BEFORE THE
DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
WASHINGTON, D.C.

IN THE MATTER OF

Request for Information Regarding Study To Advance a More Productive Tech Economy

Docket No. NIST-2021-0007

COMMENTS OF THE SMALL UAV COALITION

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The Small UAV Coalition ("Coalition")[1] is pleased to provide comments in response to the Request for Information ("RFI") regarding the Study To Advance a More Productive Tech Economy. The National Institute of Standards and Technology ("NIST") published the RFI in response to a congressional direction to the Secretary of Commerce to report on eight emerging technology areas, including drone delivery services. The RFI seeks information on the "impact of unmanned delivery services on businesses conducting interstate commerce and the impact of such industry on the United States economy, rules and regulations[.]" 86 Fed. Reg. 566287 (Nov. 22, 2021).

Drones[2] offer a safe and efficient means of conducting a variety of operations. Members of the Small UAV Coalition share an interest in advancing regulatory and policy changes that will permit the operation of drones in the near term within and beyond the visual line of sight ("BVLOS"), with varying degrees of autonomy, for commercial and other civil purposes. The Coalition supports the assistance of NIST in advancing the development of regulations and standards to enable drone operations to deliver the safety, environmental, business and personal benefits the technology promises.

Technology development

With respect to NIST's request for information on the federal agencies that have jurisdiction around the emerging technology area, the Federal Aviation Administration ("FAA") has the sole regulatory responsibility with respect to certification and regulation of aircraft, aircraft operators, and pilots. The National Aeronautics and Space Administration ("NASA") has played a critical role in research and development that supports the FAA's development of a regulatory framework for drones and remains a partner with the FAA on the design and implementation of a universal traffic management ("UTM") system. Scaling of drone delivery services requires the development

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[1] Members of the Small UAV Coalition are listed at www.smallauvcoalition.org.

[2] Many laws and regulations pertaining to drones use the term "unmanned aircraft" and unmanned aircraft system." The Coalition supports FAA and industry initiatives to adopt inclusive language and instead use non-gendered terms like "drone."

of a UTM system. The FAA and NASA should continue to partner with industry to progress the development of UTM.

With respect to the spectrum the drone industry will use, the FAA shares responsibility with the Federal Communications Commission ("FCC"), and the National Telecommunications and Information Association ("NTIA") is charged to foster the FAA-FCC relationship to allow the industry to operate safely and efficiently.

The RFI requested information on what the federal government can do to foster the adoption of technology or help expand economic opportunities within the drone delivery services area. As a general matter, policymakers should take an approach to regulations in areas of emerging technology that is performance-based and proportionate to the risk. Burdensome regulations or top-down government imposition of standards will not support the rapid growth and innovation of which these technologies are capable.

Regulators and policymakers should provide a pathway for the commercial drone industry to scale. To do so requires the FAA to adopt regulations that enable routine BVLOS flights; flights over people; and inspection, monitoring, and package delivery operations. The FAA has established a BVLOS Aviation Rulemaking Committee ("ARC"), which is expected soon to provide recommendations to the FAA Administrator. The Coalition believes it is imperative for the FAA to expeditiously publish a notice of proposed rulemaking based on the BVLOS ARC's recommendations. Other rulemakings may be necessary with respect to drone and drone operator certification.

With respect to standards development for drone delivery operations, the FAA benefits from the work of standards organizations such as ASTM and RTCA, which have been working on standards for remote identification ("remote ID") and detect and avoid ("DAA") capability. These standards also promote international harmonization, a goal the FAA embraces. The Coalition believes the FAA's type and airworthiness certification process can be made more efficient with the development of a durability and reliability standard.

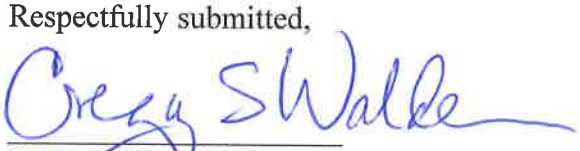
Technology adaptation and utilization

The RFI asks for information on the current marketplace landscape and projected changes in the marketplace with the adoption of drone delivery services. The current marketplace landscape is not yet open to drone delivery operations except by means of narrow exemptions. There is great potential for drone delivery to transform most delivery services, including medicines and medical equipment, food and foodstuffs, other living essentials, books and clothing, and other amenities. This transformation will dramatically reduce the number of automobile accidents and fuel consumption, while providing access to persons who are unable or rely on others to deliver necessities. In this respect, we refer to a September 2020 Virginia Tech study entitled, "Measuring the Effect of Drone Delivery in the United States..

The Coalition recognizes a risk in the marketplace for drone delivery caused by state and local restrictions of drone operations that would inhibit the ability for operations to scale. The Coalition believes that public acceptance of drone delivery will increase with the broader approval and authority for drone operations in urban, suburban, and rural communities.

The great but not yet realized potential of drones to positively benefit people, the environment, and companies is why it is so important that the Administration, through this RFI and other activities, promote the development of a set of regulations and standards to enable drone delivery operations at scale.

Respectfully submitted,



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