## **NAAA** eNewsletter

## California Unveils 2050 Goals for Eliminating Key Pesticides

California plans to ban toxic pesticides by 2050, according to a new report. California Gov. Gavin Newsome's administration has released a policy framework for eliminating or significantly reducing the use of controversial pesticides by 2050 in California. (Click **here** to see the framework.)

The report, generated by a stakeholder-led task force, details actions targeting pesticides that pose the greatest threats to the environment or socially disadvantaged communities. Pesticides like fumigants, neonicotinoids and organophosphates fall within the priority parameters. Dubbed a sustainable pest management roadmap, the set of recommendations was nearly two years in the making and involved 25 members in the work group, ranging from academics to farmers, industry groups and pesticide manufacturers—alongside environmental activists and tribal members. The document makes clear that group members sometimes had opposing views on the recommended actions and "at times struggled to reconcile their divergent thinking." While the members have signed off on the final report, "not every member values any one of the goals or recommended actions equally."

Along with reducing pesticide use, the report prioritizes the need for state and federal governments to shore up investments in pest prevention, streamlining registrations and evaluations for new products and educating the public on existing safety standards. It also goes beyond rural issues, proposing new standards for urban settings, where nonagricultural uses account for as much as 55% of pesticide sales in California and up to 75% of the reported illnesses.

The report touts a more holistic approach to pesticide management, exploring alternatives to targeted pesticide ingredients before enacting a ban on their use. Soon after taking office in 2019, Gov. Newsom fractured the state's relationship with the agriculture community by ordering the cancellation of chlorpyrifos before the Department of Pesticide Regulation (DPR) completed an evaluation. Afterward, DPR formed a working group to find alternatives to the insecticide. Among the recommendations, the stakeholders urged the department to expand the alternatives work group to develop a more comprehensive strategy that goes beyond one pesticide and addresses other challenges in research, cooperative extension and funding.

## States, Farm Groups, Others File Suit Over Biden Administration's Far-reaching WOTUS Rule Redefinition

States and 17 farm, construction and mining groups filed suit in federal court last month to overturn the Biden administration's definition of the upstream reach of water pollution laws. The state of Texas and the American Farm Bureau Federation are two of many entities involved in the suits. The plaintiffs argue that the new Waters of the United States (WOTUS) rule finalized by the Biden administration was irresponsibly broad and covered land and waterways that have no connection to the navigable waters under federal jurisdiction.

The lawsuits to overturn the WOTUS rule were filed in federal district court on Jan. 18, the same day the rule was published in the Federal Register. Like the challenges to the Obama definition, the lawsuits criticized the new WOTUS definition as overly broad, covering areas that may not even be with water. NAAA has concerns with expanding the definition of WOTUS because it would expand the conditions whereby applicators may have to obtain NPDES pesticide general permits under the Clean Water Act. These permits are time-consuming, expensive, duplicative and unnecessary for applicators because pesticides are already tested for water safety under the Federal Insecticide, Fungicide and Rodenticide Act.

Congress said in 1972 that clean water law applied to the waters of the United States and left it to federal agencies to define them. The new WOTUS rule covers more waterways and wetlands than the narrower definition written during the Trump era, which was overturned by a federal court in 2021. An earlier WOTUS definition by the Obama administration was tied up in court and never took effect.

Litigation over the Biden administration's WOTUS rule will launch as the Supreme Court is preparing to rule in a case—Sackett v. EPA—an Idaho case that has the potential to limit the reach of the Clean Water Act by limiting federal protection of wetlands to land with a surface connection to a waterway. In 2006, the Supreme Court ruled that wetlands with a "significant nexus" to navigable waters were covered by the water pollution law. Courts have generally followed that rule since then.

Additional challenges to the WOTUS rule are expected to land in multiple federal district courts across the country.

## Membership Grace Period Ends Wednesday, Feb. 15; Renew Your Membership Today

Thank you for your support as a 2022 member! If you have not yet renewed, your membership grace period ends Feb. 15. Do we have your support for 2023? Renew **online** or over the phone at (202) 546-5722.

NAAA is committed to creating a positive business climate, promoting safety and professionalism, improving the industry's public image, and influencing policy in a way that is beneficial to the aerial application industry. Our industry's importance to global food, fiber and bioenergy production comes at a crucial time as NAAA fights to ensure the aerial use of pesticides remains available and abundant while

other government and activist interests work to cancel or impose unnecessary and burdensome use restrictions. It takes **your membership** resources to save these aerial uses and positively represent the industry before the public.

