

**CHAPTER 24****DISEASES OF BEES****Authority**

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

**Source and Effective Date**

R.1995 d.200, effective March 13, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

**Executive Order 66(1978) Expiration Date**

Chapter 24, Diseases of Bees, expires on March 13, 2000.

**Chapter Historical Note**

All provisions of this chapter were originally filed as an Emergency New Rule effective December 12, 1984 (expires February 11, 1985) as R.1984 d.592. See: 17 N.J.R. 118(a). A readoption was filed February 11, 1985 as R.1985 d.107. See: 17 N.J.R. 118(a), 18 N.J.R. 573(a). Sections 2, 3 and 5 were readopted effective May 22, 1985 as R.1985 d.301. See: 17 N.J.R. 985(a), 17 N.J.R. 1542(b). Emergency New Rule for section 6 became effective May 30, 1985 (Expiration date July 29, 1985) as R.1985 d.322. See: 17 N.J.R. 1589(a). Sections 1.1 and 1.2 were repealed effective June 17, 1985 as R.1985 d.304. See: 17 N.J.R. 860(a), 17 N.J.R. 1542(a). Section 6 was readopted effective August 19, 1985 as R.1985 d.437. See: 17 N.J.R. 1589(a), 17 N.J.R. 2019(a). Revisions to this chapter became effective June 2, 1986 as R.1986 d.107. See: 18 N.J.R. 586(a), 18 N.J.R. 1192(c). Subchapters 2 and 3 became effective March 6, 1989 as R.1989 d.128. See: 20 N.J.R. 2951(a), 21 N.J.R. 633(a). Chapter 24 was readopted as a new rule as R.1990 d.202, effective April 2, 1990. Petition for rulemaking. See: 23 N.J.R. 3386(a). See: Source and Effective Date.

Pursuant to Executive Order No. 66 (1978), Chapter 24 expired on February 11, 1990, and subsequently was adopted as new rules by R.1990 d. 202, effective April 2, 1990. See: 21 N.J.R. 3045(b), 22 N.J.R. 1116(b). Subchapter 4, Volunteer Inspector Program, Noncommercial Apiaries and Bees, was adopted as R.1992 d. 278, effective July 6, 1992. See: 24 N.J.R. 1141(a), 24 N.J.R. 2421(a).

Pursuant to Executive Order No. 66 (1978), Chapter 24 was readopted as R.1995 d. 200. See: Source and Effective Date. As a part of R.1995 d. 200, a new Subchapter 1, Definitions, and a new Subchapter 4, Inspection and Certification of Apiaries, were adopted and existing Subchapters 1, 2, 3 and 4 were recodified as Subchapters 2, 3, 5, and 6, respectively, effective April 3, 1995. See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a). See, also, section annotations.

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**SUBCHAPTER 1. DEFINITIONS****2:24-1.1 Definitions**

As used in this chapter, the following words and terms shall have the following meaning:

“Activity log” means the record of VIP inspection activities maintained by each VIP designee on a form provided by the Department.

“Advisory report” means a non-binding written report made by a VIP designee to the beekeeper following the inspection of an apiary on a form provided by the Department.

“Apiary” means one or more colonies of honey bees.

“Apiary site” means the place where an apiary is located.

“Bee” means members of the genus *Apis*.

“Colony” means a hive or swarm of bees.

“Commercial apiary” means a business classified by the United States Standard Industrial Classification (commonly referred to in the SIC Code) as 0279B—Bee farms.

“Consignee” means the receiver of any bees or equipment shipped into New Jersey.

“Department” means the New Jersey Department of Agriculture.

“Divide,” “split” or “nucleus” means bees and brood on drawn frames, with or without a queen. The number of frames, and the ratio of brood to honey or pollen, may vary but never exceeds 10 frames.

“Equipment” means hive parts, bee-related tools and extracting or wax rendering appliances.

“Hive” means the manmade structure which contains a colony of honey bees.

“Noncommercial apiary” means any apiary not classified as commercial.

“Nucleus” see “divide.”

“Package” means a group of bees, with or without a queen, shipped without comb in a wire cage.

“Queen” means the female reproductive caste of the honey bee. These normally are shipped in small individual cages and are often accompanied by up to a half dozen sterile workers as attendants.

“Secretary” means the Secretary of Agriculture or an authorized designee.

