

October 6, 2025

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: NRF Comments – Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations (Docket Number FAA-2025-1908)

Dear Secretary Duffy:

On behalf of the National Retail Federation, we are submitting the following comments regarding the Normalizing Unmanned Aircraft Systems Beyond Visual Line of Sight Operations Notice of Proposed Rulemaking (FAA-2025-1908). NRF had previously indicated support for the NPRM being published for public comment. In general, NRF is very supportive of the NPRM. We offer the comments below to address specific issues in the NPRM that we believe need to be addressed to ensure that certain low-altitude unmanned aircraft systems (UAS) can be fully utilized for retail delivery operations.

NRF, the world's largest retail trade association, passionately advocates for the people, brands, policies and ideas that help retail succeed. NRF empowers the industry that powers the economy. Retail is the nation's largest private-sector employer, contributing \$5.3 trillion to annual GDP and supporting one in four U.S. jobs — 55 million working Americans. For over a century, NRF has been a voice for every retailer and every retail job, educating, inspiring and communicating the powerful impact retail has on local communities and global economies.

As retailers continue to evolve their supply chain service offerings to provide the best delivery options for consumers, the potential use of drones for product delivery is becoming an important part of their strategy. A final Beyond Visual Line of Sight (BVLOS) rule will be critical to unlocking safe and scalable commercial drone operations for many retailers. Drone delivery will make items that people need and want quickly, from common household goods to medications, available for ultrafast delivery. Some consumers are already benefitting from drone delivery, but in order to expand and reach a broader array of customers, operators need regulatory certainty. Achieving certainty will attract new and continued investment in drone technology to the benefit of American consumers.

A clear final rule promises to end drone manufacturers' and operators' ongoing reliance on the current patchwork of FAA-issued waivers and exemptions. A final Part 108 rule should be an enduring framework within the context of broader FAA regulations and consist of performance-based regulations that are commensurate with risk and enable operations at scale. FAA must also guarantee that existing manufacturers and operators can continue to operate without service interruption during the upcoming regulatory transition.

While the NPRM puts industry on a path to expand drone delivery, there are two proposed provisions that may make this a challenge for retailers in particular. These specific provisions include overly broad Transportation Security Administration requirements and provisions related to unmerited threat assessments of personnel and overly extensive assessments of household materials classified as hazardous. These provisions need to be addressed to ensure that the core objectives of the NPRM are implementable and ensure continued success of safe retail drone delivery operations.

TSA Security Threat Assessments. The proposed TSA vetting for a wide range of personnel, potentially including retail and fast-food associates, is disproportionate to the potential risk of UAS operations. Retailers have already safely delivered more than 300,000 packages without compromised safety incidences or interference, making TSA-level vetting of personnel who have already completed employment screening unwarranted and overly burdensome. Subjecting people who handle items ordered by customers for delivery by drone to such requirements could potentially put the UAS delivery industry in the United States at a competitive disadvantage due to the financial and logistical burdens associated with airport-level security screenings and programs.

The introduction of a Security Threat Assessment for non-essential personnel, including the retail staff and package loaders who may have unescorted access to UAS cargo (14 CFR 335(a)(3)-(4)), is not appropriate or proportionate for UAS package delivery operations. We do not believe it will achieve meaningful improvements in security in the context of widespread and commercially available UAS technology. It will only impede the expansion of useful BVLOS delivery operations across the U.S.

This disproportionate and unnecessary cost would severely harm UAS delivery operators and put the industry at an unfair competitive disadvantage with ground delivery, which is not subject to any of these requirements despite having a similar business model.

The basis for these requirements is not fully articulated in the NPRM. As such, provisions relating to security threat assessments and limited security programs should be removed entirely. At a minimum, security threat assessments should not be applied to 1) people who are not employed by a BVLOS operator or 2) people who do not know the delivery destination of the package.

These TSA requirements should be removed from the final rule. TSA is at liberty to engage with key industry stakeholders to assess and define the risk, then if needed, initiate a new, separate rulemaking. There is no evidence-based, defined security risk that merits delaying the current underlying FAA NPRM to normalize UAS BVLOS operations, which the industry has been waiting for years to see as a final rule.

