

OFFICE OF THE STATE ENTOMOLOGIST  
TEXAS APIARY INSPECTION SERVICE

ANNUAL REPORT  
September 1, 2003 through August 31, 2004

**Background**

The Office of the State Entomologist was created in 1899 and is currently active. The state entomologist, who is also known as the Chief Apiary Inspector of the Texas Apiary Inspection Service, operates as a component of the Texas Agricultural Experiment Station at College Station. The state entomologist is appointed by the director of the Agricultural Experiment Station, with the approval of the Texas A&M Board of Regents. Agency operations are conducted by a staff of three persons and funded in fiscal year 1984 in the amount of \$99,444 from general revenue and \$17,000 from fees.

Originally, the Office of the State Entomologist was responsible for devising methods for destroying all insects that were a threat to agriculture in Texas. The state entomologist also served as a professor of entomology at Texas A&M University. In 1903, the state entomologist's duties were expanded to include the operation of the Honey Bee Disease Control Program. Under this program, the state entomologist was given the responsibility for taking steps to prevent, control and eradicate diseases affecting honey bees. During this period, it is estimated that approximately 65 percent of the hives in Texas were infested with disease resulting in significant economic losses for the honey bee industry. In 1925, the legislature eliminated all of the state entomologist's responsibilities except for the Honey Bee Disease Control Program.

The Office of the State Entomologist currently operates only the Honey Bee Disease Control Program, known also as the Texas Apiary Inspection Service. As mentioned earlier, the service was originally created to protect the honey bee industry from infectious diseases that caused economic hardships to the industry. In 1983, the agency's statute was updated, giving the state entomologist responsibility for controlling all infectious diseases and parasites which threaten the Texas honey bee industry. The estimated annual value of the industry is between \$100 and \$200 million. This estimate is based on the sale of honey, bee wax, pollen, bees and the pollination of various crops in the state.

The inspection activity is also an important part of the disease control program. Inspections are conducted by the state entomologist and his assistant to : 1) monitor the state for outbreaks of disease; 2) establish the disease status of hives for permitting and certification purposes and; 3) ensure that beekeepers

are complying with the law. In fiscal year 1983, the agency inspected 163 apiaries and a total of 11,537 hives.

Finally, enforcement activities are conducted to ensure compliance with the law. The state entomologist has the authority to place bee yards containing diseased hives under quarantine. Under quarantine, the beekeeper is prohibited from moving bees in or out of the quarantined yards for 30 days. In fiscal year 1983, 15 yards were placed under formal quarantine by the state entomologist. The state entomologist can also initiate legal action when provisions of the law, such as failure to obtain a necessary permit, are violated. Formal complaints concerning violations are filed by the state entomologist with the district or county attorney in the county where the alleged violation occurred. Under the statute, a violation of the law is a class C misdemeanor which is punishable by a fine of up to \$200. In addition, the state entomologist can seek a court order to seize or prevent the sale of diseased bees or equipment. The state entomologist can also seek a court order to enter private or public premises on which bees, equipment, bee pollen or honey may be located to determine whether a violation of the law has occurred.

## **Goals**

Enforcement of the Texas Bee Laws under Section 1, Chapter 131, under the Texas Agriculture Code. The State Entomologist is officially responsible for Subchapters B, C, and D of this chapter.

### **Subchapter B. (Disease Control)**

#### **Powers and Duties of the Chief Apiary Inspector**

Action 1: Adopt rules and act as necessary to control, eradicate or prevent the introduction, spread or dissemination of contagious or infectious diseases of honeybees.

Action 2: Prohibit the shipment or entry into this state of bees, honey, combs, pollen, or other items capable of transmitting diseases of bees from another state, territory, or foreign country, except in accordance with rules adopted by the inspector.

Action 3: Seize and order the destruction, treatment, or sale of a colony of bees, equipment, pollen or honey that is determined to be diseased, infectious, abandoned, or in violation of this chapter or a rule or quarantine adopted under this chapter.

Action 4: Apiaries, equipment, or bees are considered infectious if the bees, equipment, or apiary generally comprise a hazard or threat to disease control in the beekeeping industry.

### **Subchapter C. (Permits and Registration)**

Permits for Importation, Exportation, Intrastate transport, Certificate of Inspection and Apiary Registration.

Action 1: A person may not ship or cause to be shipped, bees or equipment into this state or from this state to another state, territory, or country, unless the person has a permit issued by the Chief Apiary Inspector authorizing the shipment.

Action 2: A person who wants a certificate of inspection for bees, equipment, pollen, or honey must file a written request for the inspection with the Chief Apiary Inspector.

