



May 19, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

The trade associations listed below represent the vast majority of the non-airline (general aviation or GA) aircraft operators and aircraft services providers in the United States. Our group seeks your involvement in an issue of great concern for our members and the general aviation community.

On December 10, 2008, the Transportation Security Administration (TSA) issued Security Directive 1542-04-08F (SD 08F) that changed the procedures for the issuance of airport identification media and increased the base of individuals who would be required to hold media at airports regulated by 49 CFR 1542. Although the security directive is classified as Sensitive Security Information, many of its requirements have become public knowledge through the implementation process at affected airports and the TSA has discussed other aspects of the directive in meetings with industry trade associations. Some publicly known highlights of the directive include:

- Airports regulated by 49 CFR 1542 are required to ensure that any individuals with unescorted access to the airport operating area hold airport issued identification media.
- All applicants for airport-issued identification media must undergo a Security Threat Assessment by the TSA

Because these regulatory changes were issued as a security directive, they did not benefit from the comments of industry experts, possible affected parties and concerned citizens as would other regulatory changes promulgated under the federal rulemaking process. The changes do not take into account the unique nature of general aviation operations, and therefore may present serious issues to regulated airport operators.

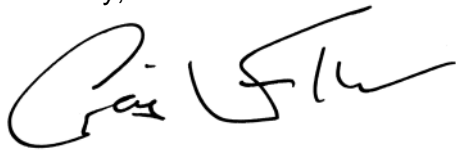
General aviation operations such as private flights by individuals, air charter operations and business aviation flights do not occur on a regular schedule and often involve last-minute itinerary changes. Since many of these operations may occur during hours when airport or airport tenant staff is unavailable to act as escorts, operators may be unable to access their aircraft. To overcome this obstacle created by the requirements promulgated by SD 08F, aircraft operators would be required to apply for and receive airport identification media from every 49 CFR 1542 regulated airport that they may ever need to visit. Even if an operator only anticipated ever needing to visit half of those facilities, the administrative burden would overwhelm

operators needing to apply for and receive airport-issued media for the operator's entire flight staff.

To date, the TSA's only response to this concern is that the issue should be brought to the individual airport operator, since they are the "regulated party" so they may develop "alternate means" and submit them to the TSA. This would require each regulated airport operator to develop their own method of dealing with problems in implementing SD 08F, and the resulting patchwork of "alternate means" would likely create far more problems than it would solve. Some airport operators may, in an attempt to avoid the administrative burden, choose to limit GA access to their airports, which could put the airport operator in violation of federal grant assurances¹ that require airports receiving federal funds to be open to the public.

Many of the problems with the regulatory changes in SD 08F could have been avoided had the TSA chosen to implement them using the federal rulemaking process allowing those most familiar with the intricacies of general aviation operations to provide their comments. Because of the seriousness of the aforementioned issues, we would like to see TSA withdraw SD 08F and initiate the required rulemaking process to implement a change of this scope. Our group understands the need to secure America's airports and stands ready to participate fully with the TSA in developing sensible security regulations that will prevent unauthorized access to aircraft and airport facilities.

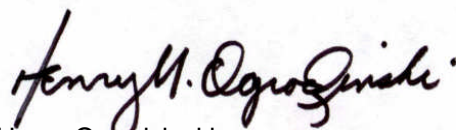
Sincerely,



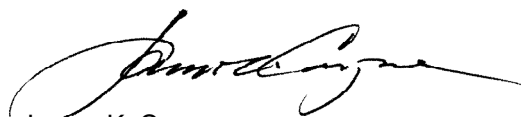
Craig Fuller
President
Aircraft Owners & Pilots Association



Tom Poberezney
President
Experimental Aircraft Association



Henry Ogrodzinski
President
National Association of State Aviation Officials



James K. Coyne
President
National Air Transportation Association



Ed Bolen
President & CEO
National Business Aviation Association

¹ 49 U.S.C. 47107 and 14 CFR Parts 150 - 169