

“The miracle is this: The more we share the more we have.”

– Leonard Nimoy

Hobby beekeepers can face a logistical and economic challenge with respect to some pesticide products. Often packages with large quantities suitable for many hives are much cheaper to purchase than packages that include just enough doses to treat two or so hives. For example, a 30-dose pack of Formic Pro (60 strips) costs about \$5.53 per dose, but a hobby-sized pack of two doses (4 strips) costs about \$10.98 per dose. A beekeeper could buy a large pack for use both now and later, but Formic Pro expires after two years so they’d likely only use a handful of doses per hive in that time.

Similarly, Apivar comes in packages with 4, 12 or 60 strips (around 2, 6 or 30 doses, depending on colony strength), costing around \$10, \$8.80 and \$6.50 per dose, respectively. The manufacturer’s [FAQs](#) say, “Apivar strips are packaged in a multi-layer foil pouch that protects the strips from light. Once the packaging is opened, the strips are placed inside the hive, where they are further protected from light sources.... We recommend you install Apivar strips in the hive immediately after opening the package. If a short period of storage is necessary, we suggest placing the strips in a sealed container that provides protection from light and humidity. Further, we recommend that opened Apivar packages not be stored for more than two weeks and that the strips be used as soon as possible.” Losing efficacy quickly after opening the package means that large-quantity packages don’t make economic sense for the typical beekeeper.

A clever person may think that this situation presents a perfect entrepreneurial opportunity to buy a large-quantity package, break it up into smaller quantities and sell those out of the trunk of their car at bee meetings, seemingly creating a win/win for everyone. However, doing so in that manner is a flagrant violation of both state and Federal law. An approved pesticide product is comprised of its ingredients, packaging and official label. If we



A 2-dose pack of Formic Pro sells for about \$11/dose while the 30-dose pack sells for about half that per dose. Can we legally save money by joining together with friends to buy the larger-quantity package and sharing it?

But if we break up packages into smaller units, we are selling products that are not intended for sale in those quantities or in that packaging, i.e. non-approved versions of the product. That’s also the case if we don’t include the official label. In these cases, we would be guilty of distribution of an unregistered pesticide product and subject to fines and other penalties.

But wait, that doesn’t mean we cannot buy 60-packs of Formic Pro (or other pesticide product) and split the cost among friends in order to save some money. But we have to do it in the right way with the right intent.

This is confusing. To sort it all out, I went straight to the source, the NC DA&CS Pesticide Director (Pat Jones) and asked him to provide some clarity. Director Jones said that it is perfectly okay for people to share the cost of a multi-dose package and each person use what they need from it. He said that an important thing to note is that Federal law says that the official EPA label should always stay with the product. That is a critical safety issue. So the best way for that to work is if, say, Cassandra and Meagan agree to share a 10-pack of Apiguard, Cassandra takes the purchased product (complete with label) to her apiary and applies five doses, then Meagan takes the purchased product (complete with label) to her apiary and applies the other five doses. Director

Jones said that it isn't ideal, and a bit questionable, but Meagan could make a copy of the EPA Label and keep it with her share of the product instead of the original – at least the safety concern would be met. Note that we can access the official EPA labels for all pesticides approved for use in NC at <https://www.kellysolutions.com/nc/>.

Director Jones emphasized that what is absolutely illegal at both the state and Federal level is for someone to buy a 10-pack of product and then offer the individual packs for resale. That is distribution of an unregistered product because those individual packs are not intended for resale. Nor can someone, for example, resell bulk Apiguard “by the scoop” because the Federally-licensed product isn't packaged that way. As is mentioned above, the official, approved product is a combination of ingredients, packaging and instructions, and messing with one of those parts invalidates the whole thing.

A clever person may say that the difference between the two scenarios (cost-sharing versus resale) is fairly subtle, but let's be honest with ourselves: that ambiguity isn't genuine. We know exactly what the difference is when we see it and so does the NC DA&CS Pesticide Division! It is likely that with regard to prosecutions, proof of intent would depend on things like the volume of product involved (are we “sharing” 50 ten-packs or just one?), our own use of the product, the terms of the “sharing” etc. It should be obvious when people are acting honestly and when they are not.

There is a big difference between sharing leftovers and operating a small-scale illegal commercial enterprise.

Bottom line... let's get together with our bee buddies and control the Varroa mites in our area. If we are going to have leftover product because of package sizes, cost-share a package with others. Just don't go around presenting ourselves as a pesticide reseller who is busting up multi-treatment packages. To help keep things crystal clear and to encourage appropriate behavior among others, use words like “let's share the cost”, not “buy from me”. Then behave in an honest fashion that is within the parameters of the law. Easy. If the legality of a particular scenario is still unclear, contact your local Cooperative Extension Agent or the NC DA&CS Pesticide Division for guidance. That's why they are there!

Many thanks to NC DA&CS Pesticide Director and fellow beekeeper Pat Jones for his invaluable advice, insights and opinions regarding this topic.

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