“Seller” means any person or business entity which offers for sale queens, packages or divides into or within New Jersey or to New Jersey residents.

“Shipper” means any person or business entity which ships or dropships, queens, packages or divides into New Jersey or to New Jersey residents.

“VIP” means Voluntary Inspector Program.

“VIP designee” means a person who meets the Department’s qualification criteria and has received Department training in the fundamentals of bee and apiary inspection; has been designated by the Department as a volunteer inspector pursuant to this subchapter; and, who does not receive compensation or reimbursement for expenses by the Department.

## SUBCHAPTER 2. SHIPMENT OF BEES INTO NEW JERSEY

### 2:24-2.1 Regulated articles

Bees of the genus *Apis*, in any life stage, fresh or frozen bee sperm, used equipment, unprocessed comb, and any other product, article or means of conveyance of any character whatsoever, which when determined by the Department of Agriculture presents the risk of the spread of any contagious and infectious disease, arthropod pest or condition as determined by the Department of Agriculture, shall be permitted importation only if in compliance with N.J.A.C. 2:24-2.2 through 2.5.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### 2:24-2.2 Entities with apiary inspection services

(a) No colony, nucleus of bees, used apiary equipment coming from a state or country having an apiary inspection service shall be permitted into New Jersey unless accompanied by a valid certificate of inspection from the exporting state or country stating that the bees or equipment are apparently free from the conditions listed in N.J.A.C. 2:24-2.1 and that the bees are not Africanized bees derived from the African subspecies (*Apis mellifera scutellata*) and free from the characteristics identifiable therewith in accordance with N.J.A.C. 2:22-3.1.

(b) No certificate of inspection shall be honored unless a brood nest inspection was made and a Varroa mite sample taken, no more than 60 days prior to shipment from the site the bees were immediately prior to shipment into New Jersey. Inspections shall be conducted in the manner prescribed at N.J.A.C. 2:24-4.

1. If, after inspection, the average of the Varroa mite sampling technique in an apiary exceeds two mites per sample with an ether roll, or an average of 50 mites per sticky board, all colonies must be shipped under treatment with an EPA approved miticide according to label specifications.

2. The inspection date and percentage of inspection for American foulbrood, the percentage sampled for Varroa mites, and the sampling method with the results, must be shown on the inspection certificate.

(c) Each colony must be marked by a duly appointed inspector of the state of origin. Such marks must be changed annually.

(d) No certificate of inspection shall be honored on any colonies infected with American foulbrood or from an infected area as determined by the New Jersey Department of Agriculture. If an examination of the bees is undertaken pursuant to N.J.A.C. 2:22-2.1, the certificate of inspection will not be honored unless the findings of the examination are supplied.

(e) No certificate shall be honored unless the sampling procedure is done in accordance to a sampling standard of the industry, or U.S. Department of Agriculture, and recognized by the New Jersey Department of Agriculture.

(f) The certificate of inspection must be received prior to entrance into New Jersey by the:

Director, Division of Plant Industry  
New Jersey Department of Agriculture  
CN 330  
Trenton, New Jersey 08625-0330  
Phone (609) 292-5440  
Fax (609) 633-2550

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### 2:24-2.3 Queen or package bees

(a) All apiaries shipping queen or package bees into New Jersey shall have recorded with the New Jersey Department of Agriculture, a valid certificate in accordance with N.J.A.C. 2:24-2.2.

(b) All sellers or shippers shall provide the Department, by February 1, of the following year, with a list, including consignee's name and address, of all queen or package shipments to New Jersey or to New Jersey residents during the preceding year (that is, January 1 through December 31).

(c) All queens or package bees shipped to New Jersey shall be accompanied by a Federally approved miticide treatment for the control of Varroa mite.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### 2:24-2.4 Transporter

No colony, nucleus of bees or used apiary equipment coming from a state or country having apiary inspection service shall be accepted by any person or common carrier for transportation to a point within this state unless accompanied by a valid certificate of inspection stating that the bees or equipment are free of the conditions listed in N.J.A.C. 2:24-2.1 and 2:24-2.2. A copy of the certificates will be carried by the transporter and shown to the grower, apiary inspector or law enforcement personnel upon request.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### 2:24-2.5 Entities without apiary inspection services

