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#### UPS Pilots File Statement of Issues in IPA v. FAA

WASHINGTON, Jan. 23, 2012 – Today the Independent Pilots Association (UPS pilots) filed its preliminary statement of issues as ordered by the U.S. Court of Appeals for the D.C. Circuit in its challenge to the FAA's exclusion of cargo operations from its final rule on pilot flight and duty time.

“Our preliminary statement of issues outlines the basic arguments we will raise to advance our case,” said IPA General Counsel William Trent; “it is the basis of our challenge to the FAA’s exclusion of cargo airlines from the final rule.” He added that IPA does not seek to vacate or delay the rule itself.

The Association is challenging the exclusion of cargo operators on the following grounds:

The FAA’s capricious decision to discard its August 2010 proposal that uniformly applied science-based flight and duty time rules to both passenger and cargo carriers is based on a cursory assertion that compliance costs for cargo operations significantly exceed the related societal benefits;

The FAA’s arbitrary assumptions and estimates in its cost-benefit analysis lack substantial evidence;

The FAA failed to act in accordance with law by not providing interested parties an opportunity to review and comment on its cost-benefit calculations, the FAA’s sole basis for its determination to exclude cargo operations from the final rule; and

The FAA failed to act in accordance with law by ignoring the fatigue facts and factors that are more prevalent in cargo operations, specifically night-time operations and flying across multiple time zones.

“The Court has ordered the FAA to file the certified index of the record, essentially a catalog of the regulatory docket, by February 6,” said Trent; “this will be the first chance we have to review the entire record relied upon by the FAA in reaching its decision on the final rule.”

To see the entire Potential Issues for IPA Preliminary, Non-Binding Statement of Issues and other materials related to IPA v. FAA/ USCA Case #11-1483 please go to:  
<http://www.ipapilot.org/IPAvFAA.asp>

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