

RESOLUTION # 23

BEEKEEPING RIGHT TO FARM AND STATE PRE-EMPTION

1 **WHEREAS**, commercial honey and hive products, and crop pollination by
2 honeybees, are vital components of New Jersey agriculture; and

3 **WHEREAS**, because honeybees forage over airsheds measured in square
4 miles, not acres, New Jersey's commercial beekeepers provide their pollination services
5 to other commodity producers, and produce honey and hive products without the
6 necessity for control of their own land base, unlike all other types of commercial
7 agriculture; and

8 **WHEREAS**, the Right to Farm Act is intended to protect Commercial Farms
9 engaged in generally accepted agricultural management practices from over-restrictive
10 local regulation nuisance lawsuits; and

11 **WHEREAS**, since 2006, there has been a tremendous increase in public
12 awareness of the extreme honeybee colony losses routinely suffered by beekeepers
13 around the country, and of the threat that the loss of honeybees and other pollinators
14 poses to our food supply and quality of life; and

15 **WHEREAS**, increased public awareness has resulted in a corresponding
16 increase in the numbers of beekeepers in New Jersey, who now number in the
17 thousands; and

18 **WHEREAS**, many of the state's increasing number of beekeepers are non-
19 commercial or do not operate on a scale or in a location that could make them eligible
20 for exemptions from local regulation of beekeeping practices under the Right to Farm
21 Act; and

22 **WHEREAS**, despite daily proof of the capacity for properly managed bees to be
23 kept in developed areas where they can come into contact with the public, including the

24 White House lawn, the Cape May County Zoo, the Burlington County Institute of
25 Technology, and rooftops in New York and Jersey City, local authorities in New Jersey
26 without an understanding of bee biology and behavior increasingly seek to regulate
27 beekeeping; and

28 **WHEREAS**, the Department of Agriculture’s State Apiarist and the New Jersey
29 Beekeeper’s Association now expend significant time and resources to respond to over-
30 restrictive local regulatory efforts and to educate local regulators about appropriate
31 beekeeping best management practices; and

32 **WHEREAS**, there is a clear need for adoption by the Department of Agriculture,
33 pursuant to new, exclusive statutory authority, of new uniform comprehensive statewide
34 standards to regulate beekeepers and guide local authorities to proper enforcement; and

35 **WHEREAS**, such standards should be developed by the Department of
36 Agriculture in order to regulate beekeeping throughout the state in all the differing types
37 of communities, and must be based upon the sound understandings of honeybee
38 biology and behavior of qualified experts within and without the Department; and

39 **WHEREAS**, in 2015, the Legislature passed and the Governor signed into law A-
40 1294/S1328 to expand the “Right to Farm” law to commercial beekeeping operations
41 that generate a minimum of \$10,000 annually from selling honey or other bee-related
42 agricultural and horticultural products or providing crop-pollination services, regardless of
43 whether or not the premises upon which these beekeeping activities occur would qualify
44 the property in question for Farmland Assessment valuation; and

45 **WHEREAS**, in 2015, the Legislature passed and the Governor signed into law A-
46 1295/S-1975, which establish the state’s exclusive authority to regulate apiary activities
47 through the development of uniform statewide standards promulgated by the New
48 Jersey Department of Agriculture; and

49 **WHEREAS**, to effectuate that new provision of the Right to Farm Act, the State
50 Agriculture Development Committee (SADC) must write Agricultural Management
51 Practices (AMPs) regarding beekeeping that are consistent with the new law, including
52 references to the land and income thresholds specified in the new law.

53 **NOW, THEREFORE, BE IT RESOLVED**, that we, the delegates to the 101st
54 State Agricultural Convention, assembled in Atlantic City, New Jersey, on February 10-
55 11, 2016, gratefully recognize the Legislature and Governor for passing and signing,
56 respectively, the bills to extend Right to Farm protection to beekeeping operations that
57 fall within the parameters specified in the new law, and the bills establishing the state's
58 exclusive authority to regulate apiary activities.

59 **BE IT FURTHER RESOLVED**, that we urge the SADC to move promptly to write
60 and adopt the AMPs necessary to effectuate this new law.

61 **BE IT FURTHER RESOLVED**, that we urge the Department to move promptly to
62 promulgate uniform statewide standards regulating apiary activities.

63 **BE IT FURTHER RESOLVED**, that we urge both the Department and SADC to
64 involve members of both the New Jersey Farm Bureau and the New Jersey Beekeepers
65 Association with subject-matter expertise in apiary matters in the discussions leading to
66 these AMPs and uniform standards.