



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
Aviation Rulemaking Committee Charter

Effective Date: 12/4/2023

**SUBJECT: Mental Health and Aviation Medical Clearances Aviation Rulemaking Committee**

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- 1. PURPOSE.** This charter establishes the Mental Health and Aviation Medical Clearances Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter outlines the ARC's organization, responsibilities, and tasks.
- 2. BACKGROUND.** In May 2015, after the Malaysia 370 and German Wings 9525 incidents, the FAA established the Pilot Fitness ARC to evaluate pilot mental health. The ARC provided several recommendations to the FAA about pilot medical fitness. The FAA has acted on several of those recommendations, including:
  - Expanded training in mental health issues provided to Aviation Medical Examiners (AME) in the AME Basic and Refresher seminars.
  - Encouraged Pilot Peer Support programs organized by airlines and unions and provided mental health training to peer support volunteers.

On July 12, 2023, the DOT Office of Inspector General (OIG) issued a report on pilot mental health challenges.<sup>1</sup> The report found that the FAA has comprehensive procedures to evaluate pilots' psychological health, which include a framework of policies and guidelines as well as collaboration with airlines. The FAA's adherence to the procedures resulted in an extensive and structured process to evaluate pilots' psychological health—a key component to help mitigate potential safety risks. However, the FAA's ability to mitigate safety risks is limited by pilots' reluctance to disclose mental health conditions. According to FAA and aviation industry organization officials, the primary factors that discourage pilots from reporting their mental health conditions are the stigma associated with mental health, the potential impact on their careers, and fear of financial hardship. Addressing these barriers is critical for the FAA to mitigate potential aviation safety risks. The same concerns apply to medical clearances for FAA air traffic controllers because the same disclosure issues exist with those personnel and can impact safety.

The OIG report contains two open recommendations for the FAA:

- Collaborate with airlines, airline pilot unions, and the aerospace medical community to conduct an assessment, based on the latest data and evidence, to identify ways to address barriers that discourage pilots from disclosing and seeking treatment for mental health conditions. The FAA set an April 30, 2024, deadline for this recommendation.

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<sup>1</sup> <https://www.oig.dot.gov/library-item/39561>

- Develop and implement policy and protocol revisions recommended in the assessment. The FAA set a deadline of September 30, 2024, for this recommendation.

The establishment of the Mental Health and Aviation Medical Clearances ARC constitutes the FAA's response to the first recommendation and will inform FAA efforts to complete the second recommendation.

**OBJECTIVES OF THE ARC.** The Mental Health and Aviation Medical Clearances ARC will provide a forum for the United States aviation community to discuss and provide recommendations to the FAA that break down the barriers that prevent pilots from reporting and seeking care for mental health issues. The ARC is also tasked with considering the same concerns about medical clearances for FAA air traffic controllers because the same disclosure issues exist with those personnel and can impact safety.

**3. TASKS OF THE ARC.** The tasks of the ARC are:

- Identify factors that prevent individuals who hold FAA medical certificates or clearance from reporting mental health issues. Develop recommendations for actions that the FAA or other organizations should take to overcome or reduce the barriers.
- Discuss and develop recommendations for how the FAA should address a mental health diagnosis.
- Develop recommendations for steps that the FAA may take to mitigate aviation safety issues during the time between the disclosure of a mental health diagnosis by a pilot or an FAA air traffic controller and the subsequent issuance of an aeromedical decision by the FAA.
- Review how other civil aviation authorities address pilot and air traffic controller mental health issues and develop recommendations for best practices that the FAA should adopt.
- Discuss and develop recommendations for mental health education programs for individuals who hold medical certificates or clearances that the FAA and the aviation industry could implement to improve awareness and recognition of mental health issues, reduce stigmas, and promote available resources to encourage voluntary self-disclosure in a confidential and protected environment, and assist with resolving mental health problems.
- Submit a report with recommendations no later than March 30, 2024.
  - The Industry Co-Chair sends the recommendations to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.
  - The FAA Co-Chair determines when the recommendations and records, pursuant to paragraph (8), will be made available for public release.

#### 4. ARC PROCEDURES.

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

#### 5. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.

The FAA will set up an ARC of members of the aviation and medical community. Members will be selected based on their familiarity and experience with mental health, certification analysis, and regulatory compliance. Membership will be balanced in viewpoints, interests, and knowledge of the ARC's objectives and scope.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, "Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions" (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their "individual capacity." The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a "representative capacity" for the "express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government." For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

FAA and other federal government agency subject matter experts may be requested to participate as Observers and to provide technical support to the ARC members.

- a. The Sponsor, the Associate Administrator for Aviation Safety, will designate the FAA Co-Chair who will:
  - 1) Select and appoint industry members and the FAA participants,
  - 2) Select the Industry Co-Chair from the membership of the ARC,
  - 3) Ensure FAA participation and support from all affected lines of business,
  - 4) Provide notification to the members of the time and place for each meeting, and
  - 5) Receive any status report and the recommendations report.

- b. Once appointed, the Industry Co-Chair will:
- 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
  - 2) Establish and distribute meeting agendas in a timely manner,
  - 3) Keep meeting notes, if deemed necessary,
  - 4) Perform other responsibilities as required to ensure the objectives are met,
  - 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
  - 6) Submit the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.

**6. PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.

**7. AVAILABILITY OF RECORDS.** Subject to applicable Freedom of Information Act (FOIA) Exemptions pursuant to Title 5, U.S.C., § 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Office of Aerospace Medicine, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at:  
[http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

**8. DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety; the Office of the Chief Counsel; the Office of Assistant Administrator for Policy, International Affairs, and Environment; and the Office of Rulemaking.

**9. EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on December 4, 2023.



Michael G. Whitaker  
Administrator