Hazardous Materials. The NPRM maintains existing burdensome and unworkable requirements, (e.g., shipping papers) and introduces even more red tape by requiring an extensive safety risk assessment for carriage of common household goods (e.g. cell phones, vanilla extract and hearing aid batteries) traditionally classified as “hazardous materials.” We believe that these requirements are excessive for the small quantities and nature of household goods and their low risk to UAS operations from the time items are packaged to their delivery to customers. A more streamlined framework is imperative, as directed in the FAA Reauthorization Act of 2024.

While the NPRM cites the verbiage in Section 933 of the 2024 FAA Reauthorization Act directing the FAA to use a risk-based approach for UAS hazmat carriage, the NPRM's language does not fulfill the intent of this provision. Section §108.570 not only applies to the current burdensome provisions in Part 135, but also imposes additional burdensome requirements rather than recognizing and accounting for the decreased risks associated with UAS operations due to the reduced quantities of hazardous materials. The existing Hazardous Materials Regulations, which under the NPRM would still apply to UAS operations, contain numerous requirements for manuals and training that are not relevant or applicable to the needs, use cases and risk profile of UAS package delivery. This includes onerous documentation requirements for shipping papers, pilot notifications, markings, labels and packaging.

Rather than acknowledging the reduced risk that UAS operations pose with decreased quantities and distance traveled in transporting hazardous materials, the NPRM cites "risks to people and property on the ground resulting from intentionally dropping or releasing hazardous materials." As stated in "risk assessments" above, this requirement is inconsistent with the airworthiness requirements in the proposed rule.

The FAA requires certified UAS package delivery operators to conduct a safety risk assessment, which would involve in-depth system analysis, identification of all potential hazards that could arise in hazmat transport and analysis of the associated safety risk. Certificated operators with an accepted assessment should be granted relief from 49 CFR 171-180.

Unlike non-UAS will-carry certificate holders, the NPRM limits UAS will-carry certificate holders to the specific types and quantities of hazardous materials listed in their manuals and hazardous materials training program. This could indicate that any changes to manuals or training would necessitate receiving a new approval from the FAA for each adjusted quantity or type of hazardous material transported and submitting an updated safety risk assessment.

These requirements are inconsistent with the legislative direction from the FAA Reauthorization Act of 2024 and should be abandoned, and the Secretary should focus on implementation of the requirements of the Act as written instead.

There are also some issues, such as grandfathering, which are not addressed in the NPRM, which should be included.

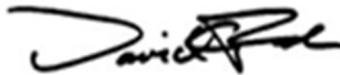
Grandfathering. NRF strongly believes that the FAA must provide grandfathering provisions to avoid lapses in authorizations and service. The NPRM doesn't provide a clear path to transition existing operators (including those who have achieved Part 135 approvals) into Part 108 and seemingly doesn't take into account that UAS providers have been operating safely for years, providing a valuable, fast, and safe delivery option to U.S. consumers. The final rule and/or supplementary agency guidance should ensure that such manufacturers and operators, especially those under Part 135/Section 44807 package delivery approvals, may continue to manufacture and operate uninterrupted. All existing authorizations and safety materials (e.g., BVLOS approvals, one-to-many authorizations, FAA-accepted safety management systems, and approved hazardous materials programs) should remain valid. Grandfathering must extend to all operating, airworthiness, and airspace authorizations granted by FAA under a 44807 exemption and a Part 135 air carrier certificate to both operator systems and aircraft models the FAA has previously approved.

Safety Around Large-Scale Drone Package Delivery Operations. Another issue not addressed by the NPRM is safety around large-scale drone package delivery operations. The FAA should require all crewed aircraft operating in low-altitude airspace (500 feet above ground level or below) to be electronically conspicuous. This will close a critical safety gap as BVLOS operations increase.

Certified and Permitted Operations. NRF 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 that 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, operators should be allowed to conduct package delivery operations under a permit for disaster relief or demonstration purposes provided that any such permits be strictly confined in scope and duration to the specific demonstration or emergency, ensuring that 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.

NRF appreciates the opportunity to provide comments on this important NPRM. If you have any questions, please contact me or Jonathan Gold, NRF's vice president of supply chain and customs policy.

Sincerely,



David French
Executive Vice President
Government Relations