### **SB 278 MHIB Late Fee -- FAVORABLE.pdf** Uploaded by: KIMBERLY EGAN

Position: FAV



P.O. Box 606 | Lisbon, Maryland 21797 www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

Testimony of the Maryland Horse Council on SB 278

#### Department of Agriculture - Licensing, Registration, Fees and Penalties, and Regulation

Education, Energy, and Environment Committee – January 23, 2024

#### **FAVORABLE**

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The Maryland Horse Council (MHC) is a membership-based trade association that represents the state-wide horse industry in Maryland. Our members include horse farms; horse related businesses; equestrian competitors; trainers; individual enthusiasts; equine-assisted therapy programs; and breed, interest, and discipline associations. We represent over 30,000 Marylanders who make their living with horses, or who just own and love them.

The Maryland horse industry owes a great deal to the hard work of the Maryland Horse Industry Board (MHIB). Our industry is a \$3 billion industry and the recreational and competition sectors account for the largest share of the industry's economic impact. MHIB's licensing and inspection services are critical to ensuring the health and welfare of our horse population and to protecting the industry's reputation as one of the epicenters of equestrian sports in the United States. MHIB needs as many tools as are available to ensure boarding and lessons barns stay licensed and inspected, and to encourage all covered operations to come into compliance with the regulations.

MHC urges a favorable report on SB 278.

Respectfully submitted,

THE MARYLAND HORSE COUNCIL (844) MDHORSE (844-634-6773) Info@mdhorsecouncil.org

# **24 MGPA SB278 MDA fees.pdf**Uploaded by: Lindsay Thompson Position: FAV



Maryland Grain Producers Association 210 Fallen Horse Circle, Suite 100, Queenstown, MD 21658 Lindsay.mdag@gmail.com (p) 443-262-8491 www.marylandgrain.com

Date: January 23, 2024

Senate Bill 278 - Department of Agriculture - Licensing, Registration, Fees and Penalties, and Regulation

Committee: Education, Energy and Environment

MGPA Position: SUPPORT

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA supports Senate Bill 278 which would allow the Department of Agriculture to alter the administrative penalty structure for violations related to nutrient management plans.

MGPA understands the importance of compliance with Maryland's nutrient management law as well as reporting that information in the Annual Implementation Report (AIR). AIRs contain information on crops grown, nutrients applied, nutrients generated and nutrients transported. This is important information for MDA to compile for reporting to the Chesapeake Bay Program Model. When farmers do not report their AIRs in a timely manner, it impacts the compliance rate and credit received for all of Maryland agriculture.

MGPA supports MDA having the ability to encourage compliance and reporting through adjustments to the penalty structure.

MGPA respectfully requests your favorable report on Senate Bill 278.

## M. Pluta, ShoreRivers Testimony in Support of SB27 Uploaded by: Matt Pluta

Position: FAV



#### **Testimony in SUPPORT of SB278**

January 22, 2024

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of **SB278** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,500 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

This bill will increase the minimum fine from \$100 to \$1,000 for someone who fails to submit to the Maryland Department of Agriculture (MDA) a summary of their nutrient management plan or their annual implementation report (AIR).

We support this bill because we believe more needs to be done to ensure compliance with nutrient management plans (NMP). According to MDA, "The NMP program has been operating in the same way for over 20 years and there remains substantial non-compliance."

MDA's website states that "the Nutrient Management Program protects water quality in the Chesapeake Bay and its tributaries by ensuring that farmers and urban land managers apply fertilizers, animal manure and other nutrient sources in an effective and environmentally sound manner." However, MDA reported in summer 2023 during a public meeting in Talbot County on updates to the Nutrient Management Program that about 26% of farmers were in noncompliance with their plans or the reporting requirements.

