

TEXAS ADMINISTRATIVE CODE

TITLE 4. AGRICULTURE

PART 4. OFFICE OF THE STATE ENTOMOLOGIST

CHAPTER 71. BEES

SUBCHAPTER A. GENERAL PROVISIONS

Rule 71.1. DEFINITIONS.

The following words and terms, when used in this title, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Act--Texas Bee Law, Texas Agricultural Code, Chapter 131, (1981), as amended.

(2) Apiary--A place where six or more colonies of bees or nuclei of bees are kept.

(3) Bee--Any stage of the common honeybee, *Apis mellifera* species.

(4) Colony--The hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

(5) Director--The director of the Texas Agricultural Experiment Station.

(6) Disease--American foulbrood, European foulbrood, or any other contagious or infectious disease of bees, or parasite or pest that affects bees or brood.

(7) Equipment--Hives, supers, frames, veils, gloves, tools, machines, or other devices for the handling and manipulation of bees, honey, pollen, wax, or hives, including storage or transporting containers for pollen, honey, or wax, or other apiary supplies used in the operation of an apiary or honey house.

(8) Governing board--The Board of Regents of the Texas A&M University System.

(9) Honey--The nectar of plants that has been transferred by,

and is the natural product of, bees and that is in the comb or has been taken from the comb and is packaged in a liquid, crystallized, or granular form.

(10) Nucleus--A small mass of bees and combs used in forming a new colony.

(11) Person--Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(12) Pollen--Dust-like grains formed in the anthers of flowering plants in which the male elements or sperm are produced.

(13) Queen apiary--An apiary in which queen bees are reared or kept for sale, barter, or exchange.

(14) State entomologist--The state entomologist appointed by the director or the designee of the state entomologist.

Source Note: The provisions of this 71.1 adopted to be effective November 9, 1983, 8 TexReg 4482.

Rule 71.7. EUROPEAN HONEY BEE CERTIFICATION.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Beekeeper--A person who owns, leases, or manages one or more colonies of bees for pollination or the production of honey, beeswax, or other by-products, either for personal or commercial use.

(2) Certified breeder queen--Any queen in which the progeny can be certified as being of European genetic origin, by using one of the following honey bee identification methods: fast Africanized bee identification system (FABIS); the official universal system for the detection of Africanized honey bees (USDA-ID); or any other APHIS-approved identification technique. Certified breeder queens must be clipped or marked, in such a way that they are readily identifiable by inspectors of the Texas Apiary Service. Certified breeder queens can be used to

produce other certified breeder queens and can be used for drone source colonies. Any queen produced and mated in areas known to be free of Africanized honey bees will not require certification other than that presently required by Texas bee laws.

(3) Certified production queen--Any queen produced with larvae obtained from a certified breeder queen and mated under prescribed mating procedures. Certified production queens shall not be used to produce other queens or queen cells, but can be used for European drone source colonies.

(4) Certified queen cell--A queen cell containing the immature queen produced from a certified breeder queen. The resulting queen emerging from a certified queen cell will be a certified production queen but shall not be used to produce other queens or queen cells.

(5) European drone source colony--A colony of honey bees headed by a certified breeder queen, certified production queen, or queen raised from a certified queen cell, that contains a least five Langstroth deep combs of brood and bees and contains at least 250 square inches of drone comb (the equivalent of one deep comb) in the brood nest.

(6) European drone source colony equivalent--Any source of drone (male) bees that is equivalent to the drones produced by a European drone source colony (e.g., the drones contained in the various parts of a divided colony would constitute one European drone source colony equivalent if the colony before division met the definition of drone source colony).

(7) European honey bee certification--A certificate issued to beekeepers based upon the procedure outlined in this regulation.

(8) Honey bee queen and package bee producer--Any beekeeper that produces queen, queen cells, drone semen, package bees, brood or colony nuclei (nuc) for sale or transfer for use by other beekeepers.

(9) Managed colonies--Colonies of European honey bees actively managed for production of honey and/or pollination.