Action 3: The Chief Apiary Inspector may provide for the periodic registration of all apiaries in this state.

## **Activities**

A rule change has been submitted to the Texas Register in August of 2004 on European Honeybee Certification (See Attachment 1, Texas Administration Code). This change will allow beekeepers with no prior findings of Africanized bees in their hives to transport bees without a certification. It also will change a quarantined area to a detected area. The impact of this change on the Apiary Inspection Service will be to reduce the number of certifications and related income. This agency receives about \$35,000 annually in fee income, \$15,000 being income which comes from AHB (Africanized Honeybee) certifications (Table 1).

The Apiary Inspection Service has two agencies requesting information pursuant to Texas Open Records Act. The first request, requiring names, addresses and phone numbers of all persons that have been inspected for Small Hive Beetle (Aethina tumida), Africanized Honeybee (Apis mellifera scutellata), and the Varroa mites (Varroa destructor) (Attachment 2). The second request, requiring documents of certain beekeepers in Texas which include applications for beekeeping licenses, renewal applications and inspection reports (Attachment 3).

Disease and parasites affecting honeybees are transmitted when diseased hives come in contact with healthy hives. In order to prevent and control the outbreak of disease, the inspection service conducts what amounts to licensing functions which includes permitting, certification, inspection and enforcement operations. Permitting and certification are designed to prevent the interstate and intrastate movement of diseased bees. Beekeepers entering or leaving the state with hives or moving bees within the state must obtain a permit from the state entomologist signifying that the hives are disease free (Table 1). In addition, persons involved in the sale of queen and package bees to out of state and foreign buyers must have their operations certified as being disease free by the state entomologist. In fiscal year 2003-2004, 12 certificates were issued to queen breeders.

A major characteristic of the honeybee industry is the movement of hives by beekeepers from one state to another. This movement allows beekeepers to take advantage of weather conditions, pollination requirements and nectar

producing fields and crops found in other states. All states with a major honeybee industry carry out a licensing function designed to control disease and parasites affecting honeybees.

## **Texas Administrative Code**

### **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) ~~Quarantined area—A county or counties in which it has been determined that Africanized honey bees have been established through natural migration, based on trapping or random sampling and subsequent identification procedures at a recognized bee diagnostic laboratory.~~

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) 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 ~~quarantined~~ detected county, and may include the area as part of an existing ~~quarantined~~ detected area.

~~(B) All managed colonies within a newly impacted quarantine area will be allowed to move out of the newly impacted area without European honey bee (EHB) certification for a period of up to 90 days following the official notice to expand the quarantine provided that the proper permits are obtained from the Texas Apiary Inspection Service which comply with existing regulations.~~

~~(C) If a beekeeper chooses to remain in the quarantined area, the beekeeper must mark or clip queens within the 90 day period following the declaration of the quarantine to ensure that those colonies in the quarantined area will be allowed to move to a nonquarantined area without additional EHB certification.~~

~~(D) After the initial 90 day period, colonies may be moved out of the quarantined area only if certification procedures, as outlined in this regulation, are followed and currently existing bee law requirements are satisfied.~~

(2) European honey bee certifications.

~~(A) Colonies in the quarantine area with queens that are not marked or — clipped will only be certified and permitted to move to a nonquarantined area after the colonies are requeened with queens produced from certified breeder queens.~~

(B) A colony may also 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 but subject to additional review if requesting to leave a quarantined area for a second time within the calendar year.

(C) 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 ~~nonquarantined~~ nondetected and/or detected areas in Texas may request EHB certification according to procedures outlined ~~previously in Rule 71.7(b)(2)(A).~~

(3) Movement of colonies or honey bees. All other Texas bee laws pertaining to movement must be satisfied. ~~In addition, the following provisions shall be met.~~

~~(A) Movement within a quarantined area. Beekeepers who have managed colonies located in a quarantined area need not be certified to relocate such colonies within that quarantined area unless they provide other beekeepers with honey bee queens, package bees, brood, nucleus colonies (nucs), full sized colonies, or drone semen.~~

~~(B) Honey bee queen and package producers. Honey bee queen and package bee producers located in quarantine areas must use certified breeder queens for the production of certified production queens, certified queen cells, or drone semen.~~

~~Package bees or nucs originating in quarantined areas shall be produced only from colonies headed by certified production queens.~~

(B) Producers of certified breeder queens. 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.

