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FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

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Table of Contents

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Table of Contents (Continued)

NOTE: Some recommendations contain bulleted elements that span several response categories.

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations Implemented or In Process

DPE Training Elements and Mentoring	
RECOMMENDATION #3	**FAA RESPONSE**
Development of FAA-Issued, Standardized tooling to promote efficiency and accuracy in the DPE process	
• Technical Understanding of the ACS and its Guidance *IN PROCESS*	The FAA believes that adequate references exist between handbooks (e.g. Airplane Flying Handbook), testing documents (e.g. Airman Certification Standards (ACS) – appendices 6 & 7) and supplemental references (e.g. SAFO 17009) to clarify expectations during practical tests. Furthermore, the FAA currently provides training to Designated Pilot Examiners (DPEs) – both in initial and recurrent training – regarding the interpretation and application of ACS requirements, as well as training on FAA policy as it relates to incomplete tasks that could require an applicant to repeat a maneuver. It should be noted that the FAA has consistently stated that this provision does not mean that instruction, practice, or the repetition of an unsatisfactory Task is permitted during the practical test. However, the FAA agrees that receiving direct feedback from DPEs and industry to resolve residual areas of misunderstanding does have merit. This feedback could be formalized either from a standalone repository or incorporated within the survey system contained within recommendation #4.
• Notices of Disapproval and Letters of Discontinuance *IMPLEMENTED*	It appears steps have already been taken to address the need for improved standardization when completing Notices of Disapproval or Letters of Discontinuance. With the release of the Integrated Airman Certification and Rating Application (IACRA) version 10.4 (released on December 8, 2020) DPEs gained the ability to select the Areas of Operations, Tasks, and Elements that should appear on those forms from a series of checkboxes that correspond with the ACS codes applicable to the test given. The DPE can also provide comments related to each standard listed to indicate why the test did not result in the issuance of a Temporary Airman Certificate. What remains to fully address this component of the recommendation is to update corresponding FAA policy and training (e.g. FAA Orders 8900.1 and 8900.2) to describe the level of detail DPEs are expected to use when completing these forms, especially when doing so outside of IACRA.

Recommendations Implemented or In Process

DPE Deployment and Oversight	
RECOMMENDATION #10	**FAA RESPONSE**
Improve, Enhance, and Promote the FAA Designee Locator *IN PROCESS*	The FAA agrees with the recommendation that the designee locator should be improved and concedes that the current locator is not user friendly and has limited functions. Although some improvements have been made, the FAA continues to develop a list of potential enhancements to improve the usability of the system. Using risk-based decision-making, and as resources become available, it prioritizes and implements those enhancements. While the current search function already provides some of the recommended information such as DPE location and contact information, the examiner's credentials and aircraft qualifications are either unavailable or difficult to decipher. Moreover, it does not account for the availability of designees. The FAA further agrees that gathering additional data for longer-term analysis for deployment and oversight is desirable. In order to track and analyze the length of time between contact for scheduling and the eventual practical test, an enhancement to the current Designee Management System (DMS) reporting capabilities will need to be developed as the date submitted and the actual date of the test are both fields completed by the designee. However, as offices must consider both need and ability to manage when determining the number of designees and their authorizations, the use of these reports would be more beneficial to a National Oversight Structure.

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations Accepted

DPE Selection Process	
RECOMMENDATION #2	**FAA RESPONSE**
Implementation of an Updated and Enhanced Base Criteria Set	The FAA agrees to conduct a risk-based review of current and proposed hours experience requirements. It will also consider incorporating the proposed "experience in lieu of base hours" requirements.

DPE Training Elements and Mentoring	
RECOMMENDATION #4	**FAA RESPONSE**
Deploy an automated survey system to more quickly and accurately track DPE performance and merit	The FAA agrees that a survey system, possibly integrated with DMS, would be beneficial to it as a supplement to interviewing recently tested airmen. Implementation of such a system will require both internal and external coordination and funding approval for additional resources.

