

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 aerial apply in North Dakota. Our office validates all certificates *before* granting a license.

There is preparation involved in collecting documentation and working with different agencies.

DO YOU HAVE

■ **FAA Part 107 Certification (Remote Pilot) | Unmanned Aircraft System (UAS):**

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>
- FAA Study Materials: [Part 107 Study Materials](#)
- [FAA Drone Contact Info](#) or call 844-FLY-MY-UA

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

■ **FAA Part 107 and FAA 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. UAS that are greater than 55 pounds at takeoff will also need to get a Certificate of Authorization (COA). This COA and the requirements are included in the Exemption for UAS greater than 55 pounds. If you already have a **manned 137 operating certificate** and you want to add a UAS, you may contact the FAA Safety Team (FAAST) here: UAS137Certificates@faa.gov or 701-492-5800. The biggest difference in operations under 137 with the UAS is the requirement for an exemption. Exemptions are publicly available and searchable [here](#).

DO YOU HAVE

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

14 CFR Part 137 (Agricultural Aircraft Operations) governs the use of aircraft, including drones, to dispense or spray substances (including disinfectants).

WHO TO CONTACT: (Direct questions here)

- Fargo FSDO ([Flight Standards District Office](#))
- 4620 Amber Valley Parkway, Fargo ND 58104 Ph: 701-492-5800
- 7-agl-far-fsdo@faa.gov
- uashelp@faa.gov (UAS Support Center)

There is a new streamlined process for new applicants applying for a [Part 137 UAS Certificate](#). Applicants are no longer required to go through their local FSDO. Complete form [FAA 8710-3](#) and submit their exemption number to UAS137Certificates@faa.gov for the FAA to begin the certification process.

DO YOU HAVE

State Pesticide Certificate:

To aerial apply, 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>
 - **The PAASS Program**
 - North Dakota Administrative Code [60-03-01-5.1\(4\)](#) requires that all aerial applicators seeking recertification must show proof of attendance at a Professional Aerial Applicators Support System (PAASS) program at least one time every three years before recertification may be issued.
 - **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>.

NOW YOU MAY APPLY FOR:

NORTH DAKOTA UNMANNED AERIAL APPLICATOR LICENSE:

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

- Why is the North Dakota Aeronautics Commission involved?
 - **Anyone who sprays *by air* must follow all aeronautical regulations. Because of the 'AIR' component on your North Dakota Pesticide Certificate, you fall under the aeronautic requirements of the state, for which our office is the designated regulatory agency. Refer to [NDCC 6-02-02](#) and [our website](#).**

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