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Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street, SW  
Nassif Building, Room PL—401  
Washington, DC 20590-001

Docket No. FAA-2003-16685, Notice No. 03-13

Sir/Madam:

These comments are submitted by the U.S. Parachute Association on behalf of its 34,000 individual members who enjoy skydiving. USPA also represents some 230 U.S. skydiving schools, clubs, and centers that join USPA's Group Member Program. These skydiving locations pledge to USPA that their operations will conform to USPA's Basic Safety Requirements and abide by the applicable federal aviation regulations.

USPA and FAA

For several decades, the Federal Aviation Administration has recognized USPA for the programs that USPA has developed that enhance the level of skydiving safety. USPA programs include:

- A licensing program that issues four categories of skydiving licenses to qualified individuals;
- A ratings program that issues several types of instructional ratings to qualified skydivers, and that issues the PRO exhibition rating to qualified skydivers;
- Recommendations for first-jump and novice training programs, known as the Integrated Student Program;
- An affiliates program by which skydiving businesses pledge to comply with USPA's Basic Safety Requirements and applicable federal aviation regulations.

The FAA not only recognizes these programs, but also has used them as a basis to allow skydiving to be "self-regulating." In concept and in reality, the FAA depends upon USPA, the skydiving locations, and individual skydivers to adhere to the practices and procedures that USPA has developed over the years to advance skydiving safety.

As a result, the FAA endorses self-regulation by skydivers, and only minimally regulates skydiving via 14 CFR Part 105 by providing for the safety of air traffic and people and property on the ground. USPA values this long-standing, collaborative relationship which we believe serves skydivers, the aviation community, the FAA and the general public so well.

The benefits to FAA of this relationship are immeasurable. Because of USPA, the FAA has not had to consider, much less implement, measures aimed at enhancing or maintaining the safety of skydiving activity. The FAA's manpower savings are enormous.

#### PIA and FAA

Likewise, the Parachute Industry Association, an organization representing parachute equipment and component suppliers, manufacturers, dealers, and other parachuting-related businesses, has a long-standing relationship with the FAA. PIA works extensively with the FAA on various issues including standards-setting leading to issuance of technical standard orders. This, too, is a valuable partnership that benefits skydiving-related businesses, skydivers, the FAA, and the general public.

#### Application to Parachute Operations?

We note that the notice of proposed rulemaking specifically states that the proposal “would allow designated organizations to find compliance or conduct functions leading to the issuance of certificates or authorizations for parachute jumping operations under 14 CFR Part 105...” as well as other parts of the Code of Federal Regulations. We also note that the proposed revision to 14 CFR Part 183 includes a reference to skydiving. Specifically, Section 183.49(c)(13) (which is revised to list functions that may be delegated by the FAA), lists “issuing authorizations for parachute jumping operations under part 105.”

Conversely, we note that there is no reference to parachute operations functions in the FAA's draft Order 8100.ODA, which the NPRM refers to. Chapter 14-1 of the draft Order describes the “general aviation operation functions” that would be eligible for delegation. Specifically, the chapter states:

- “a. Airmen Certification. Airmen certificates and ratings under 14 CFR part 61...
- b. Operating Certificates. Operating certificates issued under 14 CFR part 133...and issued under 14 CFR part 137; or
- c. Air Agencies Certificates. Air Agency certificates issued under 14 CFR part 141, Pilot Schools.”

Nowhere in Chapter 14 of the draft Order is there any reference to parachute operations or 14 CFR Part 105.

Part 105 refers to two different types of authorizations with respect to parachute operations. One type is an “authorization by air traffic control” as described in Section 105.25. Prior to parachute operations taking place in Class A, B, C, or D airspace, the proponent must receive an “authorization” from the air traffic control facility that has jurisdiction of the airspace in which the parachute operation will be conducted. This

“ATC authorization” can be given verbally, but is often exchanged in writing after the ATC facility receives all pertinent information. We do not believe that the FAA intends to delegate this function.