A growing water quality and public nuisance concern in Maryland is the land application of DAF ("Dissolved Air Flotation," derived from animal mortality and processing facilities) sludge. It was determined in the University of Maryland's 2023 Animal Waste Technology Fund report that Maryland has become a regional dumping ground for DAF, and a lack of consistent tracking of information on annual implementation reports results in an uncertainty of how much DAF is being safely applied and according to NMPs.<sup>2</sup>

The rivers on the Eastern Shore are surrounded by 60% agricultural land and are impaired primarily from nutrient runoff from those farms. Given the significance that Nutrient Management Plans have in protecting water quality, we **support MDA's efforts to increase compliance with those plans through SB278.** 

Sincerely,

Matt Pluta, Choptank Riverkeeper on behalf of:

#### **ShoreRivers**

<sup>&</sup>lt;sup>1</sup> Maryland Department of Agriculture Nutrient Management Planning Producer Task Force Final Draft Report, 2023. Page 3. Source:

https://mda.maryland.gov/resource\_conservation/counties/MDANMPTaskForceFinalDraftReport15\_Nov2023%20% 282%29.pdf

<sup>&</sup>lt;sup>2</sup> University of Maryland's Animal Waste Technology Fund Report, 2023. Page 21. Source: <a href="https://extension.umd.edu/sites/extension.umd.edu/files/2023-10/Final.Report.AWTF">https://extension.umd.edu/sites/extension.umd.edu/files/2023-10/Final.Report.AWTF</a> . Assessment.pdf

# SB 278 - CBF - FAV.pdf Uploaded by: Matt Stegman Position: FAV



#### CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

#### Senate Bill 278

Department of Agriculture - Licensing, Registration, Fees and Penalties, and Regulation

Date: January 23, 2024 Position: **Favorable**To: Education, Energy, and the Environment Committee From: Alan Girard

Eastern Shore Director

Chesapeake Bay Foundation (CBF) **SUPPORTS** Senate Bill 278 which updates certain penalty and fee structures for agricultural use activities associated with horse establishments, beekeeping, nutrient management plans, and weights and measures. The legislation's penalty provisions encourage greater compliance with State law while helping Maryland recover the cost of administering its registration and licensing programs at the Maryland Department of Agriculture (MDA).

In its Nutrient Management Program 2022 Annual Report, MDA states that fines were issued to 193 operators for late or missing Annual Implementation Reports (AIRs), and that the "the program is working to bring these farms into compliance." The administrative penalty in SB 278 of not less than \$1,000 that a person would be subject to after 30 days' notice provides a strong non-compliance disincentive. Annual Implementation Reports and nutrient management plan summaries statutorily required to be submitted to the Department supply critical information used by the State to evaluate and manage water quality concerns on farms.

SB 278 also updates certain license or registration procedures or penalties for horse establishments, beekeeping, and weights and measures. These procedures and penalties appropriately encourage program compliance while ensuring the fees charged are commensurate with burdens to the administrative agency and the public.

#### CBF urges the Committee's FAVORABLE report on SB278

For more information, please contact Alan Girard, Eastern Shore Director, at agirard@cbf.org.

### SB 278LOS hb 234 012324.docx.pdf Uploaded by: Rachel Jones

Position: FAV

Office of the Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

The Wayne A. Cawley, Jr. Building 50 Harry S Truman Parkway Annapolis, Maryland 21401 mda.maryland.gov

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410.841.5885 Baltimore/Washington 410.841.5846 Fax

#### Maryland Department of Agriculture Legislative Comment Date: January 23, 2024

**BILL NUMBER:** Senate Bill 278

SHORT TITLE: Department of Agriculture - Licensing, Registration, Fees and

Penalties, and Regulation

MDA POSITION: Support

The Maryland Department of Agriculture (The Department), has proposed the following legislation. SB 278 would have a direct impact on programs that The Department regulates. This bill allows the Department to establish registration fees, late penalty fees, and modify penalty fee structures for four MDA programs or units: Nutrient Management, Weights and Measures, State Apiarist, and the MD Horse Industry Board. This legislation will increase agency efficiency, reduce administrative burden, allow specially funded programs to have adequate funding for staff, and incentivize greater compliance for those currently non-compliant with existing state law.

