

Field Guide to Beekeeping

Honey
Hive

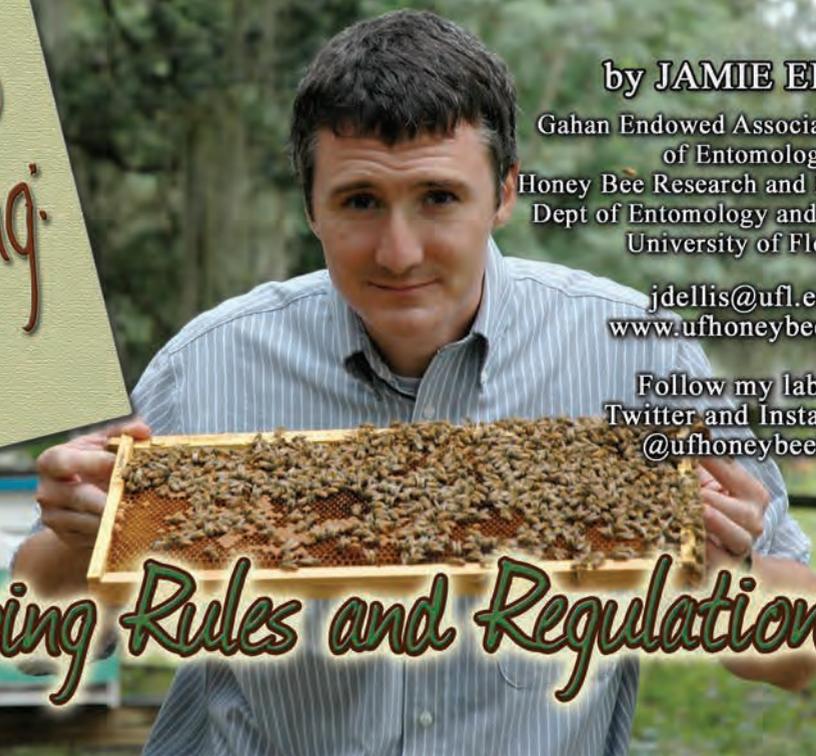


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Beekeeping Rules and Regulations

Beekeeping is a dynamic industry for some and a part-time hobby for others. It is a diverse enterprise, one that allows its practitioners to be doctors (diagnosing colony maladies), carpenters (assembling hive equipment), botanists (knowing bloom cycles), farmers (honey producers and crop pollination providers), and even business men/women (managing employees and marketing one's products), all among other jobs. Given the multifaceted business that is beekeeping, you might guess that many components of beekeeping are regulated by local, state, and federal authorities.

In this article, I will provide a brief overview of the types of regulations that beekeepers find are a normal part of life. When I originally conceptualized this document, I thought that I would go into great detail, explaining all of the types of regulations that beekeepers encounter, and listing, by state, the various rules and regulations. However, I then remembered that every region, state, nation, etc. is so different in its approach to beekeeping regulations that I would never be able to do justice to my original intent. Thus, I decided to provide a very general overview and tell you how you can find information related to the types of regulations under which your beekeeping efforts might fall.

Make no mistake, some part of your beekeeping life is regulated, even if you do not realize that it is. Do you plan to extract, bottle and sell honey? If so – is your honey house licensed and inspected yearly? Does your state require you to register your bees? If so – did you? Are you keeping bees in an area that is not zoned for beekeeping? If so – are you following the correct rules? Does your home owner's association per-

mit beekeeping in your neighborhood? These are the types of questions that you must consider when jumping into the world of beekeeping. Herein, I broadly classify the type of regulations you might encounter, and then tell you what those regulations generally entail.

State apiary inspection laws

State apiary inspection programs were created decades ago, many of them for the sole purpose of inspecting honey bee colonies for American foulbrood (AFB). American foulbrood was a major problem for beekeepers for many decades. However, the state inspection programs are largely responsible for bringing this terrible malady under control.

Some state apiary inspection programs are more robust than others. In Florida, for example, the state apiary inspection program is the largest in the U.S., with over 14 apiary inspectors dedicated to the registration and inspection of managed honey bee colonies. Other states may have only one or two apiary inspectors. Even then, the apiary inspector may be only assigned apiary inspection duties for a small fraction of their time, with other needs such as plant inspection taking precedent and consuming most of their time.

The danger in mentioning the range of services offered by apiary inspectors is that these services are not offered in every state, region, or country. Thus, some readers of this article might be disappointed to find that they have no apiary inspection programs available at all. If this is the case, state, regional and national beekeeper organizations can lobby their respective governments to encourage the creation of such a program.

As noted, state inspection rules vary by location and it is up to the beekeeper to know his/her local rules. For example, beekeepers in Florida, by law, must register their colonies with the Florida Department of Agriculture and Consumer Services, Division of Plant Industry. In Florida, registration is mandatory. In many other places around the U.S., on the other hand, registration is voluntary, leading many beekeepers to question why they should register their bees with the state at all. To speak to that point, I think registration is useful, even if not mandatory, because it gives beekeepers an important source of information, assistance, representation, etc. Consequently, I recommend registering your bee colonies with whatever local/regional authority exists, if for nothing more than to show that you are making an effort to be compliant.

