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Vice President, Domestic Policy

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Docket Operations  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Room W58-213, West Building 5th Floor  
Washington, DC 20590-0001

**Re: Comments of the National Association of Manufacturers; Designation-  
Restrict the Operation of Unmanned Aircraft in Close Proximity to a  
Fixed Site Facility (Docket Number FAA-2026-4558)**

To whom it may concern:

The National Association of Manufacturers (NAM) respectfully submits these comments on the Federal Aviation Administration's ("FAA" or "the agency") proposed rulemaking *Designation-Restrict the Operation of Unmanned Aircraft in Close Proximity to a Fixed Site Facility* ("the proposal" or "the proposed rule") through which the agency is implementing Section 2209 of the FAA Extension, Safety, and Security Act of 2016 (Section 2209). The NAM appreciates the opportunity to provide input on this proposal and its implications for the protection of critical infrastructure and the safe, efficient use of unmanned aircraft systems (UAS) by manufacturers and industrial operators.

The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that supports and empowers the 13 million people who make things in America. As the largest manufacturing association in the U.S., the NAM's membership includes businesses of all sizes, across all industrial sectors, and in all 50 states. Manufacturers collectively contribute \$2.9 trillion to the U.S. economy—and right-sized, commonsense regulations are critical to sustaining the manufacturing strength that underpins our nation's prosperity.

Manufacturers operate, support, and rely on a wide range of critical infrastructure facilities that may be eligible for protection under the proposed framework, including chemical facilities, energy production and transmission facilities, refineries, industrial manufacturing sites, transportation infrastructure, and other facilities critical to the nation's economic and national security. At the same time, manufacturers are active adopters of UAS technologies, utilizing drones to support inspection, maintenance, environmental monitoring, emergency response, security operations, and safety initiatives.

The NAM supports the FAA's efforts to establish a framework that protects critical infrastructure from unauthorized UAS activity while preserving the ability of facility operators to conduct legitimate, authorized drone operations. As the FAA finalizes this rulemaking, the NAM respectfully requests that the agency ensure the framework remains risk-based, operationally practical, and sufficiently flexible to support future technological innovation.

## **Support for a Risk-Based Section 2209 Framework**

The NAM supports implementation of Section 2209 through a demonstrated-need approach that evaluates applications based on facility-specific risk considerations and operational requirements. The proposed process for designating unmanned aircraft flight restrictions (UAFRs) is the cornerstone of the FAA's implementation of Section 2209, providing the mechanism to protect eligible facilities from unauthorized drone operations that present legitimate safety and security risks. Restrictions should be targeted at facilities that present legitimate security and safety concerns and should be supported by appropriate documentation demonstrating the need for protection.

A risk-based framework will help ensure that flight restrictions remain appropriately tailored to the security objectives established by Congress, while minimizing unintended impacts on legitimate UAS operators and industrial activities. As the FAA gains experience administering the program, the NAM recommends that the agency continue to evaluate whether application requirements remain practical, scalable, and appropriately aligned with the risks presented by individual facilities.

## **Facility Eligibility Considerations**

The FAA's proposed rule is intended to provide eligible critical infrastructure facilities with an appropriate mechanism to seek airspace protections against unauthorized UAS operations. As such, manufacturers request that the FAA clarify that eligibility determinations may appropriately include large industrial manufacturing facilities that share the operational, safety, and security characteristics of other critical infrastructure sectors identified under the proposed framework. Facilities such as paper mills and other permanent, complex industrial and transportation operations (such as railroad facilities, added by Congress in the 2018 FAA reauthorization) often handle combustible materials, regulated waste streams, wastewater treatment systems, biomass storage areas, heavy industrial equipment, and continuous production processes that present unique safety and security considerations.

Additionally, manufacturers request that the FAA consider expanding the lateral boundaries beyond property lines for certain facilities and circumstances. Some examples of potentially covered facilities could include: point-of-departure logistical facilities such as loading docks, loading bays, staging areas, or marine terminals and port facilities; pipeline corridors; critical electrical or water facilities, such as substations or treatment works, located outside of a facility's property line; or railyards or rail lines being used to transport critical materials.

Unauthorized UAS operations in close proximity to these facilities may create credible risks, including disruption of the delivery of critical services like energy and water, fire hazards, interference with industrial equipment and operations, disruption of environmental management systems, and unauthorized surveillance of sensitive infrastructure and processes. The NAM appreciated the FAA ensuring that the final rule provides sufficient flexibility to recognize these risks when evaluating facility eligibility under Section 2209.

## **Consider the Use of Consequence-Based Eligibility in Addition to Facility Classification**

Beyond evaluating various factors to determine facility eligibility under Section 2209, the NAM believes it would be most practical for the FAA system to also consider a consequence-based eligibility framework. The current system is largely built around what a facility is and whether that facility falls into a category authorized to receive drone restrictions. However, manufacturers recommend that the FAA consider the potential consequences of a successful malicious or unauthorized UAS event at these facilities.

