhance the security of transactions on your farm. Explore options like point-of-sale systems with built-in fraud detection features, encrypted payment gateways, and biometric authentication for added layers of security. Investing in robust technology solutions not only protects your business from fraud but also streamlines financial operations, saving time and resources.

## 3. Implementing Transaction Monitoring and Alerts:

Proactively monitor transactions on your farm to detect suspicious activities or anomalies indicative of potential fraud. Set up alerts for unusual transaction patterns, such as multiple transactions from the same IP address or unusually large orders from new customers. Prompt detection allows for timely intervention, minimizing the impact of fraudulent activities on your farm's finances.

## 4. Establishing Clear Payment Policies and Procedures:

Clearly define payment policies and procedures for your farm business, outlining accepted payment methods, terms, and conditions. Communicate these

policies to customers through invoices, contracts, or signage at your farm stand or market booth. By setting clear expectations from the outset, you reduce the likelihood of misunderstandings or disputes that could lead to chargebacks.

## 5. Cultivating Relationships with Financial Institutions:

Foster strong relationships with banks and financial institutions that understand the unique needs and challenges of the agricultural sector. Work with banking partners that offer tailored solutions for farm businesses, such as specialized merchant services or fraud prevention programs. Building trust and collaboration with financial institutions ensures access to resources and support when navigating issues like chargebacks.

## 6. Staying Informed and Adapting to Emerging Threats:

Remain vigilant and stay informed about emerging trends and tactics used by fraudsters to target farm businesses. Subscribe to industry publications, attend conferences, and participate in forums or online communities to stay abreast of the latest developments in payment fraud prevention. By staying proactive and adaptable, you can stay one step ahead of evolving threats and protect your farm's financial interests.

In conclusion, safeguarding farm businesses from merchant chargebacks requires a multifaceted approach that combines education, technology, proactive monitoring, clear policies, strategic partnerships, and ongoing vigilance. By implementing these comprehensive strategies, farmers can mitigate the risks of fraud and ensure the long-term prosperity of their agricultural enterprises. Just as we nurture our fields to yield bountiful harvests, let us nurture our financial practices to safeguard the future of farming for generations to come.

# NOAA predicts above-normal 2024 Atlantic hurricane season

*La Niña and near record warm ocean temperatures will increase storm activity.*

The National Oceanic and Atmospheric Administration has issued its highest-on record May hurricane forecast for the upcoming hurricane season.

All categories of storms are expected to exceed the typical number seen every year; National Weather Service forecasters announced in a news conference for the 2024 hurricane outlook.

NOAA scientists predict between 17 and 25 named storms, compared to an average of 14; between eight and 13 hurricanes, compared to an average of seven; and between four and seven major hurricanes, compared to an average of three.

Multiple officials, including National Hurricane Center Director Michael Brennan and National Weather Service Director Ken Graham, described the 2024 Hurricane Outlook as the “highest” forecast ever issued in May.

A major hurricane is Category 3, 4 or 5, with winds of 111 mph or higher.

Near record warm ocean temperatures in the Atlantic and a developing La Niña that will reduce wind shear in the western Atlantic will likely contribute to the increased number of storms.

In addition, an above-average African monsoon season will help initiate thunderstorms over Africa that will eventually form into tropical systems in the Atlantic.

The Atlantic hurricane season starts June 1 and runs through Nov. 30. The peak of the season typically occurs around Sept. 10, according to NOAA.

Climate change is likely having a significant impact on the Atlantic hurricane season, according to researchers.

The warming of the surface ocean temperatures is likely fueling more powerful tropical cyclones with more extreme precipitation, scientists say.

The destructive power of individual tropical storms through storm surge is amplified by rising sea levels.

Tropical storm precipitation rates are also projected to increase due to enhanced atmospheric moisture, since a warming atmosphere can hold more

water.

The proportion of Category 4 and 5 tropical storms has increased likely due to more frequent rapid intensification -- when hurricanes strengthen quickly as they approach land -- and is projected to increase further, research shows.

Most recent studies project the total number of tropical storms each year will decrease or remain approximately the same, but the ones that do form will be more intense -- both in strength and impact.

Fewer numbers of cyclones in all oceans could be attributed to warming higher in the atmosphere, in addition to surface warming, researchers have stated. With less difference in temperature as you go up through the atmosphere, there is less of a chance for storms to generate.

