



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

Aviation Safety

800 Independence Ave  
Washington, DC 20591

November 30, 2020

Exemption No. 18509C  
Regulatory Docket No. FAA-2020-0291

Mr. John McGraw  
Vice President of Regulatory Affairs  
National Air Transportation Association  
818 Connecticut Ave., NW  
Washington, D.C. 20006

Dear Mr. McGraw:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 18509B. The discussion below reviews the petition, states the decision, lists the conditions and limitations, and describes the decision's effect.

### **The Petition**

By letter dated October 30, 2020, you petitioned the FAA on behalf of the National Air Transportation Association (NATA) and its members for an extension of Exemption No. 18509B. That exemption from §§ 135.293(b), 135.295(e) and (g), 135.297(c)(1)(i) and (ii), 135.331(c)(3), (5), and (7), 135.347(a), and 135.351(b)(2) and (c) of Title 14, Code of Federal Regulations (CFR), provides relief to allow NATA members and other part 135 air carriers/operators to use alternative methods to conduct certain required crewmember<sup>1</sup> emergency procedures during recurrent and upgrade training, testing, or checking through November 30, 2020.<sup>2</sup>

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.<sup>3</sup> You request that the exemption be extended to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent and upgrade training, testing, or checking through February 28, 2021.

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<sup>1</sup> For the purposes of this exemption, crewmember refers to pilots and flight attendants.

<sup>2</sup> NATA Exemption, Docket ID FAA\_2020-0291-0305.

<sup>3</sup> The petitioner noted that there continues to be supply shortages of sanitizers and disinfectants and COVID-19 testing. The petitioner also noted the continuing backlog of personnel requiring training and the reduction in capacity at training facilities to accommodate social distancing and increased disinfectant protocols. The FAA notes that this exemption provides relief only from the manner in which this training is provided so as to reduce the risks of COVID-19 to ground personnel and crew. Exemption No. 18510 provides relief from training timeframes.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to NATA members and other part 135 air carriers/operators seeking to exercise the relief. Nonetheless, the Regional Airline Association (RAA) submitted comments in support of extending the exemption.<sup>4</sup>

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

The FAA has determined that the justification for the issuance of Exemption No. 18509 remains valid with respect to this exemption and is in the public interest as aircraft operations increase and the need to maintain a sufficient number of qualified crewmembers remains critical to the continuity of operations. The petitioner requested relief to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent and upgrade training, testing, or checking through February 28, 2021. The original exemption was issued on March 25, 2020. Because some crewmembers would have completed recurrent or upgrade training in March 2020 prior to the issuance of the exemption, the FAA is extending the relief until March 31, 2021, to capture those crewmembers that completed training in the beginning of March 2020 and have not yet benefitted from the relief the exemption provides. As set forth in revised Condition and Limitation No. 4, this relief cannot be applied to any crewmember that has already utilized relief under the exemption.

While the current circumstances warrant an extension of the relief provided by Exemption No. 18509B, the FAA notes that, by the expiration date of this extension, 12 calendar months will have passed since the FAA first granted relief.<sup>5</sup> The FAA expects that this timeframe is sufficient for certificate holders to have implemented appropriate plans, processes, and procedures to effectively clean and disinfect emergency equipment so that crewmembers may complete training using the normal procedures. There are several agencies providing guidance, resources, and scientific based evidence on mitigating the risk of COVID-19 exposure. The FAA recommends certificate holders use these resources in the planning and development of their processes and procedures to clean and disinfect emergency equipment.

The FAA has amended Condition and Limitation No. 7 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to training, testing, or checking conducted in December of 2020 and January and February of 2021.

Pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, part 119 certificate holders conducting part 135 operations are granted an exemption from 14 CFR §§ 135.293(b), 135.295(e) and (g), 135.297(c)(1)(i) and (ii), 135.331(c)(3), (5), and (7), 135.347(a), and 135.351(b)(2) and (c) to the extent necessary to allow relief from the manner in which the certificate holder conducts certain required crewmember emergency procedures during recurrent and upgrade training, testing, and checking. This exemption is subject to the conditions and limitations listed below.

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<sup>4</sup> Regional Airline Association letter, Docket ID FAA-2020-0291-0306 (Nov. 13, 2020).

<sup>5</sup> The FAA issued Exemption No. 18509 on March 25, 2020.

## Conditions and Limitations

1. This exemption applies only to part 119 certificate holders who have submitted a Letter of Intent to the FAA at the following address: 9-AVS-AFS200-COVID-Exemptions@faa.gov. The Letter of Intent must state the certificate holder's intention to exercise the relief granted in this exemption and affirm the intention to act consistently with the conditions and limitations herein.
  - a. A certificate holder that submitted a Letter of Intent prior November 30, 2020, in accordance with the previous issuances of this exemption has met the requirement of Condition and Limitation No. 1 and does not have to submit another letter.
2. This exemption applies only to part 119 certificate holders who have been granted authorization by their assigned principal operations inspector in operations specification A005.
3. This exemption applies only to crewmembers who are required to complete recurrent training, testing, or checking through March 31, 2021 and to pilots completing upgrade training or checking through March 31, 2021.
4. During recurrent or upgrade training, testing, or checking of emergency procedures or drills that requires the crewmember to don or use emergency equipment that must be placed on or over the head, the certificate holder may use alternative methods to conduct the training, testing, and checking. This paragraph does not apply to initial or transition training, testing, or checking or to crewmembers due to complete recurrent training in March if they previously exercised the relief granted in this exemption.
5. Any crewmember that performs emergency drills under Condition and Limitation No. 4 using alternative methods must complete the drills using the normal procedures during the person's next regularly scheduled recurrent ground training or within 12 calendar months (plus grace month) of the training using the alternative methods, whichever is earlier.
6. Any part 119 certificate holder requesting to use this exemption must provide a plan to its assigned principal operations inspector with the following information.
  - a. For certificate holders with an accepted SMS, a safety risk assessment.
  - b. For certificate holders without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.
  - c. The alternative methods the certificate holder will use to accomplish the training, testing, and checking described in Condition and Limitation No. 4.
  - d. The method(s) the certificate holder will use in accordance with 14 CFR § 135.329(e)(1) to ensure that each crewmember using relief under Conditions and Limitations Nos. 3 and 4 remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.
7. A certificate holder that met Condition and Limitation No. 6 prior to November 30, 2020, must provide a revised plan to its assigned principal operations inspector if the certificate holder intends to apply the relief provided in this exemption to training, testing, or checking conducted in December 2020 and January and February 2021.
8. Certificate holders may operate outside of the United States under this exemption, unless otherwise prohibited by a foreign country. Crewmembers must have in their

physical possession, or readily accessible in the airplane, a copy of this grant of exemption when exercising the relief provided. In accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes, crewmembers must present a copy of this grant of exemption for inspection upon request by a foreign civil aviation authority.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2020-0291 (<http://www.regulations.gov>). Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

### **The Effect of Our Decision**

The FAA's decision amends Exemption No. 18509B to 18509C and extends the termination date to March 31, 2021, unless sooner superseded or rescinded.

Sincerely,