For many industrial facilities, the consequences of an incident may extend beyond the facility boundaries and include impacts to employees, surrounding communities, environmental resources, transportation networks, regional supply chains, and emergency response operations. Facility size, production capacity, regulatory designation, or other measurement metrics alone may not adequately capture risks of this nature. A consequence-based evaluation framework would help ensure protections are appropriately applied and enforced where the greatest potential impacts exist.

## **Protect Current Safety Commitments and Recognize Existing Practices**

Manufacturing facilities eligible for Section 2209 protections often conduct complex industrial operations where safety is paramount, and these facility operators bear significant responsibility for employees and the larger community. Unauthorized UAS activity can introduce unnecessary risks to employees, contractors, emergency responders, neighboring communities, and critical industrial processes.

Throughout the rulemaking, it is important for the FAA to recognize that appropriate airspace protections support a broad range of safety objectives, including:

- Employee and contractor safety;
- Public and community safety;
- Process safety and operational reliability;
- Emergency response operations;
- Environmental protection; and,
- Security of critical industrial infrastructure.

Many facilities that may qualify for protection under the proposed framework already operate under extensive federal security and access-control requirements, which are designed to prevent unauthorized access to sensitive operations, hazardous materials, critical infrastructure systems, and regulated manufacturing environments. For example, facilities covered under the Maritime Transportation Security Act (MTSA) must implement access-control measures through approved Facility Security Plans pursuant to 33 CFR § 105.255. Facilities registered with the Drug Enforcement Administration must maintain effective controls against theft and diversion of controlled substances under 21 CFR §1301.71. FDA-regulated manufacturing facilities operate under current Good Manufacturing Practice requirements that restrict access to authorized personnel and protect product integrity pursuant to 21 CFR Part 211. Similarly, facilities subject to hazardous materials security planning requirements under 49 CFR §172.802 must

implement measures to prevent unauthorized access to hazardous materials and associated operations.

Additional programs include Process Safety Management (PSM), EPA Risk Management Programs (RMP), Chemical Facility Anti-Terrorism Standards (where applicable), site emergency response plans, mutual aid agreements, and other facility-specific risk management measures.

The ability to effectively control access to sensitive facilities is a foundational element of these regulatory programs. Unrestricted aerial access over critical infrastructure facilities may undermine the ability of facility operators to fully implement federally mandated security and access control measures. In some industrial environments, including facilities that handle hazardous materials, combustible materials, or flammable substances, unauthorized aerial activity may also introduce operational and safety risks that facility operators cannot adequately manage. The FAA should recognize the important role that appropriately tailored UAFRs can play in supporting broader critical infrastructure security objectives and existing federal security requirements.

### **Detection Technologies Should Complement Airspace Protections**

The NAM recognizes the important role that UAS detection, identification, and situational awareness technologies play in supporting facility security and operational awareness. These technologies can help facility operators identify other unauthorized drone activity, improve incident response, and strengthen coordination with law enforcement and other applicable authorities.

However, detection capabilities alone do not prevent, deter, or mitigate unauthorized UAS operations. The ability to identify a drone after it has entered sensitive airspace does not eliminate the potential security or safety risks associated with that intrusion. As the FAA evaluates applications under Section 2209, the existence of detection technologies should not be viewed as a substitute for unmanned aircraft flight restrictions UAFRs. Rather, detection technologies and UAFRs should be viewed as complementary tools that together strengthen the protection of critical infrastructure facilities.

### **Preserving Authorized Industrial UAS Operations**

Protecting facilities from unauthorized aerial activity is an important objective, but the implementation of the regulatory framework under Section 2209 NPRM should not unintentionally disrupt authorized UAS operations that provide significant safety, environmental, operational, and security benefits.

Manufacturers increasingly rely on drones to conduct inspections in difficult-to-access locations, reduce employee exposure to hazardous environments, monitor facility conditions, support maintenance activities, and improve operational efficiency. Many companies have invested significant resources in developing safe and effective drone programs, by establishing compliance procedures, obtaining FAA approvals, and integrating UAS technologies into routine operations.

As such, manufacturers strongly encourage that the agency's final rule ensure that facilities receiving UAFRs retain the ability to conduct authorized operations, including activities conducted by facility personnel, approved contractors, emergency response teams, and other authorized operators. Existing FAA approvals, waivers, enterprise drone programs, emissions monitoring activities, environmental compliance programs, and other authorized operations should not be disrupted in the process of implementing this framework.

Across the manufacturing sector, facility-operated UAS should be recognized not as a risk to be restricted, but as the increasingly important component of modern industrial safety, environmental management, maintenance, and security programs that it is, and the NAM believes these activities should be regulated as such.

### **Emergency Response Considerations**

The ability to rapidly deploy UAS assets during emergencies is particularly important for many industrial and manufacturing facilities. Manufacturers increasingly use drones during emergency situations to improve personnel safety, enhance situational awareness, accelerate incident assessment and response, and support emergency decision-making. For instance, UAS technologies can provide critical capabilities during fire response operations, hazardous material releases, gas detection and plume monitoring activities, security incidents, search and rescue efforts, storm response activities, and other emergency situations.

