**Attachment 4**

**Existing Statutes/Rules Regarding Pollinator Protection**

**California:** : <http://www.cdpr.ca.gov/docs/legbills/calcode/030203.htm>, and

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fac&group=29001-30000&file=29100-29103>

Summary: beekeepers who choose to register their locations are to be notified at least 48 hours prior to impending pesticide applications which may be toxic to bees within one mile of their registered apiaries. If the beekeepers choose not to move, cover, or otherwise protect their colonies, the pesticide application can proceed providing that all label restrictions are followed.

***6652. Availability for Notification.***

*(a) Each beekeeper who desires advance notice of applications of pesticides shall inform the commissioner of a two-hour period between 6 a.m. and 8 p.m. each day, during which time the beekeeper shall be available for contact, at the beekeeper's expense, to receive advance notice from persons intending to apply pesticide(s). This request for notification shall expire on December 31 each year.*

*(b) This Section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this Section and those of Section 6656, Section 6656 shall prevail.*

*NOTE: Authority cited: Section 11456 and 29102, Food and Agricultural Code.*

***6654. Notification to Beekeepers.***

*(a) Each person intending to apply any pesticide toxic to bees to a blossoming plant shall, prior to the application, inquire of the commissioner, or of a notification service designated by the commissioner, whether any beekeeper with apiaries within one mile of the application site has requested notice of such application.*

*(b) If the person performing pest control is advised of a request for notification, he or she shall notify the beekeeper, at least 48 hours in advance of the application, of the time and place the application is to be made, the crop and acreage to be treated, the method of application, the identity and dosage rate of the application to be applied, and how the person performing pest control may be contacted by the beekeeper. This time may be increased or decreased by the commissioner, or by an agreement of both the beekeeper and the person performing the pest control work.*

*(c) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.*

*NOTE: Authority cited: Section 29102, Food and Agricultural Code.*

***6655. Notification Region for Butte, Glenn and Tehama Counties.***

*(a) The counties of Butte, Glenn, and Tehama are established as a region for the notification of apiary owners of pesticide applications by pest control operators who are registered with the commissioners of any of these counties pursuant to Section 11732 of the Food and Agricultural Code, and who are required to give notification to beekeepers pursuant to Section 6654.*

*(b) The agricultural commissioner of Glenn County shall be the coordinator for the region.*

*(c) Pest control operators specified in (a) shall pay an annual fee of $75.00 to the coordinator. The fee shall be paid at the same time the operator registers with any of the commissioners in the region as specified in (a).*

*(d) Beekeepers who have filed a request with any of the agricultural commissioners of the region for notification of pesticide usage pursuant to Section 29101 of the Food and Agricultural Code, shall pay an annual fee to the coordinator in accordance with the following schedule:*

|  |  |
| --- | --- |
| *Beehives* | *Annual Fee* |
| *1 to 100* | *$ 10.00* |
| *101 to 500* | *$ 25.00* |
| *501 to 2,000* | *$ 50.00* |
| *over 2,000* | *$100.00* |

*The fee shall be paid at the same time the beekeeper files a request for notification of pesticide applications with any of the commissioners of the region.*

*NOTE: Authority cited: Sections 11456, 29080, 29081 and 29082, Food and Agricultural Code.*

***6656. Citrus/Bee Protection Area.***

*(a) The area within one mile of any citrus planting of one acre or more in Fresno, Kern, or Tulare County is designated as a citrus/bee protection area.*

*(b) The citrus bloom period, in any citrus grove, for purposes of declaring bloom and label interpretation, shall be from when 10 percent of the total citrus blossoms are open until 75 percent of the blossom petal on the north side of the trees have fallen. The commissioner shall give public notice of the official beginning and ending dates of each citrus bloom period for each citrus growing district in the county, at least three days before establishing such dates.*

*(c) Pesticide applications may be made 48 hours or more after the official end of citrus bloom without advance notification to beekeepers until March 15 of the following year pursuant to section 6654(c). Growers/pesticide applicators wishing to make pesticide applications prior to 48 hours after the official end of bloom shall follow the inquiry and notification procedures specified in subsections(a) and (b) of section 6654.*

*(d) Each person who owns or operates any apiary within a citrus/bee protection area from March 15 through May 31, shall file a written notice of apiary locations with the commissioner before March 15 and shall update such notice, including notice of departure from the citrus/bee protection area.*