A colony, nucleus of bees or used apiary equipment coming into New Jersey from a state or country having no apiary inspection service shall be immediately reported by the consignee and by the person or carrier delivering them in this state; giving the name and address of the consignee to the Department of Agriculture, which shall cause the shipment to be inspected at such time as shall be prudent and proper. Documentation of such inspection shall be issued to the owner and consignee after examination by the Department of Agriculture as to the freedom from the conditions listed in N.J.A.C. 2:24-2.1 and 2.2.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

## SUBCHAPTER 3. REGISTRATION OF APIARIES

### 2:24-3.1 Registration requirements; confidentiality and documentation

(a) All bee yards in New Jersey where bees are overwintered must be registered annually with the New Jersey Department of Agriculture.

(b) The only information contained in the individual registration that shall be considered public shall be the beekeeper's name and mailing address; all other required information shall be considered confidential.

(c) The Department of Agriculture shall supply the registrant, with any and all appropriate orders, laws and rules.

(d) The Department shall issue to each registered beekeeper documentation which identifies them as a legally registered New Jersey beekeeper.

Amended by R.1990 d.202, effective April 2, 1990.  
See: 21 N.J.R. 3045(b), 22 N.J.R. 1116(b).

New (b) added.  
Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### 2:24-3.2 (Reserved)

Repealed by R.1990 d.202, effective April 2, 1990.  
See: 21 N.J.R. 3045(b), 22 N.J.R. 1116(b).

## SUBCHAPTER 4. INSPECTION AND CERTIFICATION OF APIARIES

### 2:24-4.1 Inspection protocol

(a) Beekeepers will be notified in advance, where possible and feasible, of any potential inspection of their bees; where possible, that notification will be at least five days prior to inspection.

(b) All inspections will be conducted in accordance with the following procedures:

1. The minimum numbers of hives, as listed below, shall be opened and physically opened and the brood nest inspected for American foulbrood:

1-10 colonies in an apiary—100 percent of the colonies

11-20 colonies in an apiary—50 percent of the colonies

21-50 colonies in an apiary—33 percent of the colonies

51+ colonies in an apiary—20 percent of the colonies

2. Any apiary site where American foulbrood is found shall be inspected 100 percent.

3. Varroa mite sampling shall be conducted according to the following minimum standard: either sample 20 percent of the colonies in each apiary using an ether roll technique, or five percent of the colonies in each apiary using an approved miticide and sticky board technique.

(c) All hives sold in New Jersey must be found by the Department to be apparently free of American foulbrood. All hives sold in New Jersey must be inspected and found by the Department to average less than two Varroa mites per sample by ether roll, or be under treatment with an EPA approved miticide to label specifications. The inspection by the Department shall be conducted within 10 working days of the request for inspection by the seller.

(d) The treatment procedure for Varroa in hives within New Jersey is as follows:

1. Apiaries which average two or fewer mites per sample with an ether roll, or an average of 50 mites or less per sticky board should begin treatment within 12 months of the inspection.

2. Apiaries which average more than two and less than 50 mites per sample with an ether roll, or average more than 50 and less than 1,000 mites per sticky board should be monitored and treatment should begin as soon as practical but no later than December 31 following the inspection.

3. Apiaries which average 50 or more mites per sample with an ether roll, or average 1,000 or more mites per sticky board must begin treatment within 15 days of an order by the Department or before movement whichever occurs first. If time constraints prohibit treatment before movement, the Department, upon request from the beekeeper, may approve movement to a holding yard until treatment is commenced.

#### 2:24-4.2 Certification protocol

All New Jersey queen breeders, as well as sellers of splits, nucleus hives, or divides must average less than two mites per sample to be certified. All sales of queens, splits, nucleus hives, or divides to New Jersey apiarists will include an EPA approved miticide administered according to label specifications.

### SUBCHAPTER 5. TRANSPORT OF BEES

#### 2:24-5.1 Transport requirements

(a) No bees shall be transported in or through New Jersey unless:

1. All hives are adequately secured to prevent excess movement of the hives during transport.

2. All hive openings are either blocked or covered with screening material of at least eight squares per inch mesh, or the colonies are covered with a weather-proof netting of at least eight squares per inch mesh to prevent the escape of any bees from the vehicle; or

3. The bees are enclosed in a refrigerated containment vehicle that maintains the bees at a constant temperature below 45 degrees Fahrenheit.

