

LEGISLATION AND REGULATIONS

Considerable variation in state regulations of aerial applicators

AERIAL APPLICATORS of agricultural chemicals are regulated in much the same way as the ground applicators. As the use of aircraft in agriculture has increased since the war, there has been a parallel increase in the number of states which regulate the use of aircraft (AG AND FOOD, May 26, page 550).

Regulation of the aircraft in flight is the province of the Civil Aeronautics Board, CAB, and the Civil Aeronautics Administration, the CAA. The federal regulations are not overly severe, and are principally directed to protecting people against misuse of the aircraft, rather than protection of the pilot or the applicator. General opinion seems to be that the regulations by both the state and fed-

eral governments are moderate and practical with the general aim to promote the new industry.

About 26 states have regulations specifically controlling aerial applicators. The aircraft regulations generally are concerned with agricultural requirements and are the responsibility of the state department of agriculture. In states where there is a great amount of aerial application the aerial applicators are jointly controlled by the department of agriculture and the state department of aeronautics.

State Regulations

The state regulations are often very detailed and differ widely from state to

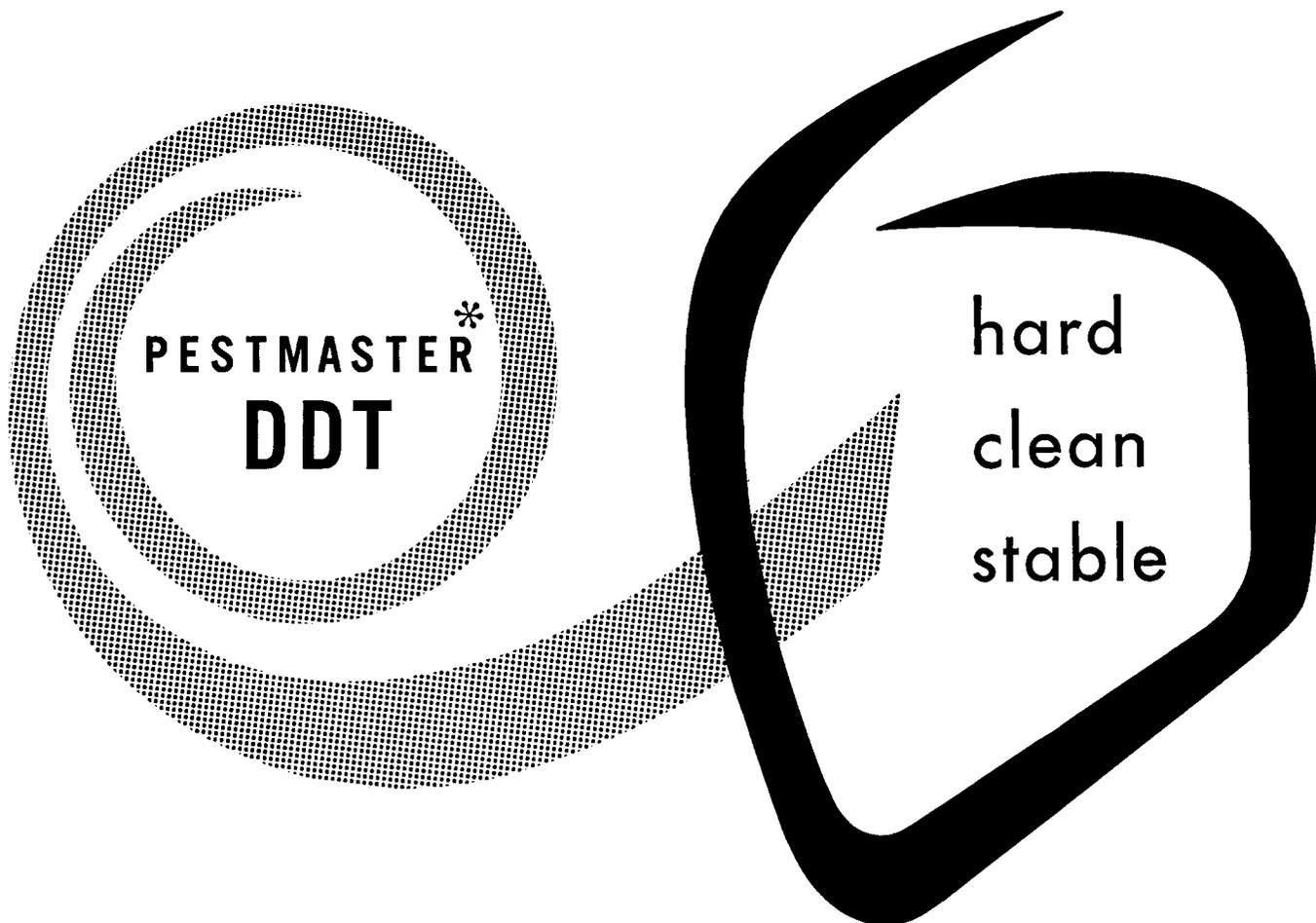
state. This diversity of state laws makes it difficult for applicators to move from one state to another. A draft of a model state agricultural aviation law has been prepared. This proposed model would, like the model state pesticides act, serve to overcome the diversity of state regulations.

