

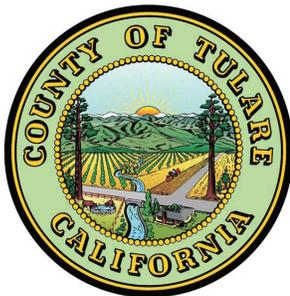


# Tulare County Ag News

## SPECIAL EDITION

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### *A Note from the Commissioner*

This spring, the FAA found that 21% of commercial drones were being used for agricultural purposes. As an Agricultural Commissioner, my concern lies when they are used to as an application method for applying pesticides. I am sure many of you have seen advertisements for drones that are retrofitted with spray tanks. They look really cool, but you cannot just buy a drone and start making applications, even for your personal use. Do not get caught in any social media blunder because the Federal Aviation Administration takes complaint calls and investigates cases as needed. Federal drone regulations apply to both private and commercial agricultural aircraft.



*Agricultural Commissioner,  
Marilyn Kinoshita*

The Federal Aviation Administration (FAA) has strict regulations for ANYONE intending to utilize an Unmanned Aircraft System (UAS) for Agricultural Aircraft Operations with the intent of dispensing any economic poison:

- any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, *except viruses on or in humans or other animals*, which the Secretary of Agriculture shall declare to be a pest
- any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.



**NO DRONE ZONE**

You cannot apply water, pesticides, fungicides, herbicides, seeds, or fertilizers from a UAS without an FAA Part 137 certification.

Part 137 regulations require that pilots must become certified in order to operate aircraft that fall under 137 regulations. Using a drone for dispensing of live insects, crop monitoring or crop photography are allowable exceptions whereby you do not need to comply with Part 137.

**As of this writing, Tulare County has no licensed UAS pilots.**

## Frequently Asked Questions

### How does a pilot get certified?

The certification is somewhat different for private and commercial pilots, but the process includes:

- 1) Submitting a Letter of Intent to the FAA
- 2) Submitting an application
- 3) Demonstrating that you have an appropriately equipped aircraft
- 4) Proving that you (the applicant) can comply with Title 14 Code of Federal Regulations and safe operating practices



*Yamaha RMAX, a FAA approved agricultural drone, during an application*

Even with the Part 137 certification, the certified person is still subject to approval by state and local authorities and must meet any applicable Environmental Protection Agency regulations.

If you are flying a drone for a business or selling your services, then you also need to be certified under 14 CFR Part 107. A Part 107 remote pilot certificate with a small UAS rating would be required to operate because the operation would be part of a commercial enterprise. Depending on what you plan to dispense from your drone, you may also need a waiver for Part 107.46 requirements. This particular section states that a UAS cannot carry hazardous materials. A list of products can be found on the FAA website.

### Who do I contact if my question is not answered on the [www.FAA.gov/UAS](http://www.FAA.gov/UAS) website?

Contact the FAA's UAS Integration Office via [uashelp@faa.gov](mailto:uashelp@faa.gov) or by calling 844-FLY-MY-UA.

### Is the Small UAS Rule effective?

Yes. The Small UAS Rule came into effect on August 29, 2016.

### Law Enforcement Engagement

Everyone knows that there has been a significant increase in the unauthorized use of small, inexpensive UAS by individuals and organizations. Not that long ago, my pesticide staff encountered a national news crew who jumped out of a black van and filmed a citrus grower making an application. Two drone-savvy sheriff deputies arrived on scene and found that the registered licensee was allowing a noncertified operator to fly the drone. There was also an airport within two miles, so he filed a report. While the FAA retains the responsibility for enforcing Federal Aviation Regulations pertaining to the use of UAS, state and local Law Enforcement Agencies are often in the best position to immediately investigate and pursue enforcement actions to stop unauthorized or unsafe UAS operations.



B4UFLY is available for free download in the App Store for iOS and Google Play store for Android. It will detail any sensitive sites and **No Drone Zones** within Tulare County. B4UFLY is an easy-to-use application that helps unmanned aircraft operators determine whether there are any restrictions or requirements in effect at the location where they want to fly. Enable location services on your phone so the app knows exactly where you are standing.

