

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-09-06
AERIAL APPLICATIONS OF PESTICIDES**

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0080-09-06-.01 SCOPE.

- (1) This chapter applies to any person who applies pesticides through use of an aircraft.
- (2) Persons licensed under this chapter shall be responsible for operations under their license until it expires or until the department receives written notification desiring it be terminated. The department shall not refund fees for early termination of a license issued under this chapter.
- (3) Licenses issued under this chapter are not transferable from person to person or aircraft to aircraft.

Authority: T.C.A. §§ 4-3-203, 4-5-208, 43-8-302, and 62-21-118. **Administrative History:** Emergency rule filed July 11, 2017; effective through October 1, 2017. Emergency rule expired effective October 2, 2017, and the rule reverted to its previous status. New rules filed September 27, 2021; effective December 26, 2021.

0080-09-06-.02 DEFINITIONS.

- (1) Terms in this chapter share those meanings of terms set forth in T.C.A. § 43-8-301; and,
- (2) Act means T.C.A. §§ 43-8-301, et seq.

Authority: T.C.A. §§ 4-3-203 and 43-8-302. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-06-.03 LICENSE APPLICATION AND FEES.

- (1) Unless exempted under the Act, an aerial application license is required for each pilot of each aircraft used in the application of a pesticide. Aerial application licenses are issued only to individuals and not formalized business entities.
- (2) Application for an aerial application license shall be made on forms provided by the department, which shall be completed in full and may include:
 - (a) Name and date of birth of the applicant;
 - (b) Contact information for applicant, to include employer's name, telephone number, email address, and address of the principal place of business;
 - (c) Address of charter holder's office where licensee will be employed (applicable for those making custom applications of pesticide);

(Rule 0080-09-06-.03, continued)

- (d) Proof of Federal Aviation Authority pilot's license required under the Act;
 - (e) Proof of current pesticide certification in the applicable category of service;
 - (f) Proof of insurance required under the Act; and,
 - (g) Other information as required by the department.
- (3) Licensees shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (4) The fee for an aerial application license is a Tier 5 annual fee under T.C.A. § 43-1-703(f). The fee for an aerial decal is a Tier 4 annual fee. Aerial application license and decal fees are not prorated.
- (5) All aerial application licenses and decals expire on June 30 following their issuance. Applicants for renewal shall submit the appropriate fees and required application materials to the department on or before July 1 of the year in which the license expires.
- (a) If an applicant for renewal fails to pay required fees or to provide required application materials on or before July 16 following expiration of the license, the applicant shall also be required to pay a late charge assessed under T.C.A. § 43-1-703 prior to renewal of the applicant's license.
 - (b) Lapse of insurance or certification at any time shall result in immediate expiration of the license. The licensee shall be afforded a grace period of 30 days to submit proof of valid insurance to the department without accrual of charges to reinstate the license. Following the grace period, the firm shall be required to obtain a new aerial application license and pay all associated fees in order to operate as an aerial applicator.
- (6) The department may deny any application for a license that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203 and 43-8-302. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-06-.04 RECORDS.

- (1) Records of aerial application of pesticide shall be made and maintained in accordance with the Act.

Authority: T.C.A. §§ 4-3-203 and 43-8-302. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-06-.05 INSPECTIONS.

- (1) For any location where the department has reason to believe a person is engaged in preparation or conduct of aerial applications of pesticide, the department may enter the location at a time in accordance with the Act for the purposes of sampling; examining equipment, pesticides, and application sites; and examining and copying records, as necessary to determine compliance with the Act and this chapter.

Authority: T.C.A. §§ 4-3-203 and 43-8-302. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.

0080-09-06-.06 VIOLATIONS.

- (1) Requirements of aerial application licensees.
 - (a) In addition to other requirements of the Act and this chapter, licensees shall:
 1. Maintain areas where pesticides and equipment are housed so as to be readily accessible for inspection;
 2. Maintain records required under this chapter so as to be readily available for inspection;
 3. Give full information as to the manner of any pesticide application and source of pesticides applied or pesticides held for application; and,
 4. Manage and dispose of pesticides in a manner consistent with this division of rules.
 - (b) In addition to other requirements of the Act and this chapter, licensees shall not:
 1. Apply pesticides for which certification is required unless certified in the applicable category of service;
 2. Authorize an aerial application of pesticide by an unlicensed person even if under the direct supervision of a licensee;
 3. Apply pesticide in a manner inconsistent with label directions;
 4. Falsify the presence of an insect pest or any portion of a record required under this chapter;
 5. Knowingly provide any false, misleading, or incorrect information regarding the person's sale, offer for sale, or distribution of pesticides in commerce;
 6. Interfere with a representative of the department in the performance of his or her duties; or,
 7. Violate any order issued by the department.
- (2) A person is responsible for violations of the Act or this chapter when committed by either the person or his agent.
- (3) Each violation of the Act or this chapter is grounds for issuance of stop work or disposal orders for any pesticide held by the violator or his agent; denial or revocation of any charter, license, or certification issued by the department; actions for injunction; and imposition of civil penalties or criminal charges against the violator.

Authority: T.C.A. §§ 4-3-203 and 43-8-302. **Administrative History:** New rules filed September 27, 2021; effective December 26, 2021.