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RULE PROPOSALS

**AGRICULTURE
DIVISION OF PLANT INDUSTRY**

42 N.J.R. 1647(a)

Proposed Readoption: N.J.A.C. 2:24

[Click here to view Interested Persons Statement](#)

Diseases of Bees

Authorized By: State Board of Agriculture, Douglas Fisher, Secretary, Department of Agriculture.

Authority: N.J.S.A. 4:6-1 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-160.

Submit comments by October 1, 2010 to:

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The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the rules in this chapter are scheduled to expire February 1, 2011. The

Department of Agriculture has reviewed these rules and found them to be necessary, reasonable and proper for the purposes for which they were promulgated.

Maintaining the health of New Jersey's bee population is important to the agricultural industry. Declines in honey bee populations can cause serious economic repercussions throughout the agricultural community of New Jersey. In New Jersey many crops benefit from bee pollination, such as apples, cranberries, blueberries, cantaloupes, cucumbers and watermelons. Besides pollinating agricultural crops, honey bees also pollinate a wide variety of annual and perennial flowers, along with all tree species.

The rules in this chapter set forth definitions, define regulated articles and outline the inspection, certification and registration requirements of apiaries in New Jersey.

Subchapter 1 sets forth definitions.

Subchapter 2 describes the manner in which honey bee colonies, nucleus of bees and apiary equipment are regulated when they enter New Jersey. The subchapter addresses inspection and certification requirements for bee colonies entering New Jersey from out-of-State. Queens or package bees shipped into New Jersey must be accompanied by an approved miticide treatment for control of Varroa mite. The rules require annual inspection rather than marking of out-of-State colonies by the respective State apiary inspector.

Subchapter 3 sets forth the procedure for the annual registration of overwintering bee yards. Not all entities need documentation of this registration and documentation is provided to the registrant upon request.

Subchapter 4 describes the inspection protocol used in the inspection and certification of apiaries. It outlines sampling procedures for diseases and mites based on the number of colonies in an apiary. It describes specific procedures to follow when American foulbrood (AFB) or Varroa mites are detected in a colony.

Subchapter 5 addresses the requirements for the safe and timely movement of bee colonies through the State. The requirement for covering or screening hives during transport is primarily aimed at the protection of human health and safety rather than protecting New Jersey's bee industry from pests and diseases of the honey bee. Also, vehicles transporting bees shall not stop except for refueling or emergencies. The vehicle operator is responsible for immediately reporting any release of bees.

As the Department has provided a 60-day comment period, this notice of proposal is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for re-adoption affect beekeepers and inhabitants in affected municipalities where beekeeping is practiced within New Jersey. A healthy honey bee population and the pollination services that beekeepers provide are invaluable to the well being of the New Jersey public. The foraging area around a beehive extends for two miles on average, although bees have been observed foraging twice and three times this distance from the hive. This activity serves the multitude of citizens who have backyard gardens or community gardens, and who rely on home grown fresh fruits and vegetables that must be pollinated to supplement their diets.

The quantity and quality of the commercial crops produced by the pollination dependent portions of the New Jersey agricultural industry benefit residents of New Jersey with both employment and a wholesome, economical and nutritious food source. Therefore, the rules have a positive social impact on the citizens of the State of New Jersey.

Economic Impact

The rules proposed for re-adoption serve to maintain the existing rules that cover the known economically important

pest situations encountered by the beekeeping industry. The unabated spread of pests and **diseases of bees** could be devastating. New Jersey has about 9,000 managed honey bee colonies that yielded 288,000 pounds of honey with a production value of \$ 556,000 in 2009. The commercial value of fruit and vegetable crops produced in New Jersey pollinated by honey bees is \$ 172.8 million. While there are costs associated with the treatment measures set forth in the rules, without these rules, beekeepers that are not required by the Department to treat colonies containing damaging pest infestations could lose all of their colonies. In addition, without Department enforcement authority, beekeepers harboring pest infestations could negatively impact [page=1648] the health of colonies of neighboring beekeepers and greatly decrease their pest control costs and honey bee losses. The costs associated with prevention are far less than the costs associated with hive losses. Therefore, these rules will have a positive economic impact on the citizens of the State of New Jersey.

Federal Standards Statement

The requirements of the New Jersey Department of Agriculture, Division of Plant Industry regarding bee disease and other conditions unfavorable to the development of bees within the State are dictated by N.J.S.A. 4:6-1 et seq., and are not subject to any Federal requirements or standards.

Jobs Impact

The rules proposed for readoption are not expected to result in the generation or loss of jobs in the State.

Agriculture Industry Impact

The rules proposed for readoption will have a positive impact on the agriculture industry, for the reasons set forth in the Summary, Social Impact and Economic Impact statements above.

Regulatory Flexibility Analysis

All beekeepers in New Jersey qualify as small businesses as defined under the Regulatory Flexibility Act, N.J.A.C. 52:14B-16 et seq. Migratory beekeepers entering into New Jersey also qualify. Most farmers who use pollinating services are also small businesses. The rules impose compliance requirements and levels of performance, which will impact upon small businesses. The New Jersey Department of Agriculture has carefully attempted to balance the need for disease control with the impact on the citizen. However, since these rules deal with disease control and prevention, no differing or lesser standards can be applied to small businesses.

All beekeepers overwintering bee hives in New Jersey are required by these rules to annually report the number and location of their overwintering bee yards to the Department through an apiary registration process. This is the only reporting or recordkeeping requirement imposed on small businesses by these rules. Apiary registration provides for an accurate accounting of all bee yards and enables the Department to minimize the incidence of bee diseases in a more efficient manner. No fees are imposed for registration.

All beekeepers, both commercial and hobbyists, in New Jersey are subject to periodic inspections. The inspection protocols are standards that are applied to all persons that keep honey bees and cannot be changed for different size businesses. Not having these standards would have an adverse impact on the health and safety of the beekeeping industry. No fees are imposed for apiary inspections.

Finally, no capital expenditures or professional services are required to comply with the rules proposed for readoption.

Smart Growth Impact

The rules proposed for readoption are consistent with the economic strategies as outlined within the Department's Smart Growth Plan. The rules are consistent with the State's smart growth goals as they encourage the continued viability of the State's farmers by maintaining the health of bees, which are important to the agriculture industry. Therefore, the Department anticipates that there will be a positive impact.

Housing Affordability Impact

The rules proposed for readoption will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules provide processes to maintain the health of New Jersey's bee population.

Smart Growth Development Impact

The rules proposed for readoption will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in house production in Planning Areas 1 or 2 within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules provide processes to maintain the health of New Jersey's bee population.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:24.