State regulations often contain the following provisions: licenses or permits for firms engaged in agricultural aviation. Written examination to qualify pilots for aerial applicators licenses obtained from the state. The pilot requirements, in some cases, exceed the minimums set by the CAA. Liability provisions in the form of insurance or bond to cover public liability, crop or property damage. In addition many states have specific safety application requirements concerning equipment to be used when applying dust or spray and weather conditions under which chemicals can be applied.

Some Typical State Laws Affecting Aerial Applicators

STATE	FINANCIAL RESPONSIBILITY	LICENSE OR PERMIT TO:	EXAMINATIONS	TYPE OF LICENSE	SPECIAL REQUIREMENTS ON USE OF CHEMICALS
Arkansas	Cash bond of \$100 per plane, filed with State Plant Board	Owner or operator	At discretion of chief inspector, State Plant Board	Annual permit for operator and inspection certificate for plane. Pilots must get written authorization from State Plant Board for application of hormone type herbicides	As set forth in circular by State Plant Board
California	Bond, or public liability not less than \$25,000	Any person engaged in the business, individual certificate of qualification to each pilot	Pilots and owner of company	Individual certificate for each employee	As prescribed by the Commissioner of Agriculture
Louisiana	None	None	None	None	Special regulation for hormone type herbicides. High volatile esters illegal
Mississippi	\$10,000 bond	Person or firm intending to apply hormone type herbicides	Pilots and owners, can be oral or written	Annual license issued jointly by State Plant Board and Aeronautics Commission	Hormone type herbicides stringently regulated
Montana	\$25/50,000 public liability and \$25,000 property damage liability insurance	Aircraft and pilots licensed each year	No provisions	Annual license for pilot and plane	None
Oregon	\$10,000 for herbicide damage	Pilot and firm employing pilot	Professional and flying exam to pilots. Exam on use of chemicals for owner of firm.	Annual licenses for pilots and organizations. Each aircraft must be licensed by state	Special regulations on hormone type herbicides and other chemicals as prescribed by the State Department of Agriculture
Texas	\$5,000 surety bond plus \$1000 bond on each plane for application of herbicides	Any person applying herbicides	Pilots and owners of firms	Permit plus fee of not more than 10 cents per acre. Inspection fee for aircraft	Detailed and comprehensive regulations on herbicides
Washington	\$10,000 public liability and property damage	Owner and operator of plane	Comprehensive written exam for pilots	Annual license for plane and pilot	Hormone herbicides specifically regulated in certain areas

Chart Courtesy Farwest General Insurance Agency, Seattle, Wash.