Resources supplied by your membership are what allows for NAAA to succeed on many issues, including the fighting and winning on important issues like exemptions from FAA user fees and federal fuel excise taxes; tower marking requirements; safety requirements for drones flying near manned, low-altitude aircraft; and as stated above, ensuring EPA keeps a healthy inventory of pesticide products for aerial use without unnecessary restrictions.

#### Watch NAAA's Video to See Why We're Better Together!

02:15

## Set Yourself Up for Success; Renew Your Membership

As the industry enters its second century, NAAA and NAAREF have developed a way to augment industry advancement of safety and application accuracy while showing your customers, regulators, insurers, pesticide manufacturers, and the public the professional nature of the industry. Our new **Certified-Professional Aerial Applicator Safety Steward (C-PAASS)** program, launching this year, will fill that very role for those that want to participate. We know education works to reduce accidents and drift occurrences based on PAASS program stats. Since the first PAASS season in 1998-1999, the ag aviation accident rate (number of accidents per 100,000 hours flown) has dropped by nearly 26%, and the fatal accident rate has dropped by 10%.

The impetus for developing C-PAASS was to expand and gain recognition for maximizing professionalism by ultimately receiving additional benefits for being certified, such as insurance discounts and more flexibility pertaining to pesticide label language and for ag pilots to market to their customers that they have undergone additional training and development to best ensure that they can provide high-quality service.

Please make it a priority to **renew your NAAA membership**—the payoff far exceeds what you will spend in dues in the form of effective advocacy that reduces regulation and taxes affecting your aerial application business, and trade association membership dues are tax deductible.

Some membership benefits include:

- Complimentary one-hour legal consultation on Federal Transportation Laws to Operator and Pilot Members.
- Receive markedly reduced attendee and/or exhibitor fees to attend the **Ag Aviation Expo**.
- Receive the highly sought-after print and online NAAA Membership Directory, where you can find members and allied services in the industry.
- Stay up to date on the latest issues affecting your profession through Association publications, the NAAA eNewsletter, social media briefings and substantive web content at agaviation.org, as well as our Media Relations Kit.
- NAAA membership plus participation in Ag Aviation Expo sessions, PAASS and Operation S.A.F.E. Fly-ins offer pilots and
  operators several ways to improve professionalism, earn potential CEUs, and achieve discounts through their insurance providers.

 $\label{thm:continuous} \mbox{Your membership helps us better represent your interests. Click here to renew.}$ 

## NAAA & NAAREF Board Meetings Feb. 16-18 in Alexandria, VA

The February 2023 NAAA & NAAREF Board and Committee meetings will take place Feb. 16-18 in Alexandria, Virginia. Click here to view a schedule.

All meetings are open to NAAA members. If you are not a board or committee member but are interested in attending, please contact **Lindsay Barber** for more details.

#### **Hotel Details**

#### 1767 King Street Alexandria, VA 22314

The Hilton Old Town is located directly next to the King Street Metro stop (take either the Blue or Yellow Line), which is the second stop south of Reagan National Airport (DCA). You can view a map of the metro system at <a href="https://www.wmata.com/schedules/maps/upload/2019-system-Map.pdf">www.wmata.com/schedules/maps/upload/2019-system-Map.pdf</a>.

**Please note:** All board books will now be provided electronically. Board and Committee members will receive a link and directions to download the electronic board book approximately one week before the meetings. The board book can be downloaded to your computer or tablet, or you can print your committee items.

# NAAA and Virginia Ag Interests' Advocacy Results in State Delegate Withdrawing One-Week Pesticide Notification Bill

The Virginia state delegate that proposed a bill in Virginia's General Assembly that would require all agricultural aviators making an aerial application west of the Blue Ridge Mountains to provide seven-day notification for all such applications has withdrawn the bill from consideration. Advocacy by NAAA, the Virginia Farm Bureau and other ag interests was able to convince the delegate to withdraw the legislation, which NAAA originally reported **last month**.