Find B4UFLY in the [App Store](#) for iOS and [Google Play store](#) for Android.

# Fly for Work/Business

## Pilot Requirements

- Must be at least 16 years old
- Must pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center+
- Must be vetted by the Transportation Safety Administration (TSA)

+ A person who already holds a pilot certificate issued under 14 CFR part 61 and has successfully completed a flight review within the previous 24 months can complete a part 107 online training course at [www.faasafety.gov](http://www.faasafety.gov) to satisfy this requirement.

## Aircraft Requirements

- Less than 55 lbs.
- Must be registered

## Operating Rules

- Class G airspace\*
- Must keep the aircraft in sight (visual line-of-sight)\*
- Must fly under 400 feet\*
- Must fly during the day\*
- Must fly at or below 100 mph\*
- Must yield right of way to manned aircraft\*
- Must NOT fly over people\*
- Must NOT fly from a moving vehicle\*

\* All of these rules are subject to waiver



*Yamaha RMAX during an application*

## **These are the current California Food and Agriculture Code requirements to operate a drone in pest control:**

Under FAC 11901, the operator needs a Pest Control Aircraft Pilot's certificate from DPR to operate his drone. This requires the operator have a FAA commercial pilot's license and medical certificate regardless of whether he qualifies for an exemption from FAA.

Under FAC 11920, the operator needs to register with the appropriate County Ag Commissioner (CAC).

Under FAC 11701, the operator needs to be licensed as a Pest Control Business through DPR if he is performing pest control for hire.

*CACs can take an enforcement action against a person flying a drone in pest control for violating any of the above.*

*This article is, in no way, meant to be all encompassing, but instead, provide basic information about compliance.*

## Getting Started

Operating an unmanned aircraft depend on why you want to fly:

	Fly for Fun	Fly for Work
<b>Pilot Requirements</b>	No pilot requirements	Must have Remote Pilot Airman Certificate Must be 16 years old Must pass TSA vetting
<b>Aircraft Requirements</b>	Unless exclusively operated in compliance with Section 336 of Public Law 112-95 ( <i>Special Rule for Model Aircraft</i> ), the aircraft must be registered if over 0.55 lbs.	Must be less than 55 lbs. Must be registered if over 0.55 lbs. (online) Must undergo pre-flight check to ensure UAS is in condition for safe operation
<b>Location Requirements</b>	5 miles from airports without prior notification to airport and air traffic control	Class G airspace*
<b>Operating Rules</b>	Must ALWAYS yield right of way to manned aircraft Must keep the aircraft in sight (visual line-of-sight) UAS must be under 55 lbs. Must follow community-based safety guidelines Must notify airport and air traffic control tower before flying within 5 miles of an	Must keep the aircraft in sight (visual line-of-sight)* Must fly under 400 feet* Must fly during the day* Must fly at or below 100 mph* Must yield right of way to manned aircraft* Must NOT fly over people* Must NOT fly from a moving vehicle*
<b>Example Applications</b>	Educational or recreational flying only	Flying for commercial use (e.g. providing aerial surveying or photography services) Flying incidental to a business (e.g. doing roof inspections or real estate photography)
<b>Legal or Regulatory Basis</b>	Public Law 112-95, Section 336 – <i>Special Rule for Model Aircraft</i> FAA Interpretation of the Special Rule for Model Aircraft	Title 14 of the Code of Federal Regulation (14 CFR) Part 107

Chart courtesy of the Federal Aviation Association

...on another note

# Free Disposal?

**I thought the Ag Commissioner was going to hold a Legacy Chemical Disposal Day????!!!!**

Yes, we still plan to hold an event but we are still waiting for Region 9 USEPA to release funds that were tentatively approved. Without matching dollars, our event would be substantially smaller. Our intent is to offer this opportunity to all Tulare County growers. We have heard from many people who believe it would be a great service.