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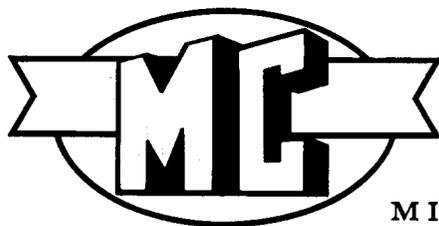
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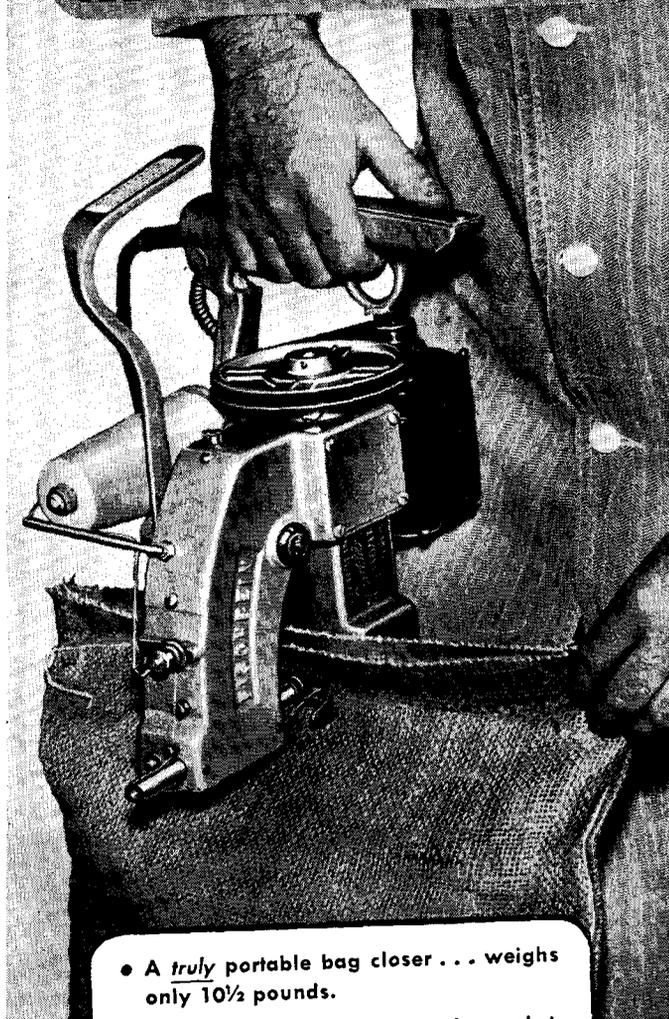
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REGULATIONS

The CAA does not grant special licenses for agricultural flying. Any pilot flying an agricultural aircraft for commercial purposes must hold a commercial pilot's license from the CAA. The commercial pilot's license guarantees that the individual has a certain amount of flying knowledge and experience and generally this is adequate for agricultural work. However, some states do require the pilots to pass an examination on pest control techniques.

Aircraft for agricultural purposes are licensed by the CAA. The CAA enforces the regulations which are drawn up by the Civil Aeronautics Board. Two categories of aircraft licenses are granted by the CAA, standard and restricted. However a plane can be approved for either one of these categories or for both.

The Standard category is granted to normal commercial type aircraft operated under loads recommended by the manufacturer. There can be no unusual modifications of the basic aircraft if the standard category is to be maintained. The Restricted category is the type of license granted to planes which have been extensively modified for crop dusting or spraying; increases in the maximum permitted loads are also possible for restricted aircraft. Restricted aircraft are approved by the CAA for specific purposes only.

The most important difference between the two categories is that the restricted aircraft cannot carry passengers for hire.

All general flying in the U. S. is subject to the CAA regulations; these regulations include everything from air traffic to maintenance. The only regulation specifically at conflict with aerial applicators is one concerning minimum altitudes. The CAA prescribes a minimum altitude of 500 feet for aircraft flying over open country. However applicators can obtain waivers from the CAA for low flying. The regulation of the aircraft in flight is generally not considered by the state regulations, there are no provisions re minimum or maximum altitudes, for instance.

As shown above the states' regulations are primarily concerned with protection of property and crops against damage from the crop dusters. The financial responsibility requirement is an example of this. Special examinations in those states where they are required are generally concerned with determining the applicator's knowledge on the capabilities and limitations of chemicals applied from the air. Recently several states have issued rather strict limitations on the use of aircraft for the application of hormone type herbicides (AG AND FOOD, Mar. 31, page 384).