

# Md. Bill SB278/HB234

2/6/2024

Dear Environment and Transportation Representatives,

I'm writing today to express my **Favorable with Amendments** to the **SB278/HB234** "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 and with a minor change in the wording will still meet the stated requirement of the Dept of Agriculture for, "Having teeth to a law,\*" it will be manageable to the beekeeper community.** \* Cybil Preston

**Action:** Please vote to modify this bill (see reasons below)

Maryland beekeepers are already besieged by the heavy financial costs of long-term high honey bee 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.** HB234/SB278 seeks to add to these beekeeper financial woes by setting financial penalties for beekeepers.

I would propose the following modifications to the bill: Modifications are capitalized not bolded.

Legislative Action

5-503.

(a) (1) A beekeeper shall register annually with the Department each APIARY ~~colony~~ 6 that [it] **THE BEEKEEPER** maintains, as provided in this subsection. 7

(2) On or before January 1 of each year, [the] A beekeeper shall complete 8 and submit to the Department a registration form on which the beekeeper shall state the 9 number of APIARIES ~~colonies~~ [he] **THE BEEKEEPER** maintains and the location of each colony. **THE BEEKEEPER SHALL ALSO STATE THE APPROXIMATE 9 NUMBER OF COLONIES [he] THE BEEKEEPER MAINTAINS OR MIGHT MAINTAIN AT EACH APIARY.** ~~and the location of each colony.~~10

(3) The Department shall adopt a form which shall be used to comply with 11 the registration requirements of this subsection. 12

(b) Any person who is not registered as a beekeeper under this section and who 13 acquires a colony shall register [it] **THE APIARY COLONY** with the Department within 30 days after 14 the acquisition. 15

**(C) A PERSON WHO FAILS TO REGISTER IN A TIMELY MANNER AS A 16 BEEKEEPER UNDER SUBSECTION (A) OR (B) OF THIS SECTION IS SUBJECT TO: 17 (1) AFTER 30 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE 18**

**DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$25; 19**

**(2) AFTER 60 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE 20**

**DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$50; AND 21**

**(3) AFTER 90 DAYS FOLLOWING RECEIPT OF NOTICE FROM THE 22 DEPARTMENT, AN ADMINISTRATIVE PENALTY OF \$100. 23**

Background:

First: I'm not clear on the rationale for this legislation? Is there a statistically significant reason for a more exact reporting to the extent of assessing a fine to good intentioned beekeepers?

The stated purpose of the Apiary Inspection is designed to identify diseases in the colonies for the betterment of all colonies in the state, primarily **American Foul Brood (AFB)** which has only been identified in only a few cases over the last few years. Is there evidence that having a more accurate count of colonies will reduce the number of diseases? The Department of Agriculture (Mr. Michael Calkins) has stated that there were "5% of the colonies in Maryland that were not registered." Of that 5% how many had a disease, much less American Foul Brood? Maryland Department of Agriculture (MDA) cites 1,800 beekeepers who keep 14,000 colonies annually which means 700 colonies are not registered. Of those 700, how many have AFB? Assuming 1% have a disease, then only 7 colonies might have AFB. Is the administrative burden of setting up fines worth the cost that will be associated? And because of the reasons I address below - are those statistics of how many colonies are now skewed to the point of inaccuracy?

Second: Where would all the fine revenue go? Main Treasury? State Apiarist budget? Would that be enough to hire the required inspectors to conduct the now new apiary inspections? If not, we'll have yet another law that is not enforced and yet the taxpayer is funding the General Fund.

Building on other's issues, below is a list of factors influencing the number of hives one identifies. I have numbered the issues to better communicate to the legislatures.

### **1. Timelines for reporting**

1.1 **Cause** - On Jan 1st many of us don't know how many colonies will survive the winter so to avoid a fine, the default will be to declare all of them and any future purchases one intends. Many of these decisions all depend on how well the early spring months turn out for splits and swarm catches. So, the beekeeper - in fear of a fine - will over-state the number of colonies to be compliant with the law.