The background for the MDA departmental bills is as follows:

**Nutrient Management Plan penalty**- The proposed legislation would alter the penalty if a farmer submits their Annual Implementation Report (AIR) after the deadline. The AIR is a report documenting nutrient applications and is due to the Nutrient Management Program by March 1 annually. The bill increases the administrative penalty to not less than \$1000. It is currently up to \$1000.

#### **Background:**

This will incentivize farm operators to report their nutrient management and help ensure that they are implementing best management practices in order to meet Chesapeake Bay Goals and Climate Change Solutions Now Act of 2022. In 2023, the compliance rate (outlined below) shows that for the 120 day notice cycle, a final 61 operators were sent to collections at the current penalty of not less than \$1000.

#### March 1 – AIRs Due to Department

May 5 th - AIR warning - 30 day - 729 operators

June 23 rd – 2 nd AIR Warning – 60 day - 316 operators

July 28 th – 3 rd AIR Warning – 90 day - 159 operators

Sept 22 nd – NOAA Charge - 87 operators

Nov 17 th – NOD – 61 operators sent to collections

The current tiered penalty begins at \$250 at the 30 day notice mark and increases to no less than \$1000 after 120 days. This bill removes the tier and after 30 days the fee is automatically no less than \$1000. We estimate that we would cap the penalty fee at \$1500 or \$2000. This will reduce administrative burden on our program staff and incentivize greater compliance.

**Apiary Registration and Fee Bill-** The proposed legislation allows the Apiary program to request the use of fines, as determined by the Secretary of Agriculture, for beekeepers that do not register. Registration is required by law. Fines are also requested for beekeepers that do not follow instructions for destruction or removal of hives as required by law.

#### **Background:**

The **existing laws for apiary registration** (which is NO cost to the beekeeper) were put into effect so that in the event of a contagious disease outbreak (American Foulbrood) the MDA would be able to find/inspect/safeguard/notify beekeepers in the surrounding areas.

The existing law that requires moveable and removable frames allows for inspection of contagious disease or other health issues. An example of disease is American foulbrood, which requires destruction of the hive.

Registration of honey bee colonies and using removable frames in your colonies is important for the health of colonies and those colonies in surrounding areas. It would be impossible for proper health inspections to be performed if the location of colonies was not available, or if during an inspection the combs could not be removed and inspected. The instances of contagious disease in Maryland is low due to our inspection program. The MDA's inspection team is an important part of successful beekeeping and healthy honey bee colonies in Maryland.

The departmental bill requests penalties for beekeepers that do not register (registration is presently required by law) and do not use movable frames (movable frames are required by law). The requested penalties for not registering are:

- 1. 30 days following receipt of notice administrative penalty of \$25
- 2. 60 days following receipt of notice administrative penalty of \$50
- 3. 90 days following receipt of notice administrative penalty of \$100

The requested penalties to a beekeeper for not providing movable frames for a colony are:

- 1. 30 days following receipt of notice administrative penalty of \$25
- 2. 60 days following receipt of notice administrative penalty of \$50

Weights & Measures Fee - The proposed legislation authorizes the Secretary to set by regulation reasonable fees for registering weights and measures (eliminating the fees set forth in law); Many of these fees have not been increased in decades. This legislation would allow The Department the discretion to increase necessary fees without requiring additional legislation in the future to do so.

#### **Background:**

At present, MDA Weights and Measures has a total of 6,311 business accounts registered. The current registration category for small scales is unfair to small business owners in the state of Maryland. Currently, a cap of \$325.00 is set in place for registration of scales 0-100 lbs. plus a \$50.00 registration fee. This means that a farmer registering one small scale used part of the year at a farmers market is paying \$70.00 (\$20.00 scale + \$50.00 location fee) however a grocery store chain has locations with 68 scales registered and only pays a total of \$375.00. This bill allows the Secretary the discretion to set reasonable, equitable fees for registered devices.