In the U.S., many state apiary inspection programs are managed by each state's department of agriculture. There are a few states in which the apiary inspection programs are managed by the local land grant university. Either way, it is worth searching for these programs as they often serve as a wealth of information related to beekeeping and can help you remain compliant.

If you live in the U.S., there is a fantastic resource to help you locate rules and regulations related to beekeeping in each state. The Apiary Inspectors of America (<http://www.apiaryinspectors.org/index.html>) put together an interactive map (<http://www.apiaryinspectors.org/members.html>) that will help you find your local contact easily. The same group also lists the apiary regulations by state, again accessible via an interactive map (<http://www.apiaryinspectors.org/laws/index.html>). If

you have not done this before, I recommend following the links noted and contacting your state's inspector to see what the rules and regulations are in your area.

How do you find out about rules related to apiary inspection in your area if you do not live in the U.S.? I recommend doing an internet search with "your state/region/nation apiary inspection services" or "your state/region/nation beekeeping rules and regulations." For example, you might search "Ontario apiary inspection services" or "Italy beekeeping rules and regulations." Another great way to find out about the requirements in your area is to talk to a few seasoned beekeepers, especially commercial ones, as they often know all the rules/regulations related to the craft.

What might be regulated by your area's apiary inspection program (this list is not comprehensive)?

- a certain pest or pathogen (often American foulbrood)
 - placement of colonies in certain areas
 - colony registration
 - unwanted species or subspecies of honey bees (usually meaning African honey bees, but also including everything that is not a European stock of honey bee)
 - movement of colonies into/out of region or state
 - shipment of bees, including queens and packages, into/out of state
 - general importation/exportation of bees
 - queen bee production
 - package bee production
 - nuc production/sale
- What services might be provided by your area's apiary inspection program (this list is not comprehensive)?
- yearly colony inspections
 - newsletters, blogs, etc.
 - speaker services at local, state, national beekeeping events
 - extension and education programming
 - disease/pest diagnostic services
 - screening for unwanted species or subspecies of bees
 - updates about law or regulation changes
 - breaking news services about current topics concerning beekeeping in your area

I highly recommend contacting your local, state, regional or national inspector so that you can use them as a resource in your beekeeping efforts.

Zoning and city ordinances/ keeping of livestock

Sometimes, local or municipal authorities regulate the keeping of bees in a certain area. For example, your local city may not allow the keeping of managed honey bee colonies within its city limits. This can be true in population dense areas or in areas where the governing authorities were not

correctly educated about the benefits of keeping honey bees. Regardless, you are bound by the rules where you live. Thus, it behooves you to contact your local zoning authority to see if keeping bees is permitted in your area. I know it can be difficult to find the right person who can answer this question with authority. However, I recommend starting with your area's apiary inspector who should be able to help point you in the right direction.

I would like to make a further note about this. Local authorities can decide to outlaw beekeeping in an area for whatever reason they deem appropriate. It may be because someone complained about a neighboring beekeeper or because African honey bees are in an area. For this reason, local, state, and national beekeepers' organizations are very important. I know I use Florida as an example quite a bit, but it is because I live in Florida and am most familiar with the Florida rules governing beekeeping. There were municipalities across Florida that were prohibiting the keeping of bees in certain areas, sometimes due to the presence of African honey bees in the state. The Florida State Beekeepers Association came together to lobby the state government on this very issue. In short, they wanted apiary placement authority to be in the hands of the state's apiary inspection program. This eventually passed the legislature and became the way things are done in Florida. The idea is that local municipalities no longer have the ability to prohibit beekeeping in a given area as that authority now lies in the hands of the Florida Department of Agriculture and Consumer Services. I told you this story to note that, with some work, you can do things to overcome any restrictive beekeeping law or ordinance. However, this is best done with the backing of other beekeepers and a firm understanding of the pros/cons of what you are doing.

Homeowner's associations

I have never lived in an area where I was governed by a local homeowner's association (HOA). However, I know that the rules put forward by HOAs often trump those of the state because you are voluntarily agreeing to submit to rules/regulations that are more strict (in some instances) than those set forth by your local governing authority. For example, if your HOA says you cannot keep bees in your yard and you signed the agreement a decade ago, you cannot keep bees, often even if the city/state/region says you can. Again, you are voluntarily submitting to a more restrictive set of rules. Always check with your HOA before placing a bee colony within its jurisdiction.

Honey houses, bottling and selling honey

Eventually, your bees will make honey. Likely, you are going to want to extract, bottle, and sell that honey. You might guess that there can be quite a lot of rules and regulations associated with this aspect of beekeeping. It all starts at the honey house.