“With the anticipation of another active hurricane season on the horizon, insurers and homeowners should do everything they can to prepare and mitigate as much risk as possible.”



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# Aquifer levels decline alarming

*(Continued from Page 10)*

to 8 million people by 2050.

Ultimately, Kyle's City Council negotiated a deal to pump from San Marcos' allotted shares of the aquifer, despite the latter's own declaration of



**The Whisper Valley residential development in Manor is one example of the large master planned communities appearing in the areas around Austin. Photo by Robert Gomez.**

Stage 4 drought and accompanying restrictions. While San Marcos' council members voted unanimously to sell the water to their neighbors, the action carried a whiff of bowing to the inevitable: Whatever they had decided, the city's utility manager told a KUT reporter, Kyle almost certainly would have had to keep pumping from the shared aquifer regardless.

Even with the 2023 crisis averted, the short-term nature of the fix was lost on nobody, particularly the council members. The city had bought its way out of a jam. But as Flores-Cale asked pointedly at the August meeting: "What's our plan for next summer, and then next summer, and then next summer?"

Texas water policy exists in the long shadow of a historic dry spell. In 1957, at the end of a decade riddled by the most devastating drought to hit Texas in 600 years, half of the state's agriculture had collapsed. As a result, governments vowed

to take preventative measures, among them new management districts and a massive buildup of reservoirs—including lakes Travis, Buchanan, and Austin. Increasingly, the state turned its attention to aquifers. Today, Texas sources about 60 percent of its water from the ground—more than most Western states save California.

It's a natural choice since groundwater is a cheap, well distributed, and seemingly reliable source. So rich are the region's aquifers that experts often refer to them in terms of banking: vaults, safety deposits, savings accounts, and—more recently—debts and withdrawals. Today, the resources within most of the state's aquifers are diminishing, with over a quarter of them being emptied at ever-increasing rates. The levels in the Edwards Aquifer in particular have dropped at a rate of around 8 inches per year since 2019.

The city of Austin relies entirely on the Colorado River and Highland Lakes for its drinking supply, but smaller cities in its orbit—as well as accompanying towns, free-standing developments, and individual homes—draw from the aquifers. As people flock to the picturesque Hill Country, conservation measures are necessary, but policing its use proves tricky legally.

Districts can regulate large permits for businesses or suburban developments. But thanks to an antiquated, 1904 legal policy called the "rule of capture," private landowners can pump as much as they like, regardless of effects like springs going dry on neighboring properties. While individual households alone don't sap much of the supply, there are thousands of such home sites—and they're beyond regulators' reach.

"We toe a very fine line between our legislative mandate to control or minimize groundwater [extraction], because it's considered private

*(See UTILITY, Page 16)*

# Study links ‘forever chemicals’ to synthetic turf playing fields

“It showed that these kids and frankly anybody who’s playing on artificial turf is likely picking up PFAS on this skin,” the director of science policy for Public Employees For Environmental Responsibility said.

By BROOKE MARTELL

If you have a child that plays football or soccer, chances are that they’ve probably played on synthetic turf.

But there are growing concerns over the safety of these popular fields, and a local research study found chemicals in the turf that could potentially be harmful to our health.

Cesar Caro is a soccer player. Like many athletes, he plays on both synthetic turf and grass. Although he prefers grass, he says playing on turf has its benefits too.

“It’s slick,” Caro said. “Especially in the rain, it’s quicker.”

A recent study with the Public Employees For Environmental Responsibility (PEER) — an independent watchdog group — took a closer look at what’s actually in synthetic turf.

“It was just to see if there was anything there, and indeed there is,” Kyla Bennett, the director of science policy for the nonprofit, said.

In the summer and fall of 2023, Bennett conducted an experiment involving local 9-year-old soccer players and their coach to see if they were exposed to PFAS, otherwise known as “forever chemicals,” which break down very slowly over time.

“We wondered whether or not these athletes were getting PFAS from their skin because the three roots of exposure for PFAS are absorption, inhalation and dermal absorption,” Bennett said. “We had the kids play three games on grass and three games on artificial turf, and we merged those wipes. All the grass games went into one sample, and all the artificial turf games went into another sample.”

She says their hands were wiped with a wipe that was free of PFAS and sent to a commercial lab to be tested.

“What we found was that the amount of PFAS on their hands almost doubled when they played on artificial turf,” Bennett said. “We did not see the same thing when they played on grass. In fact, most of them lost PFAS from their hands when they were playing on grass.”

