U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062-2000
uschamber.com

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Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue SE
Room W12-140
West Building Ground Floor
Washington, D.C. 20590-0001

Re: Comments on the Federal Aviation Administration, Department of Transportation; Transportation Security Administration, Department of Homeland Security; Notice of Proposed Rulemaking; Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations (Docket No. FAA-2025-1908)

To Whom It May Concern:

The U.S. Chamber of Commerce (the "Chamber") welcomes this opportunity to comment on the Federal Aviation Administration's ("FAA") and Transportation Security Administration's ("TSA") notice of proposed rulemaking ("NPRM") on *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations* ("BVLOS Rule" or "Proposed Rule").[1]

The Chamber applauds FAA and TSA for proposing to normalize Unmanned Aircraft Systems ("UAS") Beyond Visual Line of Sight ("BVLOS") operations in the United States. Allowing for safe and routinized BVLOS operations will provide substantial economic and societal benefits to the American public by enabling new business models, bolstering productivity, enhancing public safety, and establishing economic opportunities for small businesses. Further, finalizing and implementing a BVLOS Rule creates certainty for the American drone industry, which will allow them to compete globally and help ensure American leadership in this critical technology.

The stated objectives of the NPRM align with the Chamber's consistent advocacy for unlocking the substantial benefits of drone technology and advance the Trump Administration's deregulatory objectives and drone priorities as detailed in Executive Order 14307, *Unleashing American Drone Dominance*.[2] The BVLOS Rule incorporates several core principles that are essential to the unleashing of UAS

[1] Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations, Notice of Proposed Rulemaking, 90 Fed. Reg. 38212, Docket No. FAA-2025-1908 (rel. Aug. 7, 2025) ("NPRM").
[2] Exec. Off. of the President, Exec. Ord. 14307, Unleashing American Drone Dominance (2025).

operations such as an emphasis on automation, establishing the concept of "airworthiness", and shifting from a waiver/exemption process to an enduring framework that enables operations at scale. However, there are key areas where the proposed text does not align with these objectives, and we urge the FAA and TSA to adopt our recommendations within these comments to make this rule workable for American businesses and their consumers.

Although the Chamber believes the BVLOS Rule will have tremendous benefit once it is finalized and implemented, we believe that several vital improvements must be included in a final rule to protect current operational gains and provide the regulatory clarity and flexibility the UAS industry requires to continue to flourish and innovate in the United States.

We urge FAA and TSA to clarify key definitions, reconsider TSA provisions that are overbroad, appropriately scope the proposed Dangerous Goods requirements and Hazardous Materials regulations, account for the unique nature of UAS operations for public safety and critical infrastructure, and provide a grandfathering provision for existing operators to seamlessly transition into Part 108.

I. Clarify Definitions

The Chamber proposes that FAA and TSA clarify specific terms as outlined below:

- The term "Active Aircraft" as proposed refers to the number of UAS that are actively being used in operations and are listed on the operating permit application (§ 108.5). Operators may benefit from maintaining a pool of registered drones, rather than being limited to a fixed set of "active" drones. This change would allow routine maintenance, repairs, and operational needs to be executed without requiring constant updates to the FAA.

- The term "Automated Data Service Provider (ADSP)" should clarify that only an entity certified as an ADSP by the FAA should be subject to Part 146 (§ 108.5). For example, if an ADSP uses a wireless company for connectivity to provide its Part 108 services, the compliance requirements of Part 146 should apply only to the ADSP and not to the wireless company.

- The Proposed Rule defines "Civic Interest" operations as those "conducted by an entity contracted to a Federal, State, local, Tribal, or territorial government for the performance of the civic interest operation, or those operations conducted by two civil entities for the performance of civic interest operations." This definition does not appear to cover governmental entities themselves. We urge the FAA to expand the definition of civic interest to include governmental entities and explicitly include in its

definition operations conducted "in close coordination" with a government entity – rather than limiting it to working under a contract – to account for how these operations often occur today. We also ask the FAA to clarify that a civic interest operation can include "support of critical infrastructure restoration, repair, or maintenance" to ensure that UAS operators can rapidly deploy resources to restore communications and other essential services in the aftermath of disasters to help ensure that communities can recover more quickly and safely.

- The proposed definition of "Operations Personnel" is overly broad and could create significant compliance challenges for companies that employ personnel in a variety of roles that do not have an impact on the safety of UAS operations (§ 108.5). FAA should narrow the definition to apply only to employees who are directly engaged in UAS operations and have the ability to directly impact the safety and/or navigation of the UAS to ensure the rule's scope is appropriately limited and its application is clear.

