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Title 14: Aeronautics and Space

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

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SOURCE: Docket No. 1464, 30 FR 8106, June 24, 1965, unless otherwise noted.

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Subpart A—General

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§137.1 Applicability.

(a) This part prescribes rules governing—

- (1) Agricultural aircraft operations within the United States; and
- (2) The issue of commercial and private agricultural aircraft operator certificates for those operations.

(b) In a public emergency, a person conducting agricultural aircraft operations under this part may, to the extent deviate from the operating rules of this part for relief and welfare activities approved by an agency of the United States or local government.

(c) Each person who, under the authority of this section, deviates from a rule of this part shall, within 10 days after deviation send to the nearest FAA Flight Standards District Office a complete report of the aircraft operation involved a description of the operation and the reasons for it.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-13, 54 FR 39294, Sept. 25, 1989]

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§137.3 Definition of terms.

For the purposes of this part—

Agricultural aircraft operation means the operation of an aircraft for the purpose of (1) dispensing any economic substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or (2) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

Economic poison means (1) 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 in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968]

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Subpart B—Certification Rules

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§137.11 Certificate required.

(a) Except as provided in paragraphs (c) and (d) of this section, no person may conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued under this part.

(b) Notwithstanding part 133 of this chapter, an operator may, if he complies with this part, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a rotorcraft external-load operator certificate.

(c) A Federal, State, or local government conducting agricultural aircraft operations with public aircraft need not comply with this subpart.

(d) The holder of a rotorcraft external-load operator certificate under part 133 of this chapter conducting an agricultural aircraft operation, involving only the dispensing of water on forest fires by rotorcraft external-load means, need not comply with this subpart.

this subpart.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968; Amdt. 137-6, 41 FR 3501976]

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§137.15 Application for certificate.

An application for an agricultural aircraft operator certificate is made on a form and in a manner prescribed by the Administrator, and filed with the FAA Flight Standards District Office that has jurisdiction over the area in which the home base of operations is located.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-13, 54 FR 39294, Sept. 25, 1989]

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§137.17 Amendment of certificate.

(a) An agricultural aircraft operator certificate may be amended—

(1) On the Administrator's own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 142913 of this chapter; or

(2) Upon application by the holder of that certificate.

(b) An application to amend an agricultural aircraft operator certificate is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA Flight Standards District Office having jurisdiction over the area in which the applicant's home base of operations is located at least 15 days before the date that it proposes the amendment become effective, unless a shorter filing period is approved by that office.

(c) The Flight Standards District Office grants a request to amend a certificate if it determines that safety in air operations and the public interest so allow.

(d) Within 30 days after receiving a refusal to amend, the holder may petition the Director, Flight Standards Service, to reconsider the refusal.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-9, 43 FR 52206, Nov. 9, 1978; Amdt. 137-11, 45 FR 417, 1980; Amdt. 137-13, 54 FR 39294, Sept. 25, 1989]

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§137.19 Certification requirements.

(a) *General.* An applicant for a private agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (b), (d), and (e) of this section. An applicant for a commercial agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (c), (d), and (e) of this section. However, if an applicant applies for an agricultural aircraft operator certificate containing a prohibition against dispensing of economic poisons, that applicant is not required to demonstrate the knowledge required in paragraphs (b) through (iv) of this section.

(b) *Private operator—pilot.* The applicant must hold a current U.S. private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.

(c) *Commercial operator—pilots.* The applicant must have available the services of at least one person who holds a U.S. commercial or airline transport pilot certificate and who is properly rated for the aircraft to be used. The applicant may be the person available.

(d) *Aircraft.* The applicant must have at least one certificated and airworthy aircraft, equipped for agricultural operations.

(e) *Knowledge and skill tests.* The applicant must show, or have the person who is designated as the chief supervisor

agricultural aircraft operations for him show, that he has satisfactory knowledge and skill regarding agricultural aircraft operations, as described in paragraphs (e) (1) and (2) of this section.

(1) The test of knowledge consists of the following:

- (i) Steps to be taken before starting operations, including survey of the area to be worked.
- (ii) Safe handling of economic poisons and the proper disposal of used containers for those poisons.
- (iii) The general effects of economic poisons and agricultural chemicals on plants, animals, and persons, with those normally used in the areas of intended operations; and the precautions to be observed in using poisons and chemicals.
- (iv) Primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centers.
- (v) Performance capabilities and operating limitations of the aircraft to be used.
- (vi) Safe flight and application procedures.

