



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

Aviation Safety

800 Independence Ave  
Washington, DC 20591

July 30, 2020

Exemption No. 18509B  
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, in part, to extend Exemption No. 18509A. 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 July 9, 2020, you petitioned the FAA on behalf of the National Air Transportation Association (NATA) and its members for an extension of Exemption No. 18509A. 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 July 31, 2020.

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>2</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 January 31, 2021.

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,

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

<sup>2</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.

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.

### **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 18509A remains valid with respect to this exemption and is in the public interest. 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 January 31, 2021. Because the coronavirus disease 2019 (COVID-19) public health emergency continues to evolve, and the length and nature of its ongoing effects are uncertain, the FAA is at this time limiting this exemption to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent and upgrade training, testing, or checking through November 30, 2020. 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 August, September, October, and November 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 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.

### **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 July 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 November 30, 2020 and to pilots completing upgrade training or checking through November 30, 2020.
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.
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 July 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 August, September, October, and November 2020.
  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. 18509A to 18509B and extends the termination date to November 30, 2020, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty

Deputy Executive Director, Flight Standards Service