Bennett says the study was preliminary, not comprehensive nor peer-reviewed, but that it raises a red flag.

“It showed that these kids and frankly anybody who’s playing on artificial turf is likely picking up PFAS on this skin,” Bennett said.

Dianne Woelke, a retired nurse and member of Safe Healthy Play Fields, has been working hard to address these concerns too.

“The PFAS chemicals are so toxic that they are measured in parts per trillion,” Woelke said. “For every 80,000 square feet of plastic turf

there is between one and 38 pounds of various PFAS chemicals.”

Woelke says the tire crumbs in between the synthetic blades of turf are toxic too, adding that tire crumbs have been found to have over 350 chemicals in them.

“The PFAS that they are finding on their hands is likely going to be a lower level that they’re getting on the rest of their bodies when they’re getting overheated because vasodilation allows the body to absorb even more of the chemicals,” Woelke said.

According to the federal government, scientists are still trying to determine how exposure levels impact our health, but studies show that exposure to certain PFAS may be harmful. PFAS can be detected in water, food and even human blood because of their widespread use, according to the EPA.

“Parents need to be made aware. Just because a consumer product has been made for sale does not mean it is safe,” Woelke said.

The Synthetic Turf Council emailed this statement to NBC 7:

“Communities, schools, businesses and families across the country are choosing synthetic turf because of the significant benefits it offers, including being accessible year-round, being more affordable to maintain and protecting the environment through reduced water and chemical usage. The synthetic turf industry is proud to deliver quality products that make a positive difference and are used by thousands of communities nationwide.

“STC is proud that our turf manufacturer members are already working with existing customers, states and local governments to demonstrate the continued safety of our products and are committed to ensuring their products contain no intentionally added PFAS.”

This year, TenCate, a U.S.-based synthetic grass producer, announced that it would start manufacturing PFAS-free synthetic turf.

There are benefits of turf — it’s drought resistance, cuts back on water use and can be used rain or shine.

But, cities in California are already asking residents to not install it. Back in October, the Millbrae City Council passed an ordinance that prohibits the installation of synthetic grass and artificial turf.

Even following PEER’s latest study, Bennett and Woelke both agree more research needs to be done to test the safety of synthetic turf.

“I want someone to pay attention to this, do a better study and find out if it’s worth the risk,” Bennett said.

“There needs to be documentation of the process that was used,” Woelke said. “A proper chain of custody, as well as actual testing results, and it needs to be published in a peer review article.”

# Utility companies over pumping

*(Continued from Page 14)*

property,” said Tim Loftus, general manager of the Barton Springs/Edwards Aquifer Conservation District, which supplies some homes and businesses in South and West Austin. “You can regulate too far and lose a legal battle.”

The result is an increasing number of long straws going into the same milkshake—and some are greedier than others. In 2022, Aqua Texas, an arm of the larger utility company Essential Utilities, sucked up nearly double its legal limit. When the Hays Trinity Groundwater Conservation District proposed \$448,710 in penalties, the company countered with a

dismissive proposal of \$0. The two parties have yet to reach a settlement over the 2022 over pumping, so Aqua Texas is currently operating without a permit. That hasn’t stopped it from pumping. Last year, Texas Monthly reported that Aqua Texas blew past its permit of 90 million gallons and pulled 156 million gallons from sites near Jacob’s Well. Then, the company filed a federal lawsuit asking a judge to set aside penalties. In the meantime, Jacob’s Well—a spring that historically has managed at least a trickle during even extreme droughts—spent 222 days bone dry before flows hesitantly returned this January.

Aqua Texas didn’t just acknowledge that it had over pumped: The company argued that doing so was a necessity since the population in the area

has doubled in the last 20 years. The same dynamic has been playing out throughout the Hill Country. Districts around Austin’s perimeter are struggling to accommodate the growing demands and have often voted to approve permits that dip deeply into the aquifer’s reserves. A linchpin of Texas’ water management after the 1950s drought, accessing

aquifers has been key to serving new development. But utilities are using the population boom to justify their overuse, creating a compounding problem. Even in the absence of outside factors, with regular rainy seasons, it’s a recipe for trouble.