~~(C) Colony divisions. Bee colony divisions or splits destined for movement out of a quarantined area should be queened with certified production queens or queen cells from certified breeder queens to facilitate compliance with this regulation.~~

~~(3) Mating and mating yards.~~

~~(A) Drones. A minimum of 60 European drone source colony equivalents must be established for each 1,000 or fewer mating nuclei. If colonies are divided, the European drone source equivalent of 60 European drone source colonies will still be required for each 1,000 or fewer mating nuclei. Seventy five percent of European drone source colony equivalents shall be located within ¼ mile radius of the mating nuclei yard and the remaining 25% shall be located within one mile of the mating yard. No drones or drone brood may be introduced into colonies or mating nuclei unless they originate from colonies with certified breeder queens or certified production queens.~~

~~(B) Queens and requeening. Producers of certified breeder queens and certified production queens are required to requeen drone producing colonies with certified production queens on an annual basis. Queens used in drone colonies may also be certified as queens produced in area outside of a quarantined area or by progeny tests of worker bees using FABIS, the USDA ID, or any other APHIS approved identification technique. Certified breeder queens and European drone source colonies headed by certified production queens must be used if a beekeepers wishes to sell queens, queen cells, or drone semen produced in a quarantined area.~~

~~(C) Semen and certification. Honey bee drone semen collected within a quarantine area shall originate from only drones produced by certified queens. No certification will be required from semen obtained from drone sources located in nonquarantined domestic areas.~~

~~(5) Swarms and abandonments.~~

~~(A) It shall be illegal to retain AHB swarms and/or colonies except for specifically approved research purposes as outlined in subsection (c) of this section, within the quarantine area.~~

~~(B) All swarms observed or captured in quarantined areas should be destroyed. After a swarm has been destroyed, by using a soap solution, or other acceptable methods, the submission of approximately 50 worker bees for identification by the Texas Apiary Inspection Service is encouraged but optional. There will be no charge to Texas residents for this service. Beekeepers retaining AHB swarms are subject to action by the chief apiary inspector under the Texas Agriculture Code, §131.021(a)(3).~~

~~(C) Research exemptions may be granted to recognized researchers upon written request to the Texas Apiary Inspection Service. Such requests must outline the research needs, objectives, security precautions, and exact location of the research site(s). Such programs will be subject to periodic inspections and reviews by the Texas Apiary Inspection Service and these special research permits are subject to cancellation for due cause.~~

(D) Abandoned apiaries. 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 ~~and the Texas AHB advisory committee.~~

(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 ~~the Texas Africanized Honey bee Advisory Committee~~ and 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.

(Table 1)

**2003 – 2004  
CHIEF APIARY INSPECTOR'S REPORT**

	<u># of Permits</u>	<u># of Colonies</u>
<b>Total Permits Issued</b>	<b>254</b>	<b>413,036</b>
<b># of Migratory Permits</b>	<b>217</b>	<b>376,485</b>
<b>A. Importation</b>	<b>101</b>	<b>133,162</b>
<b>B. Exportation</b>	<b>116</b>	<b>243,323</b>
<b># of Intrastate Permits</b>	<b>37</b>	<b>36,551</b>
<b># of Foreign Permits</b>	<b>42</b>	<b>queens &amp; packages</b>
<b>Total Apiaries Inspected</b>	<b>556</b>	
<b>Total Colonies in Apiaries</b>	<b>120,138</b>	

**Fees:**

	<b>Appropriated Account</b>	<b>Sales Account</b>
<b>Salaries &amp; Wages</b>	<b>83.69%</b>	<b>0.0%</b>
<b>Travel</b>	<b>3.33%</b>	<b>0.0%</b>
<b>Supplies</b>	<b>4.01%</b>	<b>12.98%</b>
<b>Other Direct Cost</b>	<b>6.03%</b>	<b>41.13%</b>
<b>Capital Outlay</b>	<b>2.94%</b>	<b>45.89%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>

# TEXAS A&M UNIVERSITY

College of Agriculture  
College Station, Texas 77843



Department of  
ENTOMOLOGY  
*Apiary Inspection Service*  
MS 2475  
College Station, Texas, 77843-2475  
(979)-845-9713  
FAX(979)-845-0983

April 5, 2004

## MEMORANDUM

TO: Brian Bricker  
General Counsel

FROM: Paul W. Jackson  
Chief Apiary inspector

SUBJECT: Open Records Transfer

We are transferring the Open Records information requested by Danny Weaver consisting of 2,164 pages. We have spent 154 man hours compiling the data.

