

## **Review of FAA's ANAC Charter Identifies Governance and Implementation Issues**

Steven M. Taber, Partner at Leech Tishman Nelson Hardiman Inc. and head of its Aviation and Aerospace practice, has completed a review of the FAA's Aircraft Noise Advisory Committee (ANAC) Charter, Membership Balance Plan, and Federal Register notice. His review identifies several governance and implementation issues that may affect how the committee is constituted, how it operates, and how its recommendations are developed and submitted to the FAA.

*"Communities should not have a seat at the table only to watch aviation interests outvote them. If ANAC is to provide truly independent advice, community representatives need a meaningful way to place their recommendations, including any dissent, before the FAA and the public. The resulting process should also be transparent enough to show how the committee reached its conclusions."*

-Steven M. Taber

The Federal Aviation Administration's Aircraft Noise Advisory Committee (ANAC) is supposed to provide independent advice on aircraft-noise exposure and existing FAA noise policies and regulations. Its assigned work reaches issues that matter directly to affected communities, including aircraft-noise research and annoyance, alternatives to Day-Night Average Sound Level (DNL), the 65-decibel threshold, mitigation, and FAA community engagement when airspace use changes.

The Charter, Membership Balance Plan, and July 10, 2026, Federal Register notice create a promising forum, but they do not yet ensure that residents who live with aircraft noise will have influence commensurate with the consequences they experience. The central concern is not whether communities receive seats. It is whether their views can reach the FAA when industry-aligned members disagree, and whether the public can see how the committee reached its recommendations.

### **The proposed membership structure does not guarantee meaningful community influence.**

The Charter permits up to 24 members. The Federal Register notice states that the committee will have at least nine members, including at least one representative from each of six specified categories and representatives of airport-adjacent communities from geographically diverse regions. The six specified categories are:

- engine manufacturers,
- air carriers,

**LEECH TISHMAN NELSON HARDIMAN, INC.**

1100 Glendon Avenue, 14th Floor | Los Angeles, CA 90024 | T: 310.203.2800 | F: 310.203.2727

- airport owners or operators,
- aircraft manufacturers,
- advanced air mobility manufacturers or operators; and
- institutions of higher education.

Five of those six categories are aviation-sector categories. The documents require community representatives in the plural, but they do not allocate a fixed number or proportion of community seats, require parity between community and aviation interests, or explain how the remaining seats will be distributed. The structure therefore permits meaningful community representation but does not guarantee it.

Based on the categories identified and the absence of seat allocations, community representatives are likely to be a minority and may have limited ability to advance or block recommendations. The FAA also should not read “airport-adjacent” so narrowly that it excludes communities under concentrated flight paths merely because they do not share a boundary with the airport.

### **Balanced membership is not the same as balanced voting influence**

The Membership Balance Plan says the Designated Federal Officer will review membership annually to ensure balanced representation that “equitably represents, to the extent feasible, industry, academic, and community stakeholders.” It also says nominees will be compared only within their stakeholder groups, directs the FAA to consider relevant lived experience, and states that the committee is structured to balance industry and community stakeholders. Those are useful commitments, but they address who is present, not whether the distinct interests represented have a meaningful opportunity to influence the committee's work or transmit their views to the FAA.

The same principle should guide how the FAA evaluates nominations for the limited community seats. When ANAC was first proposed, I considered putting my own name forward but decided against it. Although I have substantial experience representing airport-affected communities, professional experience is not the same as being the stakeholder the seat is intended to represent. With so few community seats available, those seats should go to people whose basis for serving in the community category is that they are affected community stakeholders, not solely that they provide professional services to affected communities. Lawyers and consultants can provide valuable advice, but participation as advisors is distinct from occupying one of the limited seats designated for the community stakeholder category. A community seat should belong to the community, not merely to those who advise it. In evaluating nominations, the FAA should consider not only whether a nominee has been selected by an organization within a stakeholder category, but

also whether the broader stakeholder community perceives the nominee as legitimately able to represent that category “authoritatively and effectively.”