NAAA first responded by putting together a **fact sheet** that laid out the importance of aerial applications in Virginia and highlighted some of the severe consequences of forcing all aerial applications to be postponed seven days to comply with the proposed law. It also detailed the EPA's registration process, which ensures a pesticide can be applied aerially in a safe manner, and the technology used in modern ag aviation operations to ensure accurate and safe applications. NAAA sent the fact sheet to the Virginia Department of Agriculture and Consumer Services, the Virginia Farm Bureau, CropLife America and a Virginia-based aerial application operation. The fact sheet is available **here**.

NAAA stands ready to assist state ag aviation associations with the information they may need to stave off burdensome and unnecessary regulations affecting ag aviation.

#### NAAA Comments on EPA's Endangerment Finding on Avgas, Urges Alternative Fuel First

NAAA submitted its comments on the EPA's endangerment finding on leaded aviation fuel and is asking the agency not to ban tetraethyl lead prematurely. The EPA formally proposed the endangerment finding in early October, a couple of weeks after the FAA approved an STC for General Aviation Modifications Inc.'s unleaded alternative, G100UL, which works for all piston and reciprocating engines used in ag aircraft. With that said, the alternative fuel isn't expected to be readily available until the end of 2030.

NAAA's comments to the EPA reiterated the importance of aerial application's role in helping to produce approximately one-third of the nation's cropland and stated that "According to the 2020 FAA general aviation survey 15 percent of the aerial application fleet still depends on leaded aviation fuel. ... Removal of leaded aviation fuel from the market before an alternative is readily available would cause a reduction in the ability to provide agriculture ... with the most efficient application method and thus production." NAAA concluded its comments to the agency by urging the EPA "to work with the FAA and industry to ensure the nationwide availability of a suitable fuel before removing leaded aviation fuel from use." To read NAAA's comments, click here.

#### Winter 2023 Issue of Agricultural Aviation Now Online!

The Winter 2023 issue of *Agricultural Aviation* is now available online and in the Agricultural Aviation Magazine App. The cover story profiles 2023 NAAA President Craig Craft. Additional features include a review of ag aviation accidents in 2022, a piece on 2023 being *Agricultural Aviation's* 50th year in print, tributes to the 2022 NAAA Award recipients, highlights from the 2022 Ag Aviation Expo and much more!

#### Featured content in the Winter 2023 issue includes:

- . Crafting the Right Leader for NAAA
- 2023 NAAA Officer Spotlights
- Wire Strikes Remain Leading Cause of Ag Aviation Accidents in 2022
- Aerial Application Research Takes the Stage
- Nine Who Shined! Celebrating NAAA's 2022 Award Recipients
- Agricultural Aviation Turns 50!
- Raise the Bar on Ag Aviation Maintenance
- CEO's Message: Summarizing an Inflated 2022; Forecasting 2023's Weather

Back issues are available in Agricultural Aviation's Issue Library.

#### **Get the Free Agricultural Aviation App**

If you haven't installed the free Agricultural Aviation Magazine App on your smartphone or tablet, you are missing out on a great way to tap into a library's worth of *Agricultural Aviation* issues in the palm of your hand. Download the Agricultural Aviation Magazine App and see how easy it is to use. The app is compatible with all **Apple**, **Google** and **Amazon** mobile devices and can be downloaded from their respective app stores by searching "Agricultural Aviation Magazine." Enable push notifications to be alerted when new digital editions are published and to receive occasional notifications about pertinent articles.

## General Aviation News Sheds Light on 5 Things Most People Don't Know About 'Crop Dusters'

In January, *General Aviation News* published "Five things you don't know about crop dusters" based on reporter William E. Dubois' visit to the 2022 Ag Aviation Expo to not just learn more about the industry but truly understand it. Dubois' story gets to the heart of the importance and technological nature of the aerial application industry.

#### Aspects the article sheds light on include:

- Why the term "crop duster" is less fashionable within the industry than aerial applicators or ag pilots.
- The high cost of today's state-of-the-art ag planes, such as Air Tractor's AT-502B and Thrush Aircraft's new 510-P2 displayed at the 2022 NAAA Trade Show.
- The continuing education requirements ag pilots must fulfill to renew their state commercial applicator licenses.
- The on-the-ground training typically required before new ag pilots can earn their first "seat."
- How ag pilots protect the world's food supply by seeding, fertilizing and treating crops with products to protect crops from "30,000 species of weeds, 3,000 species of nematodes (worms), and a whopping 10,000 species of plant-eating insects" they have to "compete" with.

