

NACA

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Efforts to Mitigate Operations Disruptions from 5G Rollout

NACA continues to work with airlines, altimeter and aircraft manufacturers, airports, and the FAA to mitigate disruptions to commercial airline operations from the new 5G C-Band wireless service launched on January 18, 2022. Thanks to those efforts, AT&T and Verizon agreed at the last minute to delay switching on new 5-G C-Band towers near key airports, while the FAA, FCC and telecom providers work on a permanent solution. Since that time, the FAA has issued approvals for 20 altimeter models that allow about 90 percent of the U.S. commercial aviation fleet to perform low-visibility landings at airports where 5G C-Band wireless networks are deployed. Over the next few days, we expect the FAA to issue revised alternative means of compliance notifications for the next wave of 5G C-Band towers launching on February 1, 2022.

Implications of the Bernstein v. Virgin Atlantic Case on Airline Service and Competition

On January 10, 2022, NACA met with DOT General Counsel John Putnam, DOT Assistant Secretary for Aviation and International Affairs Annie Petsonk, FAA Deputy Administrator Brad Mims, and FAA Chief Counsel Marc Nichols, to discuss implications of the Ninth Circuit Court of Appeals decision in *Bernstein v. Virgin Atlantic* allowing a new California statute on meal and rest breaks to apply to airline flight crews. We maintained that overturning the Ninth Circuit's decision is critical to protecting DOT and FAA preemptive authority over aviation safety; airline routes, rates, and services; airline competition; worker flexibility and basing; and to stop the cascading threat of state and local laws on federal preemption in aviation. We are cautiously optimistic that DOT and FAA will support our position and that the Supreme Court will rule that the Airline Deregulation Act expressly preempts state and local laws like the California statute.

Biden Administration Withdraws Vaccine-or-test Mandate for Large Employers

On January 25, 2022, the Biden administration withdrew its COVID-19 vaccination-or-test requirement for companies with 100 or more employees, citing the Supreme Court's recent decision to block the rule. The Department of Labor's Occupational Safety and Health Administration subsequently announced the withdrawal of the emergency mandate that would have taken effect on January 26, 2022. Earlier this month, the Sixth Circuit Court of Appeals expressed a strong view that a similar vaccination requirement for federal contractors is not legal. Similar cases are working their way through the judicial system in other districts and appellate courts.

ASAC Meets with FAA on Just Culture Effort

The Just Culture Working Group (JCWG) has started an effort to develop new recommendations for the TSA Administrator that could bring programs like Safety Management Systems to TSA along with other similar programs tailored for the security world. The JCWG met with the FAA last week to obtain more information on "Just Culture" within the FAA. The FAA team has agreed to partner with JCWG and provide more detailed information on their programs as we begin to develop recommendations for the TSA Administrator. NACA's Paul Doell currently serves on the JCWG as a member of the Aviation Security Advisory Committee (ASAC).

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NACA Establishes Cyber-Security Council

In consultation with the Security Council, NACA has decided to establish a new council focusing exclusively on cyber security issues. This council will provide a direct conduit between your staff dealing with cyber security on a day-to-day basis and government agencies sharing intelligence and other information. We plan to hold twice-yearly meetings here in Washington with cyber security experts from the FBI, CISA, DHS, and other entities.

FAA Technical Matters

NACA has formally requested to be added to the *Aviation Safety Information Analysis and Sharing (ASIAS)* system *Executive Board (AEB)*. NACA is hoping to receive an answer at the February 23, 2022, AEB meeting, which NACA is hosting. NACA has submitted a formal request to the FAA to include certain military airports in the United States in the *Alternate Means of Compliance (AMOC) for 5G* process. Currently, if the weather is below CAT I at these airports, some NACA member aircraft are required to divert to another airport. The FAA will take the NACA priority list and work with DOD to add those airports to the AMOC process. The *Aviation Training Committee – Aviation Rulemaking Committee (ACT-ARC) De-escalation Working Group* submitted two recommendations with NACA input to the FAA for consideration. If the FAA accepts the recommendations, they will advise the airlines of these new training processes so airlines may add them to their training programs. Two NACA members applied for exemptions allowing the *Carriage of Freight on Passenger Aircraft*. With NACA's help, both airlines were successful, and their applications were posted in the Federal Register. Comments are due by February 9, 2022; NACA requests that our members comment in support of these exemptions.

Spring 2022 Board of Directors Meeting

NACA has scheduled its Spring 2022 Board of Directors meeting for Wednesday, March 23. We will be returning to the [Mutiny Hotel in Miami](#) for the meeting, where we will honor our 2021 *Ronald N. Priddy NACA-CRAF Partners in Airlift Medal* recipient, Ron Lane of Atlas Air. We are looking forward to our traditional slate of events, including our Wednesday evening reception and dinner at the [Coral Reef Yacht Club](#), and an opportunity for attendees to engage in offshore fishing on Thursday. We will be contacting everyone in coming weeks for confirmation of your attendance and to provide further details on the meeting, the agenda, and related events. Please make your [hotel reservations](#) as soon as possible, as rooms are limited. Thank you and we look forward to seeing everyone in person in March!

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