



Ohio State Beekeepers Association
www.ohiostatebeekeepers.org
info@ohiostatebeekeepers.org

Dec. 12, 2017

Proponent Written Testimony: Re: HB392 Apiary Owners Immunity

We support HB 392

The county beekeeping associations listed below **join in support** for the Ohio State Beekeepers Association's **proposed Apiary Owners Immunity bill, House Bill 392**. To help ensure beekeepers are good neighbors, The Ohio State Beekeepers Association and county beekeeping associations educate Ohio's beekeepers on the Best Management Practices for beekeeping to help ensure beekeepers are good neighbors. If a stinging incident occurs it is the registered beekeeper with the hive boxes in their backyard who will be singled out. Whether a beekeeper has one hive in their backyard or a dozen bee yards with sixty colonies there is no method to definitively prove the stinging bee came from a specific colony. The short lifespan of bees, the diversity of bee genetics within a hive, the numbers of feral colonies of honey bees, and the two to five mile forage range of honey bees make it impossible to prove the owner of a honey bee. HB 392 will provide comfort and security to the 4-H student beekeeper and their parents, your beekeeper neighbor, and help to enforce local ordinances tied to responsible beekeeping practices.

HB 392 support local ordinances

HB 392 advocates for current laws, Apiary registration, and local bee ordinances, but it will bring out of the shadows those beekeepers who are not registered, and fearful of legal action due to a stinging incident. While this bill includes beekeeper immunity for any "*personal injury or property damage that occurs in connection with keeping and maintaining bees (a stinging incident), bee equipment, queen breeding equipment, apiaries, and appliances,*" the real risk beekeepers face relative to public health is a stinging incident. Beekeeping equipment filled with honey complies with the laws of physics and will not topple over onto a person. Beekeepers carry insurance for the hive products they sell, they carry property insurance covering a tree limb falling in their bee yard, and similar other damage that was incurred by nature. However, some insurers will not cover a homeowner with honey bees in their backyard for fear of a stinging

incident in the area. With a two to five mile forage range of honey bees, 4,000 species of native pollinators, and nearly 8,000 registered beekeepers in Ohio verifying which stinging insect is the culprit places an undue, and unrealistic burden upon a beekeeper. All livestock, including honey bees, will defend themselves if they feel threatened. Even if mischief or vandalism is a possibility, a non-beekeeper would not be able to get close enough to a bee hive without a protective beekeeping suit without suffering bee stings. If mischief, vandalism, or theft of a hive or hive products was attempted by a non-beekeeper: a stinging incident will occur. While this act would be trespassing on the beekeeper's property, if the apiary is a guest on another's land, the beekeeper should not be responsible for such an occurrence.

Not all communities in Ohio permit beekeeping within their corporation/village/township boundaries. *This bill does not challenge home-rule precedent in Ohio.* State and local beekeeping leaders regularly work to educate and advise local communities about the value of honey bees to help beautify our parks, backyard gardens, community gardens, and farms. Pollinators are needed everywhere to pollinate city and rural landscapes. Beekeepers work to educate local policy makers to ensure beekeepers are registered, local beekeeping ordinances are realistic to beekeeping, and to allay concerns of non-beekeepers. *The Best Management Practices developed by the Ohio State Beekeepers Association has been referenced in many local Ohio ordinances.*

Ohio's beekeeping history

Ohio has a rich history of beekeeping and honey production, and Ohio was historically the largest bee-supply manufacturer in the world, and shipped more queen bees than any other state. Rev. Lorenzo Langstroth, the "father of American Beekeeping," developed the movable frame hive and received a patent for the design in 1852. After 1858 Langstroth made Oxford, Ohio, his residence, and devoted his time to beekeeping. The Langstroth Cottage, the home where he lived from 1858 to 1887 is designated a National Historic Landmark. It was donated to Western College for Women and is today home to the Miami University Center for the Enhancement of Learning and Teaching. Langstroth is buried at Woodland Cemetery in Dayton, Ohio.

Ohio is also the historic home of the "father of *modern* beekeeping," A.I. Root. In 1869 an innovative beekeeper named Amos Ives Root founded the A.I. Root Company, specializing in honey, beeswax, and beekeeping supplies. He was behind many advances in bee keeping, leading the movement to standardizing beekeeping equipment. He founded a magazine for beekeepers named *Gleanings In Bee Culture* which the Ohio company, Root Candles, still publishes today as *Bee Culture* magazine.

