

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 No. 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 Sections 1.1 and 1.2 were repealed effective June 17, 1985 as R.1985 d.304.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 meanings:

“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*.

“Beekeeper” means any person who shall have or keep in his or her possession or in an apiary, a colony of bees.

“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.

“Scale” means the remains of an immature bee that has died from the American foulbrood disease.

“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.

Amended by R.1998 d.191, effective April 20, 1998.
See: 30 N.J.R. 508(a), 30 N.J.R. 1401(b).

Inserted “Beekeeper” and “Scale”.

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
PO Box 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 number of hives, as listed below, shall be 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. If an apiary averages two or fewer mites per sample with an ether roll, or an average of 50 mites or less per sticky board, the beekeeper shall begin treatment of the infested apiary within 12 months of the inspection by the Department.
2. If an apiary averages more than two and less than 20 mites per sample with an ether roll, or averages more than 50 and less than 1,000 mites per sticky board, the beekeeper shall begin treatment of the infested apiary as soon as practical but no later than October 30 following the inspection by the Department.
3. If an apiary averages 20 or more mites per sample with an ether roll, or averages 1,000 or more mites per sticky board, the beekeeper shall begin treatment of the infested apiary within 15 days of an order by the Department or before movement whichever occurs first.

(e) The treatment procedure for American foulbrood infected hives within New Jersey is as follows:

1. The Department shall categorize the infected colonies as "treatable" for control of American foulbrood (AFB) or "non-treatable." This classification shall be at the discretion of the inspector, according to (e)2 and 3 below, although the beekeeper is invited to be present and assist during the inspection.
2. Procedures for "treatable" colonies shall be as follows:
 - i. "Treatable" colonies are those colonies with less than 10 percent AFB infection and no AFB scale present.
 - ii. The beekeeper shall remove and destroy by burning all infected wooden frames within 15 days of the initial inspection. Upon request, the Department shall assist the beekeeper in obtaining the necessary burning permits. Non-wooden infected frames shall be disposed in a landfill or rendered disease-free by any other method approved by the Department.
 - iii. The beekeeper shall begin treatment of the remainder of the infected colony within 15 days of inspection by the Department with Terramycin or other material/method approved by the Department.
 - iv. The Department shall reinspect "treatable" colonies according to the following schedule:
 - (1) Detection occurred March 15–September 1: Reinspection shall be made as soon as possible but no sooner than 60 days after initial inspection.

(2) Detection occurred September 2–March 14: Reinspection shall be made as soon as possible but no sooner than April 30 following initial inspection.

3. Procedures for "non-treatable" colonies shall be as follows:

- i. "Non-treatable" colonies are those colonies which have 10 percent or more AFB infection or have observable AFB scale.
- ii. The beekeeper shall remove and destroy by burning all wooden frames within 15 days of the initial inspection. Upon request, the Department shall assist the beekeeper in obtaining the necessary burning permits.
- iii. All other hive parts shall be disposed in a landfill, destroyed by burning, treated by scorching, or rendered disease-free by any other method approved by the Department.
- iv. The Department may reinspect the infected equipment as soon as possible but no sooner than 30 days after initial inspection.

(f) All colonies requiring treatment for contagious/infectious diseases or other pests are subject to quarantine by the Department. 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.

(g) The beekeeper may be subject to penalty actions as per N.J.S.A. 4:6–12 through 14 for failure to follow treatment procedures detailed above.

Administrative change.
See: 27 N.J.R. 2577(a).
Amended by R.1998 d.191, effective April 20, 1998.
See: 30 N.J.R. 508(a), 30 N.J.R. 1401(b).
Rewrote (d); and added (e) through (g).

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).

(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.

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 noncommercial intrastate apiaries in order to prevent the introduction and spread of bee disease and other pests.