



FAA

Aviation Safety

Memorandum

Date: March 27, 2020

To: All Flight Standards General Aviation Safety Assurance Division Managers
All Flight Standards General Aviation Safety Assurance Office Managers
THRU: Robert Ruiz, Acting Director, General Aviation Safety Assurance, AFG-1
Thomas Winston, Director, General Aviation Safety Assurance, AFG-2A
Hardie DeGuzman, Deputy Director, General Aviation Safety Assurance, AFG-2B

From: Thomas F. Malone, Manager, Air Transportation Division, AFS-200

Prepared by: Mark Valette, Aviation Safety Inspector, AFS-280

Subject: COVID-19 Deviation for 14 CFR Part 142 Training Center Certificate Holders

This memorandum provides authority to Title 14 Code of Federal Regulations (14 CFR) Part 142 Training Center Program Managers (TCPMs) to issue a deviation to 14 CFR Part 142 pertaining to certain required crewmember emergency procedures during recurrent and upgrade training, testing, and checking. For the reasons explained herein, the FAA is issuing the requested relief to the extent necessary to allow 14 CFR Part 142 training center certificate holders who submit an application requesting (in the form and manner described below) to use alternative methods to conduct certain crewmember emergency procedures during recurrent and upgrade training, testing, and checking.¹ The relief also applies to Part 142 instructor and evaluator recurrent training curriculums and Part 142 required checking events that include emergency procedures described within.

Relief may be provided to the following regulation:

Section 142.65(d) states, in pertinent Part, that a holder of a training center certificate may not graduate a student from a course unless the student has satisfactorily completed the curriculum requirements of that course. The relief provides a temporary deviation to certain emergency procedures during some training, testing, and checking events.

¹ The term crewmember for the purpose of approved part 142 training curricula includes; pilot, flight engineer, and flight attendant curriculums.

The relief is supported with the following information:

This deviation approval was initiated by the FAA Air Transportation Division after extensive discussions with Safety Assurance staff on behalf of Part 142 training centers due to potential health concerns over the Coronavirus (COVID-19) outbreak. Due to the extraordinary circumstances associated with the outbreak, the FAA is construing these conversations, which included a request for expedited relief, as a request for deviation under 14 CFR Part 142.9(a).

COVID-19 was detected in China in December 2019. On January 30, 2020, the World Health Organization declared the outbreak a public health emergency of international concern. On January 31, 2020, the Department of Health and Human Services declared a public health emergency for the United States to aid in responding to COVID-19.²

As the COVID-19 pandemic progressed, training centers contacted the FAA to discuss relief from certain recurrent and upgrade training, testing, and checking requirements in light of the COVID-19 national emergency. In discussions with the FAA, the training centers expressed concern that some training, testing, and checking requirements unnecessarily expose personnel to the risk of contracting COVID-19. Many of these training, testing, and checking events are found within Part 142 approved curriculums. The approved curriculums are designed to prepare the crewmember with the knowledge, skills, and risk management abilities for emergency procedures. Emergency procedures are required by the area of operations associated with 14 CFR Part 61 training, testing and checking regulations. For example, section 61.157(e)(2)(viii) requires a crewmember to demonstrate competence in emergency procedures. This could include pilot training on smoke and fire procedures requiring the donning of a flight deck oxygen mask. The training centers expressed concern that shortages of protective masks and disinfectant wipes will place crewmembers in the difficult position of either (1) donning personal breathing equipment (PBE) or oxygen masks in training, testing, and checking without proper disinfectant, or (2) having qualifications lapse for failure to complete these requirements due to concern about possible transmission of COVID-19.

The FAA's analysis is as follows:

Under the unprecedented circumstances associated with the COVID-19 pandemic, the FAA finds that relief is justified through June 30, 2020, subject to the conditions and limitations outlined below, from certain emergency procedures during training, testing, and checking. The FAA agrees that requiring crewmembers to don oxygen masks in training, testing, or checking unnecessarily exposes them to the risk of contracting COVID-19 and is not in the public interest during this time. It is reasonable to anticipate that the qualifications of

² The FAA observes further that on March 11, 2020, the World Health Organization (WHO) characterized COVID-19 as a pandemic, as the rates of infection continued to rise in many locations around the world and across the United States. On March 13, 2020, the President proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency. COVID-19 cases have been reported in all 50 states as well as the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

crewmembers may lapse unnecessarily because training centers and their clients do not want to assume this health risk.

Given the immediacy of the public health concerns, it would not be feasible for the FAA to address ad hoc requests for relief from training centers individually.

In view of the extraordinary situation presented by the COVID-19 pandemic, the FAA finds that providing relief would not result in a risk to aviation safety that is unacceptable under the conditions and limitations of this issuance of deviation. These conditions and limitations ensure that training centers demonstrate a plan to mitigate any potential risk introduced by the alternative methods used by the training center to conduct certain required crewmember emergency procedures during recurrent and upgrade training, testing, and checking. The relief applies to requirements for currently qualified crewmembers and to pilots completing pilot in command upgrade training who were previously qualified on the same airplane type as a second in command and Part 142 instructor and evaluator training curriculums and Part 142 checking events. The relief does not apply to requirements for initial training and qualification.