(2) The test of skill consists of the following maneuvers that must be shown in any of the aircraft specified in paragraph (e) of this section, and at that aircraft's maximum certificated take-off weight, or the maximum weight established for the purpose load, whichever is greater:

- (i) Short-field and soft-field takeoffs (airplanes and gyroplanes only).
- (ii) Approaches to the working area.
- (iii) Flare-outs.
- (iv) Swath runs.
- (v) Pullups and turnarounds.
- (vi) Rapid deceleration (quick stops) in helicopters only.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-1, 30 FR 15143, Dec. 8, 1965; Amdt. 137-7, 43 FR 2225, 1978]

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§137.21 Duration of certificate.

An agricultural aircraft operator certificate is effective until it is surrendered, suspended, or revoked. The holder of an agricultural aircraft operator certificate that is suspended or revoked shall return it to the Administrator.

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§137.23 Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in an operation that the certificate holder knows to be in violation of §91.19(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

[Doc. No. 12035, 38 FR 17493, July 2, 1973, as amended by Amdt. 137-12, 54 FR 34332, Aug. 18, 1989]

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Subpart C—Operating Rules

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§137.29 General.

(a) Except as provided in paragraphs (d) and (e) of this section, this subpart prescribes rules that apply to perso aircraft used in agricultural aircraft operations conducted under this part.

(b) [Reserved]

(c) The holder of an agricultural aircraft operator certificate may deviate from the provisions of part 91 of this cha without a certificate of waiver, as authorized in this subpart for dispensing operations, when conducting nondispensir work operations related to agriculture, horticulture, or forest preservation in accordance with the operating rules of th

(d) Sections 137.31 through 137.35, §§137.41, and 137.53 through 137.59 do not apply to persons and aircraft agricultural aircraft operations conducted with public aircraft.

(e) Sections 137.31 through 137.35, §§137.39, 137.41, 137.51 through 137.59, and subpart D do not apply to p rotorcraft used in agricultural aircraft operations conducted by a person holding a certificate under part 133 of this ch involving only the dispensing of water on forest fires by rotorcraft external-load means. However, the operation shall conducted in accordance with—

(1) The rules of part 133 of this chapter governing rotorcraft external-load operations; and

(2) The operating rules of this subpart contained in §§137.29, 137.37, and §§137.43 through 137.49.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968; Amdt. 137-6, 41 FR 350 1976]

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§137.31 Aircraft requirements.

No person may operate an aircraft unless that aircraft—

(a) Meets the requirements of §137.19(d); and

(b) Is equipped with a suitable and properly installed shoulder harness for use by each pilot.

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§137.33 Carrying of certificate.

(a) No person may operate an aircraft unless a facsimile of the agricultural aircraft operator certificate, under wh operation is conducted, is carried on that aircraft. The facsimile shall be presented for inspection upon the request of Administrator or any Federal, State, or local law enforcement officer.

(b) Notwithstanding part 91 of this chapter, the registration and airworthiness certificates issued for the aircraft n carried in the aircraft. However, when those certificates are not carried in the aircraft they shall be kept available for i at the base from which the dispensing operation is conducted.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968]

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§137.35 Limitations on private agricultural aircraft operator.

No person may conduct an agricultural aircraft operation under the authority of a private agricultural aircraft ope certificate—

(a) For compensation or hire;

(b) Over a congested area; or

(c) Over any property unless he is the owner or lessee of the property, or has ownership or other property interest located on that property.

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§137.37 Manner of dispensing.

No persons may dispense, or cause to be dispensed, from an aircraft, any material or substance in a manner that is hazardous to persons or property on the surface.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-3, 33 FR 9601, July 2, 1968]

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§137.39 Economic poison dispensing.

(a) Except as provided in paragraph (b) of this section, no person may dispense or cause to be dispensed from any economic poison that is registered with the U.S. Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k)—

- (1) For a use other than that for which it is registered;
- (2) Contrary to any safety instructions or use limitations on its label; or
- (3) In violation of any law or regulation of the United States.

(b) This section does not apply to any person dispensing economic poisons for experimental purposes under—

- (1) The supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons;
- (2) A permit from the U.S. Department of Agriculture issued pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k).

[Amdt. 137-2, 31 FR 6686, May 5, 1966]

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§137.40 Employment of former FAA employees.

(a) Except as specified in paragraph (c) of this section, no certificate holder may knowingly employ or make an arrangement which permits an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2 years—

- (1) Served as, or was directly responsible for the oversight of, a Flight Standards Service aviation safety inspector;
- (2) Had direct responsibility to inspect, or oversee the inspection of, the operations of the certificate holder.

(b) For the purpose of this section, an individual shall be considered to be acting as an agent or representative of the certificate holder in a matter before the agency if the individual makes any written or oral communication on behalf of the certificate holder to the agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the matter while serving as a Flight Standards Service aviation safety inspector.

