



U.S. Department
of Transportation

**Federal Aviation
Administration**

Regulatory Support
Division, AFS-600

P.O. Box 25082
Oklahoma City, Oklahoma 73125

Mr. Patrick Egan
patrick@suasnews.com

Dear Mr. Egan:

Freedom of Information Act (FOIA) Request 2023-04181

This is in response to your request dated February 18, 2023, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, pertaining to any information relating to an investigation involving Farm-i-tude, including enforcements, National Program Tracking and Reporting System (NPTRS) records and associated emails. Your request was forwarded from the FOIA Program Staff in Washington, DC and was received in this office on February 23.

This office does not maintain emails in relation to investigations.

A search of the Enforcement Information System (EIS) on March 22 revealed no records pertaining to Farm-i-tude.

A search of the NPTRS on March 22 revealed two records pertaining to Farm-i-tude. Enclosed is a copy of the NPTRS records.

With respect to certain of the enclosed NPTRS records, all or portions of "Section IV Comments" have been redacted under Exemption 5 of the FOIA because they contain opinions, advice, deliberations, or recommendations made during the course of official work activity. Purely factual information has not been redacted.

Personal data (names) has been redacted from the records under Exemption 6 of the FOIA (Freedom of Information Act, 5 U.S.C. 552(b)(6); Department of Transportation Regulations, 49 CFR 7.13(c)(6)). When a privacy interest is found to exist, a balancing between the rights of the individual concerned and any public interest in disclosure must be performed. Department of the Air Force v. Rose, 425 U.S. 352, 372 (1989). On balance, disclosing the personal data would not contribute significantly to the "public understanding of the operations or activities of the government." Department of Justice v. Reporters Committee for Freedom of the Press, 109 S.Ct. 1468, 1483 (1989).

The undersigned is responsible for this determination. You may request reconsideration of this determination by writing to the Assistant Administrator for Finance and Management (AFN-400), Federal Aviation Administration, 800 Independence Avenue, SW, Washington DC, 20591 or through electronic mail at: FOIA-Appeals@faa.gov. Your request must be made in writing within 90 days from the date of this letter and must include all information and arguments relied upon. Your letter must also state that it is an appeal from the above-described denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA Appeal."

You also have the right to seek dispute resolution services from the FAA FOIA Public Liaison via phone (202-267-7799) or email (7-AWA-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject or the Office of Government Information Services (<https://oqis.archives.gov>) via phone (202-741-5770/ toll-free--1-877-684-6448; fax--202-741-5769); or email (oqis@nara.gov).

Sincerely,

TIMOTHY R ADAMS
Digitally signed by
TIMOTHY R ADAMS
Date: 2023.04.12
14:37:06 -04'00'

Timothy R. Adams
Aviation Safety
Flight Standards Service
Acting Deputy Director,
Safety Standards

Enclosures

7-AWA-ARC-FOIA (FAA)

From: Patrick Egan <patrick@suasnews.com>
Sent: Saturday, February 18, 2023 4:07 PM
To: 7-AWA-ARC-FOIA (FAA)
Subject: Freedom of Information Act Request

I plan on writing a story for the sUAS News on the following topic.

I am requesting media status.

I am requesting any information relating to an investigation into Farm-i-tude who is a Part 137 agricultural aircraft operator. I am specifically requesting:

- all enforcement investigative reports (EIR),
- all Program Tracking and Reporting System (PTRS) records associated with the investigations,
- the complaints,
- associated emails (generated by the FAA or received by the FAA) in relation to this investigation, and
- all releasable documentation in their investigation files.

Please provide me the information via email.

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Thank you, [Patrick Egan](#)
916-275-3908

Shipp, Judy A (FAA)

Subject: FW: Freedom of Information Act Request (FOIA) 2023-04181

From: Shipp, Judy A (FAA)
Sent: Wednesday, February 22, 2023 3:11 PM
To: 'Patrick Egan' <patrick@suasnews.com>
Subject: RE: Freedom of Information Act Request (FOIA) 2023-04181

Mr. Egan,

This email acknowledges receipt of your FOIA request concerning “investigation into Farm-i-tude who is a Part 137 agricultural aircraft operator. I am specifically requesting: -all enforcement investigative reports (EIR); -all Program Tracking and Reporting System (PTRS) records associated with the investigations; -the complaints; -associated emails (generated by the FAA or received by the FAA) in relation to this investigation, and -all releasable documentation in their investigation files.”

