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Comment to Department of Transportation, Federal Aviation Administration, Notice of Proposed Rulemaking, 14 CFR Parts 65, 91, 105, and 119, Parachute Operations

My interest in the FAA's notice of proposed rulemaking on parachute operations, more commonly called skydiving, traces to the death in 1991 of my son, James A. Craig, on his first jump. I am disappointed that the proposal does not address student safety, and I will return to that topic at the conclusion of my comment.

In **terms** of what the proposal does address, I support the regulation recommended by the National Transportation Safety Board that all serious and fatal skydiving injuries be reported to the FAA. I oppose relaxation of standards on who may pack main parachutes. And I question insertion of definitions that obscure the instructor-student relationship into the change of status of tandem parachute instruction.

As I understand the accident reporting requirement, the skydiver involved, the pilot of the jump plane, or the owner/operator of the drop zone would be required to notify the FAA of any serious or fatal injury to a parachutist. At present, no such requirement exists.

The proposed regulation hits close to home. My son shattered his brainstem on his first jump but survived for eight days in intensive care. Had he lived, he would have required custodial care, but would not have been even a statistic in FAA records.

It is common practice at present, I believe, for the FAA to

investigate skydiving fatalities. But neither the FAA nor the Massachusetts Aeronautics Commission (MAC), the regulatory agency in the state where my son's accident occurred, investigated. The FAA inspector merely telephoned the United States Parachute Association (USPA) official at the drop zone and wrote down what the official told him. The MAC inspector delegated investigation to the same USPA official, and in a one-page report, repeated the official's conclusions as his own, without, it would seem, even having read the statements assembled for him. Not until three years after the accident, when I gained access to the MAC file, did I learn what had really happened.

I object to the proposed change that would allow non-certificated persons to pack a main parachute under supervision of a certificated parachute rigger. I am shocked to learn from the proposal that such is already the practice in the skydiving industry.

Part 105 as it is now written stipulates that only a certificated rigger or the person who will himself or herself jump the parachute may pack it--a provision, the proposal notes, inconsistent with a provision of part 65. The proposal attempts to define "supervision," but much of the definition seems impractical and unlikely to be observed--that "a certificated rigger must personally observe the entire packing process of the main parachute to ensure that it is being done properly by the non-certificated person . . ." for instance.

Two other 1991 student victims, whose families I have come to know, died because of problems with their parachutes. One was a first-jump student whose reserve parachute opened on its own and became entangled with the main parachute. The other was a seventeenth-jump student who was unable to open her main parachute.

As long as such accidents happen to student jumpers, packing requirements should be tightened, not relaxed. Part 65, not part 105, should be changed.

I do not oppose the USPA-initiated change of status for tandem instruction, but oppose definitions included in the change. Tandem parachutes, of course, are dual harness systems that support two people under a single parachute--an instructor and a student. Under the new rules, however, the tandem instructor would be called "parachutist in command" and the tandem student, "passenger parachutist." The terms seem intended to obscure the fact that tandem operations are student jumps.

The greatest weakness of the rulemaking proposal, however, is that, except for noting that the fatality rate for tandem instruction is lower than that for the two other types of instruction--static-line and freefall--it does not address the problem of deaths during skydiving instruction.

There should be no student deaths. The Airborne School at Fort Benning, which trains all beginning parachutists for all branches of the U.S. military, doesn't have training deaths. Or to be more accurate, it had two training deaths in January, 1991--the first fatalities in its history--and has had none since. The Airborne School moved heaven and earth to insure that training deaths do not occur.

The military spends money on instruction; the skydiving industry makes money from instruction. The military's priority is safety; the skydiving industry's priority is profit. Students comprise the largest segment of skydiving's market and pay ten times as much, or more, for instructed jumps than experienced jumpers pay for their jumps. Instruction supports the skydiving industry, provides a drop zone's profit, and subsidizes the cost of the sport for experienced jumpers. Protecting student jumpers is a consumer issue.

In 1991, when my son was killed, 10 out of 30 skydiving deaths were deaths of student jumpers, The ratio in 1998 was 8 out of 47. The ratio is better, but the number of student deaths is still too high, and the explanation for the reduction in ratio

has more to do with increased deaths among experienced jumpers using newer high performance canopies than with significant changes in instruction.

I doubt that the FAA can write enforceable regulations for instructional safety, but it can acknowledge that skydiving is a business and set requirements for fiscal responsibility. I favor invalidation of waivers of liability for student jumpers and a requirement that drop zones individually qualify for and purchase personal injury/wrongful death liability insurance for their students. My goal is not simply coverage of the hospital and medical costs of injured students, but reform of instruction. I believe drop zones would voluntarily make needed changes in instruction to qualify for purchase of insurance if insurance were required and if all other drop zones were held to the same standard.

I would welcome the opportunity to engage in dialogue with persons who have ideas other than mine on how to guarantee student safety, but I oppose enactment of the rulemaking proposal until it includes regulations aimed at eliminating student deaths and student injuries.