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**Federal Aviation
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InFO

Information for Operators

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http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info

An InFO contains valuable information for operators that should help them meet certain administrative, regulatory, or operational requirements with relatively low urgency or impact on safety.

Subject: Department of Transportation (DOT) Final Rule “Nondiscrimination on the Basis of Disability in Air Travel” and the Use of Respiratory Assistive Devices on Aircraft.

Purpose: To alert operators of the May 13, 2009 effective date of DOT final rule “Nondiscrimination on the Basis of Disability in Air Travel” and to inform operators about the Federal Aviation Administration (FAA) requirements regarding use of respiratory assistive devices on aircraft. For the full text of the rule, see <http://airconsumer.ost.dot.gov/rules/rules.htm>.

Discussion: Among the many different provisions in the DOT final rule for air carriers, there are important new requirements regarding accommodation of passengers with respiratory assistive devices.

DOT final rule, section 382.133 requires that air carriers conducting passenger service (on aircraft originally designed to have a passenger capacity of 19 or more seats) must permit someone with a disability, to use a ventilator, respirator, continuous positive airway pressure (CPAP) machine, or an FAA-approved portable oxygen concentrator (POC) unless the device fails to meet applicable FAA requirements for Medical Portable Electronic Devices (M-PED) and does not display a manufacturer’s label that indicates the device meets those FAA requirements. Currently, all FAA-approved POCs meet FAA requirements for M-PEDs.

The DOT anticipated labeling on POCs and other respiratory assistive devices by May 13, 2009. Currently, very few POCs and no other respiratory devices such as ventilators, respirators, and CPAP machines display labels. To assist carriers with implementation of the DOT final rule, we provide the following:

A. Portable Oxygen Concentrators.

(1) Until all FAA-approved POCs have labeling that confirms to air carriers that “*This device does not exceed the maximum level of radiated radio frequency interference as described in the current edition of Radio Technical Commission for Aeronautics (RTCA) Document (DO) 160, section 21, Category M*”, air carriers are reminded that if a manufacturer tests its POC and it meets the RTCA standard, the aircraft operator is not required to perform additional tests. However, the aircraft operator must be able to show that the device has been tested and meets the applicable standard, regardless of the test method used. For more information see the current edition of Advisory Circular (AC) 91.21-1, Use of Portable Electronic Devices Aboard Aircraft at <http://rgl.faa.gov/>.

(2) To facilitate air carriers in obtaining testing results for FAA-approved POCs, the FAA has made available, via Web-site, the test results provided by manufacturers. This Web-site is updated as the documents are received and may be viewed at http://www.faa.gov/safety/programs_initiatives/aircraft_aviation/cabin_safety/portable_oxygen.

(3) In order for a POC to be approved for use on aircraft by the FAA, it must be determined that it does not contain hazardous materials (hazmat) and that it meets FAA safety requirements. Therefore, only FAA-approved POCs, as listed in Special Federal Air Regulation (SFAR)-106, Use of Certain Portable Oxygen Concentrator Devices on Aircraft, may be used onboard aircraft. In addition, air carriers must meet the other requirements of SFAR 106 when FAA-approved POCs are used on their aircraft. For more information, see SFAR-106, at [14 CFR part 121, Appendix](#) and the current edition of AC 120-95, Portable Oxygen Concentrators at <http://rgl.faa.gov>.

B. Other Respiratory Devices. All POC manufacturers are knowledgeable regarding aviation requirements for POCs. POCs are in common use on air carriers. All currently FAA-approved POCs meet FAA requirements for M-PEDs. However, this is not the case for other respiratory assistive devices (ventilators, respirators and CPAP machines). For other devices that have not been tested by the manufacturer to meet the emission levels in the RTCA standard, air carriers can continue to use the current guidance in AC 91.21-1. In many situations, this requires case-by-case testing of a particular device and a determination by the air carrier that the device can be operated safely on their aircraft.

Recommended Action: Directors of safety, directors of operations, directors of training and compliance resolution officials (CRO) for part 121 and 135 operators should be aware that they are responsible for meeting applicable FAA safety requirements regarding the use of M-PEDs, while complying with the provisions of DOT's final rule.

Contact: Any questions regarding this InFO should be directed to Nancy Lauck Claussen (AFS-220) at nancy.l.claussen@faa.gov