

June 18, 2019

The Honorable Dan Sullivan, Chairman  
The Honorable Edward Markey, Ranking Member  
U.S. Senate Committee on Commerce, Science, and Transportation  
Subcommittee on Security  
512 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Sullivan and Ranking Member Markey:

We write to you regarding the hearing on “Drone Security: Enhancing Innovation and Mitigating Supply Chain Risks.”<sup>1</sup> We write to call your attention to the comprehensive regulations for drone safety and privacy recently adopted by European Commission. The regulation incorporates several safeguards supported by members of this Committee. ***We urge the full committee to adopt standards for drone operation in the United States that provide at least as much protection as do the recently adopted standards for Europe.***

The EU drone rules require the real-time broadcasting of certain data, including the drone operator registration number, the geographical position of the drone, the drone route course, and the position of the drone operator.<sup>2</sup>

The Federal Aviation Administration recently published an interim final rule that will require a visible registration number on the exterior of drones.<sup>3</sup> Previously, registration numbers could be hidden inside drones. While EPIC agrees external marking are preferable to hidden identifiers, EPIC said the rule did not go far enough. In comments to the FAA, EPIC wrote, “Because drones present substantial privacy and safety risks, EPIC recommends that the FAA require any drone operating in the national airspace system to broadcast location when aloft (latitude, longitude, and altitude), course, speed over ground, as well as owner identifying information and contact information[.]”<sup>4</sup> EPIC also suggested the agency require operators register and broadcast surveillance capabilities.

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<sup>1</sup> *Drone Security: Enhancing Innovation and Mitigating Supply Chain Risks*, 116<sup>th</sup> Cong. (2019), S. Comm. on Commerce, Sci., and Trans., Subcomm. on Security (Jun. 18, 2019), <https://www.commerce.senate.gov/public/index.cfm/2019/6/drone-security-enhancing-innovation-and-mitigating-supply-chain-risks>.

<sup>2</sup> Commission Regulation 2019/945, 2019 O.J. (L 152) 1.

<sup>3</sup> *External Marking Requirement for Small Unmanned Aircraft*, 84 Fed. Reg. 3669-3673 (Feb. 13, 2019), <https://www.federalregister.gov/documents/2019/02/13/2019-00765/external-marking-requirement-for-small-unmanned-aircraft>.

<sup>4</sup> Comments of EPIC et al. to the Federal Aviation Admin., *External Marking Requirement for Small Unmanned Aircraft* (Mar. 15, 2019), <https://epic.org/apa/comments/EPIC-Coalition-Comments-FAA-Drone-ID-Mar2019.pdf>.

As Senators Thune and Markey recently wrote to the FAA “remote identification will enhance safety, security, and privacy.”<sup>5</sup> The Senators noted that the FAA was to issue regulations or guidance on remote identification by July 2018, but, nearly a year after that deadline, no such regulations or guidance has been issued by the FAA.

Currently, individuals cannot hold drone operators accountable because it is essentially impossible to identify the drone or the operator of a drone. The modified registration scheme proposed by the FAA still does little to solve this problem. Solutions exist.<sup>6</sup> To increase accountability of drone operators, the FAA Reauthorization Act of 2018 requires the FAA to consider and develop remote identification for drones.<sup>7</sup> As the FAA Aviation Rulemaking Committee Working Group 1 pointed out, “placing a sticker or FAA registration number on the UAS will not provide remote ID and tracking, as it would be nearly impossible to read a registration number on a UAS that is more than a few feet away.”<sup>8</sup> Passive identification does not go far enough—the FAA must require active remote identification. The FAA should mandate remote identification and ensure also that drones routinely broadcast course, location, and other relevant operational information. Drones should simply not continue to fly above the laws that protect public safety.

We ask that this letter be submitted into the hearing record. EPIC looks forward to working with the Subcommittee on this issue.

Sincerely,

/s/ Marc Rotenberg

Marc Rotenberg  
EPIC President

/s/ Jeramie Scott

Jeramie Scott  
EPIC Senior Counsel

/s/ Caitriona Fitzgerald

Caitriona Fitzgerald  
EPIC Policy Director

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<sup>5</sup> Letter from Sen. Edward J. Markey and Sen. John Thune to the Honorable Elaine Chao, Secretary, U.S. Dept. of Trans. (Apr. 29, 2019),

<https://www.markey.senate.gov/imo/media/doc/Remote%20Identification.pdf>.

<sup>6</sup> See, e.g., Isabella Lee, *FAA Issues Request for Information (RFI) from Industry Partners Interested in Developing Remote ID and Unmanned Traffic Management (UTM) Systems* (Jan. 24, 2019)

<https://uavcoach.com/remote-id-faa-rfi/> (“Remote ID development and testing has already begun in the private and commercial sector.”).

<sup>7</sup> See Federal Aviation Administration Reauthorization Act of 2018, Pub. L. No. 115-254, § 376(b)(2), (c)(3)(A) 132 Stat. 3186, 3305–06 (2018) (directing the FAA to develop a plan for the implementation of unmanned aircraft systems traffic management (UTM) services that, *inter alia*, permit the testing of remote identification and that assess the risks raised and mitigation means required to remotely identify drones).

<sup>8</sup> Aviation Rulemaking Comm., Fed. Aviation Admin., ARC Recommendations Final Report: Appendix B Working Group 1 Report 42 (2017),

[https://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/media/UAS%20ID%20ARC%20Final%20Report%20with%20Appendices.pdf](https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/UAS%20ID%20ARC%20Final%20Report%20with%20Appendices.pdf)