That distinction matters not only at the appointment stage, but also once ANAC begins its work. If community seats are filled by people the affected communities recognize as their own representatives, the next question is whether those representatives will have a meaningful way to shape, preserve, and transmit community views. The Charter expressly provides that, when a subcommittee submits a work product, the full ANAC will deliberate, discuss, and vote on whether to send a recommendation report to the FAA. Yet neither the Charter nor the Membership Balance Plan specifies a voting threshold, guarantees that a community-supported proposal will receive a vote, or provides for a minority or dissenting report. If community members are outvoted, the documents do not ensure that their recommendation, or the reasons for it, will accompany the majority report for the FAA’s independent consideration.

### **Independent advice also depends on who may set the agenda**

The Charter describes ANAC’s advice as independent, but the committee may undertake only tasks assigned by the Secretary, the FAA Administrator, or a designee. The FAA’s Designated Federal Officer approves or calls meetings and formulates and approves each agenda in consultation with the chair. The FAA, in consultation with ANAC, may create subcommittees to work on FAA-assigned tasks. These provisions are consistent with federal oversight of an advisory committee, but from a community perspective they make two safeguards especially important. Community members should have a defined means to propose agenda items, and community priorities should not depend entirely on FAA assignment or majority support.

### **Transparency is most important where the substantive work occurs**

The Charter provides that full ANAC meetings generally will be open to the public and that ANAC records will be available on the FAA’s committee website or for public inspection, subject to the Freedom of Information Act. That is important. But under Federal Advisory Committee Act regulations, subcommittees that report to a parent advisory committee generally are not required to hold open meetings or announce them publicly. As a practical matter, that structure can leave subcommittee deliberations and work products outside public view until after the most consequential technical choices have already been made. Because substantial technical work can occur before a proposal reaches the full committee, public access only at the final stage may come too late to illuminate, or influence, the choices that shaped it.

The Charter's recordkeeping provision suggests that many ANAC and subcommittee materials should be obtainable under FOIA if they are not posted. But access after a request is not a substitute for routine, timely publication. At a minimum, the FAA should publish the proposals considered, supporting analyses and data, subcommittee work products, meeting minutes, member votes, competing rationales, and the final recommendations sent to the FAA.

### **Practical safeguards would convert representation into meaningful participation**

For ANAC's substantive work, the FAA should adopt operating procedures that do the following:

- disclose seat allocations and voting rules before appointments and deliberations begin;
- provide substantial community representation on the full committee and every subcommittee addressing community noise impacts;
- permit community members to propose agenda items and recommendations within ANAC's assigned subject areas;
- automatically transmit minority or dissenting views with any majority recommendation sent to the FAA; and
- publish agendas, materials, minutes, votes, and work products promptly and provide a meaningful opportunity for public comment before final votes.

### **Other Charter provisions and the current nomination opportunity**

ANAC is a continuing committee, subject to renewal every two years, and is expected to meet at least twice a year. Members serve two-year terms, may be reappointed, and serve without compensation. The July 10 notice solicits nominations by August 10, 2026. Qualified individuals may self-nominate or be nominated by an organization. The submission must identify the stakeholder category and include a support letter, short biography, and eligibility statement, with total materials limited to two pages.

### **Conclusion**

ANAC can become a valuable forum for modernizing federal noise policy. But its credibility with affected communities will turn on more than geographic diversity or the number of community seats. It will turn on whether community representatives can place their positions before the FAA even when they are in the minority, whether they can help shape the work before votes occur, and whether the public

can follow the evidence and the decision-making process. Balanced representation should produce meaningful participation, not merely presence.

**Sources reviewed**

- Aircraft Noise Advisory Committee Charter (Jan. 14, 2025),
- Aircraft Noise Advisory Committee Membership Balance Plan (Jan. 14, 2025),
- Aircraft Noise Advisory Committee, Solicitation of Nominations, 91 Fed. Reg. 42,788 (July 10, 2026).