

# FREQUENTLY ASKED QUESTIONS REGARDING THE EAA/AOPA MEDICAL EXEMPTION REQUEST

Important points to keep in mind:

- The request has not yet been submitted to the FAA. We anticipate submittal after the first of the year
- EAA and AOPA Members (and non-members) have the option to sign up for email notifications regarding the status of the request for exemption online at [http://www.magnetmail.net/actions/subscription\\_form\\_ExAAdl.cfm](http://www.magnetmail.net/actions/subscription_form_ExAAdl.cfm)
- We will publicize submittal of the exemption request and when the FAA publishes it and opens it for public comment – watch the EAA or AOPA websites and news coverage, or sign up for email notifications
- There will be a short comment period – most likely 60 days for the public to comment on the exemption request
- We will provide guidelines to use for writing comments in support of the proposed exemption. It will be available on the EAA and AOPA websites before the comment period opens
- It may take time before the FAA acts on the exemption request - even as much as a year or more. We cannot speculate on a timeline
- We don't know what parts of the request will be accepted by the FAA and what parts would be rejected. There is also a chance that the FAA won't issue the exemption at all or they could issue an exemption with so many additional requirements that we wouldn't accept it.

**What makes this exemption request different from the third-class medical petitions that EAA, AOPA, and others have previously submitted?**

- EAA, AOPA, and other organizations have submitted numerous, specific requests to eliminate or relax the third-class medical certificate for various airman certificates over the past 25 years. If you include requests made as part of other rulemaking change requests are included, the number is more than 20. Each time, the FAA has either denied or failed to act upon the petitions. Learning from those efforts, we have addressed all the concerns raised in the previous FAA denials. What makes this initiative different is that it incorporates an education program that will teach pilots how to self-certify fitness to fly – something we must all do already but with little training so far on how to do it. Another difference in this initiative is that there is now a body of statistics from the sport pilot certificate – which does not require a third-class medical certificate. EAA and AOPA have joined forces and make the case that a pilot flying recreationally who has completed the recurrent aeromedical course meets an equivalent or higher level of overall safety compared to the existing medical certification process for similar operations. The exemption is tied to a type of flying (recreational) instead of a specific pilot certificate. It also addresses the concerns raised by the FAA in past denials and creates the strongest possible case for the exemption.

**What is the philosophy behind this exemption request?**

- Although the FAA has shown no intention to broadly allow use of a driver's license as a medical standard for all private pilots or eliminate the third-class medical completely, they have allowed its use for the sport pilot certificate. The next incremental and logical step in our view is to allow use of a driver's license and self-certification instead of a medical certificate for pilots flying recreationally, while ensuring safety through education. The operating limitations within the exemption proposal were based on existing standards in Part 61 for recreational pilot certificates. It would make tens of thousands of additional aircraft available for use without a medical certificate and enable pilots to continue to fly familiar aircraft in which they have extensive time and experience.

### **Why an exemption request instead of a full request for rulemaking?**

- The FAA prioritizes rulemaking activities for permanent changes based mainly upon the safety imperative behind them. That leaves few resources for projects that would relax or improve the flexibility of current standards. Full rulemaking projects can take five to 10 years for review and final approval, and are also very costly. An exemption request allows relief from current regulations as long as pilots operate within designated specifications. An exemption from current FARs is more likely to be considered in a timely manner and can be used immediately after FAA approval. The EAA/AOPA request is for a specific exemption from current rules instead of creation of a completely new rule. By taking this route, the experience and data gained under an exemption could form the basis for a permanent rule change in the future.

### **Why not just petition to eliminate the third-class medical?**

- As previously mentioned, the FAA has turned down numerous petitions to modify the requirement for a third-class medical certificate over the past 25 years. A review of those denials offers no indication from the FAA that outright elimination would have any chance for success.

### **What will I have to do to participate in the exemption process?**

- Assuming the FAA approves the exemption as written, part of the pilot requirements will be to participate in and complete a free online course for the driver's license/self-certification standard on a recurring basis (our request calls for recurrent completion of the program every 24 calendar months). Pilots will also have to maintain a valid driver's license and will have to complete a self-certification prior to any flight. The education program will teach you how to conduct that self-certification and will teach you about your legal responsibilities while operating under the exemption.

**What happens after that?**

- The current plans are that, at the successful completion of the free online course, participants can print a certificate as evidence that they've taken the course. This certificate of completion plus a driver's license will establish the baseline of health. The pilot will then need to self-certify his/her fitness prior to any flight.

**How many airplanes would become available to pilots using a driver's license in lieu of a medical certificate if the exemption request is approved?**

- A very preliminary review by the General Aviation Manufacturers Association estimates that more than 56,000 aircraft would be eligible for flying under such an exemption — including many aircraft already used for flight training or flying recreationally.

**Will I have to be an EAA or AOPA member to participate?**

- No.

**Why is the mandatory online aeromedical training necessary as part of the exemption request?**

- A key component of any exemption request or petition for rulemaking is to demonstrate to the FAA that safety can be maintained or, preferably, enhanced under the proposed changes. EAA and AOPA believe that participating in a free online aeromedical self-certification education program will not significantly burden pilots seeking to use the driver's license as a medical standard. At the same time, it will enhance safety by making pilots more aware of aeromedical factors and proper self-certification evaluations than under the current system, where a pilot will see an AME every two or five years.