The full article is available here.

## **Update Your Information for 2023 Membership Directory**

Have you moved or changed employers since you renewed your NAAA membership? Allied companies, have you reviewed your company description lately? Ensure your listing in the 2023 NAAA Membership Directory is correct by logging into your account. If any information has changed, please let us know right away. You can provide your information by:

- Updating your information at **AgAviation.org**. Log in using your username and password and update your information under My Profile
- Emailing your changes to information@agaviation.org.
- Calling the NAAA office at (202) 546-5722.
- · Responding to the letter or email that you will receive in a couple of weeks.
- Faxing your changes to (202) 546-5726.

Please provide any corrections by Jan. 27 to guarantee accurate inclusion in the 2023 NAAA Membership Directory!

## **ADS-B Data Exonerates Aerial Applicator from Questionable FAA Infractions Investigation**

Aviation Week recently recounted a case where ADS-B data ultimately cleared an aerial application operator and pilot of a series of flying infractions brought against them by an FAA inspector who appeared to have it out for them.

Per Aviation Week:

That farm-friendly aviator's fretting began with an unfriendly call to his boss by a principal operations inspector (POI) from a local FAA office. The caller said he was investigating low-flying complaints against one of the operator's pilots. When the operator asked for the time, date and place of the alleged infractions so he could investigate, the POI refused to share that information. Days later, both the operator and pilot received letters of investigation (LOI) about the low flights from that same POI, but again no details were listed. However, the FAA representative later asked for complete business records for 10 separate days, and the ag operator complied, delivering hundreds of pages of flight and spray records and business requests.

By then, the operator had also contacted Elizabeth Vasseur-Browne, an attorney with Cooling and Hebers, a well-regarded aviation practice in Kansas City, Missouri. He told her the POI seemed determined to put him out of business. As evidence later revealed, he was right.

Four months later, the ag pilot under investigation received a Notice of Proposed Certificate Action from the FAA informing him that his commercial certificate would be suspended for 90 days as a result of low flying over residences and for operating in a careless and reckless manner. Here again, no specific details were offered.

The operator and pilot's aviation attorney had to request a copy of the FAA's enforcement investigative report to finally get some concrete information about the case. They finally learned that the incident that triggered the inspector's investigation—flying low over a private home—happened July 17, 2020, at 1:20 p.m. local time. The materials the attorney received from the FAA revealed major flaws in the accounts and evidence the FAA inspector was relying on in his pursuit to revoke the operator's Part 137 certificate.

The operator and pilot used FAA-provided ADS-B data they obtained through a Freedom of Information Act request to ascertain that "the accused ag pilot had indeed flown over the house in question once, but at 9:45 a.m., and cleared it by more than 700 ft. It also showed he

was working fields far from the house when the owner took the video 3.5 hr. later."

The FAA withdrew the charges and reassigned the POI after being "[c]onfronted by the facts its own representatives had chosen to ignore," *Aviation Week* reported.

Not surprisingly, *Aviation Week's* account of the overzealous FAA inspector's desire to tip the scales decidedly against the aerial applicators wrongly accused of reckless flying drew the ire of several commenters on NAAA's Facebook page. Several commenters felt that the FAA inspector got off easy by being reassigned and should have been dismissed instead. Helicopter Association International President and CEO James Viola, wrote, "Glad to see this victory. Do not give up an inch."

Aviation Week's full report is available here.

## **FAA Responds to NAAA Drone Waiver Concerns**

On Nov. 25, 2022, NAAA issued **a letter** to FAA Administrator Billy Nolen regarding safety concerns to manned aircraft from the issuance of waivers to Part 107.31 allowing beyond visual line of sight operations of drones in conditions where the remote pilot in command or the visual observer cannot see the drone, rather just the surrounding airspace when the unmanned aircraft (UA) is in flight. NAAA maintains that this method of UA traffic management has not been tested with the unique airspace operations of manned agricultural aircraft.

