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**Working Towards FAA's Category 1 Recovery: New Regulations
and Amendments for Licenses and Aviation Medicine.**

- By Arturo Fragoso.



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L A T A M

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PRONUNCIATION:

'che-l&m, is Latin for airspace or sky. The Romans began questioning the rights they had in the space above the land they owned and how high above them those rights would extend. They decided on, Ad coelum et ad inferos, meaning that their property rights would extend as high up as the heavens and all the way down to hell.

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Audio Message



Working Towards FAA's Category 1 Recovery: New Regulations and Amendments for Licenses and Aviation Medicine.

by Arturo Fragoso.

Where there is a will, there is a way – of that, we are certain. However, it has been over three years, and we still lack clarity regarding Mexico's recovery of Category 1 status, derived from the International Aviation Safety Assessment (IASA) Program, of the Federal Aviation Administration (FAA) from the U.S. Department of Transportation (DOT). Over the past few years, we have navigated what I consider to be the most critical phase in Mexico's aviation history. We've witnessed airline bankruptcies, grappled with a pandemic, adapted to significant changes in travel patterns, and embarked on ambitious airport infrastructure projects. These developments have not necessarily aligned with a robust public policy aimed at comprehensive aviation industry development in Mexico. All of this has transpired while Mexico remains in Category 2 status due to regulatory and technical shortcomings in alignment with ICAO's safety criteria. Consequently, after numerous adjustments to our legal framework, a central question persists: Will these efforts ultimately lead us to regain FAA's Category 1 status?

In response to the observations raised during various IASA audits, the Federal Civil Aviation Agency (AFAC), Mexico's civil aviation regulatory authority, has expedited the implementation of several amendments and modifications to its governing laws and regulations. The latest changes pertain to two key areas: the issuance of Permits, Licenses, and Certificates of Competency for Aeronautical Technical Personnel, and the Civil Aviation Medicine System. Thus, on August 2 of this year, the Secretariat of Infrastructure, Communications and Transportation (SICT) published two decrees in the Federal Official Gazette (DOF). These decrees will undergo an analysis throughout this paper to address the current industry needs and safety aspects essential for achieving harmonious and integral industry development.

Aviation Medicine New Regulations

Civil aviation is a complex and highly specialized industry that plays an essential role in our country's development. Consequently, the importance of ensuring operational safety cannot be overstated. This responsibility extends not only to the operation of aircraft and flight equipment but also to the mental and physical health of aeronautical technical personnel, making this industry one of the most critical and globally significant.

In accordance with the regulations set forth in Annex 1 'Personnel Licensing,' of the Convention on International Civil Aviation (Chicago Convention), there is a comprehensive set of measures and guidelines to ensure compliance with the psychophysical criteria for the issuance and regulation of various types of licenses, which establish several medical requirements for applicants during evaluations. These provisions not only aim to standardize the application of recommended evaluation methods and standards for license issuance but also intend to regulate investigations into civil aviation accidents and human factors contributing to such incidents.

Thus, the AFAC has introduced a new regulation known as the Civil Aviation Medicine Regulation (RMAC)¹. This regulation is designed to oversee what is referred to as the Civil Aviation Medicine System (CAMS), which is an integral part of ensuring operational safety. It encompasses all actions, processes, and procedures aimed at ensuring that aeronautical technical personnel and applicants meet the necessary psychophysical criteria for their roles². Aviation Medicine, on the other hand, is defined as a specialized branch of medicine focused on studying the physiological and pathological effects of altitude exposure and the conditions imposed by the aeronautical environment. It also includes the diagnosis, treatment, and preventive techniques required to address these challenges³.

1.- DECRETO por el que se expide el Reglamento de Medicina de Aviación Civil (RMAC), at https://www.dof.gob.mx/nota_detalle.php?codigo=5697355&fecha=02/08/2023#gsc.tab=0

2.- Articles 1, section XIX, and 4 of the RMAC.

3.- Article 1, section XI, of the RMAC.

In this regard, it is essential to highlight the authority granted to the AFAC through the latest amendment to the Civil Aviation Law (LAC)⁴, as outlined in Article 6 Bis, regarding the implementation and oversight of the CAMS. The AFAC is now tasked with ensuring compliance with national and international regulations, thus being responsible for progressively executing the phases and associated processes and procedures related to the CAMS within the confines of the approved budget. It's important to note that no additional resources will be allocated during the current fiscal year.

When examining the provisions within the RMAC, particular attention is drawn to Chapter IV, which governs the involvement of the CAMS in aircraft accident investigations. Under these regulations, the AFAC is mandated to provide relevant medical information concerning aeronautical technical personnel involved in accidents or incidents to the Air Accident Investigation and Review Commission (AAIRC) upon request. For investigative purposes, the AFAC has the authority to designate specialized medical personnel in Aviation or Aerospace Medicine, medical examiners, or medical evaluators to conduct medical assessments of surviving flight crew and aeronautical technical personnel. The objective of these assessments is to determine whether any physical, physiological, or psychological factors were linked to the circumstances surrounding the accident or incident.

Furthermore, as part of the operational safety measures specific to such situations, the Certificate of Psychophysical Aptitude will be suspended for aeronautical technical personnel involved in air accidents or incidents. The suspension will remain in effect until reevaluation by the AFAC, ensuring their safe return to work activities. The AFAC is also responsible for designating medical or psychological specialists, as requested by the AAIRC, to provide expertise on human factors related to the incident.