DPE Deployment and Oversight	
RECOMMENDATION #11	**FAA RESPONSE**
Allow Equivalent Pilot-In-Command Medical Requirements for DPEs	The FAA agrees in principle that examiners should only be required to obtain the level of medical eligibility necessary to act as Pilot-In-Command (PIC) for the operation being conducted during a practical test. However, regulatory amendments (e.g. Title 14 of the Code of Federal Regulations (14 CFR) §61.23(a)(3)(iv)) will be required to permit this, which will take time to accomplish. Such amendments may allow DPEs to utilize the provisions of BasicMed while conducting some practical tests.

Emphasis Item	
APPENDIX H	**FAA RESPONSE**
Flight Instructor Endorsement Opportunities in Place of Certification	The FAA agrees in principle to a data-driven risk assessment to determine the feasibility of expanding "flight instructor endorsement processes" for certain pilot privileges versus the requirement of a completing a "practical test".

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations Accepted

Emphasis Item	
APPENDIX J	**FAA RESPONSE**
Industry Based Code of Conduct	The FAA agrees to conduct a risk-based evaluation to determine the value of implementing a Code of Conduct (COC) for its DPEs. Should the FAA move forward with implementation, the FAA will work with industry to develop the COC and incorporate it into appropriate FAA policy.

Recommendations Partially Accepted

DPE Selection Process	
RECOMMENDATION #1	**FAA RESPONSE**
Establishment of a Standardized and Structured Flow for DPE Selection	
• DPE Flight Proficiency Demonstration	Current FAA policy outlines a "DPE Applicant Pilot Proficiency Check Prior to Appointment". The purpose of the proficiency check is to evaluate the designee applicant's piloting skills. The content of the proficiency check may include a demonstration of part or all of the following: (1) The knowledge and skill areas required for the original issuance of the certificate for which the DPE will hold authority. (2) Maneuvers and procedures listed in the Practical Test Standards (PTS)/Airman Certification Standards (ACS) for the applicable certificate and rating. This proficiency check is administered by an appropriately qualified FAA Inspector. The recommendation infers that the proficiency check should occur prior to application, rather than part of the selection and pre-appointment process, as outlined in current FAA policy. The FAA believes that making it a prerequisite to the application could unnecessarily burden "applicants" and/or FAA resources when administering this proficiency check to an airman who may not even be qualified to become a DPE. The FAA therefore concludes that the placement of the proficiency check – as stated in current FAA policy – is at an appropriate location within the selection and appointment process. However, consideration should be given to the implementation of a standardized proficiency check evaluation form.

Recommendations Partially Accepted

DPE Selection Process	
RECOMMENDATION #1	**FAA RESPONSE**
Establishment of a Standardized and Structured Flow for DPE Selection	
• Implementation of a Knowledge Test	The FAA previously utilized a "DPE Knowledge Test" as part of the application process. This test was discontinued in October 2008 due to recommendations from industry and FAA workgroups. However, given the present recommendation to reinstitute it, the FAA will consider adding it back to the overall process, with the stipulation that it not be aircraft-category specific. Rather, it would measure against defined standards that correspond to ACS-type principles (e.g. Military Competency ACS). This test would primarily measure general aviation and evaluative knowledge, while serving as a "gate" for advancing within the selection process. Further consideration should then be given to the creation of an FAA reference handbook that centers on airman evaluation principles, which could be incorporated within the testing standards. Implementation will be very labor intensive, requiring both internal coordination and funding approval for additional resources.

Recommendations Partially Accepted

DPE Training Elements and Mentoring	
RECOMMENDATION #3	**FAA RESPONSE**
Development of FAA-Issued, Standardized tooling to promote efficiency and accuracy in the DPE process	The FAA agrees in principle that the audit process to qualify an applicant for a practical test can be improved upon. To do this, we believe that FAA Form 8710-1 should be modified to include supplemental forms applicable to the certificate or rating being applied for. It is envisioned that these forms would serve as checklists for the DPE to confirm that the applicant meets all aeronautical knowledge, aeronautical experience, and endorsement requirements prescribed by the applicable regulations, greatly simplifying the applicant qualification process. This is similar to the planning sheets Designated Mechanic Examiners (DMEs) use to qualify applicants for mechanic's certificates, which are required to accompany FAA Form 8610-2. Eventually, an automation tool, such as IACRA, would be enhanced to emulate the new FAA Form 8710-1, which would also incorporate these new "checklists." DPEs would be expected to use the automation tool for all applications that can be processed electronically.