(c) The provisions of this section do not prohibit a certificate holder from knowingly employing or making an arrangement which permits an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual was employed by the certificate holder before October 21, 2011.

[Doc. No. FAA-2008-1154, 76 FR 52236, Aug. 22, 2011]

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§137.41 Personnel.

(a) *Information.* The holder of an agricultural aircraft operator certificate shall insure that each person used in the agricultural aircraft operation is informed of that person's duties and responsibilities for the operation.

(b) *Supervisors.* No person may supervise an agricultural aircraft operation unless he has met the knowledge and skill requirements of §137.19(e).

(c) *Pilot in command.* No person may act as pilot in command of an aircraft unless he holds a pilot certificate as prescribed by §137.19 (b) or (c), as appropriate to the type of operation conducted. In addition, he must demonstrate to the holder of the Agricultural Aircraft Operator Certificate conducting the operation that he has met the knowledge and skill requirements of §137.19(e). If the holder of that certificate has designated a person under §137.19(e) to supervise his agricultural aircraft operations the demonstration must be made to the person so designated. However, a demonstration of knowledge and skill requirement is not necessary for any pilot in command who—

(1) Is, at the time of the filing of an application by an agricultural aircraft operator, working as a pilot in command of an aircraft; and

(2) Has a record of operation under that applicant that does not disclose any question regarding the safety of his operations or his competence in dispensing agricultural materials or chemicals.

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§137.42 Fastening of safety belts and shoulder harnesses.

No person may operate an aircraft in operations required to be conducted under part 137 without a safety belt and shoulder harness properly secured about that person except that the shoulder harness need not be fastened if that person was unable to perform required duties with the shoulder harness fastened.

[Amdt. 137-10, 44 FR 61325, Oct. 25, 1979]

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§137.43 Operations in controlled airspace designated for an airport.

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within the lateral boundary surface area of Class D airspace designated for an airport unless authorization for that operation has been obtained from the ATIS facility having jurisdiction over that area.

(b) No person may operate an aircraft in weather conditions below VFR minimums within the lateral boundaries of Class E airspace area that extends upward from the surface unless authorization for that operation has been obtained from the ATIS facility having jurisdiction over that area.

(c) Notwithstanding §91.157(b)(4) of this chapter, an aircraft may be operated under the special VFR weather minimums without meeting the requirements prescribed therein.

[Amdt. 137-14, 56 FR 65664, Dec. 17, 1991, as amended by Amdt. 137-14, 58 FR 32840, June 14, 1993; 74 FR 13099, Mar. 19, 1999]

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§137.45 Nonobservance of airport traffic pattern.

Notwithstanding part 91 of this chapter, the pilot in command of an aircraft may deviate from an airport traffic pattern authorized by the control tower concerned. At an airport without a functioning control tower, the pilot in command may deviate from the traffic pattern if—

(a) Prior coordination is made with the airport management concerned;

(b) Deviations are limited to the agricultural aircraft operation;

(c) Except in an emergency, landings and takeoffs are not made on ramps, taxiways, or other areas of the airport.

intended for such use; and

(d) The aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the air

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§137.47 Operation without position lights.

Notwithstanding part 91 of this chapter, an aircraft may be operated without position lights if prominent unlighted are visible for at least 1 mile and takeoffs and landings at—

(a) Airports with a functioning control tower are made only as authorized by the control tower operator; and

(b) Other airports are made only with the permission of the airport management and no other aircraft operations position lights are in progress at that airport.

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§137.49 Operations over other than congested areas.

Notwithstanding part 91 of this chapter, during the actual dispensing operation, including approaches, departure turnarounds reasonably necessary for the operation, an aircraft may be operated over other than congested areas b feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are c without creating a hazard to persons or property on the surface.

[Amdt. 137-3, 33 FR 9601, July 2, 1968]

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§137.51 Operation over congested areas: General.

(a) Notwithstanding part 91 of this chapter, an aircraft may be operated over a congested area at altitudes requi proper accomplishment of the agricultural aircraft operation if the operation is conducted—

(1) With the maximum safety to persons and property on the surface, consistent with the operation; and

(2) In accordance with the requirements of paragraph (b) of this section.

(b) No person may operate an aircraft over a congested area except in accordance with the requirements of this paragraph.

(1) Prior written approval must be obtained from the appropriate official or governing body of the political subdivi which the operations are conducted.

(2) Notice of the intended operation must be given to the public by some effective means, such as daily newspa television, or door-to-door notice.

(3) A plan for each complete operation must be submitted to, and approved by appropriate personnel of the FAA Standards District Office having jurisdiction over the area where the operation is to be conducted. The plan must incl consideration of obstructions to flight; the emergency landing capabilities of the aircraft to be used; and any necessa coordination with air traffic control.