But, of course, there are outside factors. The aquifers and Highland Lakes both depend on rain, and as Texans learned



**Completed in 1941, Mansfield Dam turned part of the Colorado River into the reservoir we call Lake Travis, which supplies water to thousands of Austinites. Photo by Leonid Furmansky.**

to their horror in the 1950s, the rain can fail. The Lone Star State is a volatile place, and even at the best of times, drought is a constant possibility. The National Oceanic and Atmospheric Administration estimated 18 drought events with an economic impact of \$1 billion or more in Texas since 1980, including the current one, which began in 2021.

Conservationists and regulatory officials worry that the region’s boom will eventually outstrip its drinking supply, with disastrous results. Charlie Flatten, general manager of the Hays Trinity Groundwater Conservation District, has a succinct way of summing up the dangers of Central Texas’ endless population boom. “The rate of use exceeds the rate of recharge,” he said. “You do the math.”

New arrivals to Central Texas are moving right

*(See WATER, Page 18)*

# April 2024 Housing Insight



## APRIL 2024 SUMMARY

This report reflects the latest available housing data (current as of May 22, 2024) from the Data Relevance Project and the Texas Real Estate Research Center.

Seasonally adjusted housing sales bounced back in April following March's decline. New listings grew for the fourth month in a row resulting in the total active listings count growing to its highest level since July 2012. Home prices remained the same at \$340,000 for the second month in a row.

\*All measurements are calculated using seasonally adjusted data, and percentage changes are calculated month over month, unless stated otherwise.

An advertisement for Case IH Farmall Utility A Series tractors. The main image shows a red Case IH 1054 tractor with a blue and red PTO implement attached, parked on a green lawn in front of a large, light-colored building. The sky is blue with scattered white clouds. The text is overlaid on the right side of the image.

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# Water Forward Plan - a Hail Mary

*(Continued from Page 16)*

into the crosshairs of what looks increasingly like a doom loop: an ever-growing population leading to an increasingly urbanized landscape and exploding demands for water, while climatic shifts lead to significant drops in the available supply. Hotter temperatures are exacerbating supply issues at the same time

that natural springs, which have weathered millennia's worth of extreme droughts, are now failing due to rampant overpumping. The situation is in serious danger of spiraling out of control—like water swirling down a drain, leaving everyone high and dry.



**A water treatment facility near Mansfield Dam. Photo by Leonid Furmansky.**

## Hope Springs Eternal

As a response to the 2008-2016 drought—a dry spell that saw some of the Highland Lakes sink to their lowest recorded levels and left some of the region's water intake plants dangerously close to empty—Austin began seriously considering how to secure its drinking supply. In 2018, the city announced its Water Forward Plan, bundling together a set of strategies to manage usage and secure enough supply for the next hundred years.

Among those strategies is an attempt to reverse some of the processes at play in the Hill Country, and actively pump treated water into laterally occurring aquifers during wet years, according to Marisa Flores Gonzalez, supervisor

of Austin's Water Resources Team. That approach would create a "savings account" that would be safe from evaporation and could be drawn on during emergencies. At the moment, the city is in the process of identifying a location for a pilot project somewhere in either Travis, Bastrop, or Lee Counties. The final concept, which planners aim to have operational by 2040, would initially

store around 60,000 acre-feet (around 19 billion gallons) of water. By 2115, the city hopes to have 240,000 acre-feet (a current year's supply) on hand in the aquifer.

These kinds of aquifer storage projects are sprouting up elsewhere in the seasonally temperamental parts of Texas,

including places like Midland, El Paso, and San Antonio. But other cities are looking further afield. Alliance Water, a new regional water authority comprised of several cities such as Buda, Kyle, and San Marcos, aims to tap an aquifer southwest of San Antonio, transporting its riches via a large pipeline. But without fundamental changes to those residents' lifestyles, tapping new aquifers only kicks the problem a bit further down the road. The long-term survival of Central Texas communities requires the choice to be considerably more frugal about usage. Ignoring leaky pipes and using perfectly good drinking water to flush toilets and nourish lawns are wasteful luxuries that the region simply cannot afford.

As an example of what this can look like, David Baker, executive director of the Wimberley-based Watershed Association, pointed to the

*(See LEARNING, Page 22)*

# Executive Director's Message

Well, I hate to talk bad about rain in Texas! But as usual when it rains it pours except where it doesn't. Talking to growers around the state it seems it is North and Central Texas's turn to be over blessed with rainfall while the farms South of IH10 seem to be lagging. The severe weather has also been too regular and is only good for the roofing contractors and tree services.



