



September 30, 2022

FCC Adopts Mandatory 5 Year Satellite De-Orbiting Rules

On September 29, at an open meeting, the Federal Communications Commission ("FCC"), the U.S. satellite regulator, formally adopted a Report and Order ("R&O") containing new rules that would require LEO - Low Earth Orbit - operators of satellites ending their mission in, or passing through, LEO to de-orbit their satellites as soon as practicable and no more than 5 years after mission-end, down from the previously non-mandatory guideline of 25 years (FCC 22-74). We reported on the planned FCC action (IB Docket nos. 22-271 and 18-313) in "Orbital Debris Remediation Actions," Sept. 20, 2022, containing a link to the R&O and now adopted rules (principally amendments to Title 47, Code of Federal Regulations Part 25), available at [Kurtin PLLC Satellites & Space](#). The R&O noted that there are currently over 4,800 orbiting satellites, the vast majority orbiting at under 2,000 km (1,200 miles) altitude, the upper limit of LEO (traditional geosynchronous orbits, including geostationary "GEO" orbits - geosynchronous at 0 degrees inclination to the equator and 0 eccentricity, or circular rather than elliptical - are at 35,786 km, or 22,236 miles). Many of the LEO satellites were launched within the last two years and may have shorter service lives than geosynchronous satellites, due to greater atmospheric drag than orbits at higher altitudes.

Accordingly, the now-adopted R&O and new rules state that the non-mandatory 25-year de-orbiting "guideline" for LEO satellites is no longer adequate to protect the burgeoning \$279 billion satellite and launch industry from collisions and other interference, and that a 5 year post mission-end requirement is necessary. The new 5 year LEO de-orbiting requirement is irrespective of maneuverability; in other words, the fact that a decommissioned LEO satellite might have remaining propellant and be under control sufficient to maneuver it out of harm's way of collision will not relieve its operator of the de-orbiting

obligation. The R&O and new rules also state that further consideration may be given to even shorter mandatory de-orbiting requirements, like 1 year after end-of-mission, for large LEO satellite constellations.

The new rules do not prescribe any methods of satellite or debris disposal, nor do they grant exceptions to the de-orbiting requirement for satellite failures. Satellites already in orbit will be grandfathered from compliance with the de-orbiting requirement, and those authorized by the FCC but not yet launched will be grandfathered for 2 years from Sept. 29, 2022. Flexibility and waivers may be provided for research and academic missions.

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