

RESOLUTION #14

BEEKEEPING

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

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

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

WHEREAS, the State Agriculture Development Committee has long had an Apiary Agricultural Management Practice codified at N.J.A.C. 2:76-2A.2 that provides Right to Farm protections for larger commercial beekeepers under definitions that the pending proposed Department regulation on beekeeping seek to mirror; and

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

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

WHEREAS, many of the state’s increasing number of beekeepers are hobbyists or, if they are commercial, do not operate on a scale or in a location that could make them eligible

25 for exemptions from local regulation of beekeeping practices under the Right to Farm Act;
26 and

27 **WHEREAS**, that increased interest in hobbyist and small commercial beekeeping led
28 municipal governments to adopt ordinances aimed at regulating such beekeeping; and

29 **WHEREAS**, the adoption of those ordinances, which hindered the ability of beekeepers
30 to provide the social, economic and environmental benefits of managed honeybees in many
31 areas of the state, led to a call from the beekeeping community for the New Jersey
32 Legislature to pass, and the Governor to sign, legislation that would assign sole authority to
33 the New Jersey Department of Agriculture to create standards governing hobbyist and small
34 commercial beekeepers; and

35 **WHEREAS**, such legislation was passed as P.L. 2015, c. 77, and is now codified as
36 N.J.S.A. 4:6- 24 and N.J.S.A. 40:48-1.5; and

37 **WHEREAS**, the Department drafted regulations that were published in the New Jersey
38 Register on November 20, 2017, with a 60 day comment period that ended January 19,
39 2018; and

40 **WHEREAS**, the Department received more than one thousand comments on the
41 proposed regulations from the New Jersey Beekeepers Association, individual beekeepers,
42 honey bee biologists, towns, county boards of agriculture, legislators, and others;

43 **WHEREAS**, the comments opposed the draft regulations because they were too
44 restrictive, were not based upon an understanding of honey bee behavior and biology, and
45 were not consistent with the intent of the beekeeping legislation to support and sustain
46 beekeeping throughout the state; and

47 **WHEREAS**, Concurrent Resolutions that assert that the proposed regulations were
48 inconsistent with the 2015 legislation were introduced in the New Jersey Senate and
49 Assembly by sponsors of that original legislation; and

50 **WHEREAS**, the delegates assembled at the Agricultural Conventions in 2016, 2017 and
51 2018 acknowledged through their duly adopted Resolutions concerning Beekeeping that
52 properly managed bees can be kept in developed areas and stated that standards “...to
53 regulate beekeeping throughout the state in all the differing types of communities...must be
54 based upon the sound understanding of honeybee biology and behavior of qualified experts
55 within and without the Department;

56 **WHEREAS**, the delegates to the 103rd State Agricultural Convention assembled in
57 Atlantic City, New Jersey on February 7-8, 2018 adopted Resolution #22 which urged the
58 Department to “convene a new consultative revisions committee comprised of personnel
59 from the State Board and Department, those entities named in the statute: the New Jersey
60 Beekeepers Association, the Mid-Atlantic Apiculture Research and Extension Consortium,
61 and the New Jersey League of Municipalities; as well as New Jersey Farm Bureau and
62 other persons with expertise in bee behavior and biology, agriculture and land use
63 regulation;

64 **WHEREAS**, Resolution #22 also urged “the Department to require the new revisions
65 committee to carry out its obligations under the governing statutes, and prior and current
66 guiding Resolutions of the Convention Delegates, transparently through sharing of drafts
67 and issues throughout the committee’s membership and for the entire duration of the
68 drafting process, with the goal of writing regulations that start from an understanding of
69 honey bee biology and behavior, that genuinely support and sustain the broad social,
70 environmental and economic benefits of beekeeping and that choose to limit beekeeping
71 only when truly necessary to protect public health and safety;

72 **WHEREAS**, on December 3, 2018 the Department published a Notice of Substantial
73 Changes, as a result of some meetings and limited discussion of some proposed revisions
74 (but not the draft regulations as published) between Department staff and the New Jersey
75 Beekeepers Association (NJBA), the New Jersey League of Municipalities (NJLOM), Mid-

76 Atlantic Apiculture Research and Extension Consortium (MAAREC), and a New Jersey
77 State Board of Agriculture Committee;

78 **WHEREAS**, after a 60-day comment period that closed on February 1, 2019, the
79 Department is reviewing the hundreds of comments submitted for the Notice of Substantial
80 Changes, which proposed substantial changes to the original rule proposal including revised
81 definitions, registration (including education and notification), and colony density standards;

82 **WHEREAS**, many of the comments submitted for the Notice of Substantial Changes,
83 including those of the NJBA, express continued substantial concerns about the proposed
84 regulations;

85 **NOW, THEREFORE, BE IT RESOLVED**, that we the delegates to the 104th
86 State Agricultural Convention, assembled in Atlantic City, New Jersey on February 6-7,
87 2019, encourage the State Agriculture Development Committee to maintain its current
88 Apiary Agricultural Management Practice in its current form to sustain existing Right to Farm
89 protections for large commercial beekeepers;

90 **BE IT FURTHER RESOLVED**, that we urge the Department not to adopt the
91 proposed regulations in their current form;

92 **BE IT FURTHER RESOLVED**, that we continue to urge the Department to
93 convene a new consultative revisions committee comprised of personnel from the State
94 Board and Department, those entities named in the statute: the New Jersey Beekeepers
95 Association, the Mid-Atlantic Apiculture Research and Extension Consortium, and the New
96 Jersey League of Municipalities; as well as New Jersey Farm Bureau and other persons with
97 expertise in bee behavior and biology, agriculture and land use regulation to review the
98 comments for the Notice of Substantial Changes, and develop revised regulations;

99 **BE IT FURTHER RESOLVED**, that we continue to urge the Department to require
100 the new drafting committee to carry out its obligations under the governing statutes, and
101 prior and current guiding Resolutions of the Convention Delegates, transparently through

102 sharing of drafts and issues throughout the committee's membership and for the entire
103 duration of the drafting process, with the goal of writing regulations that start from an
104 understanding of honey bee biology and behavior, that genuinely support and sustain the
105 broad social, environmental and economic benefits of beekeeping throughout the State of
106 New Jersey and that choose to limit beekeeping only when truly necessary to protect public
107 health and safety.