Lastly, it is noteworthy that the RMAC grants the AFAC the authority to establish collaborative agreements with organizations or institutions possessing specialized personnel in Aviation or Aerospace Medicine. This collaboration serves the dual purpose of enhancing operational safety and advancing the field of civil aviation medicine. Additionally, the AFAC is tasked with offering expert guidance on civil aviation medicine to any concessionaire, licensee, or operator upon request and in the interest of enhancing operational safety.

Amendments to the Regulations for the Issuance of Permits, Licenses and Certificates of Competence of Aeronautical Technical Personnel (REPLCCPTA)⁵.

On another note, regarding the existing REPLCCPTA, the amendment also aims to grant the AFAC the necessary authority to achieve its mission of coordinating and overseeing the provision of air transport services, with a clear distinction from the responsibilities assigned to the SICT concerning the requirements for aeronautical technical personnel to obtain, revalidate, recover, reinstate, and validate licenses, permits, authorizations, and qualifications.

The main amendments primarily address deficiencies in the regulatory framework related to technical standards, methods, norms, and internationally recommended practices. These amendments encompass various aspects, including the establishment of standards for hours, equipment, and conditions during aeronautical personnel instruction processes. They also focus on defining the knowledge, experience, skills, and aptitudes required for individuals seeking to obtain, revalidate, or validate permits, licenses, or certificates of competency. This criterion has been harmonized and unified with the technical provisions issued by ICAO, derived from the Chicago Convention and its annexes.

As for the regulation of noteworthy obligations for the aeronautical technical personnel, it is imperative to highlight the following:

- Aeronautical technical personnel must promptly report any deterioration in their psychophysical condition to prevent situations that could jeopardize operational safety and the well-being of individuals involved in aerial activities, as well as those on ground operations.

4.- Ley de Aviación Civil (LAC) at <https://www.diputados.gob.mx/LeyesBiblio/pdf/LAC.pdf>

5.- DECRETO por el que se reforman, adicionan y derogan diversas disposiciones del Reglamento para la Expedición de Permisos, Licencias y Certificados de Capacidad del Personal Técnico Aeronáutico (REPLCCPTA), at https://www.dof.gob.mx/nota_detalle.php?codigo=5697354&fecha=02/08/2023#gsc.tab=0

- Aeronautical technical personnel are required to present the training permit issued by the AFAC when applying for any of the licenses outlined in the REPLCCPTA.
- Aeronautical technical personnel must provide the corresponding certificate of competency when seeking any of the licenses specified in the REPLCCPTA.

As previously mentioned, it's essential to highlight that the SICT does not foresee additional public expenditure for the implementation of the aforementioned regulation amendments. Therefore, the AFAC must reallocate its administrative and budgetary resources to facilitate this implementation. Regarding the standards to which ICAO member countries adhere, which serve as the foundation for the FAA's IASA Program, they are unequivocal. Civil Aviation Authorities in contracting countries must possess the requisite technical expertise, resources, and a well-organized infrastructure to license and oversee air carrier operations. Additionally, they must maintain a pool of adequately trained and qualified aeronautical technical personnel, to whom the CAA must provide suitable guidance to ensure adherence to international norms and standards⁶.

The significance of this emphasis lies in the adherence to ICAO's standards, which form the foundation of the FAA's IASA Program, for which Civil Aviation Authorities (CAA) of Contracting States to the Chicago Convention must possess technical expertise, resources, and a well-organized infrastructure for the licensing and oversight of air carrier operations. Furthermore, they must maintain suitably trained and qualified aeronautical technical personnel, with the CAA responsible for providing appropriate guidance to ensure compliance with international norms and standards.

Conclusions

There is no doubt that safety risk, characterized by the probability and severity of potential hazards, must be mitigated through regulatory mechanisms aimed at minimizing potential harm. Consequently, there is a compelling and immediate requirement to incorporate and harmonize local regulations and legislation with the provisions outlined in the Chicago Convention. This harmonization is essential to ensure safety in both national and international air navigation. Notwithstanding, the mere design and regulation of these standards are insufficient. Equally imperative is the proper application and enforcement of these rules by qualified personnel who are fully aware of their roles and the profound impact they wield on the industry's development.

While the publication of these new regulations aims to align with recent reforms to Civil Aviation Law and the Airport Law, as well as with international standards, there remain concerns and uncertainties regarding its practical application. Questions arise about the actual capacity of regulatory authorities in Mexico, given the still limited infrastructure, personnel, and budget available for effective implementation. The enactment of high-level and complex norms may be counterproductive due to a lack of clarity in their development and execution.

Aviation plays a pivotal role in driving economic and social development, not only by creating new jobs but also by fostering regional growth and connectivity that attract investors and new players to our country's aviation sector. However, industry development inherently necessitates technological evolution and modernization of regulatory and normative structures. These structures should not be hindered by outdated, hegemonic, and archaic frameworks that fail to engage the entire industry.

We require infrastructure that aligns with regional needs and is underpinned by harmonious and sustainable public policies. Achieving this necessitates a comprehensive analysis and examination of the economic and technological factors conducive to development. Government entities and regulatory authorities should not merely seek to amend existing regulations. Instead, they must engage in a thorough exercise and study that involves all industry stakeholders and is grounded in robust foundations for long-term development.

6.- <https://www.faa.gov/about/initiatives/iasa>

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