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via www.regulations.gov

The Honorable Bryan Bedford
Administrator
Federal Aviation Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590-0001

Re: Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations (Docket No. FAA–2025–1908)

Dear Mr. Bedford:

The Consumer Technology Association (CTA)¹ applauds the Federal Aviation Administration (“FAA”) for initiating this critical rulemaking process to establish performance-based regulations governing the design and operation of beyond visual line of sight (“BVLOS”) unmanned aircraft systems (“UAS”) and for the automated data service providers supporting these operations.²

CTA represents the more than \$537 billion U.S. consumer technology industry, which supports over 18 million U.S. jobs across manufacturing, retail, software, content, and services. Our 1200 member companies include startups and small and mid-sized businesses (over 80% of our total membership) as well as global leaders. CTA also owns and produces CES – the most powerful tech event in the world.

Drawing upon the collective expertise of our diverse membership—including UAS communication providers, operators, and manufacturers—CTA offers the following policy recommendations to support the safe integration of scaled UAS operations into the national airspace system (“NAS”).

Support a Risk-Based Framework for Automated Data Service Providers. CTA supports a risk-based regulatory framework for automated data service providers that balances safety and efficiency with the need to foster innovation. At the same time, the FAA

¹ As North America’s largest technology trade association, CTA® is the tech sector. Our members are the world’s leading innovators—from startups to global brands—helping support more than 18 million American jobs. CTA owns and produces CES®—the most powerful tech event in the world.

² *Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations*, Notice of Proposed Rulemaking, 90 Fed. Reg. 38212, 38213 (Aug. 7, 2025) (“NPRM”).

should ensure the Part 146 regulations apply only to entities intending to be automated data service providers, or third-party vendors intending to provide services that support certificated service providers. To this end, the FAA should clarify that an entity will not be considered an automated data service provider or third-party vendor subject to Part 146 certification and service authorization requirements solely because it offers a technology solution—or components of a technology solution—that are ultimately used by another entity serving as an automated data service provider or as a third-party vendor providing a service to a certificated service provider. This clarification is vital to ensure that providers of limited technology offerings are not inadvertently captured by regulations intended for primary service providers, and it will also help avoid redundancy and reduce administrative burdens in the FAA's administration of such certifications.

Certified and Permitted Operations. CTA supports the proposed two-tier framework for operational authorizations. However, commercial drone deliveries should in large part be conducted under the Operating Certificate category. Delivery operations involve frequent, repetitive flights over people and infrastructure, warranting heightened safety oversight. Requiring certification ensures Safety Management Systems apply, closes potential regulatory gaps, and supports one consistent safety bar for the highest-visibility operations. To provide flexibility in accommodating additional use cases, however, FAA could allow for a narrowly defined permit pathway limited to bona fide demonstrations and to emergency-relief deliveries supporting disasters and humanitarian crises. Any operations under such permits must be strictly confined in scope and duration to the specific demonstration or emergency, ensuring they cannot be misused as a substitute for certification to engage in commercial package deliveries. Certificated operators, in turn, should be able to conduct both demonstrations and emergency missions under their existing certificates without seeking a separate permit. However, this should not prohibit a certificated operator from conducting operations under a permit for demonstration or emergency relief. This framework preserves the integrity of the certification standard while providing the flexibility needed to support innovation and sustain relief for the full duration of recovery.

Airworthiness. CTA supports a declarative airworthiness process as this will allow our industry to iterate in a manner that will allow drone operations to scale. However, CTA urges reconsideration of overly prescriptive design and test requirements in subparts G and H that are not risk appropriate, especially for smaller drones that are otherwise ideal candidates to be used in part 108 operations. These subparts should be revisited to make sure the requirements are focused on safe outcomes and not traditional aircraft design philosophies.

TSA's Proposed Revisions. The BVLOS NPRM introduces TSA obligations without the specificity or targeting necessary for compliance. The provisions are vague, overbroad, and risk duplicative oversight. In addition, TSA proposes a "Security Threat Assessment" for certain personnel and defines "covered persons" so broadly that it includes nearly all individuals even minimally involved in commercial drone operations, regardless of their role, level of operational risk, or access to sensitive infrastructure.

These requirements should be struck as they impose costly burdens with no meaningful improvement to security.

CTA respectfully urges TSA, without delaying the FAA's rulemaking, to conduct analysis of its authority to act on these operations, articulate more clearly its authority if it finds it does have such authority, and initiate another NPRM in collaboration with the FAA to define covered persons and entities with precision, justify the scope of any vetting, and assess impacts based on a transparent record.

Electronic Conspicuity for Crewed Aircraft. CTA supports the FAA's efforts to modernize the outdated right of way rules, and supports the proposition that any crewed aircraft operating below 500 feet above the ground should be electronically conspicuous (e.g., ADS-B). These measures close a critical safety gap, reduce mid-air collision risk, and promote fairness between traditional and emerging operators.

Grandfathering Existing Operators. The Final Rule should provide clear grandfathering provisions for existing operators—particularly those with Part 91/Part 107/Part 135/Section 44807 approvals—to ensure continuity of service. Operators that have already demonstrated robust safety through FAA-approved systems, airworthiness authorizations, and hazardous materials programs should not face lapses in authorization as new rules take effect. The proposed rule must not adversely impact BVLOS operations that are being conducted today as described above, or provide a process that enables continued operations during the transition process to Part 108.

Agencies Must Be Able to Fly Dynamically. The proposed airworthiness acceptance criteria in § 108.810(a) requires that UAS be designed with a simplified user interface that does not permit “pilot in/on the loop” designs. As proposed, UAS features allowing for manual flight control would be prohibited. It is essential that public safety and critical infrastructure operators retain the ability to dynamically maneuver the drone in real-time.

Remove Population Density Restrictions for Public Safety Agencies Holding Civic Interest Operating Permits. Under proposed § 108.455(c), civic interest operators who hold permits would be restricted to Category 3 or lower population density areas unless the operation is necessary to safeguard lives in imminent threat. 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.

Public Safety and Critical Infrastructure Operators Should Be Exempt from TSA Vetting Requirements. §108.335 requires certain required personnel involved in BVLOS operations, like the Operations Supervisor and Flight Coordinator, to undergo up to a Level 3 Security Threat Assessment (STA). Public safety personnel are already required to meet rigorous background checks before employment including background, immigration status, and criminal record checks making the STA requirement duplicative.

The STA would increase the financial and administrative burden on public safety agencies to comply, particularly for small agencies with limited drone program budgets.

Remove Requirement for Operating Location To Be Pre-Designated and Access Controlled. The proposed operating location requirement in § 108.150 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 personnel in the field, like a building or smoke plume, or at extended ranges.

Alternative Standards and Means of Compliance. CTA supports the FAA's reliance on voluntary consensus standards (VCS), but cautions against restricting compliance exclusively to these standards—many of which remain under development. The Final Rule should allow submission of alternative means of compliance (AMOCs) that meet or exceed defined minimum performance criteria. This approach will preserve flexibility, accelerate innovation, and ensure safety while avoiding unnecessary constraints.

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CTA respectfully urges the FAA to adopt these recommendations, which will advance the Administration's and public sector's shared goals of fostering a robust, secure, and efficient U.S. drone ecosystem while safeguarding the NAS as BVLOS operations expand. We look forward to continued collaboration with the FAA to achieve these important objectives.

Sincerely,

CONSUMER TECHNOLOGY ASSOCIATION

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