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U.S. Department of Transportation Dockets

Docket No. FAA-995483 - 1₃

400 Seventh Street SW

Room Plaza 401

Washington, DC 20590

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Sir/Madam:

The U.S. Parachute Association submits these comments on behalf of its 34,000 members who enjoy skydiving. USPA has deep concerns with this new proposal which imposes a reporting requirement for all serious and fatal injuries. Consequently, USPA is opposed to a federal aviation regulation that would require reporting of skydiving injuries, whether serious or fatal.

The FAA has proposed a new section of Part 105: *"The FAA must be notified within 48 hours of any parachute operation resulting in a serious or fatal injury to a parachutist by-(a) Each parachutist involved in the accident, or (b) the pilot of the aircraft, or (c) the drop zone owner or operator."*

With respect to skydiving operations, this would be new ground for the FAA. Currently, and aside from regulations governing approved parachute equipment, the FAA concerns itself only with the safety of air traffic and the safety of persons and property on the ground. The FAA allows the safety of skydiving participants to be the responsibility of USPA.

USPA questions the need for this data by either the FAA or the National Transportation Safety Board (NTSB). In fact, the FAA claims no need itself for the data, but refers to a recommendation from the NTSB that the FAA collect data on parachute accidents. However, the FAA states that the data will be used to assess the safety of parachute equipment and operations and prevent future accidents. This is a huge departure for the agency, which has long recognized USPA for its skydiving expertise and for its self-regulation of the sport. We question how the FAA will assess either the safety data or the safety of parachute operations. Further, a large percentage of fatalities, and the vast majority of injuries, are the result of skydiver error, not equipment malfunction. Many of the injuries and fatalities are attributed to a skydiver performing radical maneuvers too close to the ground with a good parachute, resulting in hard or uncontrolled landings. USPA is already developing programs to address this problem.

In the NPRM's preamble, the FAA estimates that the proposed rule would affect 44 persons who would be required to file a report. At 44 reports per year, the FAA grossly

underestimates the number of reports that would result from this requirement. In 1998, skydiving experienced 47 fatalities in the U.S. Regarding non-fatal injuries, USPA's membership renewal form, which must be completed annually by continuing members, solicits information about skydiving injuries in the preceding year. During 1998, over 1,376 members reported injuries of all types, from minor to serious. We believe that many more injuries go unreported.

This proposal also ignores USPA's incident reporting system, which gathers similar data. The FAA has only sparingly requested information about injuries or fatalities from our database. Additionally, USPA has in place a formal fatality reporting program, by which we nearly always receive skydiving fatality reports within one or two days of occurrence, and often in under 24 hours. These fatality reports, which contain a wealth of information, are vital to our safety and educational efforts. USPA is gravely concerned that a federal reporting requirement will impair USPA's reporting program, resulting in diminished information and educational value for all skydivers.

The rule proposes that reporting responsibilities be shared by jump pilots, drop zone operators, and parachutists themselves. We believe this to be unworkable, with each thinking that the other will file the report. Of the three, jump pilots are in the worst position to know if there has been a skydiving injury or fatality from their aircraft, especially at a busy facility. Turbine pilots are often back on the ground, loaded up and taking off when the skydivers who last left the aircraft are landing. There is often no conceivable way for a jump pilot to know if a jumper has been injured. At facilities with multiple aircraft in operation, it may even be impossible for any pilot to determine which aircraft the injured skydiver departed until manifest records can be checked. Finally, this would be an additional regulation by which the jump pilot could face FAA enforcement action if the FAA determined that a required report was not filed. Of the three types of individuals that would be required to report (jump pilots, drop zone operators, and parachutists themselves), the only one holding an FAA certificate is the pilot. As we will argue about other sections of Part 105, this is grossly unfair to the pilot.

With respect to skydiving, the FAA should continue its efforts to assure the safety of air traffic as well as the safety of persons and property on the ground. The agency should not begin collecting and evaluating data relative to the safety of skydivers in the act of skydiving. While the intent is laudable, the effect is an intrusion on one of USPA's basic responsibilities. The result may well be reduced data for both organizations.

USPA opposes any requirement for anyone to report skydiving accidents or fatalities to any government agency. We strongly urge deletion of proposed Section 105.27.

Respectfully,



Christopher J. Needels
Executive Director