- The term "Operator" is used inconsistently throughout the proposed Part 108 rules, which may create confusion, particularly for organizations that conduct UAS operations as part of a broader enterprise. Many companies engage in a wide range of business activities beyond UAS operations, and without a specific definition, it is unclear which individuals and business units within a larger organization are subject to the various regulations. FAA should provide a more precise definition that delineates the roles, responsibilities, and scope of applicability to responsibilities that directly correlate to the safety and navigation of each flight within complex organizations. This clarification will help ensure that only those individuals/entities directly responsible for UAS operations and the navigation of each flight are subject to the relevant regulatory obligations, while avoiding unintended consequences for unrelated business activities.

- The proposed definition of "Security Occurrence" is overly encompassing and is not realistic or risk-proportionate to prohibit "unauthorized access to the aircraft, loading areas, hazmat or goods to be transported" given the way UAS delivery operations work (§ 108.45). Considering that this provision would require reporting of events that do not affect the integrity, accuracy, or reliability of the provided services, this requirement goes beyond the scope of addressing aviation safety elements. As such, the section on reportable occurrences that defines a security occurrence should be scoped solely to operational safety impacts.

- The proposed definition for “Strategic Conflict Resolution” includes the process of resolving overlapping operational intents among unmanned aircraft (§ 108.5). The BVLOS rule does not establish a clear standard or process for the term, leaving it open to interpretation and potentially inconsistent approaches. To promote consistency and safety, FAA should remove the word “strategic” from the term “strategic conflict resolution” and adjust the definition for “strategic deconfliction” by removing the words “and resolution” to provide regulatory flexibility to innovate and resolve conflict detected in a UTM ecosystem during flight. Complementary to these edits, the FAA should adjust its requirements in § 108.190(c)(1), by removing the requirement for operators to resolve identified conflict pre-flight—providing operators the flexibility to do so during flight.

II. Reconsider the Scope of TSA Provisions

Allowing for routine BVLOS operations will generate substantial benefits to society and the economy, and we understand the need to balance this with security safeguards. However, the proposed TSA regulations, including those regarding Security Threat Assessments (§ 108.335) and limited security programs, in the BVLOS rule are overbroad, lacking in regulatory clarity and consistency, and unsupported by data. Furthermore, the statutory authority for TSA to impose these measures is questionable.

The late inclusion of unrelated and unsupported TSA Proposed Rules focused on the credentialing of certain personnel involved in BVLOS operations would impose unclear requirements that have the potential to add a high level of costs and regulatory burden that could undermine the commercial drone industry without any clear description or clarification from TSA of the harm it seeks to mitigate.

The proposed TSA vetting for a wide range of personnel, including potential retail and fast-food associates, is disproportionate to the risk of UAS operations and would put the UAS delivery industry at a competitive disadvantage due to the financial and logistical burdens associated with airport level security screenings and programs. The Proposed Rule defines the group of individuals subject to security threat assessments far too broadly. To more appropriately scope the Proposed Rule, the rule should be limited to individuals whose roles have a direct impact on UAS operations rather than potentially including all personnel in an entire enterprise.

The basis for these airport-style requirements is not adequately addressed in the BVLOS rule. As such, provisions relating to security threat assessments and limited security programs should be revised to a risk-based approach. For example, security threat assessments should be risk-based and not be applied to individuals who are not employed by a BVLOS UAS operator or individuals who do not know the destination of a package delivery, or individuals who have no ability to change the route of the aircraft once on course. A risk-based approach will preserve TSA’s security scope while minimizing unnecessary burdens on secondary participants in the BVLOS operation.

III. Appropriately Scope the Dangerous Goods Requirement and Hazardous Materials Regulations

The BVLOS Rule intends to propose meaningful steps to enable drones to safely transport items considered "dangerous goods" for the purposes of air carriage (§ 108.570), but the Proposed Rule's requirements are inconsistent with federal law. Separate from the Part 108 rulemaking, the Pipeline and Hazardous Materials Safety Administration ("PHMSA") should provide additional clarity by updating requirements for air transport of dangerous goods to reflect the substantially different risk profile of commercial drone package delivery compared to traditional air cargo operations. This should not delay the finalization of Part 108 nor any approvals for hazmat carriage already granted to operators and grandfathered under Part 108.