(10) Mating nuclei--Any colony in which virgin queen emerge from queen cells or into which virgin queens or queen cells are

introduced for the purpose of achieving mated queens.

(11) Detected area--A county or counties in which it has been determined that Africanized honey bees have been detected.

(b) General procedures.

(1) Newly Africanized areas. A county is considered as Africanized after the first Africanized honey bee (AHB) swarm is captured by established trap lines or by random swarm captures, is identified in a recognized bee diagnostic lab as being AHB, and its presence is determined not to be man-assisted. The Texas Apiary Inspection Service will then designate it as a detected county, and may include the area as part of an existing detected area.

(2) European honey bee certifications.

(A) A colony may receive EHB certification by the fast Africanized bee identification system (FABIS) and/or the current official computer-assisted morphometric procedure, i.e., universal system for the detection of Africanized honey bees (USDA-ID). Apiaries may be certified for a calendar year.

(B) Honey bee queens and/or colonies may be EHB certified at any time of the year. However, certification requests should be submitted to the inspection service in the fall when the queens are selected as potential breeder queens. Queen producers in nondetected and/or detected areas in Texas may request EHB certification according to procedures outlined in subparagraph (A) of this paragraph.

(3) Movement of colonies or honey bees. All other Texas bee laws pertaining to movement must be satisfied. A queen producer may qualify as a producer of certified breeder queens in Texas. EHB queen certification shall be based on laboratory examination of emerging worker honey bee progeny or examination of worker bees collected at least six weeks after successful queen introduction.

(4) Abandonments. All abandoned honey bee colonies should be reported to the Texas Apiary Inspection Service and will be dealt with in the manner prescribed under the Texas Agriculture

Code, Chapter 131, 131.021.

(c) Administration and implementation.

(1) Management. The EHB certification program will be administered by the Texas Apiary Inspection Service as a part of the overall Texas Africanized honey bee management plan with the cooperation and advice of the beekeeping industry.

(2) Review. This European Honey Bee Certification Program will be reviewed periodically, but not less than annually, to determine if there is a continuing need for the program and to incorporate any changes. The review panel will consist of selected members of the Texas Beekeepers Association as deemed appropriate.

(3) Appeals and reviews. Any appeal of a regulatory decision concerning the European honey bee certification plan must be filed in a written statement to the director of the Texas Agriculture Experiment Station (TAES). The head of the Department of Entomology, an associated director of TAES, a representative of the Texas bee industry, and/or others designated by the director of the TAES will constitute an appeal committee to resolve issues of dispute between the Texas Apiary Inspection Service and beekeepers or the public.

(4) Sampling procedures, fees, and certificates.

(A) Sampling and procedures. Beekeepers should contact the Texas Apiary Inspection Service to request a special inspection, and additional information on procedures for EHB certification. The number of samples required for certification review will depend upon two primary factors: prevalence of Africanized honey bees and captured swarms found in the area; and size and diversity of the commercial honey bee operation. Samples will be processed through the honey bee identification laboratory at College Station on a fee basis. Sampling will generally be based on examination of approximately 10% of the total number of colonies to be moved or certified.

(B) Fees. Certification fees for the apiary yard inspection and the sampling and lab identification are in addition to other fees that may be assessed by the Texas Apiary Inspection Service

and shall consist of:

(i) a special EHB certification inspection fee of \$75 for apiary yard sampling;

(ii) Lab identification fees of \$25 per sample for the FABIS procedure or \$75 per sample when the USDA-ID procedure is required or requested. The following maximum identification fees are anticipated, based on the FABIS procedures at \$25/sample for apiaries containing: one to 99 colonies--up to a maximum of \$200 for samples; 100 to 1,999 colonies--up to a maximum of \$400 for samples; 2,000 or more--up to a maximum of \$600 for samples. Lab fee maximums will be increased accordingly, when the USDA-ID procedure is requested or required.

(C) Certificates. Two copies of a special European honey bee certification certificate will be issued for apiaries successfully meeting all procedures and sampling reviews. The official certificate will be printed on an 8.5 by 11-inch sheet of white paper displaying a nonduplicative blue background the Texas A&M University seal. Extra official copies will be available at \$10 each.

