



THE VIEW FROM WASHINGTON

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Mirror, Mirror on the Wall, Show Me the True View

In the past couple of months, I have had quite a few discussions with legislators, regulators and the public, and it seems every one of those conversations began with the same four-letter word: “they.”

“They” are doing this or doing that; “they” are requiring things not required by the rules; “they” aren’t doing what they should be doing. In nearly every discussion, they are right and someone else is wrong. They admit they might not be doing everything right, but they aren’t doing a lot wrong either, and admittedly they are not perfect. But by pointing to someone else, it takes the focus off of them.

As we enter the new decade, let’s look into the mirror and see what we can do better instead of pointing out the flaws in others.

Have you ever looked into an amusement park mirror that distorts the “truth?” There are mirrors that make the large person look small and the small person look large or the short person look tall and the tall person look short — great amusement, but not a very good view for business. For business, we need a crystal-clear realistic view of our business, our processes and our functions.

“Mirror, mirror on the wall, show me the true view.”

For regulators, they should look around the office. There is one administrator with some 5,000 representatives. If you have a standout in your office, someone who has a unique “interpretation” of the regulations and policy, someone who discretely threatens someone else, someone who gives advice to IAs knowing his or her advice will result in the taking of private property, it is your business as the administrator’s representative to clean your “FAA” house.

I routinely receive criticism for pointing out the minority players of the agency. Let me be clear: the agency’s representatives who cause the regulated public to have such a negative impression of the agency truly are the minority.

The majority of the agency’s representatives easily and openly discuss the regulations, policies and guidance; they understand and embrace the regulatory concepts we are constantly learning and relearning. More importantly, they are willing to learn from the public as easily as they are willing to teach.

But I ask, “Why do the majority of regulators ignore the minority?” Why does the majority choose to ignore the reality

of this one person’s actions, then get upset because someone points out the obvious?

As a regulator, as “one FAA,” what is your mirror reflecting?

Recently, I’ve had a couple of opportunities to revisit the regulations on repair station manuals. The FAA has made it clear it expects each and every repair station to describe “its” processes for complying with the Federal Aviation Regulations — this means the repair station’s processes, not the processes the aviation safety inspector thinks a repair station should be using.

The ASI does not own the business; they do not work for the business; and they do not benefit from the business. The ASI gets the opportunity to review the repair station’s manual to determine if it clearly and completely describes the processes the repair station uses, and if the process will result in a regulatory-compliant product.

This requires two different levels of education and knowledge. First, what is the intent of the regulations? Second, what is the businesses process? ASIs must be able to openly and comfortably discuss not only the text of the regulations, but also the intent of the regulation. They must research the preamble to the regulations.

I've talked with shop owners who just want to install avionics. They view the Federal Aviation Regulations as a nuisance they simply must follow to keep the "feds" off their backs. I fully understand this approach; however, their business is a repair station that just happens to install avionics. It is not an avionics technician who happens to be a repair station.

Where I see challenges with this is in the FAA employee policies — the FAA orders. The orders have become so prescriptive, the ASI nearly has a checklist. Some inspectors will use it as such and read a single line without putting the inspector's guidance into perspective of the entire paragraph, section or document. "See, right there in line 3 B 2; they are doing it wrong."

ASIs are not clearly wrong here, however. They are impacted by clear, competing documentation. The regulations and guidance are performance-based, while the order providing oversight policy is prescriptive, placing the ASI in the middle.

This isn't necessarily just the field ASI's problem. FAA headquarters continues to put Band-Aids on policies and guidance, which are misinterpreted or misused by the field. Where are the quality checks on policy and guidance, which the adoption of a quality system dictates?

When an issue is brought up to FAA HQ, what is its response? "That wasn't our intent; oh, it is the field's problem. Let the public file a time-consuming, labor-intensive process to challenge the interpretation. They are doing it wrong."

"Mirror, mirror on the wall, how can I make my shop's processes better?"

First, the shop needs to know its processes. This is not how to install avionics; this is how the business operates. And, just as importantly, how the shop's business processes meet the intent of the regulations.

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This is a strong statement that might upset a few people, but times are changing and the frustration levels are increasing. In spite of our best efforts to reduce the administrative burden to aviation small businesses, the administrative burden continues to increase and soon will dictate that someone in the organization needs to take the FARs seriously if the business is to survive. We need to take a hard look into the mirror.

The regulations allow a certificated

repair station to perform maintenance, preventive maintenance or alterations "in accordance with Part 43 on any article for which it is rated and within the limitations in its operations specifications."

When you look into the ops spec mirror, if you don't see what you do, the ops specs need to be corrected. As I travel around to repair stations, I make it a practice to review ops specs. To date, I have seen a 100 percent failure rate. Every repair station I have audited needed to have their ops specs amended to represent what the repair station actually did. When I ask about these op specs, I usually get the same response: "That's the FAA's problem; they issued them." No, actually, it is your problem. 14 CFR, Part 145, makes it your problem. Even if your inspector keyed in the wrong information, you reviewed it, you signed it, and Section 145.201 mandates you follow it.

The regulations require a repair station to prepare and follow a repair station manual that meets the regulations. In addition, the manual must be kept current. Advisory Circular 145-9, in showing an acceptable means of compliance to the requirements of 14 CFR, Part 145, states, "The manual

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or manuals may contain more procedures than required by the regulations for the certificate holder to describe the repair station's overall functions, responsibilities and quality control procedures."

From the very introduction of the revised Part 145, it has been the agency's intent for the repair station's manuals to represent the uniqueness of each business. The FAA specifically did not want a cookie-cutter template sitting on the shelf and collecting dust.

"Mirror, mirror on the wall, does my manual represent me, or what my inspector wants me to be?"

The smaller the business, the more its manuals seem to be templates, intended to please the ASI rather than represent the business processes it should represent. As a result, when the current "satisfied" ASI rotates out, the new ASI demands changes to the template.

"Mirror, mirror on the wall, am I demanding change because the manual doesn't conform to the regulations, or is it because it doesn't conform to my personal preference?"

For the repair station, does the manual actually represent its overall functions, responsibilities and procedures? It is nearly impossible to defend an arbitrary template mandated by some individual long since retired. On the other hand, if

the manual actually represent your functions, responsibilities and procedures, it is quite easy to defend because you understand your process.

We need to do better. As auditors, we need to be focused on the standards. As shops, we need to be focused on how we choose to run our business. We all need to take time to look into the mirror and see the true reflection of our businesses, auditors and industry, and make a concerted effort to better ourselves before we point our fingers at "them." □

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