

What do you need *before* applying for an unmanned aerial applicator license in North Dakota?

No person may engage in the activity or business of aerial application without first obtaining an aerial applicator's license from the North Dakota Aeronautics Commission [[NDCC 6-02-02](#)]. The following processes are not conducted *by* the office of the North Dakota Aeronautics Commission but each section in blue **MUST** be satisfied *before* applying for an aerial applicator license in ND. Use the check list below to assist you while you work your way toward a license to spray in ND. Our office validates all certificates *before* granting a license.

DO YOU HAVE

■ Part 107 (Remote Pilot)

In order to fly your drone under the FAA's Small UAS Rule (Part 107), you must obtain a Remote Pilot Certificate from the FAA. This certificate demonstrates that you understand the regulations, operating requirements, and procedures for safely flying drones.

- Find a Test Center: <https://faa.psiexams.com/faa/login>

DO YOU HAVE

■ Part 137 (Dispensing Chemicals and Ag Products with UAS)

The regulation for operating drones to dispense or spray substances (including disinfectants) is 14 CFR Part 137, Agricultural Aircraft Operations.

WHO TO CONTACT: (Direct questions here)

- Fargo FSDO ([Flight Standards District Office](#))
- 4620 Amber Valley Parkway, Fargo ND 58104 Ph: 701-492-5800

There is a new streamlined process for those applying for a [Part 137 UAS Certificate](#). Applicants are no longer required to go thru FSDO. Complete form [FAA 8710-3](#) (the applicant name must match the name of the Part 137 exemption holder) and submit exemption number to UAS137Certificates@faa.gov for the FAA to begin the certification process.

Under 14 CFR Part 137, the following aircraft operations are considered agricultural by nature:

- Dispensing any economic poison:
 - The FAA defines an economic poison as any substance that acts as a pesticide, plant regulator, or defoliant.
 - The FAA considers chemicals used as disinfectants for viruses to fall in the category of economic poisons as defined in part 137.3.
- Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control.
- Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation.

Not all substances fall under this regulation, so you should first check to see if your proposed operation is regulated by Part 137. If the substance you plan to dispense does fall within the definitions in [Section 137.3](#) refer to [Certification Process for Agricultural Aircraft Operators](#) for guidance on the requirements you must meet before dispensing it.

DO YOU HAVE

■ Part 107 and 137 Exemptions

After confirming that the dispensing you want to do by drone is in fact agricultural, and therefore subject to the Part 137 rules, the next step is [to petition the FAA for an exemption](#) from any relevant rules so that you can conduct your operation. For drones that weigh less than 55 pounds, including the weight of the substance to be dispersed, you will be seeking exemption from Part 107.36 (which prohibits using a drone to carry hazardous materials), as well as several Part 137 regulations. For drones that weigh more than 55 pounds (operated under 14 CFR Part 91) require exemption from several regulations in 14 CFR 61, 91, and 137.

DO YOU HAVE

■ Aircraft Registration (Both State and Federal require registration)

Owners must register their UAS with the FAA via [FAA Drone Zone](#) if it weighs more than 0.55 pounds and **less than** 55 pounds. Unmanned aircraft weighing **more than** 55 pounds cannot use the FAA's online registration process and must register by [paper form](#) using AC Form [8050-1](#). Drones that will aerial apply in North Dakota also need to be registered at the [state level](#).

DO YOU HAVE

■ State Pesticide Certificate:

It is required that you have a current North Dakota Pesticide Certificate – Class: Air/Ground Core.

WHO TO CONTACT: (Direct questions here)

- [NDSU Extension Service](#) at (701) 231-7180
- NDSU Dept 7060 - PO Box 6050 - Fargo ND 58108-6050
- Lise.alves@ndsu.edu

● What is Pesticide Certification? (Private or Commercial)

- Pesticide certification is, simply put, the process in which an individual becomes certified to apply pesticides. The application of pesticides in the U.S. without certification is illegal and punishable by U.S. law. Certification differs between private and commercial applicators.

- <https://www.ndsu.edu/agriculture/ag-hub/programs/pesticide-certification-program/certification-info>

● Obtaining Reciprocity Certification in North Dakota

- **If you want to apply a restricted-use pesticide in North Dakota**, you must hold a North Dakota certificate. **A valid certification in another state may help you obtain a North Dakota certificate**, but it does not substitute for one.
- North Dakota may issue a certification on a reciprocal basis, without examination, to nonresidents who are certified to use restricted-use pesticides under an EPA-approved program. Whether reciprocity exists or not depends on other state's regulations and how similar they are to North Dakota. Eligibility for an individual holding a certificate is determined on a case-by-case basis.

● Financial Responsibility (Commercial Applicator Only)

- Certified commercial applicators must obtain and provide proof of financial responsibility. **If proof of financial responsibility is not provided and maintained, the certificate holder is in violation of the law.** The minimum amount of coverage required as proof of financial responsibility is:
 - a notarized letter from an officer of a financial institution or a certified public accountant attesting to the existence of net assets at least \$100,000;
 - a performance bond of at least \$100,000;
 - a coverage of \$100,000 general liability per occurrence provide documentation that you qualify for an exemption.

For more detailed information about financial responsibility and how to be in compliance with North Dakota law, contact your local NDSU county extension office, NDSU Extension Pesticide Program, or access the NDSU Extension Pesticide Program web page at: <http://ndsupesticide.org>.

Reasons why chemical certificates might not yet be produced: The exam process was not complete, NDSU is waiting for proof of financial responsibility, the forwarding address or address is incomplete, or the certificate fee has not been submitted.

After the criteria above is satisfied, you may now apply for a [North Dakota Unmanned Aerial Applicator License](#).