

PUBLIC COMMENTS ON DOCKET:

[FAA-2019-0334](#)

Safety Statement Requirement for Manufacturers of Small Unmanned Aircraft

Comment from Norbert Norton

Posted by the Federal Aviation Administration on Jul 9, 2019

Please recognized that any comment made by Airlines for America is utterly useless and completely off-topic. It would be advisable to disassociate with anything they put forward as they are irrelevant and inept.

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Comment from Paul Hodgetts

Posted by the Federal Aviation Administration on Apr 28, 2022

The proposed regulation states: "The FAA agrees with Airlines for America: "The Safety Statement is an important safety and oversight tool to ensure that sUAS manufacturers are compliant with FAA accepted consensus safety standards, while imposing minimal burden upon the sUAS industry."

No justification whatsoever is provided to validate that claim that requiring this statement ensures sUAS manufacturers are compliant. How does it do this? I suggest there is no logical justification for assuming this.

It is further mentioned that a boilerplate statement will be provided by the FAA. If it's that easy for a manufacturer to copy that and make it available to their customers, what other steps would they be motivated to take to "be compliant?" I suggest none, this will be an empty gesture that will simply impose a useless procedure on the manufacturers. This is exactly the senseless regulations that harm the FAA's credibility when it comes to UAS.

Further, it is irrelevant that the FAA "agrees with Airlines for America." Airlines for America is not a government entity nor a citizen of the U.S., we want the FAA to represent our interests, not theirs.

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Comment from Anonymous

Posted by the Federal Aviation Administration on Jul 8, 2019

The OMB should deny this request for two highly important reasons.

Foremost, the FAA rather than a manufacturer of sUAS has a responsibility to inform operators of the legalities of sUAS usage. The FAA's failings in such do not shift blame to a manufacturer. You will not find Stanley tools responsible for informing purchasers of their hammers and it is unlawful to swing a hammer and strike another on the head. This is a ridiculous overstep on the part of a government agency attempting to shirk their lawful duty by holding a private sector entity responsible for dispersing legal requirements all because they assemble a product that may or may not be utilized in such a manner that the FAA interprets to be contrary to regulations they, on occasion, create.

Moreover, the changing landscape of FAA regulations in this area makes it even more nonsensical to shift the burden to a manufacturer. The FAA has been inconsistently modifying sUAS regulation on a much more frequent basis than most other government agencies. Part 107 regulations that were implemented in August 2016 are currently being altered by two NPRMs in the current year. Part 101 regulations that were also imposed in 2016 were scrapped at the end of 2018, modified again in May 2019, and are due for yet another update at the end of this month. The changes are so frequent that not even the FAA is able to keep up with their own paperwork on this matter. Case in point... Look at the text of this notice for comment request:

"4. Language approved by the Administrator regarding the following:

- a. A person may operate the small unmanned aircraft as a model aircraft (as defined in section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)) or otherwise in accordance with Federal Aviation Administration authorization or regulation, including requirements for the completion of any applicable airman test.
- b. The definition of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note).
- c. The requirements regarding the operation of a model aircraft under section 336 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 40101 note)."

Note that Section 336 of the FAA Modernization and Reform Act of 2012 was repealed by Congress in Section 349 of the FAA Modernization and Reform Act of 2018. If the FAA can't keep tabs to even correctly express such in this comments request, why would

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shifting the burden to a manufacturer help matters? Manufacturers would be overly burdened trying to keep up with the FAA's shifting regulations and in constant rewrite and reprint. Any distributions made with their products today could be completely obsoleted later in the afternoon at this rate. And then the question arises...is the Manufacturer liable for having distributed material with their product that is suddenly out of date and inaccurate due to the FAA's changing stances on regulation interpretation?

Even asking manufacturers to produce documentation that steers the end consumer to a FAA website for the FAA to relay their own safety statements could be problematic as there have been plenty of examples where the FAA's own layman's outline of sUAS regulations have been less than accurate.

