



June 8, 2021

Honorable Stephen Dickson, Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Dickson:

We write today to urge the Federal Aviation Administration (FAA) to immediately revise in advance of issuance the proposed new flight training policies outlined in a June 4, 2021 letter, which reflect unnecessary and unwarranted guidelines based upon irrational legal positions. If the FAA were to issue and implement these proposed new policies, they will likely invite unnecessary legal battles while degrading safety.

It is dismaying to see the FAA's legal counsel allege that Order 8900.1 guidance is not consistent with the regulations. The guidance in Order 8900.1 codifies a policy that has been in place and consistently and

safely applied since at least 2011. The existing policy in the Order 8900.1 reflects the FAA's recognition of the importance of make/model specific training. For years, the FAA has correctly stated, "To accomplish the best training, use the specific airplane that you plan to routinely operate, with a well-qualified instructor who, preferably, has recent experience in the specific make and model."¹ Training is the cornerstone that makes our aviation system the safest in the world, due in large part to the fact that training is accessible to pilots as often as they want or need it. Significantly, the proposed policies in this letter would unnecessarily limit access to make/model training.

Specifically, we are concerned about the following proposed policy changes discussed in the FAA's June 4, 2021, letter:

1. *Prohibiting owners of experimental aircraft from receiving flight instruction in their own aircraft without specific FAA permission to do so in the form of a Letter of Deviation Authority (LODA).* There are 176 active LODAs issued to experimental aircraft, currently required only when the aircraft is being provided by the instructor rather than the student², which primarily is used to provide transition training for aircraft builders without make and model experience. With over 27,040 amateur built and a total of 39,321 experimental manned aircraft on the registry, a numbers that grow by nearly 1,000 aircraft annually, Flight Standards District Offices will be overwhelmed by experimental aircraft owners applying for LODAs just so they can accomplish the required flight review in their own aircraft, or hire an instructor help them improve their takeoff and landing techniques. FAA Order 8900.1³ requires a detailed application package and FAA staff must review curriculum, CFI qualifications and more, then determine whether to issue a LODA. After issuance, the FSDO must provide surveillance of the flight training pursuant to the LODA, which has a limited duration and must be renewed. Never before has the FAA required experimental category aircraft owners to obtain a LODA to be trained in their own aircraft, nor is there a legal requirement to do so. Adopting a policy that creates an additional barrier to these owners obtaining flight instruction is contrary to FAA's continuing mission and will not further aviation safety.
2. *Prohibiting owners of over 300 limited category aircraft from receiving flight instruction in their own aircraft without specific FAA permission to do so in the form of an Exemption from 14 CFR § 91.315.* There are 8 current exemptions issued to entities which provide both the instructor and the limited category aircraft to students⁴, and the typical processing time for such an exemption is four months from application submission to approval. Exemptions are discretionary and limited in duration, so owners are not guaranteed an approval nor timely processing. Never before has the FAA required limited category aircraft owners to obtain an exemption to be trained in their own aircraft, nor is there a legal requirement to do so. Adopting a policy that creates an additional barrier to these owners obtaining flight instruction is contrary to FAA's continuing mission and will not further aviation safety.
3. *Prohibiting owners of primary category aircraft from receiving flight instruction in their own aircraft without specific FAA permission to do so in the form of an Exemption from 14 CFR § 91.325.* Upon a review of available resources, there does not appear to be a single exemption issued for the purposes of obtaining flight instruction in a primary category aircraft, nor does it appear likely

¹ FAA Advisory Circular 90-109A.

² See 91.319(h).

³ FAA Order 8900.1, Volume 3, Chapter 11, Section 1.

⁴ These exemptions are not related to Living History Flight Exemptions.

that FAA has a policy in place to issue such an exemption. We cannot know how long it would take for the FAA to process such an exemption, but requiring each of these owners to obtain an exemption to receive instruction in their aircraft would place a significant burden on these owners. Adopting a policy that creates an additional barrier to these owners obtaining flight instruction is contrary to FAA's continuing mission and will not further aviation safety.

4. *Limiting access to flight training in a specific make and model of an aircraft.* The FAA must issue a policy affirming the pathways that allow owners to obtain training in their own aircraft. In addition to innumerable advocates of aviation safety, general aviation insurance underwriters understand and appreciate the importance of make and model specific training based on actual claims data, and typically require it of policyholders as a condition of coverage. By encouraging affected owners to obtain training in any "standard category aircraft in which the pilot is rated," rather than the specific make and model aircraft the pilot will be operating, FAA is actively and effectively taking a stance to harm aviation safety. In fact, current FAA policies, such as those for aircraft with operating limitations that require an FAA-Issued Authorization, state that "No pilot will be found qualified for issuance of an authorization for a specific aircraft based entirely on initial training in a comparable aircraft."⁵ An owner needs to know how to expertly fly their own aircraft—the safest and most readily available means to accomplish this is through flight training in their own aircraft.

The seeming disregard for negative safety impacts, administrative feasibility, and operational experience while advancing new policies and bureaucratic processes being perpetrated from the Office of the Chief Counsel stand in stark contrast to longstanding Flight Standards regulations, policies, practices, and procedures that have made and kept our National Airspace System the safest in the world.

We stand ready to work with you to quickly correct this situation due to the negative impact on safety, training, and instruction that has been levied due to FAA's new legal interpretation that flies in the face of longstanding policy.

We are prepared to use all available means to ensure this situation is corrected as soon as possible. In the meantime and due to the enormous confusion that has been created, it is in the best interest of the aviation community for the FAA to issue a statement that it will not take legal enforcement action related to the proposed new policies to pilots and flight instructors until a satisfactory resolution has been reached.

We appreciate your positive and timely consideration of our request.

Sincerely,

⁵ FAA Order 8900.1, Volume 5, Chapter 9, Section 2.



Jack J. Pelton
CEO & Chairman of the Board
EAA



Mark Baker
President & CEO
AOPA



Peter J. Bunce
President & CEO
GAMA



Robert Rockmaker
President & CEO
FSANA



Larry Lumpkin
President
NATA



John Cudahy
President/CEO
ICAS



James Viola
President & CEO
HAI



Ed Bolen
President and CEO
NBAA



Timothy Obitts
President and CEO
NATA



David St. George
Executive Director
SAFE



Paul J. Preidecker
President
NAFI

CC: Ali Bahrami, Associate Administrator for Aviation Safety