As a part of an improved audit process, the recommendation suggests that the automation tool essentially serve as an applicant's official training record. A recommending instructor would provide certified inputs throughout an applicant's pilot training, which would, in turn, populate the checklists described above to vet whether the applicant meets all prerequisites (i.e. regulatory requirements) for the practical test being applied for. Implementation of this recommendation, along with the proposed updates to FAA Form 8710-1, will require significant internal coordination and funding approval for additional resources.

Consideration to matters related to "plans of action", "technical understanding of the ACS and its guidance", and "notices of disapproval and letters of discontinuance" contained within the recommendation are addressed elsewhere in the FAA's response. |
| • Awareness and Understanding of 14 CFR 61.71(a) | The FAA agrees that DPE's awareness and understanding of 14 CFR §61.71 is important, and contends that adequate training currently exists for initial-DPE applicants. However, additional awareness training could be included in recurrent-DPE courseware. In addition, the FAA should look at bolstering the regulatory impact(s) of 14 CFR §61.71 – as it relates to airman testing – during upcoming enhancements to the ACS. |

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations Partially Accepted

DPE Training Elements and Mentoring	
RECOMMENDATION #5	**FAA RESPONSE**
Reduce Inconsistencies in Designee Guidance	FAA policy currently states that while exercising the privileges of their designation, designees must continue to maintain their currency and proficiency. During direct observations, a managing specialist or Aviation Safety Inspector (ASI) must verify that the designee is maintaining currency and PIC requirements. Currency requirements are outlined in 14 CFR §61.56 and §61.57, and PIC requirements are outlined in FAA Order 8000.95 (as revised), Table 3-9, PIC Experience Requirements. For designees, other than Specialty Aircraft Examiners (SAEs), who administer tests in large, turbine-powered aircraft, currency in accordance with 14 CFR §61.58 must also be maintained, regardless of which seat the designee occupies. 14 CFR §61.56 and §61.58 afford certain flexibility as it applies to DPE currency requirements per FAA Order 8000.95 (as revised). However, with FAA policy also requiring DPEs to maintain takeoff and landing currency in accordance with 14 CFR §61.57, this could create unnecessary and expensive burdens as it pertains to a DPE who holds authority in multiple type-rated aircraft sharing similar characteristics. Therefore, provided the DPE is not *acting as PIC* or *acting as a required crewmember* while administering a practical test or proficiency check, consideration should be given to implement "aircraft grouping" provisions within FAA policy (similar to Vintage Aircraft Examiner (VAE) groups) as it relates to landing currency requirements for type-rated aircraft sharing similar characteristics.

Recommendations Partially Accepted

DPE Training Elements and Mentoring	Table of Contents
RECOMMENDATION #6	**FAA RESPONSE**
Allow DPEs with Medical Disqualifications to Perform Non Flight Practical Tests	The FAA asserts that part of this recommendation mirrors that of recommendation #7 and contends that its response adequately addresses the subject of "ground-only/flight- only" DPEs. However, the FAA accepts that consideration should be given to revise FAA policy to authorize the designation of DPE's with "administrative authorizations" only (e.g., MCE/FPE/GIE/BAE). Furthermore, the FAA agrees that a data-driven risk assessment, as well as a review of existing FAA regulations and/or policy, should be considered to determine the viability of permitting an "authorized DPE," not a Training Center Evaluator (TCE), to conduct practical tests in a Flight Simulation Training Device (FSTD) in accordance with 14 CFR §61.64 for general aviation applicants (non-air carrier).