(b) Vehicles transporting bees shall not stop, except for refueling or emergencies due to accident or equipment failure, unless certified for entrance into New Jersey, under N.J.A.C. 2:24-2.2 or 2.5.

(c) The vehicle operator or other responsible person shall immediately report to the New Jersey Department of Agriculture, any release of bees, whether accidental or intentional which results during transport.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

### SUBCHAPTER 6. VOLUNTARY INSPECTOR PROGRAM, NONCOMMERCIAL APIARIES AND BEES

#### 2:24-6.1 General organization and purpose of the Voluntary Inspector Program

(a) The Voluntary Inspector Program (VIP) is a cooperative and voluntary program involving the Department of Agriculture, interested beekeepers, educators, and interested beekeeping organizations. The purpose of this program is to train volunteers in the fundamentals of apiary inspection so that they may assist the Department's Apiary Inspection Program with the inspection and monitoring of non-commercial intrastate apiaries in order to prevent the introduction and spread of bee disease and other pests.

(b) The organization and roles of the VIP components are as follows:

1. The Department of Agriculture shall oversee the program and will provide training to prospective VIP designees, forms and educational materials;

2. The VIP designees are volunteers trained by the Department and designated as VIP apiary inspectors;

3. Non-commercial New Jersey apiary owners may request a VIP inspection and advisory report of their apiary. The request shall be made by contacting the Department which will arrange for a mutually agreed upon VIP to perform an inspection. The person requesting the inspection shall be present at the time of the inspection.

Amended by R.1995 d.200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

#### 2:24-6.2 Provisions and standards for VIP designee activities

(a) VIP designees may inspect and make advisory reports only for noncommercial intrastate apiaries. Commercial and interstate bee inspections requiring certification shall be performed only by Department Apiary Inspectors.

(b) VIP designees do not have law enforcement powers pursuant to N.J.S.A. 4:6-1 et seq., or "right of entry" powers pursuant to N.J.S.A. 4:6-18.

(c) VIP inspections shall be performed only at the request of the owner of an apiary.

(d) The owner of the apiary must be present at the time of a VIP inspection.

(e) An advisory report shall be provided by the VIP to beekeepers and to the Department.

(f) VIP designees may not:

1. Accept money or compensation from a beekeeper for an inspection or advisory report;
2. Make an advisory report on bees owned by the VIP designee; and
3. Represent themselves as a State official, spokesperson for the State or Department or as a person with regulatory authority.

(g) VIP designees shall:

1. Maintain an up-to-date activity log of all VIP inspections and retain a record of each inspection for not less than three years from the date of the inspection;
2. Comply with VIP directives as may be issued by the Department; and
3. Conduct themselves in a professional manner.

Amended by R.1995 d.200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

#### **2:24-6.3 Qualifications and training**

(a) Volunteers shall have at least five years experience in keeping bees, or have other beekeeping experience and education acceptable to the Department.

(b) Standards and requirements for initial and recurrent VIP training shall be established by the Department. Training sessions for VIP designees and designee candidates shall be offered by the Department.

(c) Classroom training sessions may be supplemented by additional practical field training. At the discretion of the Department and the apiary owner, VIP designees or designee candidates may accompany, for practical field training purposes, a Department Apiary Inspector during actual apiary inspections.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

#### **2:24-6.4 Expiration of designation**

VIP designee status shall be valid for no more than two years. VIP designees shall take refresher and update training on no less than a biennial (every two years) basis.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

#### **2:24-6.5 Cancellation orders by the Director**

(a) The Director of the Division of Plant Industry may rescind the VIP designation of any person.

(b) Notification of rescission of any VIP designee shall be done in writing and may be delivered in person or by mail. The notice shall state the Director's reason(s) for the order and the effective date of the action.

Amended by R.1995 d. 200, effective April 3, 1995.  
See: 27 N.J.R. 5(a), 27 N.J.R. 1400(a).

#### **2:24-6.6 Liability**

(a) The VIP is a wholly voluntary program. All persons participating in this program, including all designees, and persons requesting VIP inspections do so of their own choosing and liability.

(b) Any persons, including beekeepers and VIP inspectors participating in the VIP shall agree to hold Department of Agriculture harmless from any and all claims of loss or damages resulting from participating in the program.