



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

March 22, 2023

Exemption No. 19006A  
Regulatory Docket No. FAA-2010-0134

Mr. Michael D. Schiffer  
Partner  
Al's Aerial Spraying, LLC  
3473 North Shepardsville Road  
Ovid, MI 48866

Dear Mr. Schiffer:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to amend Exemption No. 19006. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

### **The Basis for the FAA's Decision**

By letters dated October 18 and November 8, 2022, you petitioned the FAA on behalf of Al's Aerial Spraying, LLC (Al's Aerial) for an amendment to Exemption No. 19006. That exemption from § 137.51(b)(4)(i) of Title 14, Code of Federal Regulations (14 CFR) allows Al's Aerial to use a single-engine turbo propeller-powered aircraft to make turnarounds over congested areas in a loaded configuration. The amendment you request would allow the use of the AT-802 series airplane.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

### **The FAA's Decision**

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of amendment to the exemption would not set a precedent and any delay in acting on this petition would be detrimental to Al's Aerial.

Editorial changes were made to Condition and Limitation Nos. 2, 8, and 13 to specify the exemption applies to airplanes, because 14 CFR § 137.51(b) applies only to airplanes. In addition, contact information for the Flight Standards Service General Aviation and Commercial Division was provided in Condition and Limitation No. 12. Condition and Limitation Nos. 3 and 8 was changed to include the AT-802 series airplane.

AFS-23-00497-E

The FAA has determined that the justification for the issuance of Exemption No. 19006 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Al's Aerial Spraying, LLC an exemption from 14 CFR § 137.51(b)(4)(i) to the extent necessary to allow Al's Aerial to use a single-engine turbo propeller-powered airplane to make turnarounds over congested areas in a loaded configuration, subject to the following conditions and limitations.

### **Conditions and Limitations**

1. This exemption is valid only for operations conducted by Al's Aerial under Part 137 certificate number MROG545G and only authorizes turnarounds over congested areas.
2. This exemption is valid only for operations in support of federal, state, or local governments for the purposes of public health or forestry protection, where the airplane is dispensing benign substances such as pheromones or *Bacillus thuringiensis* (Bt).
3. Operations are limited to Air Tractor AT-400, AT-402B, AT-502, AT-502B, and AT-802 airplanes. Each airplane must comply with all manufacturer's service bulletins. Each airplane engine must meet or exceed the manufacturer's recommended time between overhaul intervals.
4. All operations must be conducted with an FAA-approved congested area plan (CAP) in compliance with all remaining provisions of 14 CFR § 137.51.
5. The approved CAP must identify applicable emergency landing areas in compliance with 14 CFR § 137.51(b)(4)(iii). The identified emergency landing areas must be located away from congested areas, no more than 1 nautical mile away from the point at which turnaround over a congested area will begin. In each CAP, the operator must show that at any time during a turnaround over a congested area, the airplane could reach an emergency landing area that is not congested in the event of an engine failure.
6. Each pilot must hold a commercial pilot certificate and be employed directly by Al's Aerial. In addition to the requirements of 14 CFR § 137.53, each pilot must have at least 50 hours of pilot-in-command (PIC) time in the designated model Air Tractor airplane to be flown, 100 hours of PIC time in single-engine turbo propeller-powered airplanes, and 500 hours of PIC time dispensing agricultural materials or chemicals.
7. The PIC is the only person authorized to be on board during operations conducted under this exemption.
8. The maximum airplane load prior to conducting turnarounds over a congested area may not exceed the following:
  - a. Maximum loading of the AT-502B & AT-502 shall not exceed a 3300 pound hopper load.

- b. Maximum loading of the AT-402B & AT-400 shall not exceed a 2600 pound hopper load.
- c. Maximum loading of the AT-802 shall not exceed a 6200 pound hopper load.

Hopper loading may be increased in exchange for a pound-for-pound reduction in fuel loading. No Aircraft Flight Manual (AFM) limitations may be exceeded.

9. Each turnaround over a congested area must begin at an indicated airspeed of 140 miles per hour (mph), at a minimum altitude of 200 feet above ground level (AGL).
10. Al's Aerial must train all pilots conducting operations under this exemption on procedures for engine failure over a congested area. The principal operations inspector (POI) for Al's Aerial must review and accept the training plan prior to any operations conducted under this exemption.
11. Al's Aerial must collect and submit the following data to the POI on a quarterly basis and provide a summary of the data in any requests for extension of this exemption. Data must be collected for each flight where Al's Aerial made at least one turnaround over a congested area:
  - a. Number of approved CAPs;
  - b. Number of flight-hours;
  - c. Number of flights conducted (i.e., cycles);
  - d. Number and description of any engine malfunctions experienced in flight;
  - e. Description of any incidents or accidents;
  - f. Description of the product dispensed; and
  - g. Any additional information the operator determines may be relevant.
12. Al's Aerial must report any accident, incident, or engine failure while using this exemption to the POI within 1 business day following such an event. Operations under this exemption must be immediately suspended until the Flight Standards District Office with jurisdiction completes an investigation of the event. The POI must submit a summary of the investigation findings and a recommendation for continued operations or termination of the exemption to the Flight Standards Service General Aviation and Commercial Division (AFS-800), 800 Independence Ave. SW, Washington, DC 20591, email: [9-AFS-800-Correspondence@faa.gov](mailto:9-AFS-800-Correspondence@faa.gov), before any operations using this exemption may resume.
13. Al's Aerial must carry a copy of this exemption on board the airplane when in use.
14. This exemption is not valid for operations outside the United States.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

**The Effect of the FAA's Decision**

The FAA's decision amends Exemption No. 19006 to 19006A and maintains the termination date of March 31, 2024, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2010-0134 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Wesley L. Mooty

Acting Deputy Executive Director, Flight Standards Service