Part 105 also requires (Section 105.21) that parachute operations receive a Certificate of Authorization from an FAA Flight Standards District Office when the jump will be over or into a congested area or open-air assembly of people. This is usually the case for exhibition jumps into events of all scales. Such Certificates of Authorization are date- and time-specific, specify the individuals to be involved, and include numerous special provisions.

Quite simply, the vast majority of parachute operations take place without the need for issuance of any Certificates of Authorization. This is because the bulk of skydiving activity takes place on public airports and not over or into congested areas or open-air assemblies of people. So it would appear that the FAA is proposing to delegate the function of issuing a Certificate of Authorization to experienced and qualified skydivers who desire to conduct exhibition parachute jumps.

#### FAA Certificates of Authorization

Currently, the FAA’s function of issuing Certificates of Authorization for exhibition jumps currently calls for frequent and collaborative interaction between USPA and the various FSDOs. Long ago, USPA and the FAA coordinated the conditions and requirements for different types of exhibition jumps.

For proposed exhibition jumps into Open Field and Level 1 landing areas (jointly defined by both USPA and FAA) the FAA requires that the parachutist hold a current USPA membership and a USPA-issued C license. For proposed exhibition jumps into Level 2 and stadium landing areas (also jointly defined), the FAA requires that the parachutist hold a current USPA membership and a USPA-issued PRO Exhibition Rating card. Frequently, the FSDOs call upon USPA to verify the skydiving credentials and qualifications of the skydivers who apply for the Certificates of Authorization. (The FAA has provisions that allow a FSDO to require a test parachute jump of any individual who is not a USPA member, but claims to be otherwise qualified to make such a jump.)

Frankly, if the FAA were to delegate this function to an entity other than USPA, we can not fathom how the process would work with the introduction of a third-party designee. Would USPA be expected to verify skydiving credentials with an unaffiliated, non-governmental organization? Would USPA be expected to provide this information at no charge? If such a relationship were not established, how would the designee verify that a skydiver’s credentials were valid and current?

Almost certainly, delegation of this function to a third-party would severely reduce the opportunities for interaction between USPA and the FSDOs which we fear would tend to reduce the spirit of cooperation and the excellent working relationship that USPA and the FAA have built up together over the years.

USPA does not intend to apply for a Letter of Designation to assume the function of issuing Certificates of Authorization. The primary reason is liability. Simply put, there is great potential for exposure of USPA's organizational assets. Having great familiarity with the aviation insurance market, we do not foresee that affordable insurance would be available in a way that could reduce USPA's exposure. In fact, it is likely that insurance would not be available, regardless of the cost.

For all of the reasons stated above, USPA is opposed to the NPRM's apparent proposal to delegate the function of issuance of Certificates of Authorization for exhibition parachute jumps.

#### Application to Parachute Equipment?

It appears that the NPRM offers a possible opportunity for the FAA to delegate at least some of the skydiving-related equipment approval functions. Theoretically, an organization could be delegated the authority to review a parachute or component manufacturer's design, testing, and production data and determine whether a TSO should be issued to that manufacturer. USPA defers to the opinion of the Parachute Industry Association on this issue. However, regardless of the process (whether FAA or designee) that a manufacturer may use to secure a TSO, the FAA should ensure parachute equipment still meets the safety standards and quality controls that are currently built into the process, and that our skydiving members still expect.

#### Recommendation

While USPA is not opposed to the concept of the FAA delegating certain functions, USPA believes that the actual FAA process for delegating authority must provide an opportunity for public comment on any application. The public interest would be served by knowing in advance that the FAA is contemplating the delegation of a certain function. The public should have the opportunity to comment on whether that function should be delegated, and the public should have an opportunity to comment on the ability and expertise of the applicant. We would think that the FAA would also be interested in hearing about the applicant from interested parties who may have information or experiences with the applicants that would be of interest to the FAA decision making process.

We appreciate the opportunity to comment.

Sincerely,

Christopher J. Needels  
Executive Director  
U.S. Parachute Association