*(e) Within a citrus/bee protection area, each beekeeper who desires notifications of applications of pesticides shall be available for telephone contact at the beekeeper's expense between 4 p.m. and 7 p.m., Monday through Saturday from March 15 through May 31, to receive advance notice for persons intending to apply pesticide(s).*

*(f) Any person intending to apply a pesticide toxic to bees to citrus during a citrus bloom period, except as otherwise provided in this subsection, shall file a notice of intent with the commissioner as provided in section 6434(b) at least 48 hours prior to the intended application. This subsection shall not apply to pesticides listed in section 6656(g) applied when bees are inactive.*

*(g) Notwithstanding section 6654(b), the following pesticide applications may be made within a citrus/bee protection area during the citrus bloom period when bees are inactive without notifications to beekeepers:  
(1) Methomyl (Lannate);  
(2) formetanate (Carzol);  
(3) Chlorpyrifos (Lorsban);  
(4) Any pesticide applied so that the RT period shown on the labeling will expire before the next period of bee activity.*

*(h) Except for applications of pesticides listed in subsection (g), and applications of pesticides that are not toxic to bees, within a citrus/bee protection area during the citrus bloom period, an application delay of 48 hours or more requires that the person intending to apply the pesticide re-contact beekeepers and inform them of the change in scheduling.  
(i) The following applications to citrus are prohibited within a citrus/bee protection area:*

*(1) Carbaryl (Sevin) from first bloom until complete petal fall.  
(2) Any pesticide toxic to bees, except those exempted in subsection (g) during a citrus bloom period, unless the need for control of lepidoptera larvae or citrus thrips (Scirtothrips citri) has been established by written recommendation of a representative of the University of California, Agricultural Extension Service, or a licensed agricultural pest control adviser. The recommendation shall state either that the citrus planting does not meet the citrus bloom period criteria, or why alternatives less hazardous to bees would not be effective. For azinphos-methyl (Guthion), this requirement shall remain in effect until complete petal fall.*

*NOTE: Authority cited: Sections 11456 and 29102, Food and Agricultural Code.*

**Iowa:** http://www.iowaagriculture.gov/Pesticide/pdf/Ag\_CH45\_Pesticides.pdf

Summary: Requires registration of apiary locations, and prohibits application of pesticides between 8 a.m. and 6 p.m. which are labeled as toxic to bees within one mile of registered locations when crops are blooming.

Iowa Administrative Code Chapter 21-45.31. (206). :

*45.31(1) Owners of apiaries, in order to protect their bees from pesticide applications, shall register the location of their apiaries with the state apiarist. Registration shall be on forms provided by the department. The registration expires December 31 each year and may be renewed the following year.*

*45.31(2) Between 8 a.m. and 6 p.m., a commercial applicator shall not apply to blooming crops pesticides labeled as toxic to bees when the commercial applicator is located within one mile of a registered apiary. A commercial applicator shall be responsible for maintaining the one-mile distance from apiaries that are registered and listed on the sensitive crop registry on the first day of each month.*

**New Jersey** http://www.lexisnexis.com/hottopics/njcode/

Summary: Requires contact of state apiarist before exterminating nuisance bee colonies and prohibits destruction without approval of state apiarist.

*TITLE 2. AGRICULTURE CHAPTER 24. DISEASES OF BEES SUBCHAPTER 6. PRESERVATION OF HONEY BEE COLONIES*

*2:24-6.1 Relocating honey bee colonies   
  
   (a) To preserve honey bee colonies in the State, any person including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators operating in the State shall contact the State Apiarist by phone at least 24 hours in advance of extermination of honey bees to obtain assistance in trying to relocate nuisance honey bee colonies or hanging swarms of honey bees, in lieu of destroying said honey bees. Honey bees shall not be destroyed without prior approval from the State Apiarist.  
  
(b) In the event the State Apiarist is not reachable, any person including certified and licensed responsible pesticide applicators and commercial pesticide applicators and operators shall attempt to contact no fewer than three beekeepers identified by the New Jersey Beekeepers Association as swarm collectors servicing the affected county, in order to obtain assistance in relocating nuisance honey bee colonies or hanging swarms before nuisance honey bee colonies or hanging swarms of honey bees may be destroyed.  
  
