

Docket No. SA-530

Exhibit No. 12-O

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C.

NTSB Response to FAA Regarding NTSB EMS
Recommendations, dated Jan. 23, 2009

(3 Pages)

January 23, 2009

The Honorable Robert A. Sturgell
Acting Administrator
Federal Aviation Administration
Washington, D.C. 20591

Dear Mr. Sturgell:

The National Transportation Safety Board met on October 28, 2008, to consider our list of Most Wanted Safety Improvements issued to Federal agencies. At this meeting, the issue “Improve the Safety of Emergency Medical Services (EMS) Flights” was added to the list, as were Safety Recommendations A-06-12 through -15, stated below. The Safety Board also reclassified three (A-06-12, -13, and -15) of the four recommendations. All four recommendations were issued to the Federal Aviation Administration (FAA) as a result of the Safety Board’s special investigation of a number of aviation accidents between January 2002 and January 2005 involving aircraft performing EMS operations.

A-06-12

Require all emergency medical services operators to comply with 14 *Code of Federal Regulations* Part 135 operations specifications during the conduct of all flights with medical personnel on board.

The intent of this recommendation is to ensure that weather minimums and pilot flight and duty time limitations in Part 135 be applied to all EMS flights, including those that include medical personnel on board, but no patients. On November 14, 2008, the FAA published revised Operations Specification (OpSpec) A021, which requires that all EMS flights with medical personnel on board, regardless of the presence of patients, be subject to the weather minimums limitation stated in Part 135. Although the revised OpSpec is responsive to the recommendation, the FAA must still require the Part 135 flight and duty time limitations for EMS flights in order to fully satisfy this recommendation. Accordingly, pending the issuance of a requirement that all EMS flights with medical personnel on board, regardless of the presence of patients, be subject to the flight and duty time limitations stated in Part 135, Safety Recommendation A-06-12 is classified “Open—Unacceptable Response.”

A-06-13

Require all emergency medical services (EMS) operators to develop and implement flight risk evaluation programs that include training all employees involved in the operation, procedures that support the systematic evaluation of

flight risks, and consultation with others trained in EMS flight operations if the risks reach a predefined level.

In May 2006, the FAA indicated that it planned to add a specific requirement for a risk assessment program to OpSpecs A021 and 024. The FAA stated that these revisions would be completed by September 2006. At the end of December 2006, the Board verified that the revisions had not yet been incorporated into the OpSpecs; nevertheless, on April 3, 2007, Safety Recommendation A-06-13 was classified “Open—Acceptable Response,” pending the addition of this requirement to the OpSpecs. As of the date of this letter, the FAA has still not completed this action.

In August 2005, the FAA issued Notice N8000.301, “Operational Risk Assessment Programs for Helicopter Emergency Medical Services,” which provided detailed guidance on the development and use of flight risk evaluation plans by EMS operators. This notice expired in August 2006, without further action for almost 2 years. In May 2008, the guidance within the expired notice was incorporated into FAA Order 8900.1, “Flight Standards Information Management Systems.”

Although guidance is valuable, Safety Recommendation A-06-13 asks for a *requirement*, such as an OpSpec, that all EMS operators develop and use flight risk evaluation programs. The Safety Board continues to investigate a number of accidents involving EMS flights and believes that the FAA’s failure to take action is not acceptable. Pending incorporation of a specific requirement into OpSpecs A021 and 024 to develop and use a flight risk assessment program, Safety Recommendation A-06-13 is classified “Open—Unacceptable Response.”
A-06-14

Require emergency medical services operators to use formalized dispatch and flight-following procedures that include up-to-date weather information and assistance in flight risk assessment decisions.

In May 2008, the FAA published Advisory Circular (AC) 120-96, which provides detailed guidance about the creation and operations of Operations Control Centers for helicopter EMS operations. Among the activities described in the AC are the formalized dispatch and flight-following procedures recommended; however, an AC is only a guidance/advisory document and does not represent a requirement. Although the AC is responsive to the recommendation, the FAA now should require that all EMS operators incorporate the guidance contained in the AC into their operations. Pending the FAA’s implementing such a requirement, Safety Recommendation A-06-14 remains classified “Open—Acceptable Response.”

A-06-15

Require emergency medical services (EMS) operators to install terrain awareness and warning systems [TAWS] on their aircraft and to provide adequate training to ensure that flight crews are capable of using the systems to safely conduct EMS operations.

In June 2006, at the FAA's request, the Radio Technical Commission for Aeronautics (RTCA) established SC-212, a committee tasked with developing helicopter TAWS (H-TAWS) standards. In March 2008, the RTCA completed the development of a set of minimum operational performance standards for H-TAWS; however, the FAA has not yet published a technical standard order (TSO) based on the RTCA-developed standards. A TSO must be published before the FAA may begin rulemaking to require H-TAWS on EMS flights.

The Safety Board believes that the delay in issuing the TSO and further delay in requiring H-TAWS is not acceptable; accordingly, pending issuance by the FAA of a TSO based on the RTCA set of minimum operational performance standards for H-TAWS and rulemaking action to mandate the installation and use of TAWS on all EMS flights, Safety Recommendation A-06-15 is classified "Open—Unacceptable Response."

Sincerely,

Original Signed By:

Mark V. Rosenker
Acting Chairman

cc: Ms. Linda Lawson, Director
Office of Safety, Energy, and Environment
Office of Transportation Policy