

April 1, 2019

Re: HB 2670, Relating to the regulation of beekeeping; authorizing fees

Dear Chairman Springer and members of the House Committee on Agriculture & Livestock:

The Farm and Ranch Freedom Alliance (FARFA) advocates for small farmers and local food producers in Texas. Some of our members are beekeepers, and all of our members have a deep concern about the future of bees and pollinators in our state.

After last session's highly contentious attempts by Texas Beekeepers Association (TBA) to pass HB 1293, FARFA conducted an online survey of beekeepers in February 2018. Five hundred and twenty-nine (529) beekeepers responded. The majority of the responses were from "hobby" beekeepers, with 25 or fewer hives. About ten percent of the responses were from "sideliners" (26-300 hives), with the remaining from commercial operations, including some very large (over 2,000 hives) businesses. These responses reflect the diversity of the beekeeping world.

FARFA then gathered a group of stakeholders and jointly developed a second survey that focused on how to reform the Texas Apiary Inspection Service (TAIS) so as to provide greater accountability and transparency. The responses to that survey reflected significant support for reforming TAIS, but there was insufficient consensus on the details to move ahead with legislation.

Based on the survey responses and discussions with our members, FARFA opposes HB 2670. More specifically, we:

- Support repealing the intrastate and export permits
- Oppose changing the current system of free apiary registration to fee-based beekeeper registrations
- Oppose the conversion of the import permit to an interstate movement permit

Repealing the intrastate and export permits

FARFA supports the repeal of both the intrastate and export permits in HB 2670. Neither of these permits are practical disease-control measures, and thus impose unnecessary time, labor, and fiscal burdens on beekeepers.

Among our survey respondents, there was overwhelming support for repealing the intrastate permit: 71% of respondents either strongly or somewhat agreed with repealing this permit.

Although we did not have a question in the survey about repealing the export permit, FARFA also supports the repeal of this permit because it lacks a legitimate disease control justification.

Beekeeper registration

FARFA opposes the provisions in HB 2670 that create beekeeper registration and empower TAIS to impose fees.

The provision in HB 1293 last session that garnered the greatest opposition was the mandatory registration of beekeepers. While HB 2670 leaves out the word “mandatory,” it is otherwise virtually identical to the provision in HB 1293, including the definition of beekeeper, the deadline for the annual registration expiration, and empowering TAIS to set the fee and specify what information the beekeeper must submit.

Currently, the statute provides for free registration of apiaries (locations with six or more hives), with the information required to register being specified in the statute. **This system is working and does not need to be replaced.** Proponents have offered three justifications for the changes, none of which hold up under scrutiny:

1. **TAIS funding:** Proponents claim that abolishing the intrastate permit would have a negative fiscal impact on TAIS. This is illogical, since abolishing the permit means that the agency would no longer have to expend resources administering the permit program, which negates any loss of revenues from the permit fees.

Based on Open Records Act requests, TAIS issued an average of 224 intrastate permits per year between 2012 and 2017. At \$35/permit, that is an average annual revenue of \$7,840. After subtracting the costs necessary for administering the permit program, the loss of funding for TAIS is tiny.

Indeed, the Legislative Budget Board has found that there would be **no fiscal impact to abolishing the intrastate permit** (see fiscal note to the filed version of SB 677)

More recently, proponents have asserted that TAIS needs **additional** funds for various reasons. Why? How much? How will those funds be used? **It is improper to empower TAIS to generate revenue through registration for other purposes without addressing those questions. Registration should not be a means of funding other agency activities.**

2. **Beehive removers:** Bee hive removers are exempt from getting a license as structural pest control services if they register with TAIS. That is currently happening through the apiary registration. In many cases, beehive removers have also been applying for an intrastate transport permit, so as to be listed on the website as a remover. But, as TAIS itself states in its overview of its regulations, **the intrastate permit is not a beehive remover permit.** (<https://txbeeinspection.tamu.edu/regulations/> - see video at 6 minute mark).

So the repeal of the intrastate permit should have no impact on bee removers. TAIS could easily add a check-off box on the apiary registration form for beehive removers to indicate that they want to be listed on the website as such – just as TAIS created a variant of the “intrastate permit” for beehive removers on its own initiative. If this imposes a financial burden on TAIS, then a fee can be imposed that applies solely to beehive removers.

