



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

Exemption No. 18537B
Regulatory Docket No. FAA-2020-0412

Ms. Sally Veith
Executive Director
Air Medical Operators Association
909 N. Washington Street, STE 410
Alexandria, VA 22314

Dear Ms. Veith:

This letter is to inform you that the Federal Aviation Administration (FAA) has partially granted your petition to extend and amend Exemption No. 18537A. The discussion below reviews the petition, states the FAA's decision, lists the conditions and limitations of the exemption, and describes the decision's effect.

The Petition

By letter dated July 20, 2020, you petitioned the FAA on behalf of the Air Medical Operators Association (AMOA) for an extension of Exemption No. 18537A. That exemption from 14 CFR §§ 135.323(b) and 135.619(d)(2) provides limited relief from the timeframes for completing recurrent training and testing activities due through July 31, 2020, for certain air ambulance personnel.¹

Your petition indicates that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption. You request that the exemption be extended to provide relief from the timeframes for completing recurrent training and qualification requirements for air ambulance personnel through October 31, 2020.²

The FAA has determined that good cause exists under 14 CFR § 11.87 for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption

¹ The petitioner mistakenly indicated that Exemption No. 18537A expires on July 31, 2020. The exemption applies to individuals who have recurrent training due through July 31, 2020, but expires on October 31, 2020, to accommodate the additional grace months provided by exemption.

² The FAA interprets AMOA's petition as seeking to extend the exemption to apply to air ambulance personnel who have recurrent training and testing activities due in August, September, and October 2020, which would extend the expiration date of the exemption to January 31, 2021, to accommodate the additional grace months provided under this exemption.

would not set a precedent, and any delay in acting on this petition would be detrimental to AMOA members.

The FAA's Decision

The FAA has determined that the justification for the issuance of Exemption No. 18537A remains valid with respect to this exemption and is in the public interest. The petitioner requested relief from the timeframes for completing recurrent training and qualification requirements due through October 31, 2020 for air ambulance personnel. Because the COVID-19 public health emergency continues to evolve and the length and nature of its ongoing effects are uncertain, we are at this time limiting this exemption to recurrent training and qualification requirements due through September 30, 2020. The FAA has amended Condition and Limitation No. 6 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to additional personnel with training and qualification requirements due in August and September.

The FAA emphasizes that this extension does not expand upon the relief already provided in Exemption No. 18537A for personnel with training and testing requirements due through July 31, 2020. Rather, it provides the same relief to a new cohort of air ambulance personnel with training and qualification requirements due in August and September. Personnel who complete recurrent training or testing up to either two³ or three⁴ calendar months after the calendar month in which the training or testing is required, will be considered to have taken or completed the training or testing in the calendar month in which it was required. *See* Condition and Limitation No. 4.

Therefore, under the authority provided by 49 U.S.C. 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, AMOA members and other part 135 air ambulance operators are granted an exemption from 14 CFR §§ 135.323(b) and 135.619(d)(2). This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

1. This exemption applies only to part 119 certificate holders who submit a Letter of Intent to the FAA at the following address: 9-AVS-AFS200-COVID-Exemptions@faa.gov. The Letter of Intent must state the certificate holder's intention to exercise the relief granted in this exemption and affirm the intention to act consistently with the conditions and limitation herein.
 - a. A certificate holder that submitted a Letter of Intent prior to August 1, 2020, in accordance with the previous issuance of this exemption, has met the requirement of Condition and Limitation No. 1 and does not have to submit another letter.
2. This exemption applies only to part 119 certificate holders who have been granted authorization by their assigned principal operations inspector in operations specification A005.

³ 14 CFR § 135.619(d).

⁴ 14 CFR § 135.323(b).

3. This exemption applies only to personnel who are required to complete recurrent training or testing through September 30, 2020.⁵
4. Personnel who complete recurrent training or testing up to either two⁶ or three⁷ calendar months after the calendar month in which the training or testing is required will be considered to have taken or completed the training or testing in the calendar month in which it was due.⁸
5. Any part 119 certificate holder requesting to use this exemption must provide a plan to its assigned principal operations inspector with the following information.
 - a. For certificate holders with an accepted SMS, a safety risk assessment.
 - b. For certificate holders without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the certificate holder.
 - c. The method(s) the certificate holder will use in accordance with 14 CFR § 135.329(e)(1) to ensure that personnel using relief under Conditions and Limitations No. 3 and 4 above remain adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person serves.
6. A certificate holder that met Condition and Limitation No. 5 prior to August 1, 2020, must provide a revised plan to its assigned principal operations inspector if the certificate holder intends to apply the relief provided in this exemption to personnel who are required to complete recurrent training or testing in August and September 2020.
7. Apart from this exemption's application within the United States, part 119 certificate holders conducting operations under part 135 may operate outside of the United States under this exemption, unless otherwise prohibited by a foreign country. Crewmembers must have in their physical possession, or readily accessible in the aircraft, a copy of this grant of exemption when exercising the relief provided. In accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes, crewmembers must present a copy of this grant of exemption for inspection upon request by a foreign civil aviation authority.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2020-0412 (<http://www.regulations.gov>). Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

⁵ This exemption does not cover personnel covered by Exemption No. 18510A.

⁶ 14 CFR § 135.619(d).

⁷ 14 CFR § 135.323(b).

⁸ With this exemption, a total of two grace months are available to complete the requirements of 14 CFR § 135.619(d). A total of three grace months are available to complete the requirements of 14 CFR § 135.323(b), which independent of this exemption already permits one grace month.

The Effect of the FAA's Decision

The FAA's decision amends Exemption No. 18537A to 18537B and extends the termination date to December 31, 2020, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty

Deputy Executive Director, Flight Standards Service