1.1 **Effect** - Overstating the number of beehive colonies resulting in Maryland with statistical inaccuracies.

1.2 **Cause** - Reporting colonies in December is the norm, however, will one have to report a colony loss during the year?

1.2 **Effect** - Having to report every colony loss or gain will be an inconvenience and unnecessary burden on the beekeeper. This may result in new beekeepers quitting beekeeping due to the unnecessary administrative burden.

So if a beekeeper makes one split, would that additional colony have to be registered?  
So if the beekeeper makes a split in March and another in April, would the beekeeper have to register the April split?

So if a beekeeper makes two splits in April and registers them IAW the law, then if they (the bees) die, the beekeeper would have to un-register both splits when that occurs?

## **2. Short term colony issue**

2.1 **Cause** - What counts as a colony. Many beekeepers produce xx nucs a year to pay for their beeyard which wouldn't be counted as they begin in early April and are out by May 15th. Beekeepers who capture swarms report them the next season.

2.1 **Effect** - Uncertainty of those timelines and what counts as a hive would lead me to overreport the number of hives in my yard just to be safe.

## **3. Future colonies**

3.1 **Cause** - Since we're not sure if we will have splits or swarms and the timeliness of repositioning these colonies into a hive is critical, many beekeepers have "hives-at-the-ready" or "pre-staged" hives to accommodate the rapid assimilation of a new or expanding colony as it takes time, cost and materials to assemble, paint and install a new hive. A caught swarm needs to be housed immediately after capture to increase its survival.

3.1 **Effect** - Without a thorough inspection, one might count this "hives-at-the-ready" as a working hive and so the beekeeper would have to add this "pre-staged" into their annual count. Ref: 1.1 Effect

## **4. Storage hives**

4.1 **Cause** - I have wooden hive bodies that I use for storage so I don't have to lug all my equipment to my out yards. This allows me to not have to have a plastic storage unit at the apiary and it also gives me a ready-to-go hive if I wanted to do an unplanned split of swarm capture.

4.1 **Effect** - Without a thorough inspection, one might count this "Storage Box Hive" as a working colony and so the beekeeper would have to add this "faux hive" into their annual count. Ref: 1.1 Effect

## **5. Inspection of Future Colonies and Storage Hives.**

5.1 **Cause** - We've heard that the State and County Apiarists are very busy at their current level of work commitment. This new requirement of identifying viable colonies will add more cycles to their work week therefore reducing their efficiency at their current tasking.

5.2 **Effect** - So now the inspectors must observe which hives actually HAVE a colony inside, how do they do that without: A. Up close observation of a hive (activity flying in and out), B. Opening up a hive to see a colony cluster. This will take many more minutes/hours of time for each apiary.

## **6. Cost of administration**

6.1 **Cause** - At 14,000 colonies with a 3% (pick your own percentage since there is no factual evidence identifying what this number really is) non-compliant rate = 420 fines of \$25 = \$10,500 in revenue. That is not enough to hire another inspector or pay an administrator to even process/track/administer/postage 420 violations.

6.1 **Effect** - Additional taxation would have to be incurred to pay for these administrative functions thus raising your County Taxes.

## **7. Apiary definition**

7.1 **Cause** – According to my State Senator’s inquiry, the bill’s authors indicate that an “Apiary” is defined as all colonies under the beekeeper’s care. However, Wikipedia states that “An apiary (also known as a bee yard) is a location where beehives of honey bees are kept.” “By definition an apiary is a location where beehives are kept.” “Apiaries may vary by location and according to the needs of the individual operation.

7.1 **Effect** – The descriptions above indicate that a beekeeper with multiple non-congruent locations would have multiple Apiaries. This definition of Apiaries inconsistent with common usage and scholarly definition.

Regards,

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