I hope all of you are doing well through the heat, rain or lack of rain. The grass shortage seems to be a little better this spring, most likely due to a thankfully milder winter. Demand remains strong and supplies will need to remain strong too. Time will tell if the economy can hold out as new housing continues to be strong but is starting to show signs of a slowdown. Most indicators I watch say the current developments will most likely be completed but it is not clear if new ones will move at the current pace. Although I still see a lot of 2X4's in the air as I drive around Texas!

Water continues to be a hot topic among municipalities and certain advocacy groups that see turf grass as a low hanging fruit when it comes to saving water. However, I feel we have a good story to tell, and we will continue to tell that story every chance we get.

We are headed for another Texas Legislative session in January 2025, and we have a new legislative liaison, Curtis Smith whom we share with TNLA. Please read Curtis's article and be ready to respond if we need a hand in Austin.

Speaking of the legislature there sure seems like there will be some new faces as the runoff elections are seeing several incumbents fall to their challengers. This gives us an opportunity to educate a new patch of folks about the importance of turf grass and the green industry in general.

Not much new on the Sod Checkoff front as I write this. We are waiting on USDA to determine the next step. We will keep you informed as we have new information to share.

We have set the dates for the fishing tournament (October 14<sup>th</sup>) and the golf tournament (November 11<sup>th</sup>) I hope you can make it to one or both as they are a great opportunity to take a break, visit with other growers and have a little friendly competition. Look for the registration forms in the mail or go online and register at [texasgrass.com/events](http://texasgrass.com/events) (early August).

We are looking for some guidance on hosting the annual meeting, TPI will be in Texas in 2025 so we could have our meeting in conjunction with them or we have several other options in the works. Let me know your thoughts on this idea and I will be sending a survey out by E-Mail soon.

I hope to see you this fall at one of our events and please call if you need anything!

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## Cause Marketing

By STACIE ZINN ROBERTS



Doing good deeds and supporting worthy causes is good for your farm's bottom line — this according to Guy Dawson, executive director of the Cause Marketing Chamber of Commerce based in Las Vegas, Nevada. If you've ever sponsored a little league team or 4-H competition, taken an ad out in a community event program, or donated to charity in the name of your company, you weren't just being a good neighbor. You were engaging in "cause marketing", a marketing term to describe the act of donating to charity while also promoting your business or brand.

"Cause marketing is a way to differentiate your product especially when your product's benefits or features are the same as competitors," Dawson said.

This should make a lot of sense to Texas sod producers. If you're competing against three other farms down the road who also grow and sell a commodity grass like Tifway 419, participating in cause marketing is one way to make your farm stand out. Cause marketing creates the impression that your farm cares about the community and gives customer's something other than price to base their buying decisions upon.

Research supports this view. A 2018 study that found nearly two-thirds (64 percent) of consumers around the world will buy or boycott a brand solely because of its position on a social or political issue.

This raises an important point. It's critical that you support causes or issues that are not only align with your own personal values but also those of your customers. It's best to avoid controversial causes (political issues and the like) when donating money from your business. Save those for your own personal or anonymous donations. Instead, focus on local nonprofit organizations that benefit your community directly or that raise money to fund research that fights disease.

Do your due diligence to be sure the non-profit you're donating to is well run and legitimate. Know who you're donating money to, what they stand for, and how your money will be used. Pick one or two charities so as not to dilute your message or look like you're trying too hard to get attention. Be authentic and show you care by dedicating to just a few causes that are close to your heart or the hearts of your customers.

Once you have decided on a charity or two to support, make it a part of your company culture. Encourage your staff and customers to make donations. Publicize your community engagement on your social media and website. Promote it in your newsletter. Give employees time off to volunteer for work parties or events associated with the charity. Donate swag such as t-shirts, hats, drinkware, pens or stickers with your logo on them for prizes at charitable events. Set up donation boxes for the public if you have a retail center.

But what if your farm's ownership prefers to make anonymous donations to causes? In the case of strong personal views that could be considered controversial, (such as politics or religion) anonymous donations may be preferred so as not to offend potential customers with opposing views. But for most mainstream donations like children's charities and sports teams, staying anonymous can be to your detriment. Instead, think of it this way: By publicizing your donations you're telling your customers not only that you care, but that by doing business with your farm they're helping you raise money that, in part, supports your charitable giving. You're giving your customers the ability to feel good about giving you their money. Publicizing your donations also brings attention to a local cause which validates its worthiness and encourages others to follow your example with a donation.