**Weights & Measures Late Fee -** The proposed legislation also allows a person who has failed to register a weight and measure in a timely manner to renew the registration retroactively within 30 days under certain conditions including paying a late fee set by the Secretary.

#### **Background:**

Annually, new businesses open, expand, close, or decrease the number of devices by removing them from service. MDA estimates this bill would bring \$784,000 in revenue from penalty fees for locations delinquent in paying the required registration fees. This estimation is based on the number of delinquent accounts 30 days past due from the FY23 registration season. The revenue generated from collecting penalty fees may decrease once businesses know they will incur a late fee for non-payment.

The purpose of imposing a penalty is to cover the cost of inspectors having to travel to these locations to persuade the businesses to make payment, this is time consuming and pulls from the resources of the program and is unfair to the businesses that pay on time. Other variables include the requested registration of commercial electric vehicle chargers, these devices are being installed on a daily basis throughout the state. MDA based the fees generated by the EV chargers off the number of devices used in commercial transactions in Maryland during the summer of 2023. As more of these devices emerge in the field the number will continue to rise with the possibility of retail motor fuel devices starting to decline over the next 5 years. As retail motor fuel devices start to decrease in numbers, the Department will lose the revenue from these types

of devices. Salaries and benefits continue to increase and so does the cost of equipment and operations.

#### **Background:**

The MDA Weights and Measures program field staff and metrology lab operations is funded by revenue generated through the collection of device registration fees. The program has not had a fee increase since 2012. With the rising cost of fuel, salaries, benefits, equipment, and vehicles the program will not be able to continue to operate with the current fee structure. The program currently has 18 pins for field staff positions, with all positions having recently received reclassification with grade and step increases to stay current with inflation and competitive with private industry. The purpose of the Weights and Measures program is to ensure equity in the marketplace between businesses and consumers within the State of Maryland.

The top priority of the program is the investigation of consumer complaints with over 225 complaints investigated in FY 2023. Everyday Weights and Measures field staff are diligently working in the field to conduct complaint investigations, and inspect, test and certify the 63,000 devices registered within the state. The program ensures that every Maryland resident is receiving what they pay for at the gas pump, the farmers market, the deli, when buying a pound of hamburger, or when receiving a delivery of home heating fuel. With new technology such as electric vehicle chargers emerging in the marketplace the MDA Weights and Measures program is looking toward the future to continue to protect consumers that are charging their electric vehicles. The Weights and Measures program is a vital part of the Maryland Department of Agriculture Marketing, Animal Industries, and Consumer Services. Continuing to provide Maryland consumers and businesses with the outstanding service that they have come to expect is pivotal, therefore the ability to set reasonable fees for the program is imperative.

**Horse Industry Board Late Fee and Reinstatement Fee** - Establishment - allowing a horse establishment that has failed to renew its license in a timely manner to renew the license retroactively within 30 days under certain conditions including paying a late fee set by the Board; allowing a horse establishment to reinstate its license after 30 days under certain conditions including paying a reinstatement fee set by the Board;

Currently, approximately 150 stables out of 800 do not comply within 60 days. If we assess a \$100 late fee then we would collect approximately \$15,000 annually. However the late fee is intended to incentivize stables to license on time so that they won't pay a penalty at all.

The MHIB spends excessive administrative time and energy in an effort to increase compliance by sending multiple letters, making numerous phone calls, and in person visits to get entities to register in order for them to continue operating legally. The administrative burden is great.

If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at <u>Rachel.Jones2@maryland.gov</u> or (667) 408-0134.

