

February 17, 2011

Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket Number FAA-2010-1127, Notice of Proposed Rulemaking, Photo Requirements for Pilot Certificates

The National Air Transportation Association (NATA), the voice of aviation business, is the public policy group representing the interests of aviation businesses before the Congress, federal agencies and state governments. NATA's over 2,000 member companies own, operate and service aircraft and provide for the needs of the traveling public by offering services and products to aircraft operators and others such as fuel sales, aircraft maintenance, parts sales, storage, rental, airline servicing, flight training, Part 135 on-demand air charter, fractional aircraft program management and scheduled commuter operations in smaller aircraft. NATA members are a vital link in the aviation industry providing services to the general public, airlines, general aviation and the military.

With this rulemaking, the Federal Aviation Administration (FAA) proposes requiring that all pilot certificates include a photo of the certificated individual. The FAA's purpose for this rulemaking is to comply with requirements contained within the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). IRTPA required that the FAA begin issuing pilots certificates that:

1. Are tamper resistant
2. Contain a Photo of the certificated individual
3. Are capable of accommodating a digital photo or other biometric identifier

Section 4022 of IRTPA required the FAA to begin issuing these new certificates within one year of the act's passage.

NATA understands and supports the FAA's efforts to transition to pilot certificates that bear a photo of the certificate holder. However, the processing and issuance of these new certificates and the potential negative effects that these may have on the industry are of concern to NATA and its membership. NATA appreciates the opportunity to submit these comments for consideration.

I. Acceptability of Digital Photographs

Section 4022 of the Intelligence Reform and Terrorism Prevention Act of 2004, which is cited as the congressional mandate for this rulemaking, requires improved pilot licenses to “be capable of accommodating a digital photograph¹.” NATA believes that this requirement was intended to help relieve the burden on regulated parties by requiring the FAA to accept digital photographs for incorporation into improved pilot certificates. This rulemaking notes that the FAA will accept digital photographs at some point in the future but currently requires the submission of a “hard copy” photograph.

Technology allowing the capture and transfer of digital photographs is currently commonplace. NATA assumes that the FAA’s disallowance of digital photograph submission is due to a lack of informational technology infrastructure or lack of development of the appropriate standards, policies and procedures necessary for the acceptance of digital photographs within the agency.

Proposal

NATA asks the FAA to withdraw this rulemaking until it is able to comply fully with the requirements of section 4022 of IRTPA, specifically the accommodation of digital photographs. Pursuing implementation of this rule prior to obtaining the ability to accept digital photographs places additional burdens on the pilot community, burdens that section 4022(b)(3) were designed to prevent.

Although NATA strongly believes the rulemaking should be withdrawn until such time as digital photograph acceptance is possible, the association offers the following additional comments on other areas of the NPRM that are of concern.

II. Proposed Changes to the Student Pilot Certificate

This rulemaking proposes to change the student pilot certificate from a paper certificate issued by Aviation Medical Examiners (AME) in conjunction with a medical certificate to a plastic certificate with a photo of the certificated individual. Under this proposal, a student pilot would be required to submit his or her application for a student pilot certificate to, and appear before (for the purposes of identity verification), his or her local Flight Standards District Office (FSDO) or other FAA designee. The FAA then estimates a six to eight week processing time for the issuance of the actual certificate.

¹ Intelligence Reform and Terrorism Prevention Act of 2004, Section 4022(b)(3)

NATA is concerned that the six- to eight-week processing time estimated by the FAA may be overly optimistic, especially in the early stages of implementation of the new issuance process. Even if a six- to eight-week processing delay is realistic, a delay of that length will significantly affect the scheduling and curriculum for facilities providing initial flight training. The length of time between a student's initiation of training and their need to possess a student pilot certificate (solo flight) can vary based upon a number of factors, including training frequency and natural aptitude, but is quite often less than eight weeks. In a regular, near-full-time or full-time training environment, a student may reach the solo phase of their initial flight training in just a few weeks. Under this proposal, a student would need to submit their application for a student pilot certificate well in advance of the commencement of their training to ensure that their student pilot certificate is received prior to reaching the solo flight phase of their training. In lieu of this, a facility or instructor would need to revise the curriculum and training schedule radically to delay solo flight until the student pilot's certificate is received.

