In this monthly column, Ric Peri of the AEA's Washington, D.C. office, informs members of the latest regulatory updates.

THE VIEW FROM WASHINGTON

BY RIC PERI
VICE PRESIDENT OF GOVERNMENT & INDUSTRY AFFAIRS FOR AEA

It's the Federal Aviation Administration's Fault, Right?

Recently, while sitting on a flight from Hartsfield-Jackson Atlanta International Airport, the flight attendant began citing all the things, "according to FAA regulations," you cannot do during a flight, including congregating at the forward lavatory, smoking and using electronic equipment — oh, and don't forget those carry-on baggage allowances.

As we taxied out, we were 28th in the queue for the runway. The pilot came on the public address system to welcome us aboard the flight and politely apologized for the delay while blaming the FAA's air traffic control system.

Everyone on the plane already was upset with the FAA because of the carry-on baggage allowances; although, they felt better knowing the FAA was looking out for their safety. Then, they were upset again at the FAA because of the poor management of the ATC system.

It seems the only federal agency to get the blame for everything regarding aviation is our friends at the Federal Aviation Administration.

Let's look at some of the "causal factors." In regards to the ATC system: What the pilot failed to tell us is his airline scheduled 28 flights to take off in a 10-minute window, and this was just one of the airlines taking off and landing at this very busy airport. So, could the ATC actually handle more than two dozen aircraft departing from two runways or does the airline carry at least some of the responsibility for this delay?

And what about the smoking thing? Having enjoyed air travel for more than 50 years, I remember the days of smoking flights, then smoking sections in aircraft, and finally, the non-smoking flights we enjoy today. Yes, the FAA is the enforcer for this requirement; however, it did not propose the requirement — Congress did. Congress tasked the Department of Transportation with implementing the regulation (Title 14, Part 252, "Smoking Aboard Aircraft," for those who might like to read the regulation flight crews "roughly" quote). The FAA has been delegated the oversight of this requirement along with its general oversight of airlines.

As I sat in my aisle seat a few rows behind the emergency exit rows listening to the standard safety briefing, which mentions the FAA "requirements" about every other word, I began to think, "How much do we blame the FAA for the things for which we clearly share some of the blame?"

One of the classic "blames" in our niche of the aviation industry is the lack of field approvals. Although the volume of calls regarding field approvals has gone down in the past five years or so, I still receive a few calls from shop owners saying, "I can't get the paperwork through my local FSDO."

If you've called me before, you know what's coming next: Why? First, I ask the caller to explain the project: When did you submit the paperwork? What exactly are you waiting for?

If you attended the recent AEA International Convention & Trade Show, you know technology advances are growing almost exponentially — the interface capabilities, the displayed information, the abilities to misuse the "advisory data;" the list of new and novel technologies and their limitations go on and on.

Is your FAA inspector comfortable with the technology you are presenting? If you are installing any number of advanced avionics systems, your inspector simply might not be familiar with the technology, much less the limitations of the installations. Asking your inspector to approve an installation package might be beyond his or her technical knowledge level and not a realistic request.

Are you waiting for the flight manual supplement? Flight Standards ASIs have limited authority to approve a "follow-on" flight manual supplement. They do not have authority over new and novel technologies or a new flight manual supplement without an aircraft certification review. An ASI's authority for FMS approval is captured in individual advisory circulars, such as AC 20-138a, or in FAA Info 08047, dated Aug.

28, 2008. Asking an ASI to go beyond his or her authority isn't realistic or fair.

In addition, I typically ask those who call me to answer this question: "When did you talk to your ASI about your project?" We all know getting a complete data package approved before you start the job is not realistic. Not having approved data before you start sets you up for the risk of changing the installation after the fact if the data is amended as part of the approval process.

However, you can discuss the project with your ASI before you start. I usually recommend between the time the customer accepts the project and when the aircraft is received. This way, the groundwork has been laid and you minimize surprises. Of course, document your discussions. Your inspector has oversight of a dozen or more shops and might not remember every conversation he or she has with every person at every shop. Your documentation might be needed later as a memory jogger, especially if a considerable amount of time has passed since you discussed the project with your ASI.

If the aircraft has a price tag of more than a million dollars or the owner uses it for business purposes, you always should consider having the data approved from an FAA designated engineering representative. The daily interest accrued on this aircraft and/or loss of utility of this business resource easily justifies the price you will pay for the reliability and predictability of DER-approved data. If you won the bid by relying on the "free" field approval, you got what you paid for.

Another area that comes to mind is the repair station manual.

For years, the FAA and the rulemaking committees worked to change the entire repair station manual philosophy to better represent your business. And yet, we still struggle with the same old "new inspector/new manual" issues that plagued the industry a decade ago.

The more I ask this question, the more answers I receive: "Does your manual represent your business?" The AEA does not provide a repair station manual template for a reason — your manual must represent and describe your business, not someone else's business.

In the past few months, I have talked with a number of AEA members who began the conversation with, "My new inspector wants to change my manual." And I ask, "Why?" In most cases, I'll ask the shop to e-mail the manual to me. In one case, when reviewing the latest version of a shop's manual, I asked, "Is this how you run your business?" The shop owner responded, "Well, no, it's what my last inspector had me add to the manual."

I know we joke about this all the time, but what two FAA inspectors agree with one another? I would make the argument that we could run a blind test in which we have FAA headquarters, the instructors at the FAA institute and the local FSDO write a half a dozen manuals, then submit them to six different third-party FSDOs for review and acceptance, and none of them would pass. Simple fact: It might not be right, but they simply don't agree with one another.

Another AEA member called me recently about a request to change his shop's manual. During each of the past couple of inspections, the repair station's inspector mentioned the receiving inspection. From asking questions and reviewing the manual, I discovered there was a huge disconnect between "what" the shop did and "how" the shop described it in its manual. The shop was doing the work correctly; however, it completely omitted the process from its manual. Simple fix: Write down what you just told me.

If you changed your manual to appease your previous inspector, don't complain when the new inspector doesn't agree with the old inspector and you have to change your manual again. It's the path you chose, not the path required by the regulations. The decision is simple: Does my inspector control the content of my manual, or does my manual represent my business? If my inspector controls the content of my manual, my new inspector gets the same courtesy. On the other hand, if my manual represents my business, I control my manual.

There are only four reasons to change your manual — period:

- Your manual does not represent your processes, personnel or facilities.
- Your processes do not conform to the regulations.
- Your processes are correct technically, but they might be difficult to follow consistently.
- You have changed (or are planning to change) your business and you need to add or remove a process.

During this year's AEA convention, FAA Administrator Randy Babbitt made a point of mentioning what happens when no one is watching. He said he doesn't care (too much) about how someone performs on a check ride; he is more concerned about how someone performs when they aren't on a check ride.

I think this is a powerful message: How are we performing when the bosses are gone? It's 2 a.m. and we're tired; are our processes simple and straight-forward, resulting in a compliant program? Or are we relying on a marginal program that takes for granted that humans do the right thing every time?

Sure, the FAA is involved in nearly every facet of the aviation industry, but it is not solely responsible for the outcome and burdens of our decisions. It really isn't always the FAA's fault. ❑