Every state or region takes a slightly different approach to licensing honey houses. When I grew up, I extracted honey in my grandfather's milking barn, bottled it under my parent's garage and in their kitchen, and sold it at local events. Today, I would have broken a million rules following the same procedure. The catch often (again, varying by the governing authority) is that most honey must be bottled in a licensed facility. Commercial beekeepers tend to know this. As such, they have nice honey extraction/bottling facilities that follow the state's codes for such facilities. The facilities are inspected yearly and must adhere to a strict standard. For example, some codes require that three stainless steel sinks be present, that a bathroom be part of the facility, that mouse traps be placed at certain frequency around the perimeter, etc.

Of course, many hobby beekeepers find it hard to adhere to these standards because they only have, for the sake of argument, one to ten colonies, and cannot afford to design and build a honey house that meets all of the specifications. In some instances, then, by law they cannot sell their hive products if they were not bottled/packaged in a licensed facility. There are a few things that beekeepers can do to overcome this. First, they can ask a local beekeeper who does have a licensed facility if they can extract and bottle their honey in the other beekeeper's facility. Second, they can work with a local licensed kitchen, such as those managed by schools, restaurants, etc. to negotiate the kitchen's use for bottling/selling honey. Finally, the beekeeper can explore the state's rules/regulations to see if a cottage food law exists that exempts small-scale producers as long as they adhere to a certain set of rules (for example, sell less than \$15,000 of honey per year, note on the label that it was not bottled in a licensed kitchen, etc.).

I want to stress that each governing authority takes a slightly different approach to regulating honey houses/hive products/bottling honey/etc. It is imperative that every beekeeper become familiar with his/her local laws and regulations. For beekeepers with honey houses, maybe only a few updates are necessary to bring the honey house under compliance. For others, it might be best to explore using another facility when extracting or bottling honey. Still other beekeepers might find it beneficial to explore cottage food laws (or similar laws) in their areas to see if exemptions are possible. Regardless, you can rest assured that your local governing authority (even if on the state or national level) has some sort of rules or regulations governing the production and sale of hive products.

How do you find out about these laws? (1) Contact your local bee inspector. (2) Talk to experienced beekeepers, especially commercial beekeepers, about these requirements. (3) Contact your state department of agriculture's food inspection division as honey houses/honey bottling often fall under their jurisdiction. (4) Read the

federal regulations regarding food processing/labeling/etc.: <https://www.gpo.gov/fdsys/pkg/CFR-2008-title21-vol2/xml/CFR-2008-title21-vol2-part101.xml> (shortened to: <https://goo.gl/Z001LQ>). I co-authored a document on the Florida Cottage Food law and honey. This document can give you an idea of how this type of law might work in your area if such a law exists: <https://edis.ifas.ufl.edu/in918>.

Removing colonies

The final area of beekeeping that can be regulated is the removal of feral colonies from walls, chimneys, trees, etc. I remember with fondness that as a young boy, I was the area's resident beekeeper and was called by friends and neighbors to remove feral bee colonies from various structures. My bee removal activities as a youth were fun and innocent. However, now that I work at a University and educate others on this topic, I am aware that many governing authorities view this activity as a type of pest control and the pest control industry is heavily regulated in most areas.

What does this mean? Well, by simply removing a honey bee colony from someone else's property, you are practicing pest control, at least according to many state's rules and regulations. The interpretation of this regulation changed recently in Florida, permitting beekeepers to remove bees from someone else's property, as long as the colony is removed alive and taken back to a managed apiary. If a beekeeper removes a colony and has to eradicate it in the process, regardless of how they kill the nest, the removal is viewed as a type of pest control and the remover must have a license to do this.

It is very important for me to note and you to recognize that this regulation will vary greatly by state. It is possible that there are states that do not consider beekeeper removal of a colony from someone else's property to be pest control. That said, many states do. Maybe even most consider it pest control when the colony is eradicated in the process. Thus, it is very important that beekeepers providing colony removal services anywhere be aware of their state's, region's, or nation's (depending on the ultimate governing authority) view/definition of pest control. You might be surprised to find out that you have been engaging in pest control without a license and this often is not viewed very favorably by those who regulate the pest control industry. Compliance often means becoming licensed, regularly accumulating continuing education units, having liability insurance, etc.

The best way to find out about rules governing pest control in your area is similar to how one discovers the rules governing other aspects of beekeeping in your area. This includes: (1) contacting your local bee inspector, (2) talking to experienced beekeepers, especially commercial beekeepers, about these requirements, and (3) contacting your state department of

agriculture's pesticide division. Regarding the latter, the pesticide regulatory authority often is housed in one's state department of agriculture. At the end of the day, there is no substitute for talking to your local inspector or a knowledgeable beekeeper in the area who provides this service.

Conclusion

I did not write this article to scare you, but only to let you know that there could be any number of rules and regulations governing your beekeeping activities. I hope that this article helps point you in the right direction concerning finding out what these rules/regulations (if any) are and how you can become compliant.

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