In the end, it's about creating good will. Dawson points out that should your company ever find itself in the court of public opinion, having already invested in community engagement could buy your farm the benefit of the doubt. Customers may be a lot more willing to forgive a misstep if they know you're trying to do good.



## Employer Accountability –

*(Continued from Page 4)*

requires states to discontinue services to debarred employers. It also streamlines the procedures for applying debarment to a successor who carries forward a debarred company. In addition, the rule codifies how the department determines whether separate entities are acting as one employer for purposes of assessing seasonal or temporary need and how these entities are treated for enforcement purposes.

The final rule is effective on June 28, 2024. However, H-2A applications filed before Aug. 28, 2024, will be processed according to [applicable federal regulations](#) as is in effect as of June 27, 2024. Applications submitted on or after Aug. 29, 2024, will be processed in accordance with the provisions of the Farmworker Protection Rule.

For more information about the rule, visit the [Employment and Training Administration](#) and [Wage and Hour Division](#) web pages.

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# Learning from the past- a pound of prevention

*(Continued from Page 19)*

“One Water” approach adopted by Wimberley’s Blue Hole Primary School. The plan captures rain, condensation that drips from AC units, and greywater (drainage from bathroom sinks, showers, and clothes washers) for everything from plant irrigation to flushing toilets. Groundwater, meanwhile, is reserved solely for drinking. “The school is saving 50 to 70 percent of the resources a normal school would have used,” Baker said. That strategy is projected to save the district around a million dollars in bills over the next 30 years. “We can do that with homes and subdivisions as well,” Baker added. “That kind of strategy really needs to become the norm in the region.”

Retrofitting these kinds of systems can be expensive, but that just means it’s vitally important to include them in new buildings up front rather than incurring greater costs later. Unfortunately, the pipeline and aquifer projects remain far in the future, and most of the developments outside the city aren’t making use of such conservation strategies. Instead, they are continuing to pump precious resources while sleepwalking into potential catastrophe. And policymakers historically have a bad habit of ignoring proactive fixes, even simple ones—only springing into action after disasters have forced their hand.

If there’s a silver lining, previous calamities provide clues about what’s needed, and what challenges lie ahead. From 2015 to 2018, Cape Town—a South African city located many miles from its highland reservoirs—suffered a drought that took its nearly 5 million residents right to the edge of running out of water entirely. Officials instituted restrictions and begged residents to conserve as much as possible. But they were shocked and dismayed to discover that only half of the households complied. The city ultimately had to install remote shut-offs in people’s houses and seek alternative water sources. Luckily, those actions staved off disaster for long enough until the rains eventually returned.

Beyond the hurdle of managing the natural resource itself, there’s the problem of humanity’s general stubbornness. Even in the wake of a brush with tragedy, conspiracy theories swirled online after the event—with some blithely asserting

that the restrictions in Cape Town had been unnecessary, the drought made up. People had just overreacted.

Which is, in a sense, what Central Texas is up against: When gifted with increasingly rare rain and a refilled aquifer, many assume that the crisis has been averted. If the oncoming catastrophe is postponed, some assume there was never any danger at all. The rain will always come. The aquifer will always be refilled, and if it won’t, we’ll just find another one. The tap will always flow, and the springs will bubble, and the water will simply be there: eternal, unending, wastable.

Unless there comes a day—the first of who knows how many—when it doesn’t rain. When the impact of too many people has tipped the ecosystem past a point of no return. And millions of people wake up to discover that, in fact, they were wrong.



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# The Pallet's Marketing Matters Columnist Wins 4 National Awards

**Lake Las Vegas, NV (May 20, 2024):** The creative team at What's Your Avocado? Marketing and Public Relations, spearheaded by Stacie Zinn Roberts, (The Pallet's Marketing Matters columnist), earned four national awards, including the equivalent of Best in Show, at the 2024 Turf & Ornamental Communicators Association (TOCA) Awards held in early May in Lake Las Vegas, Nevada. The awards were for marketing tools created for the firm's client Tahoma 31 Bermudagrass, a proprietary brand of natural grass developed by Oklahoma State University, licensed by Sod Production Services, and planted worldwide on golf courses, sports fields, and home lawns.

