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## **Meeting with OIRA: Small UAS Rulemaking** **December 22, 2014**

Thank you for the opportunity to meet to discuss the FAA's proposed rulemaking on Operation and Certification of Small Unmanned Aircraft Systems (sUAS), which would adopt specific rules for the operation of sUAS in the national airspace system. These changes would address the classification of small unmanned aircraft, certification of their pilots and visual observers, registration, approval of operations, and operational limits in order to increase the safety and efficiency of the national airspace system.

Precision agriculture (a farming management method based on observation, measurement and response to variability in crops) is critical to optimizing returns from farming while preserving resources. UAS offer farmers unique capabilities, for everything from multi-spectral remote sensing (plant inspection) to fertilizer application. The Association of Unmanned Vehicles Systems International (AUVSI) has projected that a vast majority of commercial UAS applications will be in agriculture. Indeed, countries around the world have already taken the lead in this area: for example, in Japan, 85% of cropdusting is currently done with UAS. In order for farmers to maintain a competitive advantage here in the United States, it is critical for the UAS rulemaking to move forward expeditiously—and for UAS policymakers to consider agriculture-specific concerns.

The following agriculture associations are in attendance today: CropLife America, National Corn Growers Association, Agricultural Retailers Association, National Agricultural Aviation Association, National Association of State Departments of Agriculture, and DC Legislative & Regulatory Services.

In the interest of time, we have identified a few issues for discussion that are of top concern to the agriculture community, as well as attached information about the attendees.

We appreciate this opportunity to discuss the following issues:

### **1) SAFE USE OF UAS IN AGRICULTURE**

It is critical that UAS operational control requirements (e.g., restrictions on where, when, under what weather conditions UAS can be flown; protection of nearby agricultural aircraft) be

standardized and that they also be consistent with the safe and effective use of UAS for farming, whether for cropdusting or remote sensing capabilities.

## **2) PROTECTION OF FARMERS' PRIVACY**

The agricultural community is concerned about the need to protect farmers from unauthorized UAS surveillance or harassment—whether from competitors, the government, or other individuals. Farmers are also aware of the need to protect individuals' privacy when farmers use UAS, and the community is committed to work with the government and other stakeholders to make sure that privacy rights are protected.

## **3) FEDERAL PREEMPTION OF STATE/LOCAL REGULATION OF UAS AGRICULTURAL USES**

On October 10, 2014, members of McKenna Long & Aldridge's UAS Advisory Group asked the FAA to include a preemption provision in its forthcoming proposed sUAS rules (see Att. 1). That provision would preempt state and local governments from enacting or continuing in effect any requirement, prohibition, or restriction relating to design, sale, distribution, use, or operation of sUAS. MLA briefed OIRA on the provision on December 15, 2014. The agricultural community is in agreement that an FAA preemption regulation is essential so that the agency can achieve its statutory mandate of safely integrating sUAS into the national airspace.

### **ATTENDEES**

#### **McKenna, Long & Aldridge LLP**

McKenna Long & Aldridge LLP (MLA) is an international law firm with more than 500 attorneys and public policy advisors in 15 offices and 13 markets, including an extremely active UAS practice group that has established itself as the "go-to" counsel for UAS manufacturers, operators and users. The firm has assembled and leads an external UAS Advisory Group consisting of representatives from various industry segments – manufacturers, users, and operators of UAS – who have a strong interest in the upcoming sUAS rule and the attendant policy issues. The firm held a UAS Symposium in June 2014 attended by 170 registrants from 80 companies.

#### **CropLife America**

Established in 1933, CropLife America (CLA) represents the developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the United States. CLA's member companies produce, sell and distribute virtually all the crop protection and biotechnology products used by American farmers. CLA is interested in UAS issues as they relate to agriculture including agricultural pilot and public safety, grower privacy and applications to precision agriculture.

#### **National Corn Growers Association**

Founded in 1957, the National Corn Growers Association represents 42,000 dues-paying corn farmers nationwide and the interests of more than 300,000 growers who contribute through corn checkoff programs in their states. NCGA and its 48 affiliated state organizations work together to create and increase opportunities for corn growers.

### **Agricultural Retailers Association**

The Agricultural Retailers Association (ARA), a national non-profit trade association based in Washington, D.C., represents the interests of agricultural retailers and distributors across the United States on legislative and regulatory issues. Supporting over 6,500 retail locations that includes farmer cooperatives, family owned businesses, and large companies, ARA represents the largest retailer/distributor network in the nation.

### **National Agricultural Aviation Association**

The National Agricultural Aviation Association (NAAA) consists of more than 1,700 members in 46 states, and represents the interests of small business owners and pilots licensed as commercial applicators that use aircraft to enhance the production of food, fiber and bio-fuel; protect forestry; protect waterways and ranchland from invasive species; and control health-threatening pests.

### **National Association of State Departments of Agriculture**

The National Association of State Departments of Agriculture (NASDA) represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. State departments of agriculture are responsible for a wide range of programs including animal health, food safety, combating the spread of disease, and fostering the economic vitality of our rural communities. NASDA's mission is to represent the state departments of agriculture in the development, implementation, and communication of sound public policy and programs which support and promote the American agricultural industry, while protecting consumers and the environment.

### **DC Legislative & Regulatory Services**

DC Legislative & Regulatory Services (DCLRS) is a lobbying firm that works in legislation and regulation. DCLRS represents a broad spectrum of agricultural clients and many are very interested in using UAS devices in their farming and agribusiness operations.