

DEPARTMENT OF FOOD AND AGRICULTURE  
Title 3 of the California Code of Regulations Sections 2950 and 2951

**Notice of Proposed Rulemaking  
45 – Day Notice**

The Department of Food and Agriculture (Department) proposes to revise Title 3 of the California Code of Regulations (CCR) Sections 2950 and 2951 pertaining to the Apiary Registration Fee and Registration Fee Schedule.

**PUBLIC HEARING**

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX, or email. The written comment period closes on November 21, 2023. The Department will consider only comments received at the Department offices by that date or postmarked no later than November 21, 2023. Submit comments to:

Erin Lovig, Senior Environmental Scientist Supervisor California  
Department of Food and Agriculture 1220 N St,  
Sacramento, CA 95814  
Erin.lovig@cdfa.ca.gov  
916.403.6650  
916.651.2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Dean Kelch at (916) 261-9252 or [dean.kelch@cdfa.ca.gov](mailto:dean.kelch@cdfa.ca.gov), FAX number (916) 651-2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

**AUTHORITY**

The Department proposes to amend Sections 2950 and 2951, pursuant to the authority vested by Sections 407 and 29044 of the Food and Agricultural Code.

**REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 407, 29026, and 29044 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The current assessment fees for colonies in California, last amended in 1984, does not cover the costs associated with apiary registration, administration, and enforcement of the program. The Department, working with the California State Apiary Board, proposes to change the existing fee from 0.15 cents per colony fee structure to the following fee structure:

<u>Number of colonies</u>	<u>Fee</u>
<u>1-9 colonies</u>	<u>\$0</u>
<u>10-50 colonies</u>	<u>\$100</u>
<u>51+ colonies</u>	<u>\$250</u>

This annual fee will cover a much larger portion of the county agricultural commissioner’s cost in registering apiaries and protecting California from invasive pests associated with the movement of colonies into the state.

**EXISTING LAWS & REGULATIONS**

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 29026, provides that the (Apiary) Board shall be advisory on all matters related to the beekeeping industry and may make recommendations on all matters affecting the activities of the department in relation to the beekeeping industry including an annual review of the department’s apiary program.

Existing law, FAC Section 29044 provides that each beekeeper, apiary owner, apiary operator, broker, or person in possession of any apiary, shall pay, in addition to any other fees imposed under this chapter, an annual registration fee not to exceed two hundred fifty dollars (\$250) to the Secretary on January 1 of each year, to cover the cost of apiary registration. The Secretary may adopt such regulations and update a schedule of registration fees.

## **ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT**

The implementation of these amendments will allow for higher registration fees to be collected from apiary owners. Collecting money means there is once again the intended incentive for county commissioners to register apiaries. Having apiaries registered allows the Department and county agricultural commissioners to know the location of the apiaries and notify apiary owners of pesticide applications that can affect the bees, leading to healthier apiaries overall.

The amendment adjusts the registration fee structure for bee colonies and specifies the process for further adjustments to the fee structure.

There is no existing, comparable federal regulations or statute regulating the fee of bee colonies.

There are no known specific benefits to worker safety or the health of California residents, but less exposure to pesticides is a general benefit of the amendment.

## **EVALUATION OF INCONSISTENCY / INCOMPATIBILITY WITH EXISTING STATE REGULATIONS**

The Department considered other possible regulations addressing fee structure of bee colonies, it found that the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Sections 2950 and 2951 and has determined they are not inconsistent or incompatible with existing state regulations.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The amendment is to raise the fees for apiary owners. It is not expected to have a significant effect on any business. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the amendment of Sections 2950 and 2951. The amendment of this regulation would have no fiscal impact on the Department.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Department estimates the direct costs of the amendment of Sections 2950 and 2951 to registrants for annual apiary registration to be \$369,400 (2023 dollars) in the first year. This estimate is based on 2022 apiary registration data from BeeWhere. BeeWhere allows beekeepers to register and identify the number of hives and location online (Bee Safe Program Legislative Report, p. 18). The amendment will have an economic effect on business; however, the fee charged to larger businesses will not be large enough to affect business operations.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none or minimal/non-consequential, as explained above. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None

Small business determination: The proposed action will affect small business.

## **RESULTS OF THE ECONOMIC IMPACT ANALYSIS / ASSESSMENT**

The Department has made an assessment that the amendment to these regulations would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of businesses currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is expected to benefit workers' safety.

Health and welfare: Less exposure to pesticides is a general benefit of the amendment.

Environment: Having apiaries registered allows the Department and county agricultural commissioners to know the location of the apiaries and notify apiary owners of pesticide applications that can affect the bees, leading to healthier apiaries overall.

Workers' Safety: The amendment of these regulations benefits worker safety because the amendments assist with alerting workers to pesticide use in the surrounding area, which is a safely benefit.

## **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less

burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present alternatives during the written comment period.

### **AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.