Recommendations Partially Accepted

DPE Training Elements and Mentoring	
RECOMMENDATION #7	**FAA RESPONSE**
Apply ATP Segmented Examination Concept to Differentiate Between Ground and Flight Testing for All Practical Test Scheduling	While the FAA disagrees with the recommendation as written, it acknowledges the benefit it aims to achieve in terms of improving scheduling efficiency. The belief is that this can be accomplished within the existing regulatory framework and by only slightly modifying current FAA policy. The FAA considers a practical test to be a unified event conventionally comprised of a ground and flight portion. It does not appear that the integrity of the test is compromised if those two portions are accomplished over multiple days. 14 CFR §61.43(e) may provide sufficient flexibility to allow a practical test to start without the intent to complete it in a single day. For this to be accomplished without having to receive FAA approval to schedule it over multiple days, FAA policy will have to be modified, but it will still be the FAA's expectation that this be the exception and not the norm. If the flight portion will not take place on the same day the ground portion was satisfactorily completed, then a letter of discontinuance must be issued to the applicant. In order to start the practical test, the applicant must meet all appropriate eligibility requirements and regulatory prerequisites (e.g. FAA Order 8900.1, Volume 5 and 14 CFR §61.39). Whether a practical test is completed in a single day or over multiple days, FAA policy requires that the ground portion be completed satisfactorily prior to commencing the flight portion. The FAA acknowledges that a formal division exists between the *knowledge* portion and the FSTD or actual flight portion of the Airline Transport Pilot (ATP) practical test, but the idea of it being segmented is generally predicated on the use of an FSTD for a portion of the test. The overwhelming majority of practical tests do not use FSTDs and are therefore not considered segmented. It is often air carriers and training centers that benefit from the allowance to segment practical tests for applicants who complete their respective training programs because the flight portion is almost exclusively conducted in FSTDs within those environments. Furthermore, those tests are given by Aircrew Program Designees (APDs) and TCEs, rather than DPEs. (Ref. FAA Order 8900.1, V5, C1, S4, P5-83) Although the overwhelming majority of applicants resume a discontinued test with the same DPE that previously issued a notice of disapproval or letter of discontinuance, current policy

	allows an applicant to resume with any DPE he or she chooses. When the applicant presents a DPE with either of the two aforementioned documents, longstanding FAA policy requires that whoever conducts the resumed test would only evaluate those tasks that were previously failed and/or not attempted. However, that DPE always has the option to reevaluate any or all tasks previously attempted, even if they were completed satisfactorily. (Ref. FAA Order 8900.1, V5, C1, S4, P5-86D2) Since the practical test is a unified event where the ground portion naturally leads into the flight portion, only fully qualified DPEs may administer both portions. However, more may remain fully qualified if recommendation #11 is implemented, even if the DPE can no longer hold at least a third class medical certificate.

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations Rejected

DPE Training Elements and Mentoring	
RECOMMENDATION #3	**FAA RESPONSE**
Development of FAA-Issued, Standardized tooling to promote efficiency and accuracy in the DPE process	
• Plan-of-Action	FAA Order 8900.1 provides guidance and standardization to evaluators when developing a Plan of Action (POA) that conforms to FAA policy, regulations, and PTS or ACS, as appropriate. This is further supported through current DPE training – both for initial DPE-applicants as well as existing DPEs during recurrent training. FAA policy also provides examples of items that must be included in any POA, regardless whether it's based on PTS or ACS. The policy also provides the evaluator the discretion to evaluate additional elements, if needed, to determine whether the applicant adequately understands the subject matter. Furthermore, FAA Order 8000.95 (as revised) and the DMS automation tool require direct oversight of a designee, which includes POA review for technical and procedural consistency. Due to the nature and requirement that each POA be tailored to each applicant being tested, a standardized POA is not required since policy already exists that fosters standardization for tests based on ACS or PTS. Any future standardization or oversight of POA's would be further enhanced and supported by a National Oversight Structure.

