

This email is solely about structural bee removals and coming changes in the Georgia Department of Agriculture's (GADA) consumer protection rules regarding the same. If you don't do structural bee removals or simply aren't interested in them, you needn't read any further.

There has been some online discussion of this issue over the past few months, and unfortunately a fair amount of misinformation and propaganda has been spread regarding this issue and the GBA's involvement with this process. The following is a report of how exactly the GBA came to be involved with this issue, much of the work that has been done, and what we can expect from the Georgia Department of Agriculture going forward. For those of you who have not volunteered to serve as a GBA officer, on the GBA Board, or on one of the various GBA committees, the GBA over a period of years, has a very organized and deliberate way of conducting business. It has become clear from repeated experience, complicated issues such as this deserve, and must have, committed and detailed research and investigation before the GBA as an organization takes any position or any action on such an item. It has been repeatedly demonstrated that assigning these issues to small, manageable committees is the best method to constructively and efficiently study and work through such matters. That is exactly what has happened here. The issue was brought up to the GBA Board. The GBA president created and assigned the matter to a committee specifically staffed with people who have experience, expertise, and interest in the subject at issue. The individuals serving on this committee are Jennifer Berry, Director of the UGA Bee Lab; Bill Owens (Master Craftsman Beekeeper) and Bobby Chaisson (GBA Director) of GA Bee Removal; Karen Palmer of Honey Please; David Logue (GBA Director) of Avluela Apiary; and Brutz English (GBA Director and Master Beekeeper) of Liberty Hill Honey Company, LLC. The committee, as a whole and through its individual members, researched and investigated the issue, including reaching out to numerous beekeepers across the state who are potential stakeholders in this issue. The committee sought direction and information from the GADA on that organization's goals and interests regarding the issue. The committee sought direction and information from the UGA Bee Lab on that organization's concerns and interests regarding the issue. Ultimately the committee spent a great deal of time and effort trying to make a contribution to the new GADA rule(s) that would hopefully make them as minimally intrusive and burdensome on the beekeepers of this state considering the must have the GADA spelled out for the new rule.

As to the specifics of the new rule, please keep in mind a few points. First, the GADA doesn't answer to the GBA. The GADA makes their own agenda and has the power and legal authority to make whatever rule(s) they want to, subject to the GA General Assembly's statute-making power. The GADA invited us to participate in this process as a courtesy... they did not have to. Second, this is not the creation of a "new" rule where no regulation previously existed. This is the replacing of an outdated, unwieldy rule with a more modern, far less stringent alternative. Third, please understand a great deal of complaining, politicking, and decision-making had gone on with and within the GADA long before this issue ever came across the GBA's radar. From the very beginning of the GBA's involvement in this process, it was made very clear to us by the GADA that the old rule was out, a new rule was going to be adopted, and the wild and free days of unregulated structural removals were a

thing of the past. Now who's responsible for that, or how exactly it got to that point, I can't say. But we can tell everyone that's how the table was set when we were invited to the party.

Now a little history for those who aren't familiar with how all this came to be. Decades ago, GA adopted a statute, then subsequent administrative rules, that pretty much said if you were going to do a structural bee removal, you needed to have a structural pest control license (what the Orkin Man has). Now, a structural pest control license is both very costly and extremely time-consuming (at least 2 years) to obtain. If you didn't have the license and were caught doing structural bee removals, there was the threat of a \$10,000 fine waived over your head. This rule was NEVER enforced, and to my knowledge exactly ZERO persons ever got ticketed or fined in 60+years... but the threat was always there. The combination of the difficulty and expense of obtaining the proscribed license, plus the widely known absence of any meaningful threat of penalty, meant practically all beekeepers universally ignored the existing licensing requirement. Practitioners justified this in a variety of ways: some claimed the law and rules were vague; some claimed the law and rules were contradictory; and some claimed the law and rules were just... unjust. This situation also had the unfortunate side effect of rendering most removal contracts null and void, as they were effectively a contract to perform a technically illegal act, and therefore unenforceable in court by either side. Even so, we chugged along peacefully for the better part of seven decades this way.

Welcome to 2020, where everyone has a voice and no one has a filter! Despite the fact that nearly three generations of beekeepers operated under this system, the apiarists of today could not leave well enough alone. For whatever reasons, a number of beekeepers across the state decided to get into each other's respective businesses, started a ton of infighting and rumors, and then they all went complaining to the GADA about each other. After several years of listening to the petty squabbling from the beekeepers this actually affects, the GADA had enough. The GADA said if the beekeeping community didn't like the old rule, fine, they would create a new, more precise rule... and one they would actually enforce. If that didn't suit us, they could always just start enforcing the existing rule already on the books (the one NO ONE wants to attempt to comply with). That gets us back to where we are today.

