

● **AERONAUTICS LAWS (AERIAL SPRAYING)**

STATUTORY CITATION: N.D. Cent. Code § 2-05-18

RELATED REGULATIONS: N.D. Admin. Code 6-02-02

GENERAL SUMMARY: The state aeronautics statutes include a provision which regulates the aerial spraying of pesticides in North Dakota, largely by requiring the licensing of aerial pesticide applicators and their compliance with administrative regulations adopted by the state aeronautics commission under the law's rulemaking authority.

SPECIFIC TERMS AND CONDITIONS

APPLICATOR LICENSING — Every person or firm engaged in applying pesticides commercially by aircraft must be licensed by the state aeronautics commission as an aerial applicator, and a license decal must be affixed to each aircraft used by the licensee for aerial pesticide operations. As a precondition for licensing, pilots generally must have at least 250 hours of flight time in command of the type of aircraft to be used for agricultural spraying and meet other experience-related qualifications. In addition, operators of aerial application businesses (or their chief pilots) must attend state-approved training, attend an annual aerial applicator safety meeting, or receive the information provided at the annual meeting.

FAA-licensed private pilots may apply pesticides by aircraft to their own land, provided they (1) meet experience criteria similar to those applicable to commercial aerial applicators, (2) provide the state licensing agency with a legal description of the land they own or farm, and (3) do not offer pesticide application services to others for hire or for any other form of compensation.

AIRCRAFT REGISTRATION — All airplanes and helicopters used for aerial application of pesticides must be registered with the state prior to actual use and prior to issuance of an aerial applicator's license to the aircraft's owner or operator. Each such aircraft must be in good functional condition, free from obvious points of leakage and equipped with prescribed shut-off valves to prevent discharge of pesticides over non-target areas.

RECORDKEEPING — The owner, operator, pilot or other person in charge of an aerial pesticide operation must make and preserve for at least 3 years a record of each pesticide application. The record must include the same information as required by the state agriculture department under the Pesticide Act, outlined in the previous entry. By December 1 of each year, the licensee must file an annual summary with the state aeronautics agency, indicating the total number of acres treated for each category of application.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *North Dakota Aeronautics Commission, Bismarck, North Dakota 58502 (701-328-9650)*. The Commission is responsible for licensing aerial pesticide applicators, registering aircraft used to apply pesticides, and monitoring compliance with the procedural requirements imposed on aerial operators. In addition to license revocation, aerial pesticide applicators who violate any of the provisions applicable to their operations are subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.