Source Note: The provisions of this 71.7 adopted to be effective October 1, 1992, 17 TexReg 6444; amended to be effective November 23, 2004, 29 TexReg 10714

Rule 71.11. APIARY QUARANTINE.

(a) All apiaries wherein disease is known to exist may be quarantined by the state entomologist.

(b) A quarantine of an apiary by the state entomologist shall be established by:

(1) notifying the person having custody or control of the apiary of the presence of disease; or

(2) placing quarantine signs on the location quarantined.

(c) No bees, nuclei, combs, or equipment may be removed from a quarantined apiary except upon written authorization of the state entomologist.

(d) A quarantine established by the state entomologist shall remain in force and effect until the state entomologist shall declare the quarantined apiary or location to be free from disease. The state entomologist shall review a quarantined apiary or location at least once every 30 days for the continued presence of disease.

Source Note: The provisions of this 71.11 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

Rule 71.21. INSPECTION OF QUEEN APIARY.

A person desiring a certificate of inspection for a queen apiary must file a written request for such inspection with the state entomologist prior to January 1 of the calendar year in which the inspection is desired. An inspection fee, as specified by the Act, 131.044, will be charged at the time of the request. Requests for inspection received after January 1 of the calendar year in which the inspection is desired may be accepted upon payment by the requestant of any incremental costs incurred by the state entomologist.

Source Note: The provisions of this 71.21 adopted to be effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

Rule 71.22. PAYMENT OF FEES.

(a) All checks or money orders remitted for the payment of any fees specified in Subchapter C of the Act, shall be made payable to the "Apiary Inspection Service."

(b) In the event of delinquent payment for such fees, the state entomologist may:

- (1) sue to collect the delinquent fee;
- (2) revoke or rescind the permit or registration; and/or
- (3) require a \$10 penalty for delinquent payment from the registrant or permittee.

Source Note: The provisions of this 71.22 adopted to be

effective December 31, 1979, 4 TexReg 4607; amended to be effective November 9, 1983, 8 TexReg 4482.

Rule 71.23. EXEMPTION FROM FEES.

An individual owning no more than 12 colonies of bees will be exempt from the \$25 intrastate permit fee provided for in the Act, 131.043.

Source Note: The provisions of this 71.23 adopted to be effective December 28, 1983, 8 TexReg 5275.

Rule 71.51. COMPLAINTS AND NOTIFICATION.

(a) Beekeepers or other persons with a knowledge of or a formal complaint concerning the disease status of an apiary or relating to apiary equipment may notify: the Chief Apiary Inspector, Entomology Department, Texas A&M University, College Station, Texas 77843, (409) 845-9714.

(b) Complaints or notification should be submitted in writing and include the following information, to the extent it is known:

(1) name of beekeeper, person, or firm;

(2) address and phone number;

(3) location or site where the problem or receipt of diseased bees was noted;

(4) other information or evidence, as may be helpful to the Apiary Inspection Service in identifying and resolving a complaint.

(c) Receipt of complaints will be acknowledged and the complainant periodically notified of progress and the final resolution. Firm(s) or person(s) designated or involved in the complaint may be notified, if it is in the best public interest in resolving the complaint.

Source Note: The provisions of this 71.51 adopted to be effective June 23, 1986, 11 TexReg 2643.

Rule 71.53. PUBLIC TESTIMONY.

(a) Persons interested in commenting or reviewing action or activities of the Apiary Inspection Service are requested to notify the Apiary Inspection Service. Interested parties will be notified when meetings are scheduled or may request to meet with the chief apiary inspector.

(b) The Apiary Inspection Service will notify the president of the Texas Beekeepers Association at least three working days prior to a public meeting. Other organizations interested in honey bees may contact the Apiary Inspection Service in writing, requesting advance meeting notification.

Source Note: The provisions of this 71.53 adopted to be effective June 23, 1986, 11 TexReg 2643.