Along with the straight-forward "this is what we're going to do" the GADA also gave us a list of things that were going to be included in the rule. It was made very plain that the following items were non-negotiable, and that we were being invited to contribute ideas and language that we thought would be more "beekeeper friendly", but if we didn't include them in our language, the GADA was going to include them in the finished rule with language of their choosing.

- 1) the new rule is going to include a certification requirement. We get to largely decide what that will entail, but there's going to be a certification requirement. We have been working with the UGA Bee Lab and the GBA to develop and ensure these certification requirements are a) easily obtainable, b) widely available.
- 2) the new rule is going to include a minimum prior experience requirement. We get to largely decide what kind of experience and how much, but there's going to be an experience requirement. And we're not talking about years, or even months, of apprenticeship. We're

talking about going out with an experienced operator and observing a few (a handful or fewer) in the field.

3) the new rule is going to require specifications regarding consumer protection, including guidelines on demolition, construction/reconstruction, properly closing/sealing cavities, comb/honey/pollen removal, waivers/exemptions, and education/notification to consumers. The GBA committee realize there are vast potential variables that operators face in the field, and we have consulted with several of the state's busiest, well-known, and well-respected removal professionals about these issues. We are building in safeguards within the language of the new rules to provide for and accommodate these situations. 4) the new rule is going to define, and clearly distinguish free-hanging swarms, trap-outs, and other relevant terms. Clear, common language and terminology will eliminate a lot of enduring confusion about what is what, and what is, and is not, allowed. FYI, free-hanging swarms WILL NOT be regulated under the new rule(s), and "honey bees" will be specifically removed and exempted from the list of insects categorized as "pests".

5) the new rule is going to require operators to use a written contract. Most professionals already do this, but the purpose is to ensure the consumer has been informed about, and understands, exactly for what the operator is and isn't responsible. We are looking at several different contracts various operators around the state have used, trying to come up with simple, clear language that is easy to use and has the flexibility to be adjusted to individual situations. I do not believe the GADA intends for everyone to use a "standard form" but I do believe there will be items/elements that will be required in all contracts. 6) the new rule is going to require operators to obtain/maintain liability insurance. Most professionals already do this. The GADA is ultimately going to have the final say on how much coverage will be required.

7) the new rule is going to contain provisions for regular enforcement and penalties for noncompliance. The GADA has made plain, they are going to enforce the new rule(s), and there will be penalties for non-compliance. However, the specter of the \$10,000 hammer will be forever gone.

Contrary to some false or misleading online posts, this is in fact, designed to supplant and eliminate the existing requirement for an actual structural pest control license. There will be a grace period between when the new rules are adopted and when enforcement will begin, so operators will have ample time to complete the certification requirements. The new rule IS NOT going to put anyone out of work overnight.

Those were the parameters the GBA committee were presented. We discussed with the GADA simply repealing the old rule and not replacing it with anything, but they were emphatic that was a non-starter. We have worked with what we were presented and within the parameters we were given. The committee has submitted their proposed language to the GADA for their review and comment, and at this point we await further action or direction from the GADA. The committee will make a full and formal report of our progress and the current status of the project to the GBA Board at the next regularly scheduled board meeting. Once the new rules are finalized, the committee anticipates the GBA will work closely with the GADA and the UGA Bee Lab to develop and implement the programs and classes that will be necessary to bring the new rules to practical fruition.

Some have recently argued that any new rule(s) or any form of regulation is too much, and they argue that the GBA should take a stand and work to simply eliminate any form of oversight of any aspect of the beekeeping industry. We as a committee discussed this option at length with the GADA and it made clear this was not an option. Every profession has some level of governmental regulation and oversight. Structural bee removals have the potential to do serious and significant tangible and financial harm to each and every property owner or resident who incurs this issue. It is the lawful and legitimate purpose and goal of the GADA to enact rules and regulations in the name of consumer protection, and the GBA as an organization tasked with promoting and advancing beekeeping in our state, should support the GADA's efforts in that regard. The GADA came to us and asked for our expertise and assistance, and we as an organization should be proud and grateful, they did so. As an organization, the GBA should support this rule for several reasons: first, the new rule will make it much easier for beekeepers to come into compliance with the law; second, the new rule will promote confidence of the general public in the beekeeping community; and finally, the GBA's work with the GADA on this issue promotes a positive, ongoing relationship with the state regulatory agency principally charged with regulating and overseeing apiculture. This rule change is a good thing.

Should anyone have any questions regarding this issue, please feel free to contact any of the committee members directly.

Respectfully submitted, GBA Legislative Subcommittee on GADA Structural Honey Bee Removals

*Jennifer Berry*  
*Bobby Chaisson*  
*Brutz English*  
*David Logue*  
*Bill Owens*  
*Karen Palmer*