



## **Chapter 736 Newsletter for April 2013**

### **Lawsuit on GA emissions dismissed**

The U.S. District Court for the District of Columbia court has dismissed a lawsuit by environmentalist group Friends of the Earth pushing the Environmental Protection Agency (EPA) to decide whether lead emissions from general aviation aircraft endanger public health and welfare. The court said the issue is not one that it can take up under a provision of the Clean Air Act allowing “citizen suits.”

The ruling has freed the EPA from having to “make an accelerated endangerment finding” on emissions from general aviation aircraft, officials with the [Aircraft Owners and Pilots Association](#) said.

“This ruling will help to ensure that efforts to find an unleaded replacement fuel will continue in a manner that will guarantee aviation safety,” AOPA officials said in a statement released March 29.

Friends of the Earth originally filed a petition with the EPA in 2006, detailing harms from lead emissions. The group alleged that by failing to make an endangerment finding, the EPA caused an “unreasonable delay.” The Clean Air Act allows citizens to sue the government if they feel the agency is delaying action without good cause.

The court found that Friends of the Earth’s request fell outside the bounds of the Clean Air Act’s citizen suit provision. “While the allegations raise significant concerns, they do not bear on the narrow jurisdictional issue now before the Court,” the ruling states.

“AOPA and the general aviation community long ago publicly recognized the need to find a safe, acceptable alternative to leaded avgas,” said AOPA President and CEO Craig Fuller. “The entire case proved to be an unnecessary diversion in the ongoing efforts to move general aviation to an unleaded fuel. We all know that the solution to an avgas alternative won’t be found in a courtroom.”

The FAA’s new fuels program office and the general aviation industry are continuing coordinated efforts to evaluate fuel alternatives and to ultimately transition the existing fleet to an unleaded fuel, Fuller noted. The recommendations include the establishment of a “fuels development roadmap,” centralized testing of possible fuel alternatives, establishing standard procedures for soliciting and selecting fuels to be tested, and establishing a centralized certification office to support unleaded fuel projects, he said.

### **PilotWorkshops releases free non-towered ops series**

With the closure of 149 air-traffic control towers looming, PilotWorkshops has released a free video series to help pilots brush up on their non-towered operations skills. The videos are free and available online at [Flying online](#)

### **'No user fees' movement builds on Capitol Hill**

At a time when general aviation is under attack by the federal government—from sequestration's cuts disproportionately targeting GA airports to the FCC's proposed ban on 121.5 MHz ELTs—an offense is mounting on Capitol Hill in advance of what is likely the next salvo: user fees.

AOPA [rallied its members](#) in early March to contact their members of Congress to tell them user fees are a bad idea and to urge them to sign a letter opposing such fees. Their voices are being heard as the letter is gaining widespread support from both sides of the aisle.

The Obama administration's budget proposal, scheduled to be released April 10, is widely anticipated to once again call for \$100-per-flight user fees for certain commercial and general aviation operations. Congress has rejected repeated attempts by this and previous administrations to impose user fees. This year, members of the House of Representatives are expected to send a clear message to the president before the budget is even released—no user fees.

The letter [circulating in the House](#) now reportedly has more than half of the representatives expressing their opposition to user fees. House aviation subcommittee Chairman Frank LoBiondo (R-N.J.), Ranking Member Rick Larsen (D-Wash.), and GA Caucus co-chairs Sam Graves (R-Mo.) and John Barrow (D-Ga.) are spearheading the “no user fees” movement. They point out that GA is vital to the U.S. economy, providing millions of jobs.

“These members of Congress aren't sitting back waiting for the budget's release to renew the user fee threat,” said AOPA Vice President of Legislative Affairs Lorraine Howerton. “They are launching a preemptive move, sending a clear message that user fees are the wrong approach and requesting that President Obama abandon the idea.

“AOPA members' voices are being heard on Capitol Hill, and large numbers of congressmen and congresswomen are responding by standing up for GA. Their steadfast, united support for GA and opposition to user fees, especially in such large numbers, is unprecedented. We commend Congressmen LoBiondo, Larsen, Graves, and Barrow for their leadership and support.”

As soon as the letter is sent to the president, AOPA will make it available for members to see who has taken a stand for GA.

## **Portland FSDO Business Hour and Appointment Changes**

Effective March 25, 2013, the Portland Flight Standards District Office hours have changed to **0730 - 1600, Monday thru Friday** except federal holidays. Due to security regulations, **the office is open to the public by appointment only**. To make an appointment call the office number at 207-780-3263, and either select "0" for the general appointment line or dial the extension of the employee with whom you need to make an appointment. If you do not know the extension of your point of contact, you may select the # key for a directory listing, or go to our public website for the contact list at the following hyperlink:

[http://www.faa.gov/about/office\\_org/field\\_offices/fsdo/pwm](http://www.faa.gov/about/office_org/field_offices/fsdo/pwm)

For additional information, please contact Bobby Reed, Portland FSDO Manager at 207-780-3263, extension 118.

## **FAA delays closing of airport towers**

The closings of control towers at 149 small airports, due to begin this weekend because of governmentwide spending cuts, are being delayed until mid-June, federal regulators announced Friday.

The Federal Aviation Administration said it needs more time to deal with legal challenges to the closures.

Also, about 50 airport authorities and other "stakeholders" have indicated they want to fund the operations of the towers themselves rather than see them shut down, and more time will be needed to work out those plans, the agency said in a statement.

The first 24 tower closures were scheduled to begin Sunday, with the rest coming over the next few weeks. Obama administration officials have said the closures are necessary to accomplish automatic spending cuts required by Congress.

Despite the delay, the FAA said it will stop funding all 149 of the airport towers, which are operated by private contractors, on June 15. Under the new schedule, the closures will be implemented at once, rather than a gradual phase-in as had been planned.

Airport operators in several states, including Florida, Illinois and Washington state, and the U.S. Contract Tower Association, which represents the companies that operate contract towers, have filed lawsuits with the U.S. Circuit Court of Appeals in Washington seeking to halt the closures.

The suits contend that the closures violated a federal law meant to ensure major changes at airports do not erode safety, and unfairly targeted the program for an outsized share of the more than \$600 million the agency is required to trim from its budget by the end of September.

"The administration has decided to make tower closures the poster child of sequestration

(automatic spending cuts),” said the group’s director, J. Spencer Dickerson. “We believe there are other ways they could have skinned this cat.”

Federal officials have insisted that the closures wouldn’t affect safety. And there is evidence that with improving safety, some of the closures would make economic sense.

It turns out that the FAA has been using 30-year-old data on aircraft collisions to justify the cost of operating many of the control towers, even though accident rates have improved significantly over that time.

### **Next Meeting**

Our next meeting will be held on Monday, April 15th at the Pittsfield Airport FBO. We'll be starting at 6:30 pm. Pizza will be served.