### Md Beekeeping SB 268 Witness.docx.pdf Uploaded by: Anne Brown

Position: UNF

Maryland Senate Education, Energy, and the Environment Committee 22 January 2024

Dear Sirs and Madams,

SB 278, § 5, involves beekeeping. This bill was probably drafted with the intention of having all beekeepers registered, but it may well have the opposite effect. This would be tragic, because all beekeepers understand the communications that take place both within and between hives and the ability for one diseased hive to endanger its neighboring hives. I suggest that you encourage the desired registration by positive measures, though, not by punitive ones.

I had bees from 1990 till 2020. Twenty-nine of those 30 years were in Maryland, in Calvert County. In the earliest years an inspector tried to annually visit every apiary in the state. It was exciting when he came because he always had tips on how I could improve my hives. He came because I was registered, without my even asking. No registration, no helpful advice. Then some recession or another came along and the inspections all but stopped for a while. Cybil Preston does an incredible job now, but she needs help. Please consider increasing her staff so that at least everyone who requests an inspection will always have one. That is not the case now.

**If the State advertised and provided inspections instead of fines, it would be beneficial to everyone.** Add an inspector to the budget instead of paying for dunning letters and unnecessary legislation. Why should one register his bees if forgetting to do so results in a fine? From a practical point of view, you would be lucky to locate a fraction of the unregistered bees who don't want to be found. There is nothing like a speed camera or a bloodhound which will find the offenders. Even those of us who have always been registered try to keep our hives hidden from the public so as not to be an attractive nuisance to juvenile (or mature) delinquents.

Keeping bees was one of the great joys of my life. If I could lift hives at the age of 80 the way I could at 45, I would still be doing it and would be able to bribe each of you with a jar of Little Brown Bee honey.

Thank you for your consideration.

Anne W. Brown 438 Swan Court, Chestertown, MD 21620 443-282-0821 awb@chesapeake.net

## **SB278-TheSmartOnPesticidesCoalition\_Unfav.pdf**Uploaded by: Bonnie Raindrop

Position: UNF



### Testimony in Opposition of SB 278 Department of Agriculture - Licensing, Registration,

### ment of Agriculture - Licensing, Registration Fees and Penalties, and Regulation

January 23, 2023

Committee: Education, Energy, and the Environment Committee

Submitted by: Smart on Pesticides Coalition of 114 organizations and businesses

and 53 Maryland Beekeepers who signed on to this testimony.

**Position: Oppose** 

Dear Chair, Vice Chair, Members of the Committee:

The Smart on Pesticides Coalition of 114 organizations and businesses, and the undersigned beekeepers ask for your opposition to SB278 "Department of Agriculture - Licensing, Registration, Fee and Penalties, and Regulation" bill, specifically section 5-503 pgs 3-4 concerning beekeeping penalties. **This is an unnecessary and unwarranted action that does not serve the beekeeping community.** 

This is what the reality of this poorly thought out piece of legislation looks like for both commercial and hobbyist level beekeepers and how it could effect them.

Maryland beekeepers are already besieged by the heavy financial costs of long-term high honeybee losses in Maryland. Once again, Maryland losses were reported by the national Bee Informed Project at 48.47%. This is consistent with losses nearing 50% hive mortality year after year for more than a decade. SB278 seeks to add to these beekeeper financial woes by setting financial penalties for beekeepers who are late or choose not to register their bee colonies, or who choose to manage hives that do not comply with MDA's mandate for moveable hive frames.

The loss of a single honeybee hive is calculated at \$2000. This number is based on a healthy hive producing an average of 90 lbs of honey, sold at \$15/lb = \$1350. Beekeepers split healthy hives in the spring to make new "nucleus" or "nuc" colonies and an average of 2 or more starter nuc colonies can be made. Nucs are a hive product that sells for \$200 or more. Costs to feed a new or replacement nuc hive and treating mites are additional. Therefore, the loss of income is approximately \$2000 for each dead hive.

