



Aviation Rulemaking Advisory Committee Task Notice March 18, 2021

ACTION: This document serves as notice of a new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the ARAC a new task to perform a “call to action” safety review of pilot certification standards. The FAA Administrator has been directed to initiate this review in order to bring stakeholders together to share lessons learned and best practices, and to implement actions necessary to address any safety issues identified. This notice informs the public of the new ARAC activity for the Airman Certification System (ACS) Working Group (WG).

BACKGROUND: The ARAC is governed by the Federal Advisory Committee Act (5 U.S.C., Appendix 2). The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking, to the FAA Administrator, through the Associate Administrator of Aviation Safety.

Congress passed the Consolidated Appropriations Act on December 21, 2020; and the President signed the bill into law on December 27, 2020. This legislation established the Aircraft Certification, Safety, and Accountability Act (ACSAA). Sections 119(c)(2)(D) and 119(d) of the ACSAA direct the FAA to initiate a “call to action” safety review of pilot certification standards:

(D) a review of revisions made to the airman certification standards for certificates over the last 4 years, including any possible effects on pilot competency in basic manual flying skills;

(d) CALL TO ACTION ON AIRMAN CERTIFICATION STANDARDS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this title, the Administrator shall initiate a call to action safety review of pilot certification standards in order to bring stakeholders together to share lessons learned, best practices, and implement actions to address any safety issues identified.

(2) CONTENTS.—The call to action safety review required under paragraph (1) shall include—

(A) a review of Administration regulations, guidance, and directives related to the pilot certification standards, including the oversight of those processes;

(B) a review of revisions made to the pilot certification standards for certificates over the last 5 years, including any possible effects on pilot competency in manual flying skills and effectively managing automation to improve safety; and

(C) a process for aviation stakeholders, including aviation students, instructors, designated pilot examiners, pilots, airlines, labor, and aviation safety experts, to provide and discuss any observations, feedback, and best practices.

(3) REPORT AND RECOMMENDATIONS.—Not later than 90 days after the conclusion of the call to action safety review pursuant to paragraph (1), the Administrator shall

submit to the congressional committees of jurisdiction a report on the results of the review, any recommendations for actions or best practices to ensure pilot competency in basic manual flying skills and in effective management of automation, and actions the Administrator will take in response to the recommendations.

The FAA is tasking the ARAC ACS WG to conduct this call to action safety review, and to provide recommendations to address any findings. The review must include the following areas:

- regulations, guidance, and directives related to pilot certification standards;
- oversight of associated processes;
- the transition from Practical Test Standards (PTS) to ACS, including revisions made to standards and any possible effects on pilot competency in:
 - manual flying skills; and
 - managing automation to improve safety; and
- a process for aviation stakeholders (including students, instructors, designated pilot examiners, pilots, airlines, labor representatives, and safety experts) to discuss observations, provide feedback, share lessons learned, and document best practices.

On March 18, 2021, the FAA assigned the task to the ARAC; and the ARAC designated the task to the ACS WG. Participants of the existing ACS WG will serve as members of the working group reporting to the ARAC. The ACS WG will solicit and collect stakeholder feedback, provide advice and recommendations on the assigned task, and review and approve submission of the recommendation report to the ARAC for its consideration. The ARAC must deliberate and discuss the report prior to voting on whether to submit the recommendation report to the FAA.

THE TASK: The ACS WG will provide advice and recommendations, to the ARAC, on the most effective ways for the FAA to:

- provide oversight of pilot certification standards processes;
 - manage the possible effects of changing standards on pilot competency in relation to manual flying skills and effectively managing automation; and
 - receive, adjudicate, and implement feedback from internal and external aviation stakeholders.
1. The ACS WG will review and identify any safety issues concerning pilot certification standards, and associated references and materials, including, but not limited to:
 - a. PTS documents;
 - b. ACS documents;
 - c. regulations, orders, handbooks, advisory circulars, and other FAA-produced documents used as ACS references; and
 - d. pilot knowledge test questions.

The review must include aviation stakeholder input, as described in the ACSAA. For any safety issues identified, the ACS WG will develop recommendations for addressing those issues.

2. The ACS WG will review existing processes for the development and management of pilot certification standards and identify any areas for improvement.
3. Develop a report containing recommendations on the findings, and the results of the tasks explained above:
 - a. The recommendation report should document both majority and dissenting positions on the findings, and the rationale for each position.
 - b. Any disagreements should be documented, including the rationale for each position and, the reasons for the disagreement.

SCHEDULE:

The ACS WG will provide a status update at each ARAC meeting, and will submit a final recommendation report for the ARAC's consideration in June 2022. The final recommendation report is due to the FAA no later than June 30, 2022.

ACS WG ACTIVITY: The ACS WG will comply with the procedures adopted by the ARAC and as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.
2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.
3. Provide a status report at each ARAC ACS WG Meeting.
4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.
5. Present the final recommendation report at the June 2022 ARAC Meeting.

PARTICIPATION IN THE WORKING GROUP: The ARAC ACS WG is comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The ACS WG includes a wide range of stakeholders to ensure all aspects of this task is considered in development of the recommendations.

The provisions of the guidance from the Office of Management and Budget, dated August 13, 2014, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on agency boards and commissions if participating in their "individual capacity". The revised guidance now allows registered lobbyists to participate on agency boards and commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government". (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C 1603, 1604, and 1605.)

Roles and Responsibilities

Members of the ACS WG, assigned to this new tasking, should actively participate in the working group by attending all meetings, and providing written comments when requested. Members should devote the resources necessary to support the ACS WG in meeting any assigned deadlines. Members should also keep their management, and those they may represent, advised of ACS WG activities and decisions to ensure the proposed technical solutions do not conflict with the position of those they represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC ACS WG Chair and the FAA's ARAC ACS WG Sponsor.

Confidential Information

All final work products submitted to the ARAC are public documents. Therefore, it should not contain any nonpublic, proprietary, privileged, business, commercial, and other sensitive information (collectively, "confidential information") that working group members would not want to be publicly available. With respect to working groups, there may be instances where members will share commercial information, within the working group, for purposes of completing an assigned task. Members must not disclose to any third party, or use for any purposes other than the assigned task, any and all confidential information disclosed to one party by the other party, without the prior written consent of the party whose confidential information is being disclosed. All parties must treat the confidential information of the disclosing party as it would treat its own confidential information; but, in no event, shall it use less than a reasonable degree of care. If any confidential information is shared with an FAA representative on a working and/or task groups, it must be properly marked in accordance with the Office of Rulemaking Committee Manual, ARM-001-15.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, working group meetings are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of the ACS WG meetings.

FOR FURTHER INFORMATION CONTACT: Karen Lucke, Acting Manager of the Federal Aviation Administration's Flight Standards Service, Regulatory Support Division (AFS-600), via email at: karen.lucke@faa.gov.