

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98057-3356

In the matter of the petition of

Med-Pac, Inc.

for an exemption from §§ 25.562 and
25.785(b) of Title 14, Code of Federal
Regulations

Regulatory Docket No. FAA-2016-9257

GRANT OF EXEMPTION

By letter dated September 28, 2016, Ms. Jackie Gordon, on behalf of Med-Pac, Inc., 2093 South 2nd Street, Box 5, Lake Park, MN 56554, petitioned for an exemption from §§ 25.562 and 25.785(b) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit certification of medical stretchers for transporting persons whose medical condition dictates such accommodation. The exemption is for the installation of a medical stretcher on a Cessna Model 750 series airplane.

The petitioner requests relief from the following regulations:

Section 25.562, Amendment 25-64 - specifies dynamic test conditions for qualification of occupant-injury criteria, as well as structural-retention criteria.

Section 25.785(b), Amendment 25-88 - requires that each seat, berth, safety belt, harness, and adjacent part of the airplane, at each station designated as occupiable during takeoff and landing, be designed so that a person making proper use of those facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in §§ 25.561 and 25.562.

The petitioner supports its request with the following information:

The following is quoted, in pertinent part, from the petitioner's request, with minor edits for clarity. The complete petitioner text is available at the Department of Transportation's Federal Docket Management System, on the Internet at <http://regulations.gov>, in docket no. FAA-2016-9257.

Med-Pac owns supplemental type certificates (STCs) for installing the Model 400 Air Ambulance Unit in numerous part 23 and part 25 aircraft. None of the previous installations have been shown to meet the dynamic [test] criteria. FAR part 23 specifically excludes [medical stretcher] litters from the dynamic [test] criteria. All previous installations have met the certification requirements for each aircraft with no adverse experiences.

The estimated cost of demonstrating compliance is quite high considering the limited number of units for which Med-Pac could amortize the cost. Since none have been shown to comply with the dynamic test criteria, the air ambulance unit can not currently be used on airplanes whose type [certification] basis includes dynamic [test] requirements. Currently, a person who needs to travel for essential medical care can either charter an airplane at a significant cost, or fail to receive the required treatment if chartering an airplane is cost prohibitive. Another alternative available would be to fly on an aircraft whose certification basis does not require dynamic testing. This would offer no increase in safety and may not be readily available.

Med-Pac believes that granting the petition would be in the public interest for the following reasons:

- The level of safety that would be provided is an acceptable level of safety given the limited use of the air ambulance unit.
- The exemption would relieve an economic burden on a segment of the traveling public already dealing with adversity.
- Section 25.562 is written for seats and would not be easily applied to a litter. Compliance with the dynamic test requirements would be difficult, very expensive and would not yield a measurable safety benefit.

Federal Register publication

The FAA has determined that good cause exists for waiving the requirement for *Federal Register* publication for public comment because the request is identical in all material respects to previously granted exemptions; the exemption, if granted, would not set a precedent; and any delay in acting on this petition would be detrimental to Med-Pac, Inc.

The FAA's analysis

For the reasons the petitioner states, the FAA agrees that granting this petition is in the public interest. We have considered the cost implications and the overall benefits resulting from the use of a medical stretcher. The FAA agrees that demonstrating compliance with the requirements of § 25.562 would be difficult, if not impossible, and applying the existing pass/fail criteria to these installations is not technically appropriate. The need for medically fragile people to receive necessary and potentially life-saving medical attention outweighs the

increase in the level of safety gained by requiring medical stretchers to meet dynamic-test requirements. Also, this exemption would permit the transportation of medically fragile people, from countries lacking the medical expertise or equipment to address a certain medical condition, to a country with more advanced medical expertise and facilities.

The FAA agrees that stretchers for medical use were not considered in the context of the dynamic-test requirements of § 25.562 when that regulation was developed. Occupancy of other berths, by ambulatory persons during takeoff and landing, was not considered feasible under the conditions of § 25.562; and for the purposes of compliance, stretchers are considered “berths.” The FAA acknowledges that part 25 differs from other aircraft regulatory standards in this regard.

With respect to the overall level of safety, the FAA notes that full compliance with the requirements of § 25.561 will be required for the medical stretcher. This is consistent with the standards for all seats prior to the adoption of § 25.562. Thus, as noted by the petitioner, an alternative to this exemption would be to seek transportation on an airplane that does not require dynamic testing as part of its certification basis (i.e., an airplane with an earlier certification basis). While this alternative is a viable option, the FAA does not consider this a desirable approach. Airplanes certificated with § 25.562 included in their certification basis have incorporated many safety advances not found on earlier-model airplanes. It would be counterproductive to restrict this type of transportation to those earlier models.

The FAA’s decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, Med-Pac, Inc., is granted an exemption from the requirements of 14 CFR 25.562 and 25.785(b) to the extent necessary to allow installation of a medical stretcher on a Cessna Model 750 series airplane. The following operating limitation must be added to the limitations section of the airplane flight manual supplement and stated on a conspicuously located placard:

Occupancy is limited to non-ambulatory persons.

Issued in Renton, Washington, on November 1, 2016.

/s/

Michael Kaszycki
Assistant Manager, Transport Airplane Directorate
Aircraft Certification Service