On Jan. 12, the FAA acknowledged receipt of the letter and responded that the waivers issued are following FAA guidance order number 8040.6 Safety Risk Management Policy for unmanned aircraft systems. The FAA's letter is available **here**. While this policy might be effective for some areas of aviation, NAAA maintains that this method is not proven with manned agricultural aircraft. In the FAA response, the agency fell short of NAAA recommendations to cancel further 107.31 waivers until these methods of traffic deconfliction are tested. NAAA will continue to insist that unmanned traffic management be tested with the unique operating parameters involved with manned agricultural aircraft.

### Air Tractor Celebrates Production of 1,000th AT-802

#### Air Tractor employee-owners celebrate serial number 802A-1000.

Air Tractor Inc. and representatives from Pratt & Whitney Canada recently celebrated the completion of the 1,000th model AT-802. Air Tractor dealer Lane Aviation sold serial number 802A-1000 through its Brazil agent Aero Globo Aeronaves. The airplane is painted in the Brazilian flag colors of yellow, green and blue.

#### A special paint scheme for a special airplane.

The 1,000th model AT-802 recently departed Olney, Texas, for its new home at Grupo Moacir Smaniotto (GMS) Agronegocios. The family-owned farming business is located in Sorriso, Mato Grosso, Brazil. In a typical year, GMS farms 44,700 hectares (110,456 acres) planted in soybeans, corn, and cotton.

Following a luncheon and comments from Air Tractor President Jim Hirsch, Natanael Vaz and Anthony Rossi of Pratt & Whitney Canada presented Hirsch with a plaque commemorating the milestone. "We've come a long way with the 802 series," Hirsch said. "In the early 1990s when the very first 802s were built, our founder Leland Snow looked at the airplane and offhandedly remarked, 'We'll probably build 10 or 12 of these.' Well, Leland would be really pleased about its worldwide distribution and success today."

It was 1989 when Leland Snow began designing a large-capacity, single-engine airplane specifically for aerial firefighting. He believed it would have a positive impact in that industry. After more than two years of design, modification, certification and manufacture, the first production single-seat AT-802A air tanker rolled out the doors of Plant 3 in 1993 into the eager hands of Chuck Kemper, owner of Queen Bee Air Specialties in Rigby, Idaho.

It wasn't long before Air Tractor produced the single-seat AT-802A for agricultural aerial spraying. As an 800-gallon ag plane, its popularity soared with aerial applicators. By 2011, 400 AT-802A airplanes had left Air Tractor's factory for work around the world. In 2019 serial number 802A-800 went to its new home in Roe, Arkansas. And in 2020, serial number 802A-900 joined the fleet of Western Australia's largest ag operator, Dunn Aviation.

The 802 series is the largest production single-engine agricultural airplane in the world. Beyond its use in agricultural and firefighting applications, AT-802 series aircraft work in a variety of specialized applications, from oil spill cleanup and fuel hauling in remote areas to timber seeding and reforestation to coca crop eradication in South America.

"I remember making the stamping [for the] first manufacturer's placard to go on the airplane," recalls David Cowen, who was the AT-802 conformity inspector. "Keith Boyd, Leland's head engineer at the time, looked at me and asked, 'Do you think we'll ever build a thousand of these?' I said, 'Let's just go ahead and stamp three zeros in front of numeral 1.' And 30 years later, just look at us now."

## **AD Issued for GE H80 Engines**

The FAA is adopting a new airworthiness directive (AD) for all GE Aviation H75-100, H75-200, H80, H80-100, H80-200, H85-100 and H85-200 model turboprop engines. This AD requires revising the airworthiness limitations section (ALS) of the existing engine maintenance manual (EMM) to incorporate the updated coefficients and recalculate the cycles accumulated on critical parts such as the cyclic life and safe life for the main shaft.

An owner/operator (pilot) holding at least a private pilot certificate may revise the ALS of the existing EMM, and the owner/operator must enter compliance with the applicable paragraphs of the AD into the aircraft records showing compliance. Action is required within 90 days of the effective date of Feb. 21, 2023. The complete AD is available **here**.

## Important Call for GPS Data to Protect Manned Ag Aircraft from Drones

In 2022, an FAA advisory committee weighted with drone interests from Amazon, Google and other unmanned corporate interests suggested that the agency promulgate rules that drones operating beyond visual line of sight be permitted to:

- Increase their weight to 1,320 pounds
- · Not equip with ADS-B identification technology
- Not give the right of way to manned aircraft when operating in rural, low-altitude airspace because they claimed there are no other users of this airspace.

