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You are switching out one set of loopholes for another. This exceptional circumstances condition does not appear terribly different from the safety-related exemptions that carriers used to deny passengers fair treatment and consultation. The point of a regime like APPR is that it is to serve passengers, who are a significant power imbalance when compared to the carrier. How are passengers to evaluate or assess the rationale for a delay? We only experience it and suffer the financial, scheduling and other consequences, and the regime should be positioned such that the benefit of the doubt accrues to passengers, not billion-dollar corporations who will always have paid employees working to try to limit the liabilities associated with the APPR.

Imagine if instead of hiring a small army of customer service and complaint-service reps working to deny passengers fair compensation for delays, the carriers just hired up and paid what is necessary to maintain their fleets so that these delays and cancellations were not so common?