

● AGRICULTURAL AVIATION LICENSING LAW OF 2009

STATUTORY CITATION: Miss. Code §§ 69-21-101 – 69-21-128

RELATED REGULATIONS: 2 Miss. Admin. Code 1-3-10

GENERAL SUMMARY: The Agricultural Aviation Licensing Law regulates the licensing of persons engaged in the aerial application of pesticides, poisons, seeds, fertilizer and chemicals on agricultural lands in Mississippi, and requires the registration of all commercial agricultural aircraft in the state.

PROVISIONS APPLICABLE TO AGRICULTURE

LICENSING AND REGISTRATION — It is unlawful for any person to dispense any pesticide, fertilizer or seed by aircraft, either as a pilot or as the operator of such a business, unless the person has an applicator's license or pilot's license issued by the state agriculture department for that purpose. Likewise, all aircraft used for aerial application of agricultural substances must be registered with the department.

FINANCIAL RESPONSIBILITY — Every individual seeking a license for aerial agricultural operations must submit proof of financial responsibility to the state licensing agency, in the form of a surety bond or a liability insurance policy, covering damages resulting from aerial applications. Liability coverage must be in an amount not less than \$100,000 for personal injury, \$300,000 for multiple injuries, and \$100,000 for property damage.

RECORDKEEPING — Aerial applicators are required to keep a record of each pesticide application. The record must include the date of the application, the product used, the rate of application, the crop or site treated, the target pest involved, the number of acres treated, the location of the site, the identity of the property owner, the wind velocity and other climatic conditions at the time of application, the name of the pilot, the registration number of the aircraft used, and a write-up on any accidents or other unusual occurrences during the application.

DUTIES OF THE CHIEF PILOT — The person designated as the chief pilot of an agricultural aircraft operation is responsible for supervision of the operation, for regularly checking records to assure compliance with the law, and for ascertaining that each pilot is aware of and complies with his or her responsibilities under applicable state and federal regulations.

PROHIBITED ACTIVITIES — The enforcement agency may suspend an aerial applicator's or pilot's right to do business in Mississippi if the agency finds that the applicator or pilot has, among other infractions, applied pesticides in a faulty or negligent manner, failed or refused to keep required records or make required reports, performed work in a category for which the applicator or pilot is not licensed, or been convicted of a violation of the federal pesticide laws. It is illegal for anyone in the state to use or apply a pesticide product in a manner inconsistent with its labeling.

APPLICATION RESTRICTIONS — The regulations adopted under the Agricultural Aviation Licensing Law include numerous restrictions on the conditions under which aerial pesticide applications may be conducted, and require applicators and pilots to have meteorological equipment on hand for measuring and recording the geographic coordinates of application sites, wind speed and direction, and air temperatures. Spray equipment is subject to very specific standards for prevention of drift.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, Mississippi State, Mississippi 39762 (662-325-3390).* The Department has charge of licensing aerial applicators and pilots under the Agricultural Aviation Licensing Law, inspecting agricultural aircraft and related equipment, and monitoring aerial agricultural operations in the state. In exercising its enforcement authority, the Department may suspend an applicator's or pilot's right to do business, revoke or suspend the individual's license, or take other appropriate action if it finds that the individual has violated any provision of the law or any of the Department's rules and regulations. Violators are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*