Consistent with the above policy, Condition and Limitation No. 1 requires those training centers who want to exercise the relief provided in this deviation to submit an application requesting the deviation to use the relief provided by the FAA Deviation COVID-19 prior to conducting any operation under Deviation COVID-19. Applications for COVID-19 deviation requests should be submitted by email to the TCPM. Training centers should retain documentation to verify proper and timely submission of the deviation request.

As outlined in Condition and Limitation No. 2, each training center seeking to use this deviation must obtain authorization in Training Specification A005. A key factor for obtaining authorization to use this deviation is that the training center tracks students who completed emergency training, testing, or checking using alternative methods and mitigates the potential risk through documented means of risk assessment and control. As outlined in Condition and Limitation No. 7, each training center seeking to use this deviation must demonstrate and document how the potential risk associated with using alternative methods will be assessed and mitigated. Additionally, as outlined in Condition and Limitation No. 6, each crewmember that performs emergency procedures using alternative methods must complete the procedures using normal procedures during the crewmember's next regularly scheduled recurrent training and checking.

The FAA's Decision:

In consideration of the foregoing, the FAA finds the issuance of a deviation will not adversely affect the quality of instruction or evaluation. Therefore, pursuant to the authority contained in 14 CFR section 142.9(b)(2), Part 142 training centers may be authorized by the TCPM to deviate from section 142.65(d). The issuance of this deviation is subject to the training center complying with the conditions and limitations listed below.

Conditions and Limitations:

1. This deviation applies only to Part 142 training center certificate holders who have submitted an application for deviation to their TCPM. The application request must state the training center's intention to exercise the relief provided by this deviation and affirm the intention to act consistently with the conditions and limitations of the deviation.
2. The deviation applies only to Part 142 training center certificate holders who have been issued an authorization by their assigned training center program manager in training specification A005.
3. This deviation applies only to crewmembers who are required to complete recurrent training, testing, or checking through June 30, 2020 and to pilots completing upgrade training or checking through June 30, 2020.
4. During recurrent or upgrade training, testing, or checking of emergency procedures that require the crewmember to don or use emergency equipment that must be placed on or over the head, the training center may use alternative methods to conduct the training, testing, and checking. This paragraph does not apply to initial or transition training, testing, or checking.
5. The training center must provide recordkeeping procedures that record when a crewmember, instructor, or evaluator has completed emergency procedures using an alternative method for all approved curriculums. The records required by this limitation must be provided to the trainee at the completion of the curriculum.
6. Any crewmember that performs emergency procedures under paragraph 4 using alternative methods must complete the procedures using the normal procedures during the person's next regularly scheduled training, or check, or within 12 calendar months (plus grace month), if qualified on two or more aircraft types within 24 calendar months (plus grace month) of the training using the alternative methods.
7. Any Part 142 training center requesting issuance of this deviation must provide a plan to its assigned training center program manager with the following information.
 - a. For training centers with an accepted SMS, a safety risk assessment.
 - b. For training centers without an accepted SMS, a safety analysis and corresponding risk mitigations to be implemented by the training center.
 - c. The alternative methods the training center will use to accomplish the training, testing, and checking described in paragraph 4 above.
 - d. The method(s) the training center will use to ensure that the deviation will not adversely affect the quality of instruction or evaluation using relief under paragraphs 3 and 4 above and the crewmember remains adequately trained and currently proficient for each aircraft, duty position, and type of operation in which the person is being trained, tested or checked.

This deviation terminates on 06/30/2020, unless sooner superseded or rescinded.

Training Specification - A005 Issuance

The TCPM may amend Training Specification (TSpec) A005 table “c. Deviations” for any training center requesting this 14 CFR Part 142 deviation if foregoing conditions 1 through 7 have been satisfied. The TCPM, must include the following information in the training specification A005 columns:

- Deviation Authority: §142.9(a).
- Deviation from: §142.65(d)
- Description: COVID-19 NO-TOUCH
- Conditions and Limitation:
 - This deviation applies only to crewmembers who are required to complete recurrent training, testing, or checking through June 30, 2020 and to pilots completing upgrade training or checking through June 30, 2020.
 - During recurrent or upgrade training, testing, or checking of emergency procedures that require the crewmember to don or use emergency equipment that must be placed on or over the head, the training center may use alternative methods to conduct the training, testing, and checking. This deviation does not apply to initial or transition training, testing, or checking.
 - The training center must provide recordkeeping procedures that record when a crewmember, instructor, or evaluator has completed emergency procedures using an alternative method in an approved curriculum. The records required by this limitation must be provided to the trainee at the completion of the curriculum.
 - Any crewmember that performs emergency procedures using alternative methods must complete the procedures using the normal procedures during the person’s next regularly scheduled training, or check or within 12 calendar months (plus grace month), if qualified on two or more aircraft types within 24 calendar months (plus grace month) of the training using the alternative methods.
 - The training center will only use the alternative methods submitted with their request for deviation that has been accepted by the TCPM and authorized in T-spec A005
 - This deviation expires on 06/30/2020, unless sooner superseded or rescinded.

Table “b. Exemptions” may not be amended with the authority provided by this memorandum.

Please contact AFS-280, or email the Air Transportation Division correspondence box with any questions at: 9-AFS-200-Correspondence@faa.gov