



Chapter 736 Newsletter for March 2015

Sleep Apnea Guidance Sent To AMEs

The FAA has released the new medical examination requirements and information documents (PDF) for pilots regarding sleep apnea risk and all U.S. pilots can expect to be asked questions about it and have their bodies measured at their next medical. The guidance follows the American Academy of Sleep Medicine risk criteria for the disorder, which has always been a disqualifying condition for flight medicals. The new protocol requires air medical examiners to specifically determine the risk for sleep apnea in each pilot and slot them into one of six categories depending on that risk. Those at high risk will likely have to undergo further tests and/or treatment to maintain their medical.

Sleep apnea is defined as abnormal breathing during sleep that causes the sufferer to wake up repeatedly during sleep. That, combined with long pauses in breathing that deprive the body of oxygen, results in daytime sleepiness and impaired cognitive and intellectual function. The FAA considers it a serious safety threat and has been trying for several years to take direct action against it. This latest measure has been generally regarded as a reasonable course of action that is far superior to the somewhat arbitrary guidance issued a year ago. In that proposal, some pilots would have been disqualified immediately based on their body mass index, regardless of whether they actually had sleep apnea.

Three Big Changes in Pilot Medical and What they Mean to You

Congress shows the FAA how progress gets done.

Both houses of Congress in a welcome and unusual bipartisan effort have gotten behind a pair of bills that would [eliminate the outdated pilot third class medical certificate](#). The identical bills, nicknamed the Pilot's Bill of Rights 2, are the result of efforts of a few longtime friends of general aviation, Senators James Inhofe (R, Oklahoma) and Joe Manchin (D, West Virginia) and Representatives Dan Lipinski (D, Illinois) and Sam Graves (R, Missouri).

Under the rule the third class medical certificate would get the boot, replaced by a more sensible self-certification process resembling that used successfully by Sport Pilots for several years now.

With Congress regularly getting a lot of heat, much of it deserved, for engaging in partisan battles that result in legislative gridlock, these bills stand as a testament to what the legislature can do when they set their collective minds to a worthy task.

The FAA has been considering changes to the third class medical certificate for more than a year now, and it has become clear that the agency has decided to slow-track the proposal. The twin bills in Congress send a clear message to the FAA: General aviation needs this change and it needs it now. The bills, once enacted, contain a provision that would mandate they go into effect even if the FAA fails to act on them in a timely fashion (180 days). It's a critical clause; inaction on the agency's part would have been a near certainty otherwise.

Change One: Goodbye Class Three Medical (for many of us)

The new rules will immediately benefit a huge number of pilots, who can avoid the expensive, restrictive and punitive process of going through the FAA's current medieval maze. That labyrinth of conditions and special issuances did almost nothing to protect pilots or their passengers while entrenching the FAA in a position of playing doctor to unwilling patients who never needed their services in the first place. That system won't go away for commercial pilots or those who fly large aircraft, but more than a hundred thousand pilots will be able to fly free of the FAA's medical harassment.

Changes Two and Three: Bigger Faster Airplanes and IFR

Private pilots flying under the new rules will enjoy a wealth of privileges denied private aviators under the FAA's moribund proposal on the subject. Pilots will be able to fly real personal transportation flights both VFR and IFR, flying airplanes 6,000-pounds and less at speeds up to 250 knots while carrying as many as five passengers.

The legislation also offers new protection from liability for GA pilots on charitable flights and for representatives of the FAA working on behalf of the agency, such as aviation medical examiners. To protect pilot certificates, Pilot's Bill of Rights 2 would prevent the FAA from requiring a re-examination of a covered certificate holder without clear evidence of wrongdoing or unsafe behavior.

To improve the notam system, the legislation would establish a rating system to prioritize and store notams. Pilots would be protected from enforcement action if a notam is not included in the repository.

To aid pilots who do face enforcement actions, Pilot's Bill of Rights 2 would ensure that data collected by contract towers and other outsourced FAA programs is subject to the same Freedom of Information Act requirements as data from the FAA itself. The exception would be aviation safety action reports, which are designed to prevent accidents by encouraging voluntary reporting of safety concerns by employees of FAA contractors.

FAA Confirms ADS-B Flexibility for Experimental Aircraft

EAA's advocacy for experimental category aircraft owners and builders secured key assurances this week as FAA officials reiterated their support for flexibility in ADS-B equipment in those aircraft.

At an “Equip 2020” meeting involving the FAA, aviation groups, and industry officials, the agency restated their intent to ensure that the year 2020 mandate for ADS-B “out” installation would allow experimental category aircraft to install non-TSO equipment that meets TSO performance specifications. Such an allowance would support greater compliance with the mandate by reducing costs for such equipment and maintaining the freedom traditionally found within the experimental category.

“The FAA maintained the same position as during the EAA/FAA winter summit earlier this month:

EAA has committed to helping the FAA with language that would help clarify and provide guidance for experimental category aircraft owners and builders for ADS-B equipment and installation. Historically, builders and owners of experimental aircraft have been able to install avionics that meet the performance standards of certified equipment but are not specifically approved by the FAA. Even in IFR-equipped aircraft, avionics do not have to be approved devices and can be installed by the aircraft builder or by an A&P mechanic.

While the 2020 ADS-B mandate applies to all aircraft that will operate within controlled airspace, there are unique provisions and opportunities within the amateur-built regulations that may allow owners of experimental aircraft to meet the requirements with greater flexibility and potentially lower cost. That could specifically mean, for instance, the ability for a builder to individually install certified ADS-B systems, or seek out non-certified ADS-B systems that meet the mandate’s performance standards.