3. **Notification:** Proponents have claimed that the system could be used in the future to notify beekeepers of pesticide spraying in their area. FARFA supports such notification, but **the current apiary registration would work better** than beekeeper registration for that

purpose, because notification is needed based on where the hives are located, not the person. FARFA proposed a much simpler option: create a sign up where people could provide their email or phone and specify the county or counties for which they want to receive notifications. Auto-emails and robo-calls could be made if there is a disease or pesticide application of concern in that area. The cost would be minimal, and 82% of survey respondents supported the proposal.

In addition to not serving a positive purpose, the beekeeper registration in HB 2670 has affirmative drawbacks. The extremely broad definition of “beekeeper” means that multiple people may end up registering with TAIS **for the same hives**. For example, many people lease hives – and both the lessee and lessor would be classified as beekeepers of those same hives.

While the facially voluntary nature of the registration provision may lessen the impact of that confusion, there are already people who, in practical terms, have to register. For example, several counties require apiary registration for those who seek to qualify for ag valuation based on beekeeping.

In our surveys, FARFA did not ask specifically about whether there should be voluntary, **fee-based** registration of beekeepers, because the discussions at the time were focused on mandatory registration versus voluntary. FARFA did ask whether TAIS should maintain the current system, and 75% of the respondents agreed with that approach.

Creating a registration that lapses each year and that generates revenue for the TAIS will inevitably lead to pressure to convert the registration system to mandatory. Given the lack of a logical reason to convert the existing apiary registration to this new format, that would appear to be the real intention of at least some of the proponents. Indeed, during the Senate hearing on the committee substitute of SB 677, which includes this same provision, multiple witnesses who supported the bill specifically stated that they thought registration should be mandatory for all beekeepers. Others who support the bill did not make such a statement during the hearing, but have repeatedly spoken in favor of mandatory registration in other forums – including by seeking to create mandatory registration in the last legislative session.

Voluntary, free apiary registration is working. There’s no reason to convert it to a fee-based registration of individual beekeepers, with an overbroad definition, in order to generate more revenue for an agency for unspecified purposes.

Replacing the import permit with an “interstate movement” permit

Like many of the major beekeeping states, Texas currently requires individuals who are bringing hives into the state to have them inspected before entering the state. HB 2670 proposes converting that accepted measure to an “interstate movement” permit, which would allow individuals to bring bees into the state if they were inspected immediately before **or** if they had been inspected anytime within the previous 12 months by TAIS – even if they have been traveling all over the country and potentially exposed to diseases in other states during those months.

In contrast to this attempt to reduce import requirements, TBA Board members last session were urging **stricter** requirements for people bringing bees into our state, even suggesting criminal penalties and fines of \$10,000 for violations. FARFA's survey thus sought input about whether there should be stricter import requirements. 85% of respondents agreed that an importer should have to register with TAIS, and 69% of respondents agreed that the importer should have to specify what counties the bees would be located in.

On the other hand, since that time, we have heard from multiple beekeepers with precisely the opposite viewpoint: namely, that there is no real disease risk and no permits should be required.

If there truly is no disease risk, the import permit should be abolished. And if there is a disease risk, then the import permit should remain as currently structured, consistent with basic epidemiological principles for preventing the spread of diseases. The proposed "interstate movement" permit in HB 2670 takes an illogical approach that appears aimed at reducing the expenses for the handful of large, migratory beekeepers without addressing whether there is a disease risk that justifies TAIS' continued regulatory role.

It is concerning that TBA has repeatedly told its members that the new registration fees for beekeepers are needed to offset the revenue lost from the intrastate permit – yet has stayed silent about the revenue lost from abolishing the export permit and converting the import permit to this new interstate movement permit. If abolishing permits is *not* fiscally neutral, then how will the revenues lost due to the changes in the export and import permits be recovered?

Over the last 6 years, TAIS has issued an average of 140 export permits a year, at a fee of \$75 each, generating revenues of \$10,500 annually – more than the revenue generated by the intrastate permits. TAIS has also issued an average of 126 import permits a year, at \$100 each, generating average revenues of \$12,600 annually; while some of that will remain, the conversion to a year-long interstate movement permit is likely to reduce those revenues as well.

Will this create more pressure for TAIS to use beekeeper registration as a revenue generator?

Given that the proponents of HB 2670 have said that registration fees are intended to offset the loss of revenue from abolishing the intrastate permit, and have not suggested any other mechanism for offsetting the loss of revenue from abolishing the export permit and reducing the number of import permits needed, the answer would appear to be yes.

For these reasons, FARFA urges the committee members to vote no on HB 2670. We would support the bill if it were narrowed to repealing the intrastate and export permits, the issues on which there is consensus in the beekeeping community.

Respectfully submitted:

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