



December 14, 2020

Via Electronic Docket FAA-2020-0986

Sandra Ray
Federal Aviation Administration
Policy Integration Branch, AFS-270
1187 Thorn Run Road, Suite 200
Coraopolis, PA 15108

RE: "Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Helicopter Air Ambulance Operator Reports," 85 FR 65133, October 14, 2020

Dear Ms. Ray:

We write in response to FAA's above referenced Paperwork Reduction Act (PRA) notice. We continue to strongly support the intent of this FAA data collection requirement and believe data collection can help to measure and analyze the industry's safety efforts if properly utilized. In response to comments we provided to the FAA in 2013 and 2014 to the prior proposals, made in coordination with other associations and helicopter air ambulance (HAA) operators, the current data collection parameters improve the usefulness of the data collected over those originally proposed. In response to comments we provided to the FAA in 2017, the FAA increased its estimates of hourly burden for operators. We thank the FAA for its cooperation with industry toward a common safety goal. In 2018, Congress amended the law requiring these reports in an effort to make use of the data more robust. These comments in response to this PRA notice on renewal of the data collection requirement note a lack of coherence in the notice and reflect ongoing concerns with process and utility to date of the data reported and collected.

Failure to Refer to Current Law. The 2018 FAA Reauthorization Act, Pub. L. 115-254, div. B, Title III, §314(d) (2018 Act), amended 49 USC sec. 44731 yet there is no reference to these amendments in the notice. The notice includes a litany of data reporting elements that partially track those in current section 44731(a), but elsewhere refers to old language, such as a reference to the number of flights flown, a data element that was eliminated in 2018.

Lack of Notice of Operations Specification Requirement. Once again, the FAA did not include in the Request for Comments for this proposed renewal of approval or the docket the operations specifications language for the data collection and reporting requirements discussed in it. As we explained in our comments to previous PRA notices on this matter, we believe that this data collection regulatory requirement should have been the subject of notice and comment rulemaking so operators had the opportunity, among other things, to review the proposed regulatory language. In this PRA notice, the FAA instead reasserts its intention to continue to require submission of this information but does not fully describe its content and is not specific as to regulatory vehicle for requiring that it be submitted. We assume that the FAA intends to continue to require that this information be submitted through the amendment to each operator's operations specification to effect this statutory requirement, but the notice does not so specify and the docket does not include this information. The actual language of the requirement and the specific data elements are extremely important and have a significant impact on operators and their FAA oversight and is relevant to the anticipated reporting burden. Further, the notice states the "FAA collects 14 pieces of data from helicopter air ambulance operators, 8 of which are mandated in the report to Congress." Which 14 pieces of data are these? The notice lists 10, not 14 elements, one of which, "rate of accidents or incidents per 100,000 flight hours" is a statistic the 2018 Act requires the FAA to report to Congress, not operators to report to the FAA. Further, the notice goes on to repeat boilerplate from previous PRA notices on this subject, stating "the information requested is limited to minimum necessary to fulfill the new reporting requirements mandated by the Act [presumably, the 2012 FAA reauthorization law, Public Law 112-95, Sec. 306] and as developed by the FAA." Yet, the notice, as just noted, also indicates the FAA intends not to be limited by the mandated statutory data elements, raising further questions about the FAA's authority to require operators to submit this data without the opportunity for notice and comment. While we are appreciative of the opportunity to comment again on this important effort, we request the FAA to share in the PRA notice docket the precise language requiring this data collection and reporting, as it is not in the Code of Federal Regulations.

Estimated Regulatory Burden. We note that the FAA has changed the burden estimate by calculating a total annual burden for all operators without also including an estimated burden per operator as it has always done in the past. Further, the notice has decreased the estimated total burden included in its 2018 PRA notice on this matter, 83 FR 2865 (Jan. 19, 2018), from 870 hours to 738 hours. The notice includes no explanations or data to support these changes. We believe that the FAA's estimation of the financial burden to collect this data continues to be underestimated, especially for large operators. This data collection requirement requires full time personnel to track, collect, and report data in the manner required by FAA. We continue to believe that the hour estimate FAA provides is artificially low and is not supported by the even slimmer record the FAA has provided.

Use of Data Collected. The 2018 Act added a new implementation requirement that is not reflected in the notice. Section 44731(e) states:

(e) Implementation.--In carrying out this section, the Administrator, in collaboration with part 135 certificate holders providing helicopter air ambulance services, shall--

``(1) propose and develop a method to collect and store the data submitted under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information submitted; and

``(2) ensure that the database under subsection (c) and the report under subsection (d) include data and analysis that will best inform efforts to improve the safety of helicopter air ambulance operations.

AMOA and AAMS members, as “part 135 certificate holders providing helicopter air ambulance services”, welcome the opportunity to collaborate with the FAA in carrying out its statutory responsibilities consistent with the law. We believe the PRA notice should reference this change in the law and state that the FAA, in collaboration with industry, intends to analyze the data and use it to best inform efforts to improve the safety of helicopter air ambulance operations.

Instead of addressing this new proactive statutory mandate, the notice repeats language in previous PRA notices published since the 2012 FAA reauthorization law that introduced the requirement for HAA data reports. Specifically, the notice states the “helicopter air ambulance operational data provided to the FAA will be used by the agency as background information useful in the development of risk mitigation strategies to reduce the currently unacceptably high helicopter air ambulance accident rate, and to meet the mandates set by Congress.” See, e.g. ,78 FR 46405 (July 31, 2013).

If the FAA, indeed, had been making use of this data since 2013 to perform analysis to develop risk mitigation strategies, that analysis has not been referenced in the mandated annual report to Congress we have been able to access. Our members wish to work with the FAA to make this reporting requirement more meaningful by using the data to assist regulators and operators in enhancing air medical flight safety. Again, we strongly encourage the FAA to collaborate with air medical operators to further analysis and use of the reported data as now directed by the 2018 Act.

Sincerely,



Sally Veith
Executive Director
Air Medical Operators Association



Cameron Curtis, CMM, CAE
President and CEO
Association of Air Medical Services