(c) The New Jersey Beekeepers Association maintains a website listing beekeepers offering to collect honey bee swarms and colonies inside structures at:*[*http://cjba.njbeekeepers.org/swarms.htm*](http://cjba.njbeekeepers.org/swarms.htm)*.*

**Arizona:** <http://www.azleg.gov/ars/3/00367-02.htm>

Summary: Requires permission of property owner/lessee before placing bees and notification of commercial agriculture where bees “may forage”; and provision of contact information. Requires notification of beekeeper when application of “bee sensitive” pesticide is applied (no time frame specified).

*3-367.02. Notification by beekeepers of bees located in a commercial agricultural area*

*A. Before locating bees on an apiary site, the owner of the bees shall obtain the landowner's or lessee's permission and notify in writing persons engaged in commercial agriculture on whose land the bees may forage. The notice shall include the beekeeper's address and telephone number, the location of the hives within a quarter section and the exact dates that the bees will be in the area.*

*B. After receiving the notice required by subsection A, the person who engages in commercial agriculture shall inform the beekeeper, before application, when a bee sensitive pesticide will be applied to the area in which the bees are foraging.*

*C. A failure by the beekeeper or the owner of the bees to notify the person or persons who engage in commercial agriculture as provided by subsection A constitutes prima facie evidence that no loss occurred due to a pesticide application and no pesticide violation related to bees has occurred.*

**Idaho:** <http://adminrules.idaho.gov/rules/current/02/0303.pdf>

***400. RESTRICTIONS TO PROTECT POLLINATORS.***

***01. Bee Restrictions****. Any pesticide that is toxic to bees shall not be applied to any agricultural crop when such crop is in bloom or when bees are actively foraging on blooming weeds in the crop being sprayed except during the period beginning three (3) hours before sunset until three (3) hours after sunrise. (3-30-01)*

***02. Green Pea Exception****. In the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone: Green (white) pea crops may be sprayed or dusted at any time.*

***03. Other Exceptions****. Pesticides may be applied at any time to sweet corn for processing, hops, potatoes, and beans other than lima beans, subject to all other applicable regulations. (3-20-97)*

*(3-20-97)*

**Tennessee :** <https://www.tn.gov/sos/rules/0080/0080-06/0080-06-14.20090729.pdf>

***0080-06-14-.10 NOTIFICATION TO BEEKEEPERS.***

*(1) Notification shall be given as far in advance as possible to all beekeepers in the area where agricultural ground application of pesticides is to be done. Notification to the Department of Agriculture as far in advance as possible of the time the pesticide application shall be sufficient notice to comply with this regulation. The materials having the least toxic qualities to honeybees shall be used whenever possible.*

***Authority:****T.C.A. §62-21-118.****Administrative History:****Original rule certified June 5, 1974. Repeal and new rule filed September 22, 1982; effective October 22, 1982.*

**Vermont:** <http://agriculture.vermont.gov/sites/ag/files/pdf/pesticide_regulation/Vermont%20Regulations%20for%20Control%20of%20Pesticides%20August%202-1991.pdf>

SECTION IV- RESTRICTIONS ON THE USE AND APPL~CA TlON OF PESTICIDES

3. Protection of Bees: To prevent destruction of pollinating insects and contamjnation of honey crop,. all persons are prohibited from spraying pesticides to flowering crops, including but not limited to alfalfa,· apples, blueberries, clover, pumpkins,'raspberries, squash or trefoil without prior notification of apiculturists who . have established apiaries on the premises. Any individual hiring commercial applicators shall be responsiblefor notification of the apiculturist prior to the application. Apiculturists who are notified of sprayingoperations shall remove their bees from the area or cover the hives to prevent exposure. .

The following pesticides are exempt from the requirement .of Section IV, subsection 3·:

a. Blossom thinning sprays consisting of sodium salts or 4,6-Dinitro-o-cresol(DNC) or Dinitro

orthocylcohexylphenol.

b. Fungicides.

4.

**Massachusetts –** <http://www.mass.gov/eea/docs/agr/legal/regs/333-cmr-13-00.pdf>

**Summary:** Restricts use of microencapsulated methyl parathion; restricts application of products with warning statement on label regarding bees to certain crops while in bloom without 24 hours notification with 2.5 miles of application site.

