

TO: US COPD Coalition
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Subject: FAA Proposed Rule on Portable Oxygen Concentrators (POC)
DATE: 7/15/04

Great news! On Wednesday, July 14 the Federal Aviation Administration (FAA) published a proposed rule that would create a Special Federal Aviation Regulation (SFAR) to allow portable oxygen concentrators on civil airplanes. While there are still issues that need to be discussed, the publication of the rule represents a big step forward for patients using supplemental oxygen. The US COPD Coalition should feel pleased about its efforts to get FAA to move on this issue.

The FAA is seeking public comment on the proposal. **The deadline for public comments is Friday, August 13, 2004.**

Attached is copy of the proposed rule.

In general the rule would allow the use of Portable Oxygen Concentrators (POCs) under the following conditions

- 1) the POC does not interfere with airplane electrical, navigational or communication equipment
- 2) the POC must be turned off when the cannula is not in use
- 3) the POC user or traveling companion, must be able to hear and see all warning indicators and respond appropriately
- 4) the POC cannot be operated within 10 feet of an open flame or burning cigarette
- 5) the POC intake filter must not be blocked
- 6) the POC must be stowed under the seat in front or in other secure location
- 7) patrons using the POC cannot be seated in the emergency exit row
- 8) the POC must be free from petroleum, grease and oil and be in good working order
- 9) the POC must be meet filter maintenance requirements (filters to be manufactured maintenance every 3000 hours of use)
- 10) the pilot of the flight must be informed of the POC on flight
- 11) the POC user must have physician statement the specifies the use of and oxygen flow rate
- 12) only lotions and salves approved for use with oxygen can be used by the POC user

- 13) the POC user must have enough batteries to power the device through the flight duration and additional “reasonable or anticipated delays.”

As written, the draft rule applies only to the AirSep LifeStyle product. However the rule states that the Inogen product is under review. The rule essentially creates a pathway for other products to be reviewed and approved under the SFAR.

The FAA is seeking public input on the following questions:

- 1) Should the aircraft operator be required to inform the user about the availability of electrical outlets suitable for the AirSep portable oxygen concentrator?
- 2) Should the user be required to carry batteries for the duration of the flight including reasonable delays if there are electrical outlets available on the flight?
- 3) Are the meanings of the terms “anticipated delay” and “reasonable delay” sufficiently clear?

There are additional issues that I would recommend the community consider commenting on, including:

- 1) Should air carriers be required to allow POCs on civil air travel? As drafted the rule allows carrier airt to use POCs on board. The rule does not require air carriers to allow travelers to use POCs.
- 2) Should FAA issue a blanket ruling on the POCs and their impact on airplane electronic, communications and navigational systems? As drafted, the POCs are still required to be tested on a model by model basis for all airplanes
- 3) Should passengers traveling with POCs have priority access to on board power sources?

In a related rulemaking under the Air Carrier Access Act, the Department will seek comment on whether carriers must permit users of AirSep portable oxygen concentrator to plug their devices into available onboard power outlets, consistent with FAA safety rules related to electronic devices.

I welcome your input on the proposed rule. While there are still issues that need to be resolved, this rule (and the expected rule from the Department of Transportation) represents a significant improvement in the travel options for patients using supplemental oxygen. This rule would not have happened were it not for the sustained advocacy of patient and provider community on this issue.