## What limitations apply?

- The AOPA/EAA exemption request will include the following limitations:
  - (a) A person operating under the EAA/AOPA medical exemption may:
    - (1) Carry no more than one passenger; and
    - (2) Not pay less than the pro rata share of the operating expenses of a flight with a passenger, provided the expenses involve only fuel, oil, airport expenses, or aircraft rental fees.
  - (b) A person operating under the EAA/AOPA medical exemption may not act as pilot in command of an aircraft—
    - (1) That is certificated—
      - (i) For more than four occupants;
      - (ii) With more than one powerplant;
      - (iii) With a powerplant of more than 180 horsepower, except aircraft certificated in the rotorcraft category; or
      - (iv) With retractable landing gear;
    - (2) That is classified as a multiengine airplane, powered-lift, glider, airship, balloon, powered parachute, or weight-shift-control aircraft;
    - (3) That is carrying a passenger or property for compensation or hire;
    - (4) For compensation or hire;
    - (5) In furtherance of a business;
    - (6) Between sunset and sunrise;
    - (7) At an altitude of more than 10,000 feet MSL or 2,000 feet AGL, whichever is higher;
    - (8) When the flight or surface visibility is less than 3 statute miles;
    - (9) Without visual reference to the surface;
    - (10) On a flight outside the United States, unless authorized by the country in which the flight is conducted;
    - (11) To demonstrate that aircraft in flight as an aircraft salesperson to a prospective buyer;
    - (12) That is used in a passenger-carrying airlift and sponsored by a charitable organization; and
    - (13) That is towing any object;

(14) Without completion of the EAA/AOPA airman self-certification medical education course within the preceding 24 months.

*NOTE: All pilots currently holding recreational pilot certificates will also be limited by the privileges and limitations listed for the recreational pilot certificate under §61.101. For example, a recreational pilot will still require an endorsement prior to cross-country flight beyond 50nm.*

**Why can't the upper limit be moved from 180 hp to 200 horsepower engines?**

**Why isn't night flying allowed?**

**Why can't we carry more than one passenger?**

**Why not repositionable or retractable landing gear?**

- We'll gather these questions together, as they all highlight expansion of specific privileges sought under the current proposal. The exemption request is built upon airmen privileges approved by the FAA as part of the recreational pilot certificate. When the recreational pilot NPRM was published for public comment in the mid-1980s, self-certification in lieu of medical certification was considered as part of that proposal. That self-certification medical standard was widely supported in the public comments. However, it was not included in the final rule – the FAA instead established the third-class medical standard for the recreational pilot certificate. Since that time, the FAA in the sport pilot final rule has allowed the use of a driver's license for privileges similar to what EAA and AOPA are now proposing. This gives our proposal the best chance of initial approval. Since exemptions are issued for a specific period of time, there will come a time for us to evaluate the limitations of the exemption and, assuming the data is favorable, offer an opportunity to perhaps expand the type of aircraft or operations allowed when we reissued the exemption.

**Will I be able to use this as a sport pilot?**

- Sport pilots can already fly light-sport aircraft by using a driver's license in lieu of a third-class medical certificate, but as a part of the sport pilot rule, flying heavier or faster aircraft is not allowed. Sport pilot is a very specific rule tied to certain classifications of aircraft, such as light-sport aircraft (LSA) and sport pilot-eligible aircraft. To use this exemption, current sport pilots would need to upgrade to at least a recreational pilot certificate.

### **Why not just ask for increased weight limits for light-sport aircraft (LSAs)?**

- As LSAs are tied to a very specific set of aircraft certification standards, increasing the weight would alter those standards and become a much more complex request to FAA. This exemption request is for an initial step that would allow the option of the driver's license medical standard while not interfering with the larger matter of aircraft certification categories.

### **Why couldn't I fly into Canada using this exemption?**

- Transport Canada regulations require that U.S. pilots who fly across the border into Canada must hold a minimum of a third-class medical certificate. The exemption request to FAA has no effect on aviation regulations in another country, so the exemption would not be applicable in Canada or any other nation as it does not meet ICAO standards. This is similar to what is true today for U.S. sport pilots. Transport Canada and other nations would have to consider a rule change to allow such flights. If EAA and AOPA are successful in obtaining this exemption, we would certainly work with our international partners for similar changes or exemptions in Canada, Mexico, and the Bahamas (the only other nation that allows U.S. sport pilots to operate using their driver's license as a medical certificate).

### **Will there be any changes to the specifics of the exemption request when submitted in early 2012, or will it be as announced at AOPA Summit?**

- While there is still work to be done on the final exemption request and the development of the aeromedical training syllabus, the proposal was carefully drafted to maximize its acceptability to the FAA and create progress where there has been none previously. Each additional expansion beyond the limits that are being proposed in the EAA/AOPA exemption request – and there are many that have circulated – reduces the likelihood of success.

### **Will I be able to use this exemption in Experimental category aircraft?**

- Yes, as long as the aircraft meets the requirements described in the exemption.

### **Will I be able to use this exemption in helicopters?**

- Yes, as long as the helicopter meets the requirements described in the exemption.

### **Would EAA and AOPA consider expanding the parameters of the exemption in future efforts?**

- That is possible, based on data that could be gathered under the current exemption proposal. Part of the purpose for this exemption request is to build a body of data to support greater expansion of medical self-certification to other areas of recreational flying. The current exemption request is a logical first step in a longer-term process to expand self-certification.

### **What is the timeframe?**

- We will be submitting the exemption request to the FAA after the first of the year 2012. When the FAA posts the exemption request online there will be a time limit in which they will accept comments to the request. The typical deadline for comments on an exemption request is 60 days. The FAA may offer an extension to the comment deadline.

### **How can I help?**

- After the request is submitted to the FAA, it will be posted online and be opened for comments. **That's when you can help.** If you [sign up to receive updates](#) on our medical initiative, we will let you know when the exemption request has been posted online and we will provide a template for you to use to write and submit valuable comments in support of our effort. The window for comments will only be open for approximately 60 days, so it will be important to keep an eye out for news on the submission.