As an ag aviator, you know these requests to be patently unsafe and based on false premises. As such, we call on you to help us collect information on ag aircraft's use of the low-altitude airspace. NAAA is working with and supports Mississippi State University's (MSU) Raspet Flight Research Laboratory and its continuing research on safe operational distances between low-altitude, manned aircraft and drones. The study's objectives are to:

- 1. Identify Ag Aircraft Operational Trends
- 2. Develop Ag Aircraft Operational Model
- 3. Validate Model through Observation/Collection of Empirical Data
- 4. Inform/Educate UAS Operators
- 5. Promote Safety in all Low-Altitude Ag Environments

Your voluntary participation in this study is critical to achieving these objectives. NAAA encourages you to donate your GPS flight log data to participate in this timely research. Logs from any year(s) are welcome and will be washed of any identifying information prior to use.

Many of you have previously contributed during the first stage of data collection from 2017 to 2020 when NAAA members donated 49,180 flight logs from 20 states. The second stage of the study began in 2021 and seeks to additionally include aircraft make and model info. These details are important, as the airspace modeling will be impacted by aircraft types differently, such as fixed-wing versus helicopter operations.

More GPS flight log data is needed to continue this study. Because of the diverse growing areas and unique geographical challenges experienced by aerial applicators, it is imperative that as many states and regions as possible are represented. This will ultimately help facilitate the safe integration of unmanned aircraft into these different airspaces.

As a reminder, NAAA and Raspet have agreed that all submitted information will remain confidential, and all GPS flight logs will be stripped of any personally identifying information before any research is conducted using the data.

There are several methods available to submit your data:

- Request a secure upload link for larger uploads OR email directly to Madison Dixon, Research Director.
   Email: mdixon@raspet.msstate.edu
- 2. Mail a flash drive or other storage device to the address below. (The device will be immediately mailed back once data is received if a return address is provided):

#### Address:

Attn: Madison Dixon Raspet Flight Research Lab – Bldg. 2 114 Airport Rd. Starkville, MS 39759

#### NAAA Releases Book of the Century! Buy It Today

NAAA has released the book of the century—a century of agricultural aviation, that is.

One hundred years ago, an aerial crop dusting experiment spawned the birth of the agricultural aviation industry. To commemorate agricultural aviation's 100th anniversary, NAAA is pleased to present *Agriculture's Air Force: 100 Years of Aerial Application*.

Agriculture's Air Force provides a new, updated account of aerial application's history, 35 years after Mabry Anderson's masterpiece, Low & Slow: An Insider's History of Agricultural Aviation, was published. NAAA's meticulously sourced book is based on a collective history of the agricultural aviation industry based on material from Agricultural Aviation magazine, AgAir Update, Low & Slow and other resources.

Beginning with *Agricultural Aviation's* Spring 2021 issue, NAAA published excerpts from *Agriculture's Air Force* and continued to do so through the Fall 2021 issue. Those stories are just a small slice of what's in the 268-page hardback edition, however. The complete book contains so much more.

Agriculture's Air Force delves into the intersection of agriculture and aviation. It chronicles the agricultural aviation industry's growth from its infancy in 1921 through the boom times after World War II and on to today's modern era of high-tech aerial application.

The finished hardback book has been years in the making but well worth the effort. "This is a significant piece of work covering not just the industry's history, but its essence," NAAA CEO Andrew Moore said. "We are proud of it and believe it will make a lasting contribution to the industry."

The story of agricultural aviation is much like the broader story of aviation: It is mostly punctuated with interesting smaller moments sandwiched between milestone developments. Aerial application is also the story of technological leaps and bounds.

Agriculture's Air Force covers five eras spanning more than 10 decades. In addition, it features 34 Spotlight pieces focused on significant individuals, organizations, trends, technologies and topics related to aerial application.

Agriculture's Air Force: 100 Years of Aerial Application may well be NAAA's most enduring 100th anniversary initiative. One thing's for sure: It is no textbook. The commemorative book is written from a fresh perspective that is entertaining and enlightening. Readers will come away with a new appreciation for agricultural aviation as a profession and the dedicated individuals who propel it forward.

## **Order Your Copy of Agriculture's Air Force Today!**

Agriculture's Air Force retails for \$45, excluding shipping. Order it from AgAir Update's Online Store.