



THE VIEW FROM WASHINGTON

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You Can't Regulate Perfection

"The truth is, it's not possible to legislate perfection, even when the strictest regulations are in place. The health of the system is in the hands of the men and women who ply their trade in the halls of finance."

MARIA BARTIROMO, *The Weekend That Changed Wall Street*

While Ms. Bartiromo was speaking about the financial industry, the same holds true in most every other regulated industry. You simply cannot regulate perfection. Having said that, the government's desire for perfection in aviation is no less compelling than it is for Wall Street. As many of you know, I have been mired waist-deep in a new initiative called SMS (safety management system). It isn't an FAA initiative, or Transport Canada, CASA, or EASA. It is, in fact, a worldwide initiative—and it is focused on perfection.

While there are many elements of the financial collapse that aren't anywhere near the operations of aviation, there are some very important lessons to be learned from the battle on Wall Street.

First, truth is fleeting. What the public believes is what the media reports. Statistically, the commercial aviation accident rate in nearly the entire developed world is zero. And while commercial aviation is statistically perfect, on Aug. 27, 2006, 49 people in Lexington, Ky., would challenge the concept of perfection. And on Feb. 12, 2009, the friends and family of the 50 people killed in Buffalo, N. Y., would point out that aviation is not perfect. And in both ac-

idents, "breaking news" would report for the next three or four days how aviation was unsafe.

Then, the politicians begin to hear from victim groups with statistically insignificant facts that are extremely personal. The accident numbers are within the plus or minus of standard deviation — statistically zero, it didn't happen. But for the victims of the rare accident, it did happen. For the families of the rare victim, it did happen. At this point, statistics don't matter. The fact is, for the victim, their friends and families, even one accident is one too many. Hence, the public demands perfection, the politicians demand perfection, and as a result, the government regulatory bodies demand perfection.

So we take the next step toward regulatory perfection: SMS.

But this is where we need to take a step back and do what the International Civil Aviation Organization suggests: perform a GAP analysis. This is a management system that is being introduced for all of aviation. The management structure of flight operations is distinctly different from the management structure of a maintenance small business. This isn't to say that the generalizations of the ICAO program cannot be

applied to maintenance organizations, but it may not look the same as the structure of a flight operations-type organization.

Plus, keep in mind that ICAO was designed to take industry best practices and universally apply them to all international flight operations. What were the "industry best practices" that were the focus? Communications, non-punitive employee reporting, and risk assessment, analysis and mitigation. Fancy words. But what do they really mean?

Encourage communications within the work force to help management see what they might miss in their daily activity. For an air carrier, this may be having flight crews report what they experience thousands of miles away. For maintenance, it is what happens in the shops, hangars and ramps.

Nonpunitive reporting is encouraging the international community to adopt programs such as the NASA aviation safety reporting system (ASRS). The ASRS collects voluntarily submitted aviation safety incident/situation reports from pilots, mechanics, controllers and others. A submission to ASRS is considered nonpunitive and unless there is evidence of criminal activity or willful dis-

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regard of the regulations, the FAA will not seek enforcement actions on the submitter. The international community wants to encourage taking this concept a bit further by opening the door to employees to admit errors without the fear of job loss.

As you read this, you say, “But I already do this, so why do we need more rules?” Remember, I am referring to industry best practices. In my view, the AEA membership, in general, does represent the best practices. But I also can count the many times when members cite competitors who don’t exercise best practices. And, noncertified maintenance shops won’t be held to the same industry practices.

An interesting perspective of this initiative is the GAP analysis that even the authorities seem to have ignored. They all know what this should look like (in their mind’s eye) and fail to perform even the most basic analysis of the regulations.

Part 43 prescribes the rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any aircraft having a U.S. airworthiness certificate and any airframe, aircraft engines, propellers, appliances, and component parts of such aircraft.

The Performance Rules (14 CFR 43.13) prescribes the maintenance methods, techniques and practices that must be followed. It also prescribes the tools, equipment and test apparatus that must be used.

Then, Part 145 contains the management system a certificated repair station must follow related to its performance of main-

tenance, preventive maintenance, or alterations of an aircraft, airframe, aircraft engine, propeller, appliance, or component part.

So, if the National Aviation Authority already mandates a management system for the safety and quality of a repair station, what more is needed? First, recognize your employee communications. You don’t need to do more, you just need to tell the authority what you already are doing. Then, apply the risk management tools as spelled out in ICAO for the strategic decisions that a repair station must make as a function of their mandated management system.

What are “strategic decisions?” Part 145 requires sufficient work space and areas for the proper segregation and protection of articles; the ability to segregated work areas enabling environmentally hazardous or sensitive operations; suitable racks, hoists, trays, stands, and other segregation means; space sufficient to segregate articles and materials; and to ensure personnel perform maintenance, preventive maintenance, or alterations to the standards adequate ventilation, lighting, and control of temperature, humidity, and other climatic conditions.

The SMS tools of ICAO allow for a decision to be made that is auditable by the authorities and documented so the data can be used at a later date when you choose to expand your business further. Basically, it should not significantly change a well-run business.

As the New Year begins, we must look toward the future. We must find a compro-

mise between the demands of our customers — the vocal public and politicians for the agencies, and the industry customers who must pay the price for perfection. It’s not free. At times, they seem to be at odds with each other. But we should promote the price of perfection and allow our customers to demand reasonableness from the politicians and special interest groups.

We must promote what we are already doing. As an AEA member, we strive to exhibit industry’s best practices. We need to advertise the benefits of perfection alongside the latest sales price. We should defend the prices we charge for industry’s best practices. We must not fear the challenge of perfection, but, rather, use it to review and promote what we are doing right and correct and amend those things we could do better.

I need your help. Over the next year we will be listening to the FAA (and other NAAs) as they continue on their regulatory quest to perfection. We know that if we allow them to place another bureaucratic layer over the small businesses, industry will fail. Let’s work together to find the solutions that are workable, reasonable and are the industry’s best practices. Remember, no matter how unrealistic it may seem, in the public’s view, anything short of perfection is unacceptable for the aviation industry. □

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