

Aerial Spraying Approval Guidelines

1. Establish whether the proposed pesticide application/request is aerial, and if it is, determine if it is intended to occur over a populated area. Ground fogging or aerial applications over rural areas **do not** require approval from the Division of Air Quality and only need certification and training from the State Ag Department and/or FAA and the State Aeronautics Board.
2. Aerial application (spraying) of a pesticide over a populated area must be done by a certified aerial applicator. Certification is through the State Ag Department. Aerial sprayers must also be registered with the State Aeronautics Commission.
3. Spraying must be done with ultra low velocity (ULV) spraying equipment. (Very few crop sprayers are so equipped.)
4. Only EPA registered pesticides may be used unless waived by a public health emergency declaration. Chemical pesticides are the most common for mosquitoes. Biological pesticides are common for cankerworms.
5. The applicant must establish a means for notifying the public of when the spraying is to take place, so that at-risk individuals can take precautions.
6. All aerial spraying activities must follow all local (e.g., city, county), state and federal (e.g., FAA) regulations, ordinances and requirements and follow reasonable procedures to minimize negative environmental impacts. Considerations include, but are not limited to: time of day, day of week, ambient temperature, wind speed/direction and proximity to shorelines and other natural resources.
7. Upon review of a submitted application/request, the form is signed by Division of Air Quality personnel. A copy of the signed form is returned (mailed, faxed, or emailed) to the requesting party, which is usually the aerial applicator, and becomes the written approval required by NDAC 33.1-15-10.