Beekeeping, just like any rural or urban farm activity has inherent risks when raising and breeding livestock. Like all small farm enterprises, the profit margin is narrow for beekeeping and the various hive products. If a beekeeper must defend themselves from a stinging incident

legal action, it can put a beekeeper out of business. USDA surveyed beekeepers in 2016 who had five or more colonies and also qualified as a farm, and determined Ohio honey bee colonies average seventy-nine pounds of honey per colony selling for \$3.84 per pound. Total Ohio honey value for Ohio in 2016 was \$4,550,000.

The county beekeeping associations listed below seek your support of HB 392 to protect individual beekeepers from legal actions due to unknown stinging insects and the basic management of a honey bee colony. HB 392 would not apply to intentional tortious conduct or acts of omission due to gross negligence on the part of the beekeeper.

In support of HB 392:

Greater Grand Lakes Beekeepers Association
Michael Doseck

NorthWest Ohio Beekeepers Association
Dwight Wells

East Central Ohio Beekeepers Association
Timothy J. Elliget

Bowling Green Beekeepers
Michael Soboleski

Black Swamp Beekeepers Association
Jamie Walters

Guernsey-Noble Beekeepers Association
Don Crock

Coshocton County Beekeepers
Dick Mullet

Portage County Beekeepers
Geoff Westerfield

Geauga County Bee Association
Dale Olson

Highland County Beekeepers
Tom House

Scioto Valley Beekeepers
James Barr

Warren County Beekeepers Association
John Favaron

West Central Ohio Beekeepers Association
Dwight Wells

Mid-Ohio Valley Beekeepers Association
Kenny Bach

Sandusky River Valley Bee Club
Troy Liebengood

Maumee Valley Beekeepers
Roger Myers

Trumbull County Beekeepers
Ed Freel

Richland Area Beekeepers Association
Hagar Hicks

Medina County Beekeepers Association
Ann Cicarella

Stark County Beekeepers Association
Laurene Kiel

Jefferson County Beekeepers Association
Peter Ehni

Tri-County Beekeepers
Randall Westfall

Greene County Beekeepers Association
Dave Allen

Miami Valley Beekeepers Association
Amy Margolin

Harrison County Beekeepers Association
Michael Shepperson

Lake County Beekeepers Association
Dan Vickers

Greater Cleveland Beekeepers Association
Larry Theurer

Summit County Beekeepers Association
Peggy Cartwright

Carroll County Bee Club
Jeff Rainsberger

Education

The first and most critical step in responsible beekeeping is education. All beekeepers should have a solid understanding of honey bee biology and basic beekeeping methods. We also encourage all beekeepers to join OSBA.

Beekeepers need to stay current on recommended changes in all aspects of beekeeping. One way to do so is to become a member of a beekeeping association that holds regular (preferably monthly) meetings. For a list of local associations visit:

www.ohiostatebeekeepers.org/associations

Disease Control

There are a number of honey bee diseases and pests. Some, like American Foulbrood (AFB), are extremely contagious. AFB can only be destroyed by burning the bees, honey, wax, and woodenware. Beekeepers should be extremely cautious about mixing hive equipment and purchasing used equipment.

Swarming

While swarming is natural honey bee behavior, it is one that should be prevented or minimized, especially in urban and suburban settings. Two primary causes of swarming are congestion and poor ventilation in the brood chamber. Swarm management practices are explained in detail in most beekeeping books, classes, and local club meetings.

Considerate Hive Management

Prior to setting up, your hives it is a good idea to inform your neighbors where you intend to place the hives. Weather conditions influence bee behavior. Plan to work bees when conditions are favorable. Beekeepers should make sure that neighbors are not working or relaxing outdoors when they open hives, and should perform hive

manipulations as quickly as possible with minimum disturbance to the bees. Extended hive manipulations, particularly when removing honey, should be carefully planned to accommodate neighbors' activities.