Additionally, industrial operators frequently deploy UAS resources to support neighboring facilities, mutual aid organizations, local emergency management agencies, fire departments, and other critical infrastructure partners during emergency situations. It is essential to preserve the flexibility that allows for these necessary partnerships during emergency situations.

The FAA should ensure that facilities operating under approved UAFRs retain the ability to rapidly deploy authorized UAS assets during emergency situations, within their facilities or alongside neighboring partners, without unnecessary administrative delays or procedural barriers. Preserving operational flexibility during emergencies will help ensure that the rule enhances security without inadvertently limiting critical response capabilities.

### **Administrative Practicality and Unfunded Airspace Management Obligations**

Additionally, in this same spirit of providing sufficiently protective regulations that do not hamper manufacturers' ability to efficiently and safely proceed in their operations, the NAM encourages the FAA to implement the program in a manner that minimizes unnecessary administrative burdens or unfunded airspace management costs on applicants.

Some facilities may face challenges, through no fault of their own, in providing detailed historical data regarding UAS activity or other similar information that may not currently be tracked through existing compliance systems. Application requirements should remain practical and focused on information necessary to support FAA decision-making, with appropriate consideration given to operationally critical functions, such as safety operations, emergency response functions, hazardous material management and site security, as well as the use of UAS to support existing regulatory reporting requirements. Additionally, the

FAA should avoid creating circumstances in which facility operators become responsible for ongoing airspace management activities.

On the management and cost front, manufacturers support a streamlined implementation framework that does not shift ongoing airspace management responsibilities to facility operators. Section 2209 designations should not create expectations that designated facilities continuously monitor surrounding airspace, maintain specialized detection infrastructure, or undertake reporting and enforcement functions beyond the scope of their responsibilities. While many manufacturers employ security measures specific to their operational needs, participation in the Section 2209 program should not depend upon assuming responsibilities or costs beyond those that facility owners can reasonably meet and that are necessary to request and maintain a designation.

### **Enterprise Program Considerations and Additional Benefits of UAFRs**

As the program matures, the agency should also consider opportunities to support enterprise-level or programmatic approaches for organizations operating multiple facilities under common security, operational, and UAS management frameworks. Many manufacturers and industrial organizations are leading the way and have developed mature enterprise drone programs supported by FAA-compliant procedures, standardized training programs, safety management systems, operational governance processes, and qualified operating personnel and contractors.

The final framework should recognize the distinction between unauthorized operators and trained, qualified operators conducting approved missions under established enterprise UAS programs. A balanced framework to support enterprise programs provides opportunities to reduce duplicative administrative requirements while maintaining appropriate oversight, which will improve efficiency for applicants and the FAA.

Additionally, while the primary purpose of Section 2209 is to enhance the protection of critical infrastructure facilities from unauthorized UAS activity, appropriately implemented UAFRs can also provide secondary operational benefits for authorized facility operators. By reducing unauthorized traffic and creating more controlled operating environments, approved restrictions can improve operator identification, enhance situational awareness, reduce uncertainty, and facilitate the continued deployment of advanced industrial UAS capabilities. A well-designed and implemented framework should both enhance security against unauthorized drone operations and enable the continued safe, efficient, and responsible use of authorized industrial UAS across the manufacturing sector.

### **Supporting Future Innovation**

Industrial UAS technologies continue to evolve, and the final rule should remain sufficiently flexible to accommodate future advancements (including existing enterprise programs). Manufacturers are increasingly evaluating and deploying technologies such as centralized remote operations centers, autonomous inspections, dock-based deployments, integrated robotics systems, artificial intelligence-assisted monitoring, advanced detection technologies, enterprise-scale drone operations, and beyond visual line of sight inspection capabilities. Future applications may also involve greater integration between UAS platforms and broader industrial automation and robotics systems.

The final regulatory framework should remain technology-neutral and avoid unintentionally limiting future capabilities that can improve both facility security and operational efficiency. Maintaining flexibility will help ensure that facilities can continue adopting innovative technologies while meeting the security objectives of Section 2209.

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The NAM appreciates the FAA's efforts to implement Section 2209 and strengthen protections for critical manufacturing and infrastructure facilities. As the agency finalizes this rulemaking, manufacturers respectfully request that it ensures that the framework protects facility security, preserves authorized industrial UAS operations, supports emergency response capabilities, minimizes unnecessary administrative burdens, and remains flexible enough to accommodate future technological innovation.

The NAM looks forward to continuing to work with the FAA throughout this rulemaking process.

Sincerely,

A handwritten signature in black ink that reads "Kirbie Ferrell". The script is fluid and cursive, with the first name "Kirbie" written in a larger, more prominent style than the last name "Ferrell".

Kirbie Ferrell  
Director, Transportation and Infrastructure Policy

A handwritten signature in black ink that reads "Christopher Phalen". The signature is written in a cursive style, with the first name "Christopher" and the last name "Phalen" clearly legible.

Christopher Phalen  
Vice President, Domestic Policy