In the NPRM, the FAA states that its reasoning for requiring photos on student pilot certificates stems from the "IRTPA requirements that apply to all pilot certificates." However, the FAA has proposed an exception that allows the continued use of a facsimile temporary airman certificate if an original certificate is lost. NATA concurs with this exception and believes that a similar rationale should be extended to student pilot certificates.

By its very nature a student pilot certificate is temporary in nature. Its sole purpose is to provide a short-term authorization to operate an aircraft for the purpose of training. Much like a temporary replacement certificate, the student pilot certificate often does not have a defined "start time" that is known well in advance by the applicant. Students choosing to begin flight training will most likely be fully unaware of the certification requirements for student pilots until immediately prior to or after the commencement of their training. Thus, these students have a need for a temporary authorization that is not subject to a six- to eight-week or longer waiting period, much like an existing pilot whose certificate is lost or destroyed.

Proposal

NATA asks that the FAA modify this proposed rule to continue the issuance and use policies and procedures for paper student pilot certificates.

III. Expiration of Photographs

In this proposed rule, the FAA sets an expiration time frame of eight years on photographs included on pilot certificates. The FAA states that it chose an eight-year expiration time frame to conform with the standards set forth in the Real ID Act (although that conformation is not required by that act or IRTPA). In choosing an eight-year expiration time frame, the agency rejected other conforming choices that would have been less burdensome on the industry, including the ten-year standard utilized by the State Department for passport photos. In making this choice between competing standards, the FAA has not identified any concrete benefit to adhering to a Real ID conforming standard. Lacking a compelling benefit for imposing a stricter standard, NATA believes the agency should base its choice between competing existing standards on reduction in burden.

Proposal

NATA requests that the FAA adopt a ten-year expiration time frame for photographs on pilot certificates, similar to the standard utilized by the State Department for passport photos.

IV. Use of Designees

The language of IRTPA section 4022 allows the FAA to utilize designees in the issuance of improved pilot licenses. Currently, the FAA proposes allowing Designated Pilot Examiners and Designated Knowledge Testing Centers to verify identity and photographs. NATA believes that this will help to reduce the burden on pilots in the conversion to certificates containing photographs. NATA, however, believes that the FAA should go an additional step further and recognize that there are existing entities that currently specialize in collecting and submitting identity information to the federal government and utilize those entities to reduce the burden on pilots further. Many pilots may not encounter a triggering event during the transition period and, therefore, will be required to appear at their FSDO or before a designee to have their identity and photograph verified. Expanding designees to include entities that currently provide identity verification services to the federal government will serve to reduce the burden on pilots.

NATA Comments on Docket # FAA-2010-1127, Notice of Proposed Rulemaking, Photo Requirements for Pilot Certificates
February 17, 2011

Page 5 of 5

Proposal

NATA asks that the FAA create a designee classification that permits companies that are authorized to provide identity and photograph verification services for the federal government to provide those same services for improved pilot certificates².

Closing

NATA understands that the FAA is acting upon a congressional mandate requiring photographs on pilot certificates. However, NATA fails to see the benefit to pilots or overall aviation security by simply requiring photographs to be placed on those certificates. As such, NATA believes that relieving burdens on pilots and the industry in general must be a priority in this rulemaking. NATA appreciates the opportunity to submit these comments and hopes the agency will evaluate the herewith proposed and other methods to alleviate additional burdens being placed on the industry by this rulemaking.



Michael France
Director, Regulatory Affairs

² As an example, NATA is aware of companies that provide general aviation industry-wide fingerprint collection and identity verification for the performance of criminal history record checks on behalf of the Transportation Security Administration (TSA).