Your request has been assigned for action to the FAA office listed below:

Aviation Data Systems Branch
Jennifer Fleming, FOIA Coordinator
405-954-6501

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp
FOIA Management Specialist

SPAS NPTRS Record List

Query Criteria: Query Date: Closed Date, Inspection Status: Closed, Search Text: FARM-I-TUDE, Text Match Type: Exact

Rec No	Record ID	Dsgn Code	Make/Model Series	EIR#	Inspector Code	Result	Status	Act No.	#14 CFR Part (FAR)	Status Date	A/C Reg#	Loc. Depart
1	WP07202300224	WWYG			WP07RAC	C	C	1737	137	12/29/2022		
Comments: A303I (A-Air Carrier Operations 303-Records/Reports I-Information)												
Conclusion and FAA Action Taken: The primary objective was to determine if Farm-i-tude , the holder of a 14 CFR Part 137 Air Operator Certificate (WWYG) is in compliance with their Agricultural Aircraft Operating Certificate, Federal Regulations, Letters of Authorization, and FAA issued Exemptions. It was also to determine if there were any aggravating circumstances involved in this complaint. Based on this investigation, it has been determined that the complainant's allegations could not be substantiated, in part. The most serious of these concerns was for the possible franchising of Farm-i-tude's Air Operating Certificate. This allegation could not be substantiated or unsubstantiated. Based on the complexity of this investigation, it may take a review from the Office of the Chief Counsel to make this determination. The allegation that Farm-i-tude is allowing pilots to use their own UAS and conduct agricultural spray applications under the Farm-i-tude 137 Air Operator Certificate is substantiated. The investigation showed that the pilots used are hired as contract pilots for Farm-i-tude. The allegation that there are 100's of these UAS in use by Farm-i-tude could not be substantiated. The records maintained by the Operator are very thorough and well organized. It is unlikely that there are other pilots and UASs in use by the Operator. The allegation that none of the UAS are registered with the FAA could not be substantiated. The Operator's records to include FAA Form 8410-3 shows the registration of the UAS in use by the Operator. FAA Form 8410-3 is currently being updated and is in review by the assigned Principal Maintenance Inspector.												
A617P (A-Air Carrier Operations 617-Conformance P-Potential Problem)												
The investigation did reveal the following possible non-compliance with regulations: 1. [REDACTED]												
[REDACTED]												
The Operator does not have control of the UAS in use under their 137 Air Operator Certificate.												
A901I (A-Air Carrier Operations 901-Management I-Information)												
Narrative of original complaint: The following concerns alleged by the complainant were investigated to determine their merit and if the allegations could be substantiated. The complainant alleges that Farm-i-tude is allowing pilots who own a properly equipped Unmanned Aircraft System (UAS) to conduct agricultural spray applications under the use of the Farm-i-tude Part 137 Air Operator Certificate. The complainant alleges that none of these UAS are registered with the FAA. The complainant also alleges that there are 100's of these UAS operating under the Farm-i-tude certificate. The complainant was concerned that this process may not be authorized by the FAA.												
A999I (A-Air Carrier Operations 999-Management I-Information)												
Investigation: It was determined that an inspection of Farm-i-tude's records and compliance with regulations of a 137 Air Operator Certificate was necessary. On October 26, 2022, Inspector Chagnon held a meeting with the Agent for Service [REDACTED], and the Chief Supervisor, [REDACTED] of Farm-i-tude (hereinafter referred to as the Operator) at the Farm-i-tude Primary Place of Business. On December 19, 2022, Inspector Chagnon conducted a second interview on a phone call with the Operator to clarify additional information. A comprehensive inspection and investigation was conducted on a 14 CFR Part 137 certificate holder. The preliminary investigation report is attached to this activity record. This activity record will be closed. There may be potential follow-up actions.												
2	WP07202200935	WWYG	DJI / Agras MG-1		WP07CLK	C	C	3240	137	09/29/2021FA3XLPAAAXX		
Comments: G806I (G-General Aviation Airworthiness 806-Maintenance I-Information)												
Reviewed items for certification team of Kaze Products Inc, DBA Farm-i-tude. Noted 2 UAS's originally wanted to be used, 1 weight weighing over 55LBS that did not have exemption as required and was not added to the certificate and another UAS MG-1 /DJI that was added to the certificate weighing under 55LBS that is only granted authorization as per their exemption to only spray non-toxic disinfectant for the purpose of spraying sports arenas and large venues due to COVID-19. They are not authorized to spray hazardous material as confirmed with the creator of the exemption and ASH division in the FAA that the disinfectant they are spraying is considered an economic poison because its purpose is to kill viruses but is not considered a hazardous material as per CFR 171.8 so they do not get relief from CFR 107.36 and 175.9(b)(1) as stated in their exemption for small UAS operations.												