I would offer that the FAA owns creation and proliferation of their own safety statement void of interaction with the manufacturer of sUAS. As the FAA is the responsible party for creating sUAS regulations as was demanded by Congress in both the 2012 and 2018 FMRA, the duty falls upon them to educate users of the NAS on safety and not shirk such duties in favor of having a manufacturer write up a statement to be included with their product that could be inaccurate, obsolete, or inconsistent with the FAAs interpretation of their own safety regulations.

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Comment from Walter Szempruch

Posted by the Federal Aviation Administration on May 2, 2022

Copy of note to Tyler Dobbs and the problem with Remote ID as envisioned by the FAA (see below)

To: Tyler Dobbs, Government Affairs Director, Academy of Model Aeronautics (AMA)

cc: Senators Dick Durbin, Tammy Duckworth, and Congresswoman Lauren Underwood and FAA (sent separately)

This note is regarding your recent AMA magazine article in Model Aviation, May 2022. I have one main comment and I pray you read this.

I implore that you try to use this argument with the FAA every chance you get. It's a simple and well known and understood analogy.

In advance, I applaud your advocacy on our behalf with the FAA. However, I present this analogy to you. I used this same analogy in my Federal Register reply comments and to my local government representatives.

The problem is that the FAA still has a mindset of putting the focus on the Remote ID of the "aircraft." I understand that this is a legacy perspective since it is what has been historically derived by them.

But what if they adopted a "gun control" analogy mindset? This should be used by them and adopted by all our government officials when thinking of regulations concerning our hobby. It's simpler and more directly relatable.

A gun is analogous to an RC transmitter. The gun and transmitter are held or controlled by a person.

A bullet is analogous to the UAS. The bullet is "fired" into the airspace just like a UAS is launched into the airspace. But here is where the analogy differs a bit.

The bullet is not controllable, while the UAS is controllable.

If your goal is to "catch the bad guy" the one who breaks the rules and causes airspace safety problems, why not turn your focus to the "gun" and the shooter holding the transmitter? That's what law enforcement currently does. Correct?

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Guns are serialized to make it easier to identify the “bad guy.” Broadcast the Remote ID from the transmitter. Most transmitters are “computer radios” anyway and they could broadcast a unique IP address tied to the owner.

Putting a Remote ID on a “smart bullet” is looking at the wrong end of the horse from a technology standpoint. Making the UAS broadcast a signal is like making a smart bullet broadcast a Remote ID. Our “bullets” are NOT randomly fired into the air. They are controlled systems. If you can’t see it, it crashes. First Person View (FPV) systems are totally different. They are a lesser minority group in our hobby and they can and are dealt with automatically because of transmitter range limits.

The transmitter is directly held by the potential rule offender. You really want to locate the offender to control him not the UAS. The FCC already has the means of locating bad transmissions. Understandably, having the bullet ID from a gun is helpful for law enforcement. That’s why ballistics are used in prosecution. But that is after the crime is committed. Control the transmitter, not the bullet.

The bottom line is the FAA needs to be directed towards an alternate approach and develop a different mindset similar to that of “gun control.” Make the transmitter the control point when thinking of UAS’s rather than the applying Remote ID to our UAS aircraft.

The implementation of Remote ID using smart phone permissions, flight server systems, receiver ID signal broadcast, etc., is just way too complicated and is just like looking at the wrong end of the horse. Ask the FAA to put more emphasis on Transmitter ID which ties the problem to the owner. It’s a simpler technological approach. You can still register transmitters and put traceable numbers on a UAS systems. You can still educate the general public about proper use. All of these “control” aspects still apply.

Please think about this alternate approach. I pray you start using this concept to persuade FAA personnel to use it, a better approach. Perhaps when they become more knowledgeable (less ignorant) of our hobby, they will see the error of their emphasis and why it is impractical. They have been more conciliatory base on our Federal Register comments about their rule changes, but they still don’t seem to understand our hobby and they are going way overboard with this process. Somebody needs to redirect their bureaucratic mindset a little more.

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We need help from all of our government officials and our advocates to curb and check the FAA thinking. This is my opinion which I pray you will actively consider. Without an alternate approach we are doomed to tolerate an extreme governmental bureaucracy for many years to come.

Kindly,

Walter Szempruch

Club Officer LCRCC #777

Modeler for over 50 years. AMA# 72135.