On Hazardous Materials ("Hazmat"), the BVLOS Rule cites Section 933 of the 2024 FAA Reauthorization Act[3] directing the FAA to use a risk-based approach for UAS hazmat carriage, but the NPRM's language does not fulfill the intent of this provision (§ 108.570). It not only would apply the current burdensome provisions in Part 135, but it would also impose additional burdensome requirements rather than recognizing and accounting for the decreased risks associated with UAS operations due to the reduced quantities of hazardous materials. The existing Hazardous Materials Regulations ("HMR"), which under the BVLOS Rule would still apply to UAS operations, contain numerous requirements for manuals and training that are not relevant or applicable to the needs, use cases, and risk profile of UAS package delivery. This includes onerous documentation requirements for shipping papers, pilot notifications, markings, labels and packaging that do not make sense for drone delivery.

Rather than acknowledging the reduced risk UAS operations pose with decreased quantities and distance traveled in transporting hazardous materials, the BVLOS Rule cites "risks to people and property on the ground resulting from intentionally dropping or releasing hazardous materials." This requirement is inconsistent with the airworthiness requirements in the Proposed Rule.

In the BVLOS Rule, the FAA requires certified UAS package delivery operators to conduct a safety risk assessment ("SRA"), which involves in-depth system analysis, identification of potential hazards that could arise in the hazmat transport, and analysis of the associated safety risk. Certificated Operators with an accepted Safety Risk Assessment should be granted relief from HMR (49 CFR 171-180).

[3] FAA Reauthorization Act of 2024, Pub. Law No: 118-63 138, Stat. 1025 (2024).

These provisions of the Proposed Rule should be eliminated, and the Secretary should instead implement Section 933 as written. In addition, the Department of Transportation ("DOT") should ensure that all operators with permissions granted by PHMSA and FAA to carry dangerous goods continue to enjoy and expand those permissions under Part 108.

IV. Public Safety and Critical Infrastructure Operations

A. Public Safety Operators Must Be Able to Fly Dynamically

The proposed airworthiness acceptance criteria requires that UAS be designed with a simplified user interface that does not permit "pilot in/on the loop" designs (§ 108.810). As proposed, UAS features allowing for manual flight control would be prohibited.

All public safety operations conducted today include dynamic, real-time maneuvering of the UAS to position it in a way that provides the best situational awareness to public safety personnel. In Drone as First Responder ("DFR") operations, further automation of the portion of the flight to and from the public safety incident is welcomed, but it is essential that public safety operators retain the ability to dynamically maneuver drones in real-time.

B. Remove Population Density Restrictions for Operators Holding Civic Interest Permits

Civic interest operators who hold permits would be restricted to the FAA's proposed Category 3 or lower population density areas unless the operation is necessary to safeguard lives in imminent threat (§ 108.455). As proposed, only certificated operators would be authorized to routinely operate over more densely populated Category 4 and Category 5 areas. It is essential that the Proposed Rule be amended to remove population density restrictions for BVLOS operations conducted by public safety agencies.

C. Remove Requirement for Approval for Each Operating Area

The BVLOS Rule proposes requiring FAA approval for each operating area (§ 108.165). Current public safety Part 91 BVLOS waivers do not explicitly define an operating area and instead allow for operators to conduct their operations anywhere in the U.S. in accordance with the approval's conditions and limitations.

The Proposed Rule is not clear as to whether the entire U.S. could be approved as an operating area, but public safety operators need the flexibility to operate UAS

throughout their entire jurisdiction and beyond to respond effectively to public safety incidents. For example, public safety incidents can cross jurisdictional boundaries in real-time or a public safety agency may deploy to other parts of the U.S. to provide mutual aid for other agencies. Therefore, the Proposed Rule should be revised to eliminate the need for area of operation approvals for public safety agencies.

D. Remove Requirement for Operating Location to Be Pre-Designated and Access Controlled

The BVLOS Rule includes a proposed operating location requirement (§ 108.150) that requires locations to be pre-designated and access-controlled to ensure persons who are not directly participating in the operation are safely segregated from flight operations. This requirement is not practical, or even possible in some cases, for BVLOS operations conducted by public safety or critical infrastructure personnel in the field.

Public safety incidents may be out of range of a remotely operated, dock-based system or may require additional assets to complement a dock-based system. The ability to conduct dynamic BVLOS field operations to address public safety incidents or conduct operations at a critical infrastructure site greatly enhances the efficiency of the operation and safety of personnel on the ground.

In some cases, a drone may need to be operated from behind cover in dangerous situations, behind visual obstructions like a building or smoke plume, or at extended ranges. Additional, BVLOS field operations are currently allowed by public safety Part 91 BVLOS waivers without the requirement to pre-designate and control access to the operating location.

