



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

Aviation Safety

800 Independence Ave
Washington, DC 20591

November 30, 2020

Exemption No. 18512C
Regulatory Docket No. FAA-2020-0307

Mr. Paul J. McGraw
Vice President, Operations & Safety
Airlines for America
1275 Pennsylvania Ave., NW
Suite 1300
Washington, D.C. 20004

Dear Mr. McGraw:

This letter is to inform you that we have partially granted your petition to extend and amend Exemption No. 18512B. 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 29, 2020, you petitioned the Federal Aviation Administration (FAA) on behalf of Airlines for America (A4A) and its member airlines for an extension of Exemption No. 18512B until March 31, 2021. That exemption from §§ 121.407(c)(2), 121.409(b)(2)(i), 121.417(c)(2)(i)(C)-(D) and (E)(4), 121.424(a)(1), 121.427(b)(2)(i)-(iii), (e)(1)(ii) and (e)(2), 121.441(b)(1), and 121.805(b)(5)(iii) of Title 14, Code of Federal Regulations (CFR) provides relief to allow A4A members and other part 119 certificate holders¹ to use alternative methods to conduct certain required crewmember² emergency and abnormal procedures during recurrent, conversion and upgrade training, checking, and evaluation through November 30, 2020. Additionally, you request an amendment to Condition and Limitation No. 6, which requires that crewmembers using alternative methods must perform the normal procedures during their next training cycle or within 12 calendar months (plus grace month), whichever is earliest. Specifically, you requested that the time period in which crewmembers must perform the normal procedures be extended to 24 calendar months. Absent this amendment, you request that FAA provide guidance, supported by scientific evidence, on how best to protect flight attendants from coronavirus disease 2019 (COVID-19) if they are required to don equipment.³

¹ These certificate holders must conduct training and qualification in accordance with part 121. This includes all part 121 air carriers and any part 135 air carrier/operator that is required by § 135.3(b) or is authorized under § 135.3(c) to conduct training and qualification in accordance with part 121.

² For the purposes of this exemption, crewmember refers to pilots, flight engineers, and flight attendants.

³ A4A Exemption, Docket ID FAA-2020-0307-0049.

AFS-21-00083-E

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. 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, checking, and evaluation through March 31, 2021. You note that COVID-19 cases are on the rise across much of the United States and the world, and that the Centers for Disease Control and Prevention (CDC) warned of a global resurgence in the winter months. In addition, you state that, despite multiple layers of protection, there have been instances of COVID-19 exposure during some training events, necessitating an extension of the exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because any delay in acting on this petition would be detrimental to the petitioner's members and other part 119 certificate holders seeking to exercise the relief. The Regional Airline Association (RAA)⁴ and Frontier Airlines⁵ both submitted comments in support of a grant of exemption.

The FAA's Decision

The FAA has determined that the justification for the issuance of Exemption No. 18512 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 and abnormal procedures during recurrent and upgrade training, checking, and evaluation through March 31, 2021. At this time, the FAA is granting this exemption to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent, conversion, and upgrade training, checking, and evaluation through March 31, 2021. The FAA has amended Condition and Limitation No. 8 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to training, checking, and evaluation conducted in December of 2020 and January and February of 2021. The FAA has also revised Condition and Limitation No. 4 to ensure that crewmembers who are due to complete recurrent training in March may not use the relief if they previously exercised the relief granted in the original grant of exemption issued on March 25, 2020.

In addition, the petitioner requested that the FAA amend the exemption by extending Condition and Limitation No. 6 of Exemptions 18512, 18512A, and 18512B. Exemptions 18512, 18512A, and 18512B allowed certificate holders that accomplish training and qualification in accordance with part 121 to use alternative methods to conduct required crewmember emergency procedures during recurrent, conversion and upgrade training, checking and evaluation. Exemptions 18512, 18512A, and 18512B included a limitation that crewmembers using such alternate means must complete emergency procedures training using the normal procedures during the next training cycle or within 12 calendar months, whichever is earliest.

⁴ Regional Airline Association letter, Docket ID FAA-2020-0307-0051 (Nov. 3, 2020).

⁵ Frontier Airlines, Inc. letter, Docket ID FAA-2020-0307-0050 (Nov. 2, 2020).

