

***TSA Public Hearing on Large Aircraft Security Program
at Westchester County Airport
Building #1, Airport Road, White Plains, New York
on January 6, 2009***

My name is Craig Dotlo, Northeast Regional Representative for the Aircraft Owners and Pilots Association (AOPA), which is the largest aircraft association in the world with more than 400,000 members. Prior to my affiliation with AOPA, I managed the FBI Office in White Plains, which was responsible for the six counties north of New York City. Following the attack on the World Trade Center in September 2001, I was tasked with reviewing and analyzing the critical infrastructure facilities in my territory, which included, in part, Westchester County Airport and the Indian Point Nuclear Power Plant.

Having been both in the law enforcement and aviation communities, it has provided me with a very unique perspective on the security issues that have been in play post 9/11. While the government must take every reasonable precaution to protect the homeland, it is recognized by most experts that it is virtually impossible to protect an open democracy with 10,000 miles of borders against every conceivable attack on bridges, tunnels, airports, nuclear power plants, chemical facilities, dams and the list goes on. The real key to homeland security is a robust, efficacious and sophisticated intelligence network that can identify prospective terrorist attacks and prevent them from occurring.

As the government considers specific security measures or policies designed to protect the homeland, it is my view these measures must be balanced against the potential economic liability to the U. S. economy. After all, the terrorists highest priority is to destroy our economy, which has been the economic engine producing the only super power in the world. Security policies that will impede the worsening economy will only serve to reward our adversaries. That is to say, a number of aviation businesses are barely able to survive the current recession and the additional costs associated with this policy will only serve to exacerbate an unfavorable economic forecast.

While AOPA continues to be committed to strengthening general aviation security, the proposed rule raises specific concerns focused on the following areas:

- 1) **Applies Commercial Standards to GA operations:** In applying commercial security standards to individual aircraft owners and operators under Part 91, the rule does not take into account the inherent differences between commercial air travel and private operations, nor does it explain why less intrusive measures could not achieve comparable levels of security.

- 2) **Weight Threshold:** The large aircraft described by TSA typically have 8-10 seats and are commonly referred to within the industry as light jets. Medium sized jets weight roughly 25,000 pounds and the largest jets have maximum take-off weights approaching 80,000 pounds. However, even the largest of these aircraft weight 10 tons less than the smallest airliner used by TSA as justification

for the rule. The reasons for imposing weight based, rather than operation based compliance are not explained.

- 3) **Outsourcing Regulatory Oversight:** Security oversight has been established as an inherent government function and AOPA has concerns with outsourcing it to a third-party auditor. The proposed bi-annual third-party audits are unfunded mandates, which will require operators to pay unsubsidized market rates for audits that should be conducted, or at least, funded by the government. Further, no system for auditor accountability exists, and the proposal lacks critical information on how operators will be able to challenge audit errors.

In conclusion, AOPA has concerns with this TSA approach and it's implications for general aviation owners and operators. In particular, AOPA is concerned with the weight threshold that is used for the basis of the regulations and provisions in the rule that outsource security oversight to a third-party auditor. AOPA does not support the NPRM as currently drafted and requests that TSA reconsider the proposed rules, focusing particularly on whether there are less costly and less intrusive ways of enhancing general aviation security.