Furthermore, dead hives must be replaced and significant labor through the year is needed to build them to the level where they can produce a honey crop the following spring—this constitutes many hours of labor on the part of the beekeeper to feed the new hive and manage it, without income to pay for these labor hours. This is not calaculated in the above figure.

MDA states: Maryland beekeeping is critical to Maryland agriculture and crops valued at over \$40 million will require and benefit from honey bee pollination in the state. MDA cites 1,800 beekeepers who keep 14,000 colonies annually. With 50% mortality, Maryland beekeepers are sustaining losses of \$1,400,000 each year! How many other businesses that are crucial to Maryland's largest industry, agriculture, would be needlessly penalized while sustaining these kinds of losses?

Due to these hard financial realities, **Maryland loses beekeepers at an astrounding rate**; some bee clubs calculate this at nearly 50% a year. The numbers are only marginally static (if we believe MDA's numbers, which haven't changed on its webpage in 10 years) because the public is so concerned and enthralled by honeybees that there has been a consistent churn of new hobby beekeepers coming into the industry each year. They unfortunately often quit in defeat after a few years of recurring hive losses.

This bill puts the Dept of Agriculture in an adversarial position with small business owning beekeepers who are already sustaining huge losses due largely to no fault of their own. These losses track to the increased use of neonicotinoid and other pesticides and resulting consequences of bee health impacts and morbidity —



poisoned habitat, increased susceptibility to pest and pathogens, impaired reproductivity – all worsened by pesticides that are ubiquitous in the environment and beekeepers have no way of protecting their colonies from this constant poisoning exposure.

One might say, if they are law abiding what does it matter? But imagine being late and being fined for your 10 hives for \$25 or \$50 each--that's \$250 or \$500. Beekeepers operate their apiaries as commercial or sideline businesses and hobbies, and beekeeping takes much more time due to colony loss impacts; it is easy to imagine annual paperwork being filed late and penalties and fines becoming one more reason to throw in the towel on beekeeping. Some beekeepers are experimenting with different hive configurations to find ways to increase survival and the health of their bees. They should be fined?

This law would be another step in changing what has historically been a goodwill partnership for around 70 years between MDA and beekeepers into a more adversarial one. Why is this needed now?

Please oppose bill SB 278 —specifically section 5-503 pgs 3-4 concerning beekeeping penalties — which adds an unfair unnecessary burden to Maryland's beleaguered beekeepers.

Thank you,

Bonnie Raindrop,

Coordinator, Smart on Pesticides Coalition of 114 organization and businesses

And the undersigned 53 Maryland beekeepers:

Andrew Hammond, Aqueduct Abbey Apiary, Beekeeper, chickwich@yahoo.com

Anne W. Brown, Maryland State Beekeepers Assoc., Member beekeeper, 1990-2020, awb@chesapeake.net

Chad David Cover, Beekmore Apiary, Beekeeper, TreeKeeper & Taxpayer, beekmoreapiary@gmail.com

