



FAA

Aviation Safety

Memorandum

Date: August 28, 2020

To: All Flight Standards General Aviation Safety Assurance Division Managers
All Flight Standards General Aviation Safety Assurance Office Managers

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

This memorandum extends the 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 certificate holders pertaining to certain required crewmember emergency procedures during recurrent and upgrade training, testing, and checking. 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. The original deviation approval was issued by memo from the Air Transportation Division on March 27, 2020 and provides 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 This relief was further extended by memo on June 16, 2020. 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.

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

The FAA has determined that the justification for the issuance of this deviation remains valid and is in the public interest. Because the COVID-19 public health emergency continues to evolve, and the length and nature of its ongoing effects are uncertain, we are at this time limiting this deviation to allow certificate holders to use alternative methods to conduct certain required crewmember emergency procedures during recurrent and upgrade training, checking, and evaluation through November 30, 2020.² The FAA has also added Condition and Limitation No. 8 to ensure that certificate holders provide a revised plan to mitigate any potential risk introduced by extending the relief to training, checking, and evaluation conducted from September through November.

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.

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 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.
 - a. A certificate holder that submitted an application prior to August 31, 2020, in accordance with the original issuance of this deviation has met the requirement of Condition and Limitation No. 1 and does not have to submit another application.
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 trainees who are required to complete recurrent training, testing, or checking through November 30, 2020 and to pilots completing upgrade training or checking through November 30, 2020.

² Note that the relief granted through this deviation is consistent with the relief granted through exemption 18509B to Part 135 operators on July 30, 2020.

4. During recurrent or upgrade training, testing or checking of emergency procedures that require the trainee 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 trainee, 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 trainee 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 trainee 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.
8. A certificate holder that met Condition and Limitation No. 7 prior to August 31, 2020 must provide a revised plan to its assigned TCPM if the certificate holder intends to apply the relief provided in this deviation to training, checking, or evaluation conducted in September, October, and November 2020.

For certificate holders requesting to extend this deviation into September, October, and November in accordance with condition and limitation #8 of this memo, previously issued deviation memos will be superseded and the training center's TSpec must be updated with the new conditions and limitations of this memo.

If you have any questions, please contact the Air Transportation Division, AFS-200 at (202) 267-8166.

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 8 have been satisfied. The TCPM, must include the following information in the training specification A005 columns:

- Deviation Authority: as §142.9(a).
- Deviation from: §142.65(d)
- Description: COVID-19 NO-TOUCH
- Conditions and Limitations:
 - This deviation applies only to trainees who are required to complete recurrent training, testing, or checking through November 30, 2020 and to pilots completing upgrade training or checking through November 30, 2020.
 - During recurrent or upgrade training, testing or checking of emergency procedures that require the trainee 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 trainee, 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 trainee 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 Tspec A005
 - This deviation expires on 11/30/2020, unless sooner superseded or rescinded.

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