The awards include:

## **FIRST PLACE:**

### **WRITING A FEATURE ARTICLE (MARCOMM)**

The article "[Building the Battlefield](#)" by Stacie Zinn Roberts was published in "By Design" magazine, the official publication of the American Society of Golf Course Architects, (Fall 2023). The article chronicles the design and construction of The Battlefield at Shangri-La on Monkey Island, Oklahoma, utilizing Tahoma 31 Bermudagrass. Judges comments noted: "Interesting info conveyed in an intriguing format and style. Everyone loves to read about the challenges of creating a course!"

## **GARDNER AWARD: "BEST IN SHOW" - NEW MEDIA**

**FIRST PLACE: NEW MEDIA- WEBSITES** (for the overall website)

**MERIT AWARD: DIGITAL DESIGN - WEBSITES** (design-only category)

In early 2023, [Tahoma31.com](#) was completely redesigned with all new graphics, functionality, text, research and content. The website earned three awards in the competition including the special recognition of the competition's Gardner Award (equivalent of the Best in Show). Judges comments for the all-new Tahoma31.com were "Beautiful website! Having the toolbar stay on the top of the page as you scroll down makes for easy navigation. It's a good use of information, testimonials, photos ... Very well done website. Great use of color, animation, the carousel, photos, testimonials, technical information ... Well-organized, highly informative web layout and content ... Easy to navigate and has good consistency. Good use of hierarchy, pull quotes and photography.

Organized and easy to navigate."

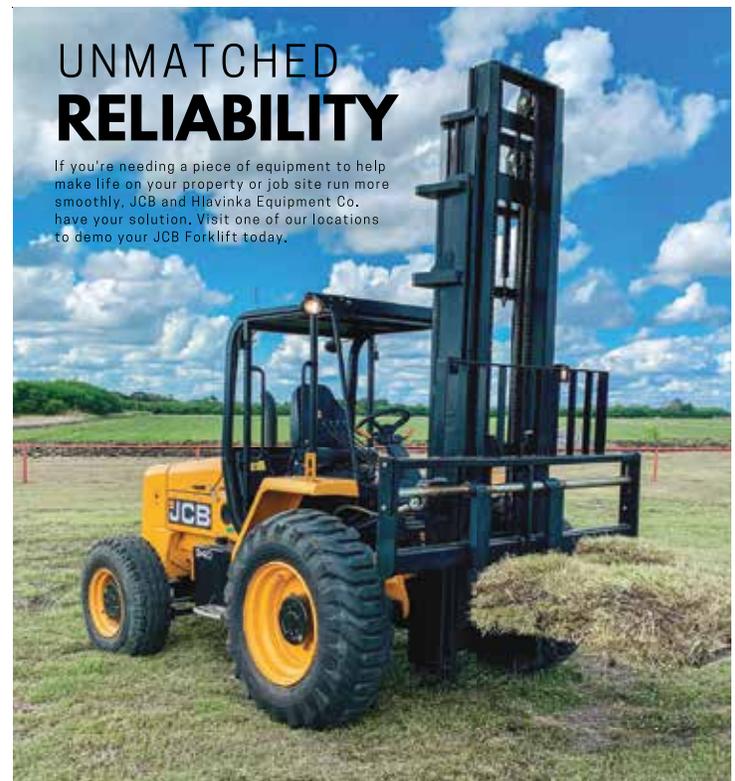
Tahoma 31 Bermudagrass is regarded as the premium choice for golf courses, sports fields, and lawns in warm seasons and the northernmost Transition Zone climates. Projects of note include stadium surfaces for the NFL's Philadelphia Eagles, Chicago Bears, and Washington Commanders; MLB's Los Angeles Angels and Dodgers; SEC Football's University of Arkansas Razorbacks; hundreds of golf courses; and the National Park Services' National Mall in Washington, D.C.

## **ABOUT TOCA**

The Turf and Ornamental Communicators Association (TOCA) is a national organization based in New Prague, MN, comprised of editors, writers, publishers, photographers, public relations/advertising practitioners, industry association leaders, manufacturers, and others involved in green industry communications.

## **ABOUT TAHOMA 31**

Tahoma 31 Bermuda was developed by the turfgrass experts at Oklahoma State University and is licensed and marketed by Sod Production Services, a division of Riverside Turf, headquartered in Charles City, VA. [Tahoma31Bermudagrass.com](#) or 757-345-1120



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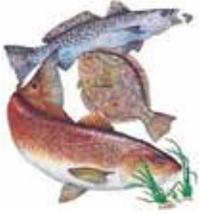
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