Hive Placement

Correct hive placement is a critical consideration for responsible beekeeping in urban and suburban settings. Wherever possible, hive openings should face toward the southeast. It is best to place the hive in a sunny area, not on the top of a hill, nor at the bottom of a hollow. Hives must be placed in a quiet area of the lot, and not directly against a neighboring property unless a solid fence or dense plant barrier of six feet or higher forms the property boundary. Hives should be kept away from roads, sidewalks and rights-of-way. Flight paths into the hive should remain within the owner's lot. Barriers, including solid fencing, hedges and shrubs more than six feet high may be used to redirect bees' flight pattern.

Colony Temperament and Behavior

While generally docile, honey bees do sting. A colony's temperament is determined by its queen's characteristics. Its behavior is affected by temperament, health and environmental factors such as weather and proximate activities. Every effort should be made to maintain a docile and non-defensive colony.

Conclusion

The above information is meant to serve as a guide only, with the exception of following all State and Local Laws, and will not be suited to every Beekeeper in every situation.

OSBA would like to welcome you into the Beekeeping family. Enjoy the adventure!



Best

Management

Practices for

Beekeeping

in Ohio



INTRODUCTION

This set of recommended Best Management Practices (BMP) is an outline for responsible management. This document is intended as a reference and standard for honey bee management for the state of Ohio. It may serve as:

- A resource for information to enhance community confidence in the safety of beekeeping activities.
- A standard reference for avoiding potential complaints or conflicts about beekeeping activities.
- A compendium of best management practices that all Ohio beekeepers are encouraged to follow.

Most beekeepers are "backyard/part-time" beekeepers. We are and want to be good neighbors.

Ohio State Beekeepers Association, Inc. (OSBA) helps beekeepers stay informed of recommended changes in beekeeping practices, including the use of pesticides, hive treatments, integrated pest management, new threats to honey bee health, and government regulations. The recommended practices for maintaining honey bees in managed colonies include:

1. Comply with all homeowner association, Local, State, and Federal ordinances, regulations, and laws pertaining to beekeeping: Ohio Revised Code regarding Apiaries and Honey bees <http://codes.ohio.gov/orc/909> Apiary registration form: <http://www.ohiostatebeekeepers.org/reg/>
(Apiary registration is REQUIRED by State Law)
2. Have knowledge of honey bee behavior and beekeeping, and we recommend completing an Introductory Beekeeping course

offered by a local beekeeping association or Master Beekeeper (often called a Short Course), and stay current on issues of colony health and management.

- 3) Allow inspection by Ohio Department of Agriculture County Apiary Inspector.
- 4) Maintain strong, healthy, populous colonies.
 - a) Remove/securely seal all empty hive equipment.
 - b) Remove or combine all weak colonies.
 - c) Properly treat with an approved product, following all label instructions, or remove all disease and/or pest infested colonies.
- 5) Practice proper management and control techniques to prevent colonies from swarming.
- 6) Maintain all colonies at least 10 feet from property lines. (In accordance with local Laws)
- 7) Place all colonies less than 40 feet from property lines behind a barrier no less than 6 feet in height. Barriers should be of sufficient density to establish bee flyways above head height.
- 8) Maintain a water source within 50 feet of colonies or less than one-half the distance to the nearest un-natural water source, whichever is closest for urban and suburban apiaries.
- 9) Do not establish an apiary within 50 feet of any animal that is tethered, penned, kennel, or otherwise prevented from escaping a stinging incident.
- 10) Avoid opening or disturbing colonies when neighbors or the general public are participating in outside activities or using machinery within 150 feet of an apiary.
- 11) Maintain colonies with honey bee races of European honey bees (EHB).
 - a) Purchase queens, packaged bees, and nucleus colonies from reputable sources outside of Africanized honey bee, (AHB), infested areas or localities adjacent to AHB infested areas.

For a list of Ohio Suppliers of bees visit:

www.ohiostatebeekeepers.org/bees

12. Replace queens and destroy all drone brood in colonies exhibiting defensive behavior that may be injurious to the general public or domesticated animals.
13. Treat all honey bees with respect. Treating all honey bees with respect is a fundamental pillar of beekeeping as honey bees are indispensable and important to the human food supply.

Key Points–

- ✓ Check your zoning laws
- ✓ Register your bees with Ohio Department of Agriculture
- ✓ Join a local beekeeping association



<http://www.facebook.com/OhioStateBeekeepers>