Recommendations Rejected

DPE Deployment and Oversight	
RECOMMENDATION #12	**FAA RESPONSE**
Categorize and Limit Examinations to Six Testing Events per Day	As a result of Public Law 115-254, Section 319, current FAA policy allows a DPE to conduct three complete practical tests in a single day, with no limitations on the number of retests. The FAA believes that this already empowers a DPE with the discretion to safely use their best judgment on the circumstances, when considering the number of practical tests to be completed in a single day. The FAA believes that by classifying the ground and flight portions as separate "activities" – for those practical tests other than ATP – would conflict with the "ACS Concept," which aims to integrate the elements of knowledge, risk management, and skill to form a more comprehensive standard of what an applicant must know, consider, and do for the safe conduct and successful completion of each Task to be tested. Furthermore, the FAA strongly opposes the recommendation to permit an applicant who has failed the ground portion of a practical test, to advance to the flight portion. To do so otherwise would introduce an unacceptable level of risk.

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations for Consideration Under a National Oversight Structure

DPE Selection Process	
RECOMMENDATION #1	**FAA RESPONSE**
Establishment of a Standardized and Structured Flow for DPE Selection	The current selection and appointment process for a DPE is outlined in FAA Order 8000.95 (as revised), Volume 3, Chapters 3 and 4, respectively. A review of these FAA policies has concluded that adequate standardization exists, but would become more efficient within the establishment of a National Oversight Structure. Regarding the recommendation for a "senior mentor DPE" to participate in the review process of a DPE applicant, the FAA contends that this review is an inherently governmental function reserved for FAA personnel only. However, it will consider the "Interview Additional Areas of Interest" contained within the ARAC DPERWG Final Report v#1, Appendix B, to ensure the robustness of its review process of DPE applicants. Title 49 of the United States Code (49 USC) §44702 permits the FAA to delegate matters related to the examination, testing, and inspection necessary to issue a certificate under 49 USC Chapter 447. Since DPEs are not issued certificates under that statute to exercise their authority, the FAA cannot delegate the function to oversee a "practical test with an FAA designated party." Consideration to the proposed "base criteria", "selection matrix", "DPE knowledge test" and "proficiency check" contained within the recommendation's selection flow phases are addressed elsewhere in the FAA's response.

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations for Consideration Under a National Oversight Structure

DPE Selection Process	
RECOMMENDATION #2	**FAA RESPONSE**
Implementation of an Updated and Enhanced Base Criteria Set	
• Selection Matrix	The FAA agrees that a qualifications matrix used to rank applicants for selection would be of value. However, such an evaluation system would be most effectively utilized by a National Oversight Structure, rather than by individual offices.

DPE Deployment and Oversight	
RECOMMENDATION #8	**FAA RESPONSE**
Develop a Formal Mentorship Program	The FAA agrees to conduct a risk-based evaluation to determine the value of developing a formal mentorship program. Implementation will be considered in the establishment and management of a National Oversight Structure.
• Develop an Advisory Circular that Describes the Formal Mentorship Program	Should the FAA implement the recommendation to develop a formal mentorship program, it agrees in principle to also develop an Advisory Circular (AC), as proposed.
• Leverage FAA WINGS Pilot Proficiency Program	In 2021 the FAA implemented WINGS credit upon satisfactorily completing DPE training courses (initial and recurrent). Furthermore, the WINGS Pilot Proficiency Program has been incorporated into both curriculums, creating awareness for both DPEs and applicants alike. Assuming the implementation of a formal mentorship program, the FAA agrees in principle to integrate the WINGS Pilot Proficiency Program into the suggested AC, as proposed. AFS-850 should give consideration to the adoption of several of the recommendations outlined in Appendix E (pages V-52 and V-53, ARAC DPERWG Final Report v#1).

FAA Response to the Report from the Designated Pilot Examiner Reforms Working Group
to the Aviation Rulemaking Advisory Committee dated June 17, 2021

Recommendations for Consideration Under a National Oversight Structure

DPE Deployment and Oversight	
RECOMMENDATION #9	**FAA RESPONSE**
Develop and implement a national level oversight structure that focuses on the selection, training, deployment, and oversight of DPEs	The FAA supports the concept of establishing a National Oversight Structure aimed at increasing standardization, consistency, communication, and resource placement among individual designees. However, the FAA must first determine the feasibility of changing its organizational structure and calculate the budgetary impacts of such a change before it can commit to implementing this recommendation.