



Fact Sheet on the Danger of Towers to Low-Level Aviators

Importance of the Aerial Application Industry

- Aerial applicators treat 71 million acres of cropland per year: 18.75% of the treated commercial cropland nationwide.
- Aerial applicators also control mosquitos, fight fires, and protect the environment from invasive species.

Towers

- Before legislation was enacted in 2016, towers between 50 and 200 feet tall and ten feet in diameter in rural areas were not required to be registered in a database or visibly marked. FAA is in the process of implementing this requirement.
- Since 2006, unmarked towers when flying 100+ mph while just 10 ft. off the ground have resulted in over 15 serious ag aircraft accidents and four fatalities.
- In 2013, the National Transportation Safety Board recommended guidance for marking certain towers below 200 ft.
 - These recommendations included creating and maintaining a database for the required registration of certain towers and a requirement to mark and light (where feasible) certain towers.
- In 2014, a milestone settlement was reached on a wrongful death action filed by the family of Steve Allen, an agricultural aviator who was tragically killed by an unmarked tower. The settlement awarded \$6.7 million to the aviator's family, which was to be paid by the tower manufacturer, land owner, farmer, and others for not marking or making known the location of the tower.
- Tower marking has also been mandated in 15 states including Kansas, North Dakota, Idaho, Missouri, Mississippi, California, Colorado, Montana, Nebraska, North Carolina, Oklahoma, South Dakota, Texas, Washington, and Wyoming.

Tower Marking Legislation

- After 13+ years of educating Congress and the executive branch about this issue, tower database and marking requirements were finally included via voice vote in the FAA Extension, Safety, and Security Act of 2016 and then enacted into law.
 - FAA is working on implementing the law.
- The bill requires the registration in a database and marking of the most dangerous towers (less than 10 ft. in diameter) between 50 and 200 feet in agricultural and rural areas. There are many exemptions to prevent needlessly marking towers.
- The FAA has missed its July 2017 deadline to implement the tower making law.
- Now, communication tower associations are seeking to exempt all their towers from these requirements.
 - These associations claim the cost of tower marking may be in the hundreds of millions of dollars and that there aren't enough tower painters to paint all the towers in the U.S.
 - NAAA has proposed several alternatives to address the communication tower associations' cost concerns while ensuring low-level aviators' safety. These include eliminating the painting requirement and instead requiring the installation of lights or ball markers, which, while not ideal for pilots, are more cost-effective; and having the new marking rules only apply to towers erected in the future, not existing towers. The number of wind-energy, meteorological evaluation towers and communication

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towers to broadcast broad-band and the like is expected to grow significantly in the next decade and beyond, thereby exacerbating the risks for aerial applicators.

Bottom Line

- Unmarked towers between 50 and 200 feet with a small diameter are dangerous for aviators and have resulted in fatal injury.
- Congress must ensure that it does not weaken tower marking and database provisions enacted as part of the FAA Extension, Safety, and Security Act of 2016 law, especially considering the marked growth for these type of towers over the next few years and the danger they pose to low-flying aircraft.
 - Congress should keep pressure on the FAA to implement the tower-marking rule since it has missed the July 2017 deadline.

NAAA represents approximately 1,800 members in 46 states. NAAA member operator/pilots are licensed as commercial applicators that use aircraft to enhance food, fiber and bio-fuel production, protect forestry, and control health-threatening pests. Furthermore, through its affiliation with the National Agricultural Aviation Research & Education Fund (NAAREF), NAAA contributes to research and education programs aimed at enhancing the efficacy and safety of aerial application.

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Updated January 2018