E. Accommodate Existing Small Drone Fleets

Most drones used for critical infrastructure inspections tend to be small and lightweight quadcopters, weighing around five pounds or less. The BVLOS Rule includes new design and test requirements for drones and appears to be a one-size fits all approach to airworthiness, applying the same design requirements to five-pound drones and 1,300-pound drones. For example, the power system must not have a single point of failure (§ 108.840), and the propulsion system must be designed to maintain control during a failure (§ 108.845), which appears to functionally exclude quadcopter designs from the rule. Drones must also meet the noise requirements of part 36 (§ 108.910). As we understand it, no small drones on the market can meet all these requirements.

Small drones meeting the technical requirements already accepted under Part 107 waivers should be eligible for declaration under the proposed airworthiness acceptance process and allowed to continue operating BVLOS under the new Part 108 rule.

F. Eliminate Population Density Restrictions for Utility Infrastructure Inspections

As proposed, permitted operators would be prohibited from conducting BVLOS utility inspections in Category 4 and Category 5 population density areas. Critical infrastructure assets are often located in areas that would be defined as Category 4 and Category 5 population density areas per the FAA's proposed population density maps. The BVLOS rule would require an operating certificate to operate in these more densely populated areas. The burdensome requirements and steep costs associated with obtaining an operating certificate would make it very challenging to conduct operations at critical infrastructure sites in urban and suburban areas.

Routine inspection operations are often confined to controlled and/or restricted access sites, and over easements where human beings are not expected to be present. For infrastructure inspections occurring over restricted/controlled access sites and easements, the surrounding population density is not relevant and should not be used as a basis to restrict where these operations can occur.

G. Clarify Cybersecurity Reporting Requirements

The Proposed Rule on cybersecurity reporting (§ 108.45) proposes overly broad cybersecurity reporting requirements that could be interpreted to require operators to report every cybersecurity breach whether or not the incident has any connection to UAS operations. We suggest that the rule be revised to limit reporting to only those incidents that directly affect UAS operations. The FAA should also harmonize its reporting requirements with existing federal cybersecurity regimes to avoid duplicative or inconsistent requirements. The FAA is encouraged to review the comments the Chamber submitted to the Cybersecurity and Infrastructure Security Agency (CISA) in July 2024 regarding CISA's rulemaking to establish reporting requirements under the Cyber Incident Reporting for Critical Infrastructure Act, or CIRCIA.

V. Provide a Grandfathering Provision for Existing Operators

The BVLOS Rule provides limited insight on the expectation for transition to Part 108 for existing operators approved under 14 CFR Part 107, 91, or 135. The BVLOS Rule states only that they would expect operations to transition to "Part 108 when their exemptions expire, and a reasonable transition can occur," and does not provide clear guidance to operators who have been operating safely within the waiver or

exemption process. There are a multitude of U.S. companies that have been providing safe, valuable drone delivery options and UAS-enabled services to consumers for many years. Additionally, other currently waivable operations involving low-risk non-autonomous operations under Part 107, such as remote sensing, agricultural, counter-UAS testing, and cinematography operations conducted as shielded operations or as extended visual line of sight operations could also benefit from a streamlined regulatory pathway that has well-established safety records and uses cases under the current Part 107 waiver structure.

We strongly urge the FAA to ensure the Final Rule accounts for manufacturers and operators in a broad variety of industries and clarifies how they can continue to safely manufacture and operate UAS uninterrupted. All existing operational, airworthiness, and airspace authorizations (including but not limited to 49 USC 44807 airworthiness determinations for existing drone models, BVLOS approvals, Hazmat carriage approvals, approved means of compliance, manuals, Safety Management Systems (SMSs), etc.) should remain valid. Grandfathering must extend to all operating, airworthiness, and airspace authorizations granted by FAA under Part 107 with waivers, a 44807 exemption, Part 137, and a Part 135 air carrier certificate to both operator systems and aircraft models the FAA has previously approved. The inclusion of future operators flying under certain similar circumstances should also not be subject to the intricacies of Part 108 which would overcomplicate some of these low-risk, small scale, "human-in-the-loop" operations that are currently considered safe and acceptable.

To allow for implementation and not adversely affect already constrained FAA resources, it is critical that existing operators should be allowed to continue under their prior authorizations and not have their business operations disrupted.

VI. Conclusion

The Chamber appreciates the opportunity to provide these comments and welcomes continued engagement with FAA, TSA, and the U.S. government on these important issues to ensure American drone dominance and unleash economic prosperity.

Sincerely,

Jordan Crenshaw
Senior Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce