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Comment Intake
National Transportation Safety Board
Office of the General Counsel
Washington, DC 20594

Re: Comments regarding NTSB’s Notice of Proposed Rulemaking (NPRM) – Amendment to the Definition of Unmanned Aircraft Accident (NTSB-2021-0004).

To Whom It May Concern:

The U.S. Chamber of Commerce’s Technology Engagement Center (“C_TEC”) respectfully submits the following comments regarding the National Transportation Safety Board’s (“NTSB”) NPRM to amend the definition of “unmanned aircraft accident” through replacing the 300 lbs. weight-based requirement with one based on holding an airworthiness certificate or an approval. C_TEC appreciates the NTSB’s consideration of the evolving nature of UAS technology. However, we believe that the proposed definition of “unmanned aircraft accident” could use greater clarification.

C_TEC strongly supports the role the NTSB plays in investigating transportation accidents and ensuring that the United States remains a global leader in safety across all modes of transportation. Over the last few years, the commercial and recreational use of unmanned aircraft systems (“UAS”) or drones has risen dramatically and is expected to continue to increase, with the total economic impact of commercial UAS projected to reach \$46 billion by 2026.¹ The commercial use of UAS is varied and can be used in a wide range of applications including infrastructure safety inspections, precision agriculture, land surveying, construction, cinematography, wildlife management, and package delivery.

We acknowledge and commend NTSB’s unique and important role in conducting fact-based investigations of critical UAS accidents. However, we respectfully recommend that NTSB

¹ McKinsey & Company, Commercial drones are here: The future of unmanned aerial systems (Dec. 5, 2017), <https://www.mckinsey.com/industries/travel-logistics-and-infrastructure/our-insights/commercial-drones-are-here-the-future-of-unmanned-aerial-systems>.

take into consideration the Federal Aviation Administration’s (“FAA”) risk-based requirements of aircraft that receive an airworthiness certificate or approval and the extreme low-risk categories that many of these aircraft fall into. The stated objective of shifting towards airworthiness certification or approval is “due to higher risk potential.”² However, the utilization of an airworthiness certification or Section 44807 approval does not necessarily mean the operation is high risk, but instead represents a shift towards establishing a more comprehensive regulatory framework for UAS to enable routine operations. Moreover, Section 44807 approvals and airworthiness certifications include risk assessments as part of the review and approval process and considers the effectiveness of risk mitigation measures taken by applicants.

In addition, we have concerns about the use of the term “approval.” That term has no settled meaning in this context. Further, in the phrase “airworthiness certificate or approval,” it is unclear whether “airworthiness” also modifies the term “approval.” If not, “approval” could be broadly construed in a manner that would require NTSB to investigate accidents in very low risk operations involving small drones that did not harm persons or property. Finally, the proposed definition would widen the reportable threshold for UAS safety incidents and include accidents that cause no significant impact to persons or property on the ground or the safety of the national airspace. The revised definition in the NPRM could place a strain on the NTSB’s resources and impose an additional compliance burden on an emerging industry. As an alternative, C_TEC recommends NTSB refine the proposed language to align with the FAA’s Part 107 (14 CFR §107.9) accident reporting language, which covers accidents that lead to serious injury to a person or damage to property that exceeds \$500.³ This approach would help promote regulatory consistency while ensuring the investigation of high impact accidents.

In conclusion, C_TEC believes the NTSB should revisit the proposed definition and properly tailor the scope to more effectively address concrete risks posed by UAS operations. C_TEC appreciates NTSB’s continued efforts to improve transportation safety. We look forward to collaborating with NTSB as this process moves forward.

Sincerely,



Matt Furlow
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² Amendment to the Definition of Unmanned Aircraft Accident, 86 Fed. Reg. 27550 (May 21, 2021).

³ 14 CFR § 107.9 (2016)