

Chairman John Thune
Questions for the Record
Senate Committee on Commerce, Science, and Transportation
Nominations Hearing
October 31, 2017

Question 1. In 2010, Congress directed the Federal Aviation Administration (FAA) to update flight and duty time regulations. In crafting these rules, the agency made a distinction between operations conducted by passenger and cargo pilots and, after a thorough cost-benefit analysis, the FAA excluded cargo pilots from the rule. In March of last year, the U.S. Court of Appeals for the D.C. Circuit denied a petition challenging this rule. In doing so, the court found that the FAA acted within its discretion to exempt cargo operations from part 117 rules.

Could you further explain your thoughts on this rule and if you believe that a one-size-fits-all approach to safety is appropriate, particularly given the large variance in the operational considerations between cargo and passenger carriers, fatigue management plans already in place, and total hours flown? While the NTSB is not required to take costs into consideration in making recommendations, isn't it appropriate for agencies promulgating rules to do so?

Fatigue is certainly an issue for pilots in all operations and I also recognize that regulatory agencies should consider costs and benefit before promulgating rules in any area. A one-size-fits-all approach is, in certain circumstances, not the best solution, especially in the expanse of safety. Certainly, a risk-based approach to resolving safety issues is a preferred methodology to improving and enhancing a safe operational environment.