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ALEXANDRIA, VA 22314

April 1, 2020

US Department of Transportation
Docket Operations
1200 New Jersey Avenue, SE
Room W12-140
Washington, DC 20590

Re: Petition for Emergency Exemption

The Air Medical Operators Association (AMOA), whose members operate more than 1100 aircraft performing air medical transports in the United States, is filing this petition due to the extraordinary circumstances related to the Novel Coronavirus Disease (COVID-19) pandemic and its impact on the availability of Aviation Medical Examiners (AMEs). We hereby request an emergency exemption on behalf of pilots employed by our members from §§61.2(a)(5) and 61.23(d) of Title 14 Code of Federal Regulations (14 CFR).¹ These regulations require that a pilot holds a current medical certificate valid for the type of operation the pilot is conducting.

On April 1, 2020, the FAA published a notification of enforcement policy (Notification) that stated:

It is not in the public interest at this time to maintain the requirement of an FAA medical examination, which is a nonemergency medical service, in order for pilots and flight engineers with expiring medical certificates to obtain new medical certificates. This is because of the burden that COVID-19 places on the U.S. healthcare system, and because these aviation medical examinations increase the risk of transmission of the virus through personal contact between the physician and the applicant for an airman medical certificate. 85 FR 18110, 18111 (2020).

The Notification announced the FAA's decision to "not take legal enforcement action against any person serving as a required pilot flight crewmember or flight engineer based on

¹ AMOA urges the FAA to consider issuing similar relief to pilots employed by all Part 119 certificate holders engaged in air medical transportation.

noncompliance with medical certificate duration standards when expiration of the required medical certificate occurs from March 31, 2020, through June 30, 2020.” Our members and their pilots believe it is appropriate also for the FAA to grant an exemption based on the quoted public interest finding and the same extraordinary circumstances and public interest demands underlying the FAA’s policy statement. Further, the FAA now has chosen to grant exemptions to the National Air Transportation Association (NATA), Exemption Number 18515, Regulatory Docket No. FAA-2020-0317, and Airlines for America (A4A), Exemption No. 18516, Regulatory Docket No. FAA-2020-0318, from the medical certificate duration requirements for FAA certificated pilots engaged in international operations.

We note Exemption Numbers 18515 and 18516 include relief for pilots engaged in US operations that traverse international airspace. The exemptions state: “There are flights that move goods within the United States that must traverse international airspace (e.g., flights to Alaska and Puerto Rico).” We can see no public policy justification for providing an exemption for these pilots so as permit them to comply with federal law and not provide the same relief to pilots of air medical aircraft that depart from and land at locations within the United States without traversing international airspace.

Our members and the pilots they employ want to avoid any risk of noncompliance, not only with the relevant sections of 14 CFR Part 61 but also with contractual obligations related to compliance with applicable federal law. Accordingly, we are seeking this exemption for their domestic operations.

Regulatory Relief Requested

Specifically, AMOA requests relief from the following regulations on behalf of its individual members that perform air ambulance operations and their pilots:

14 CFR §61.2(a)(5) – this section prohibits a person from exercising the privileges of a medical certificate issued under part 67 to meet any requirements of part 61 if the medical certificate is surrendered, suspended, revoked or expired according to the duration standards set forth in §61.23(d).

14 CFR §61.23(d) – This section prescribes the duration of medical certificates based on age and class of medical certificate. Depending on the age of the applicant at the date of the examination, the type of operation and class of certificate, a medical certificate may expire after 6, 12, 24, or 60 calendar months after the date of issuance.

We ask for this exemption only for AMOA members and the pilots they employ who cannot reasonably obtain the renewal of their medical certificates in a timely manner due to the unavailability of AMEs. We ask that the exemption be granted on the basis of the similar conditions and limitations the FAA provided in the NATA Exemption Number 18515, except, of course, for the restrictions applicable to international operations.

Public Interest

Good cause exists for granting this exemption. Our members are providing essential air transportation and are part of the Essential Critical Infrastructure Workforce within the United States during the COVID-19 response. Without the extension of medical certificate expiration dates due to a shortage or inaccessibility of AMEs, the certificate holders may be unable to exercise the privileges of their respective FAA certificates consistent with federal law. This in turn may hinder air medical response capabilities in the United States during the current national health emergency.

An exemption from these requirements should not impact safety. The FAA has found that identical requested and granted relief does not present a risk to aviation safety that cannot be mitigated. In the NATA exemption, for example, the FAA stated:

In view of the extraordinary situation presented by the COVID-19 public health emergency, the FAA finds that the relief granted here does not present a risk to aviation safety that cannot be mitigated under the conditions and limitations of this grant of exemption. These conditions and limitations ensure that certificate holders demonstrate a plan to mitigate any potential risk introduced by extending the validity of pilot medical certificates. The relief applies to requirements for currently qualified pilots. It does not apply to pilots whose medical certificates expired before March 31, 2020.

Further, each of our members has a safety management system program that addresses training and proficiency of the individuals affected by these part 61 medical requirements. Those members without a fully accepted SMS can, through appropriate conditions and limitations, complete and provide to their principal operations inspector a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.

Providing relief from these regulatory dates will help to ensure continued vital air medical response operations without risk of noncompliance with the law.

AMOA therefore requests relief from the regulatory medical certificate expiration dates to allow medical certificate holders who hold medical certificates that expire after March 31, 2020, to extend the expiration date of their medical certificate until June 30, 2020, to coincide with the date specified in the FAA's Notification and the exemptions issued to NATA and A4A and for as long as that policy and those exemptions may be extended.

We ask that the FAA, consistent with 14 CFR §11.87, waive publication of and request for comment on this petition. Our members are already experiencing the impact of unavailable FAA AMEs. We are increasingly concerned that delay may affect pilot availability and the ability of our members to conduct their life saving missions at this critical time consistent with federal law.

Summary

The Air Medical Operators Association, on behalf of the pilots employed by its members, requests an exemption from §§61.2(a)(5) and 61.23(d) of Title 14 Code of Federal Regulations pertaining to the validity of medical certificates.

Thank you for your immediate consideration of this urgent request.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Veith". The signature is fluid and cursive, with a prominent loop at the end.

Sally Veith
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