(4) Single engine aircraft must be operated as follows:

(i) Except for helicopters, no person may take off a loaded aircraft, or make a turnaround over a congested area

(ii) No person may operate an aircraft over a congested area below the altitudes prescribed in part 91 of this cha except during the actual dispensing operation, including the approaches and departures necessary for that operator

(iii) No person may operate an aircraft over a congested area during the actual dispensing operation, including t approaches and departures for that operation, unless it is operated in a pattern and at such an altitude that the aircra

in an emergency, without endangering persons or property on the surface.

(5) Multiengine aircraft must be operated as follows:

(i) No person may take off a multiengine airplane over a congested area except under conditions that will allow it to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attain engines operating at normal takeoff power, 105 percent of the minimum control speed with the critical engine inoperative takeoff configuration or 115 percent of the power-off stall speed in the takeoff configuration, whichever is greater, as the accelerate stop distance data. In applying this requirement, takeoff data is based upon still-air conditions, and no is made for any uphill gradient of 1 percent or less when the percentage is measured as the difference between elev end points of the runway divided by the total length. For uphill gradients greater than 1 percent, the effective takeoff l the runway is reduced 20 percent for each 1-percent grade.

(ii) No person may operate a multiengine airplane at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the e the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. Fo purposes of this subdivision, it is assumed that the propeller of the inoperative engine is in the minimum drag positio wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operat maximum continuous power available.

(iii) No person may operate any multiengine aircraft over a congested area below the altitudes prescribed in par chapter except during the actual dispensing operation, including the approaches, departures, and turnarounds neces that operation.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967; Amdt. 137-13, 54 FR Sept. 25, 1989]

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§137.53 Operation over congested areas: Pilots and aircraft.

(a) *General.* No person may operate an aircraft over a congested area except in accordance with the pilot and a of this section.

(b) *Pilots.* Each pilot in command must have at least—

(1) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, at least 10 hours of whic have been acquired within the preceding 12 calendar months; and

(2) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(c) *Aircraft.* (1) Each aircraft must—(i) If it is an aircraft not specified in paragraph (c)(1)(ii) of this section, have h the preceding 100 hours of time in service a 100-hour or annual inspection by a person authorized by part 65 or 145 chapter, or have been inspected under a progressive inspection system; and

(ii) If it is a large or turbine-powered multiengine civil airplane of U.S. registry, have been inspected in accordanc applicable inspection program requirements of §91.409 of this chapter.

(2) If other than a helicopter, it must be equipped with a device capable of jettisoning at least one-half of the airc maximum authorized load of agricultural material within 45 seconds. If the aircraft is equipped with a device for relea tank or hopper as a unit, there must be a means to prevent inadvertent release by the pilot or other crewmember.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-5, 41 FR 16796, Apr. 22, 1976; Amdt. 137-12, 54 FR : 18, 1989]

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§137.55 Business name: Commercial agricultural aircraft operator.

No person may operate under a business name that is not shown on his commercial agricultural aircraft operatc

certificate.

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§137.57 Availability of certificate.

Each holder of an agricultural aircraft operator certificate shall keep that certificate at his home base of operation present it for inspection on the request of the Administrator or any Federal, State, or local law enforcement officer.

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§137.59 Inspection authority.

Each holder of an agricultural aircraft operator certificate shall allow the Administrator at any time and place to conduct inspections, including on-the-job inspections, to determine compliance with applicable regulations and his agricultural aircraft operator certificate.

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Subpart D—Records and Reports

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§137.71 Records: Commercial agricultural aircraft operator.

(a) Each holder of a commercial agricultural aircraft operator certificate shall maintain and keep current, at the home base of operations designated in his application, the following records:

- (1) The name and address of each person for whom agricultural aircraft services were provided;
- (2) The date of the service;
- (3) The name and quantity of the material dispensed for each operation conducted; and

(4) The name, address, and certificate number of each pilot used in agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of §137.19(e).

(b) The records required by this section must be kept at least 12 months and made available for inspection by the Administrator upon request.

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§137.75 Change of address.

Each holder of an agricultural aircraft operator certificate shall notify the FAA in writing in advance of any change of address of his home base of operations.

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§137.77 Termination of operations.

Whenever a person holding an agricultural aircraft operator certificate ceases operations under this part, he shall submit that certificate to the FAA Flight Standards District Office last having jurisdiction over his operation.

[Doc. No. 1464, 30 FR 8106, June 24, 1965, as amended by Amdt. 137-13, 54 FR 39294, Sept. 25, 1989; 54 FR 52872, Dec.

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