Dave Dobbs, Big Bee Apiary, Master Beekeeper/Owner, dobbsda@gmail.com

David Aker, Bizzy Bee, Beekeeper, david.aker4@gmail.com

Don Aker, Carroll County Beekeepers, Member, daker76259@verizon.net

Douglas Howard, Susquehanna Beekkeepers Assoc., Member, suzukizone@yahoo.com

Duane Economos, Economos home, retired, economosmick@gmail.com

Edward Celarier, Dr. C's Bees, Backyard beekeeper, edward.celarier@gmail.com

Edwin Berkinshaw, Dr. B's Bees, President, berkinshaw@gmail.com

Erik Nachbahr, Sugabee Apiary, Owner, enachbahr@heliontechnologies.com

Erik Wallace, Central Maryland Beekeepers Assoc., Member, erik.wallace@gmail.com

Estelle M Aker, Carroll County Beekeepers, Member, emaker1116@gmail.com

Francis Stepanek, Bee Peaceful, Owner, motrteknik@aol.com

Frank McCowan, Montgomery Co. Beekeepers Assoc., Owner, mrfikser@verizon.net

Gary Appel, Ree's Bees apiary, Beekeeper, garyappel33@gmail.com

Gigi Shaffer, Hobby beekeeper, gmshaff@gmail.com

Gina Rosso, Applebee Honey, backyard beekeeper, ginarosso@me.com

**Ginger Chavis**, Beekeeper/Educator, gingerchavis@gmail.com

Harlee Valentine, Bizzy Bee, Beekeeper, harleelynn49@icloud.com

Hilles Whedbee, Central Maryland Beekeepers Association Member, Owner, Shawan Farms,

hwhedbee@gmail.com

James Boicourt, Charm City Meadworks, Owner, james@charmcitymeadworks.com

Jennifer Kalmanson, Bee Lover, jenny\_kalmanson@hotmail.com



Jennifer Steeley, Steele Beehaven, Beekeeper, jenniferbeth60@gmail.com

Joanna Reed, Frizzellbees Apiary, Owner, jsreed99@gmail.com

John Hebert, Individual (hobby beekeeper), Beekeeper, jgheber@gmail.com

Kathleen Virginia Ross, Central Maryland Beekeepers Association, Member, Brdgrrl@gmail.com

Kathryn Carr, Residential, Owner, carrkb3704@gmail.com

Kenneth Lehman, A Ferndale Beekeeper, Head Beekeeper, ibekenok@gmail.com

Kristine Gavrilis, Member of Central Maryland Beekeepers Association, Beekeeper, kristine\_g@comcast.net

Lisa Reichenbach, Central Maryland Beekeepers Association Member, Backyard beekeeper,

lisacreichenbach@yahoo.com

Louise Wright, Baltimore City Beekeepers, Central Maryland Beekeepers, Member, louiserw@gmail.com

Lynn Hepak, Back yard beekeeper, hobbyist beekeeper, lynnhepak@hotmail.com

Mandee Tejada, Former member of Susquehanna beekeepers club, mandee.tejada@gmail.com

Mark Burchick Jr, Howard County, mjburchick@gmail.com

Martin Knight, Central Maryland Beekeeping Association Member, mfpknight@yahoo.com

Maureen Connors, Central Maryland Beekeepers Association Member, Ms., maureen.m.connors@gmail.com

Maxx Hurkamp, Maryland Beekeepers, Quality Manager, maxxhurkamp@gmail.com

Merlowe Henry, Stone's Throw Apiary, Owner, merlowedee@gmail.com

Nancy Berger, Central MD Beekeeping Association Member, trail4miles@gmail.com

Pam Geraghty, Susquehanna Beekeeping Association Member, Beekeeper, p.g.geraghty@comcast.net

Renee Howard, Susquehanna Beekeeping Association Member, reneeh947@yahoo.com

Richard Wallace, Montgomery County Beekeepers, Mr., rickcapsfan@yahoo.com

Rita Kryglik, Susquehanna Beekeepers Association, NA, rkryglik@gmail.com

Sara Shaeffer, Howard County Beekeepers Association/Let it Bee Apiary, saralshaeffer@yahoo.com

Sarah Rohbin, Howard County Beekeepers Association, sarahjrohm@gmail.com

Serena Black Martin, Venture Farms 1918, President, serenamartin@mac.com

Susan Bitter, Central Maryland Beekeepers Member, sdbitter228@gmail.com

Susan Wolfe, CMBA Member, USN (Ret), s9wolfe@gmail.com

Thomas Soileau, Montgomery County Beekeepers, Beekeeper, toso1234@yahoo.com

Victor Kulynycz, Vics Angry Bees, Backyard beekeeper, victorkulynycz@gmail.com

Wesley Villatoro, Bizzy Bees, Keeper, wsly\_vlltr@comcast.net

William Castro, Bee Friendly Apiary, owner, billiam1969@beefriendlyapiary.com