Existing Language:

13.07: Protection of Honey Bees

(1) Use of Microencapsulated Methyl Parathion. Microencapsulated methyl parathion shall be used or applied in Massachusetts only as provided for below: (a) Microencapsulated methyl parathion shall only be used or applied to control first generation European corn borer on sweet corn, San Jose scale on apples, or for those uses which the Department finds do not expose honey bee populations to the spray pattern or the resultant residues of the pesticide. (b) Applications to control European corn borer shall not be made after July 1st of any year, unless such date is amended by the Department for good cause

(c) Eachuseofmicroencapsulatedmethylparathionshallonlybemadeundertheauthority of a permit issued by the Department.

(d) A condition of any permit issued for outdoor use of microencapsulated methyl parathion shall be that where there exists an occurrence of significant flowering plants being visited by honey bees for the purpose of gathering nectar or pollen in the field or orchard being treated, or on those areas bordering such field or orchard to which spray may drift, applicators must take appropriate steps such as mowing ground cover prior to application to minimize the occurrence of bloom at the time of the pesticide use.

(e) No licensed dealer in restricted pesticides or any other dealer shall sell micro- encapsulated methyl parathion to any person who does not possess a currently valid permit to use this pesticide.

(f) No other person shall sell, trade, or otherwise transfer microencapsulated methyl parathion to any person who does not possess a currently valid permit to use this pesticide.

(g) At least 24 hours prior to any application of microencapsulated methyl parathion, applicators will notify all apiary owners listed on the Department Apiary list whose hives are within five miles of the site of application. Applicators shall also check with known agricultural establishments within a five mile radius of the application site to determine if pollinator hives are on-site, and shall provide at least 24 hours' prior notification of application to any of these establishments that are determined to have pollinator hives on- site.

(2) All persons are prohibited from applying pesticides, which bear a warning statement on the  
label concerning bees, to fruit trees, alfalfa, clover, or trefoil grown as field-crops while in bloom without making reasonable inquiry as to the presence of apiaries on the premises or within a 2.5 mile radius of the application site. If apiaries are found to occur within 2.5 miles of the application site, the applicator shall provide 24 hours' pre-notification to owners of the apiaries. Reasonable inquiry shall consist of obtaining a current Apiary list from the Department and checking with known agricultural establishments within a 2.5-mile radius of the application site to determine if pollinator hives are on-site.

Ohio

<http://codes.ohio.gov/oac/901%3A5-11>

(B) No person shall:

(15) Apply or cause to be applied any pesticide that is required to carry a special warning on its label indicating that it is toxic to honey bees, over an area of one-half acre or more in which the crop-plant is in flower unless the owner or caretaker of any apiary located within one-half mile of the treatment site has been notified by the person no less than twenty-four hours in advance of the intended treatment; provided the apiary is registered and identified as required by section [909.02](http://codes.ohio.gov/orc/909.02) of the Revised Code, and that the apiary has been posted with the name and telephone number of the owner or responsible caretaker.

(16) Apply pesticides which are hazardous to honey bees at times when pollinating insects are actively working in the target area; however, application of calyx sprays on fruits and other similar applications may be made.

Nevada

**NAC 555.470  Protection of bees. (**[NRS 555.380](http://www.leg.state.nv.us/NRS/NRS-555.html#NRS555Sec380)**,**[555.400](http://www.leg.state.nv.us/NRS/NRS-555.html#NRS555Sec400)**)**

     1.  Except as otherwise provided in subsection 2, any licensee who intends to apply to agricultural crops any pesticide known to be harmful to bees shall give notice of that intent to any apiarist having bees on the land to be treated or on adjacent land, so that the apiarist will be able to protect his or her bees.

     2.  The notice is not required if the apiarist has not given the licensee current information regarding the location of the apiary.

     3.  The notice required by this section must be given personally or by telephone to the apiarist.

     4.  Except as otherwise provided in this subsection, the notice must be given not more than 72 hours and not less than 24 hours before the application. Notice of an intent to apply the organophosphorous insecticide Parathion in microencapsulated formulations or carbamate insecticides (Sevin, carbaryl; Furadan, carbofuran) must be given at least 48 hours before the application to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the licensee with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

     5.  The notice required by this section must include:

     (a) The name of the person for whom the application is to be made;

     (b) The location and acreage of the land to be treated; and

     (c) The name of the pesticide to be applied.

     [Dep’t of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 5-2-78; 6-11-80]—(NAC A 2-5-82; 10-14-82; 10-17-86)

<http://www.leg.state.nv.us/nac/NAC-555.html#NAC555Sec470>