

Hearing Date: 9/7/2017

Today's Date: 9/7/2017

Agency: Ohio Department of Agriculture

Rule Number(s):

Pesticide: Rules 901:5-11-02, 09, 19.

Apiary Registration: Rule 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08.

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If no comments at the hearing, please check the box. ☒

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. [CFS3400@gmail.com](mailto:CFS3400@gmail.com) (No name) - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

2. Annette Birt Clark - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

3. Paula Hendricks - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

4. Leigh Melendez - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

5. Perry Phillips - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

6. Christine Gorbach - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

7. Michele Colopy - 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

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## Hearing Report and Summary

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

All of the commenters above submitted a form letter of comments to the Ohio Department of Agriculture. The comments were the exact same throughout. I have attached a copy of those comments for your review.

The comments call for the following:

- All State Apiarists and Deputy State Apiarist's should have their job qualifications and duties defined in rule.
- All inspections of hives should be done at 55 degrees and above in order to avoid chilling the brood, unless requested by the beekeeper.
- All inspection reports should be provided to the beekeeper in a defined time frame, no later than five days from the inspection.
- The reasons and factors which trigger a search warrant should be defined in rule.
- The reasons that trigger the removal or denial of a permit should be defined in rule.
- An appeal process for a "forced inspection" and/or destruction of hives should be defined in rule.
- A Special inspection fees section it states for bee colonies and bee equipment entering Ohio it defines the fee, but not the inspection timeline

## Hearing Report and Summary

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s).  
If no comments were incorporated, explain why not.

The comments received shall not be incorporated into the rules.

The comments above mimic the comments submitted to the Department by the Ohio State Beekeepers Association during the Common Sense Initiative process. The Department's response to OSBA remains the same at this time.

More specifically:

The Department takes its role very seriously in the selection of the positions by selecting individuals with the education and experience necessary for the job. However, there are numerous other considerations to be taken into account when determining these positions. The minimum qualifications must be balanced against ensuring that there is an adequate supply of these apiarists to sufficiently cover inspections. Placing specific requirements on this position could result in a drought of qualified candidates which would result in fewer inspections and possible higher levels of infestation and disease. Regardless, the Department believes that the proposed rule offers the best option at this time to maximize the success of the program with the resources available.

The current rule allows for inspections to take place when temperatures are above fifty degrees. If the Department were to adopt your suggested change, there would be fewer days available for inspections. Inspectors are currently instructed to take extra precautions, including consideration of wind and sunlight conditions when inspecting hives in temperatures approaching 50 degrees so as to not damage the hive. Further, the Department has had no reported of chilled bees as a result of an inspection for over five years.

With regard to a timeframe on reporting inspection results unfortunately, too many variables are out of the control of the inspectors which would prevent a more rigid timeline from being adopted. The Department's goal is to provide these reports to beekeepers as soon as possible.

Search warrant "triggers" and an appeal process for permit denials can already be found in the Ohio Revised Code. See ORC 909.05 and 909.13.

Additionally, the timeline for special inspections and colonies entering the state of Ohio are already defined in ORC 909.02 and 909.10.

**From:** [Michele Colopy](#)  
**To:** [AGR-eComments](#)  
**Subject:** Apiary Five Year Rule Review  
**Date:** Thursday, September 07, 2017 8:45:53 AM

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Re: Ohio Dept. of Agriculture--Apiary Five Year Rule Review

Rule # 901:5-55-01, 02, 03, 04, 05, 06, 07 and 08

As an Ohio beekeeper I appreciate the Ohio Dept. of Agriculture (ODA) adjusting definitions, adding apiary registration forms to the ODA website, and updating the Apiary Rule to current conditions in beekeeping.

As an Ohio beekeeper I agree with the Ohio State Beekeepers Association that the State Apiarist and Deputy State Apiarists need to have their job qualifications and duties fully defined. While this definition may not be part of the Rule, and it falls into another department, beekeepers who are inspected need to know their inspector is qualified to inspect bee hives. As with all employment, skills, training, and experience are key factors to be successful in the work tasks. Beekeepers who do consent to having their hives inspected must be guaranteed, through apiary inspector job qualifications, that the bee inspector is qualified to assess hive health. (901:5-55-01-D & E-Definitions)

Concerning Inspection and Procedures (901:5-55-04- B & D) as the State Apiarist is mandated to protect the health of the Ohio honey bee industry, I agree with OSBA's assessment for safe inspections—for the inspector, as well as the honey bees—that hive inspections be done at fifty-five degrees and above to avoid chilling the brood or agitating the colony, unless requested by the beekeeper.

I also agree with OSBA that any inspection report should be provided to the beekeeper in a defined timeframe, no longer than five (5) days from the date of the inspection.

Concerning 901:5-55-05 – D & E, “no consent and search warrant” aspect of the Rule, I join with Ohio State Beekeepers Assn. requesting the State Apiarist define and prove the reasons that trigger a search warrant to inspect a bee yard. The State Apiarist also needs to define and prove the reasons that trigger the removal or denial of an apiary permit. Lastly, an appeal process for denial of an apiary permit, a forced inspection, or destruction of hives needs to be included in this section of the Rule.

Under section 901:5-55-08-A Special inspection fees section it states for bee colonies and bee equipment entering Ohio it defines the fee, but not the inspection timeline. Honey bee colonies should be inspected within one month of entering Ohio, if they had not been inspected in their home state. As the State Apiarist is responsible for protecting the health of the Ohio bee industry, it is important to inspect honey bees and bee equipment entering Ohio in a timely manner.

As an Ohio beekeeper I experience first-hand the impact of Rules set forth by ODA. As an Ohio beekeeper I appreciate ODA seeking beekeeper input. I join with the Ohio State Beekeepers Assn. is requesting ODA make changes to these Rules.

Sincerely,

Anonymous Beekeeper in Zanesville, OH