The petitioner's request to amend Condition and Limitation No. 6 is not granted. The FAA has determined that the petitioner has failed to provide relevant data to support its request to extend the current provision for 12 additional months to allow a crewmember last trained using the alternate means to not receive training using the normal procedures for 24 calendar months. The emergency procedures that are the subject of this exemption are infrequently used skills that crewmembers must execute correctly and efficiently in high-stress, high-risk, and time-critical situations. Accordingly, the FAA has determined that a further extension of the timeframe to complete the training using the normal procedures would present an unacceptable risk to aviation safety due to the potential erosion of the crewmember's ability to perform the emergency procedures and therefore would be contrary the public interest.⁶

While the current circumstances warrant an extension of the relief to a new cohort of crewmembers, by the expiration date of this extension, 12 calendar months will have passed since the FAA first granted relief. 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.

Finally, the petitioner requested that FAA provide guidance, supported by scientific evidence, on how the petitioner and its members can best protect flight attendants from COVID-19 exposure during emergency training. The FAA recommends that, in the planning and development of their processes and procedures to clean and disinfect emergency equipment, the petitioners and its members use the resources provided by CDC on mitigating the risk of COVID-19. Additionally, the FAA published Safety Alert for Operators (SAFO) 20009, COVID-19: Updated Interim Occupational Health and Safety Guidelines for Air Carriers and Crews (Nov. 4, 2020).

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 training and qualification under part 121 are granted an exemption from 14 CFR §§ 121.407(c)(2), 121.409(b)(2)(i), 121.417(c)(2)(i)(C)-(D) and (E)(4), 121.424(a)(1), 121.427(b)(2)(i)-(iii), (e)(1)(ii) and (e)(2), 121.441(b)(1), and 121.805(b)(5)(iii) to the extent necessary to allow relief from the manner in which the certificate holder conducts training, checking, and evaluation on emergency and abnormal procedures.⁷ This exemption is subject to the conditions and limitations listed below.

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

⁶ In accordance with §§ 121.427(b)(2)(i)-(iii) and 121.433(c)(1), crewmembers must complete recurrent training, including emergency training specified in § 121.417 every 12 calendar months.

⁷ The FAA notes that it is granting relief from §§ 121.407(c)(2), 121.409(b)(2)(i), 121.424(a)(1), 121.427(e)(1)(ii), and 121.441(b)(1) only to the extent necessary to allow certificate holders to adjust training and checking procedures contained in 14 CFR part 121 appendix E, section III, paragraphs (f)(1) and (g); appendix F, section VII, paragraphs (a) through (d); and appendix H, paragraph 6.

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 to November 30, 2020, in accordance with 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, checking, or evaluation through March 31, 2021 and to pilots completing conversion or upgrade training, checking, or evaluation through March 31, 2021.
4. During recurrent, conversion, or upgrade training, checking, or evaluation 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, checking, and evaluation. This paragraph does not apply to initial or transition training, checking, or evaluation or to crewmembers due to complete recurrent training in March if they already exercised the relief granted in this exemption.
5. During recurrent flight attendant performance drills of cardiopulmonary resuscitation, the certificate holder may use alternative methods to conduct the drills. This paragraph does not apply to initial flight attendant training.
6. Any crewmember that performs emergency drills or performance drills under Conditions and Limitations Nos. 4 or 5 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.
7. 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 conducting part 121 operations, a safety risk assessment in accordance with § 5.55.
 - b. For certificate holders conducting part 135 operations who have an accepted SMS, a safety risk assessment.
 - c. For certificate holders conducting part 135 operations without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.
 - d. The alternative methods the certificate holder will use to accomplish the training and checking described in Conditions and Limitations Nos. 4 and 5.
 - e. The method(s) the certificate holder will use in accordance with § 121.415(h)(1) to ensure that each crewmember using relief under Conditions and Limitations Nos. 3, 4, and 5 remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.
8. A certificate holder that met Condition and Limitation No. 7 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,

checking, or evaluation conducted in December 2020 and January and February 2021.

9. 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-2020-0307 (<http://www.regulations.gov>). Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 18512B to 18512C and extends the termination date to March 31, 2021, unless sooner superseded or rescinded.

Sincerely,

Robert C. Carty
Deputy Executive Director, Flight Standards Service