

● **FEDERAL AVIATION ACT OF 1958**

STATUTORY CITATION: 49 USC §§ 44701 – 44702

RELATED REGULATIONS: 14 CFR Part 137

GENERAL SUMMARY: The Federal Aviation Act regulates the nation's air commerce and establishes controls over airspace, air traffic and navigation, primarily in the interest of public safety and national defense.

SPECIFIC TERMS AND CONDITIONS: Under the Act's rulemaking authority, the administrator of the Federal Aviation Administration has adopted regulations governing agricultural aircraft operations in the U.S. and the issuance of commercial and private agricultural aircraft operator certificates for such operations.

CERTIFICATION — With few exceptions, no one may conduct agricultural aircraft operations (including the application of pesticides and other agricultural chemicals) without an agricultural aircraft operator certificate issued by the FAA. Prerequisites for a certificate include all of the following:

- (1) A commercial or private pilot's license.
- (2) An airworthy and certificated aircraft.
- (3) Passage of a knowledge test, covering (a) pre-flight preparations, (b) safe handling of pesticide products and proper disposal of used containers, (c) general effects of exposure to such products and precautions to be observed in their use, (d) symptoms of poisoning, emergency treatment measures and location of poison control centers, (e) performance capabilities and limitations of the aircraft to be used, and (f) safe flight and pesticide application procedures.
- (4) Passage of a flight skill test, which includes certain prescribed maneuvers commonly performed in aerial pesticide applications.

A facsimile of the agricultural aircraft operator certificate issued to a pilot must be carried on each aircraft the pilot uses for aerial pesticide application purposes. The original certificate, as well as the registration and airworthiness certificates issued for the aircraft itself, must be kept available for inspection at the operator's base location.

OPERATING RULES — Pilots dispensing pesticides and other agricultural chemicals must follow specific rules covering aircraft design, equipment, personnel, and operating procedures. Among other restrictions, no one may dispense any material or substance from an aircraft in a manner that creates a hazard to persons or property on the ground, and aerial applicators may not apply any pesticide registered under the Federal Insecticide, Fungicide, and Rodenticide Act for a use other than that for which it is registered, or contrary to any safety instructions or use limitations on its label.

RECORDS AND REPORTS — Every holder of a commercial agricultural aircraft operator certificate must maintain current records showing (1) the name and address of each person for whom agricultural aircraft services were provided, (2) the date each service was performed, (3) the name and quantity of the pesticide or similar product dispensed for each operation conducted, and (4) the name, address and certificate number of each pilot involved in the operation and the date each pilot met the knowledge and skill requirements described above.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Enforcement Division, Federal Aviation Administration, U.S. Department of Transportation, Washington, D.C. 20591 (202-267-5158)*. Anyone with knowledge of a violation of the agricultural aircraft operations regulations may report it to any FAA regional or district office. The FAA is authorized to conduct investigations, hold hearings, issue subpoenas, require the production of relevant documents, records and property, and take evidence. Individuals or firms found in violation are subject to civil money penalties, seizure of aircraft, suspension or revocation of certification, and criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.