(Attachment 2)

# TEXAS A&M UNIVERSITY

College of Agriculture  
College Station, Texas 77843



Department of  
ENTOMOLOGY  
*Apiary Inspection Service*  
MS 2475  
College Station, Texas, 77843-2475  
(979)-845-9713  
FAX(979)-845-0983

August 4, 2004

## MEMORANDUM

To: Brian Bricker  
General Counsel

FROM: Paul W. Jackson  
Chief Apiary Inspector

SUBJECT: Open Records Transfer

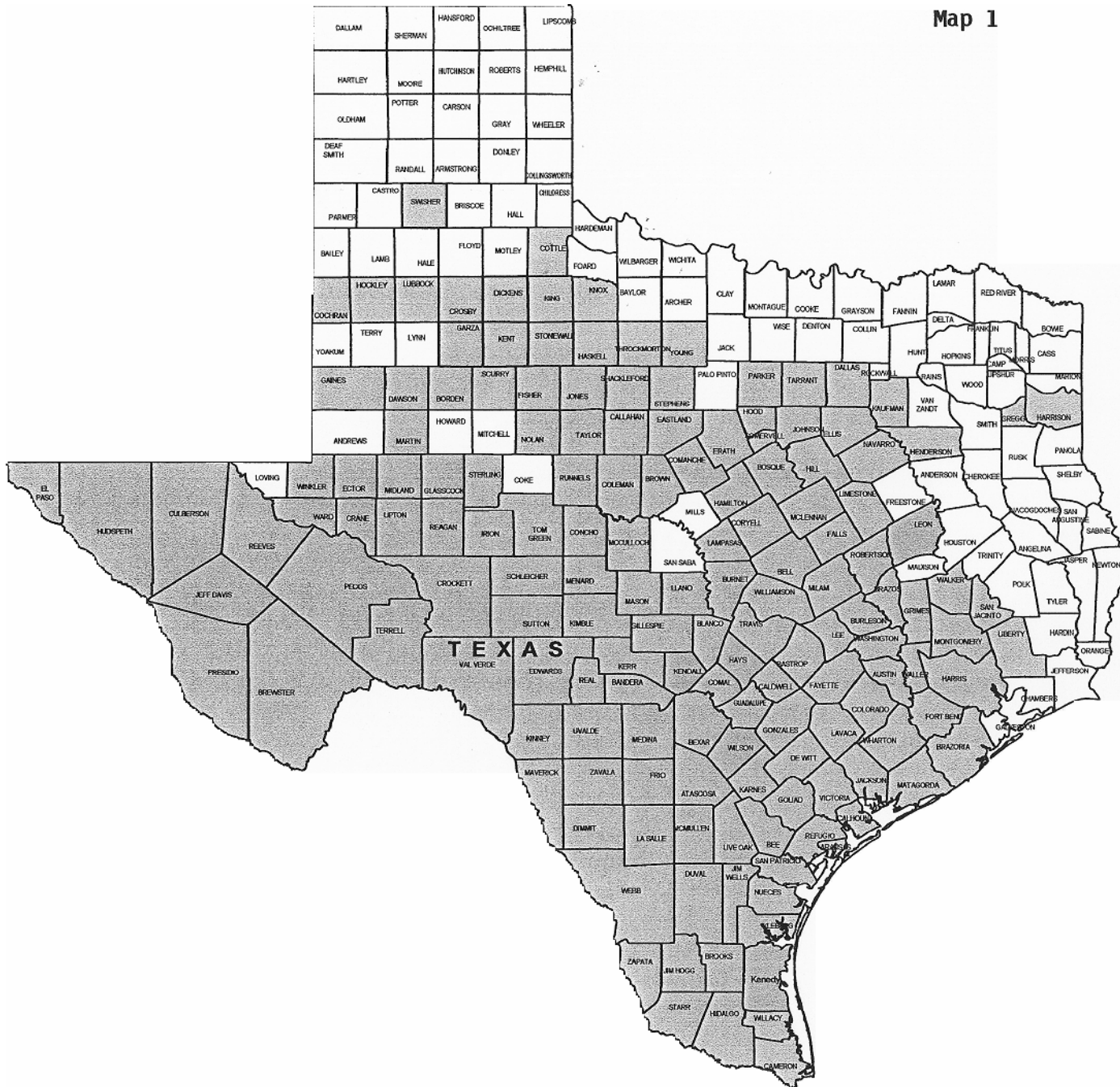
We are transferring the Open Records information requested by the Law Offices of William & Connolly, LLP., of Washington, D.C., consisting of 326 pages. We have spent 6 man hours compiling the data of 12 beekeepers as requested.

Cc: Dr. Kevin Heinz

(Attachment 3)



Map 1



**TEXAS APIARY INSPECTION SERVICE**  
**Quarantined Counties**  
**10-15-90 to 11-09-04**

The areas in blue are quarantine counties having Africanized Honey bees.

