NOT DELIVERED - BACKGROUND ONLY

A PERSPECTIVE ON COOPERATION BETWEEN THE FEDERAL AVIATION ADMINISTRATION AND THE JOINT AVIATION AUTHORITIES

by

Anthony J. Broderick

Associate Administrator for Regulation and Certification
Federal Aviation Administration

Presented at

The European Aerospace Industry Conference
30 May 1994 Palace Hotel, Berlin

Good Afternoon, Ladies and Gentlemen.

First, I would like to say Thank You to Mr. Kamper and Mr. Moniac for their kind invitation to speak at this conference. It is indeed a pleasure to be here in Berlin and to speak to you this afternoon.

Today I will at this conference, and on the occasion of ILA '94, address the subject of cooperation among civil aviation authorities, and most particularly, the Federal Aviation Administration's (FAA) cooperative efforts with the European Joint Aviation Authorities (JAA).

Promoting international cooperation among civil aviation authorities is one of our highest priorities at the FAA. In fact, our vision for the future aviation world speaks directly to international cooperation. Our vision is:

> "A ***global network*** of civil aviation authorities ***working cooperatively*** to promote the ***highest level of public confidence*** in the safety of the international air transportation system with the lowest practicable regulatory burden to the system."

We believe that the development of this global network of aviation authorities is very important because of the changing world environment in which we operate.

In the late 1920s and continuing into the 1930s, the design, production, and operation of civil aircraft were to a large extent confined within national borders. Even when an international air transportation system began to emerge after World War II, the design and production of civil aircraft remained national in character. Aircraft types operating in the system could be accurately thought of as a nationality. In the 1950s, Boeing 707s were American, Comets were British, and Caravelles were French. The airlines of nations favored aircraft designed and manufactured within their own country. That was, indeed, the environment that existed nearly 50 years ago when the Chicago Convention was held to facilitate development of an international air transportation system.

Since that time, there has been a significant emerging trend toward transnational ventures in civil aircraft design, production, and operation. The past two decades have introduced dramatic changes at home and abroad in the way airframe manufacturers and operators are conducting business. Many aircraft, aircraft engines, and other related aeronautical products assembled in one country are made of components that were designed and manufactured in other countries. Manufacturers in one country are supporting production of their products under license or joint ventures in other countries. These international joint ventures are more common due to such factors as large R&D and development costs, high product risk, access to advanced technology, and access to markets. The development of multinational consortiums and international manufacturing and

marketing agreements have added a new dimension to the increasing international character of commercial aviation. The time is clearly in sight -- if it has not already arrived -- when the only airborne elements of the international air transportation system that will have an identifiable nationality will be the individual passengers aboard the aircraft and the registration of the aircraft.

U.S. air carriers are operating aircraft assembled in other countries, and the air carriers of other countries are operating aircraft assembled in the U.S. Air carriers worldwide serve cities in many different countries. In the case of the U.S., I am told that about 25% of passengers and 50% of cargo traffic are now international. Air carriers around the world are interchanging passengers through international marketing arrangements and code sharing. Citizens of all countries are traveling with air carriers of countries other than their own, aboard aircraft of multinational design and construction.

Aircraft leasing and chartering has also become a transnational business. Aircraft can be owned by a company in one country, operated on lease by another company in another country, maintained by yet another company, and flown by crews from a fourth country.

Finally, we are seeing a rapid increase in global travel, which is growing around 6 percent per year. Growth indicators tell us that international flight will increase about 50 percent faster than domestic travel in the 1990s. Airlines are buying 500 to 600 new transports a year, leading to approximately 10,000 new aircraft being delivered over the next 15 years.

All these factors in the changing world environment make it more and more difficult to distinguish between the elements of our domestic air transportation system and the many air transportation systems of other countries. It is true today, and will become even more true in the future, that we must view all aspects of the air transportation system in the context of a single system of international scope and not as an unconnected collection of separate domestic systems.

Characterized by the shift to a single international air transportation system, this change in aviation's global environment has initiated, and subsequently furthered, our cooperative work with the European Joint Aviation Authorities.

Perhaps the most well known cooperative program between the FAA and JAA is our work to harmonize regulatory standards, practices, rules, and procedures. It was in 1980 that the FAA and JAA initiated this harmonization effort to eliminate inconsistencies and differences between the JAA regulations and those of the FAA. Initially this effort focused exclusively on aircraft certification standards and practices. Ten years later, we initiated harmonization of aircraft operating and

maintenance rules and procedures with the formation of the Operations Harmonization Group.

In 1991, the FAA and JAA made a commitment to develop structure and a formal procedure for our joint harmonization program. As a result of this commitment, the *FAA/JAA Harmonization Work Program* was developed and published in 1992 at our Annual Meeting in Toronto. This work program provides a management tool for FAA and JAA to monitor the progress made by the Harmonization Working Groups. It also allows all interested parties to track the progress made within the respective FAA and JAA systems for the issue of harmonized rules, standards, practices, and procedures.

The scope of the *FAA/JAA Harmonization Work Program* is very extensive, and requires a major commitment of resources from both the FAA and JAA. Experience to date has demonstrated that, if harmonization is to work, it takes time and a substantial commitment by both parties to fashion a viable process. Work schedules on these current initiatives range from short term projects of one to two years duration, to long term projects of three to five years. As current harmonization initiatives are completed, new initiatives will be considered for addition to the program. Thus, our harmonization effort with the JAA is an on-going process which will continue for many years to come. I like to think that this harmonization effort is a "way of life for conducting business in civil aviation." This has been, and will continue to be in the future, a very important area of cooperation between the FAA and JAA.

We have made great strides in harmonizing Federal Aviation Regulations (FARs) and Joint Aviation Requirements (JARs). This success is due, in part, to the participation of the JAA and many from other nations in the FAA's Aviation Rulemaking Advisory Committee, or ARAC. ARAC was established to provide advice and recommendations to the FAA concerning the full range of the our rulemaking activities with respect to safety-related issues. ARAC affords the FAA additional opportunities to obtain direct, first-hand information and insight from the substantially affected interests meeting together and exchanging ideas with respect to proposed rules. This advice from ARAC results in the development of better rules in less overall time.

Even though the JAA have their own established system of Study Groups to assist in their rulemaking process, the JAA have also been a principal participant in ARAC. JAA representatives have demonstrated a major commitment to this FAA advisory process, and have participated heavily in many of the ARAC groups. Very recently, we have asked the JAA Regulation Director to participate on the ARAC Executive Committee, in order to further communications and mutual understanding between the FAA and JAA during our rulemaking processes. We are grateful that he has accepted our invitation to serve on this important committee, and see this as another step to strengthening our relationship and

cooperative efforts in the harmonization program. It is our sincere desire that the JAA continue to participate fully in ARAC for as long as they are able to do so.

In pursuing the course of harmonization in the future, we need to move beyond the work we have accomplished in the harmonization of standards. Once harmonized standards are in place, the FAA, JAA, and other foreign authorities must develop sufficient knowledge and experience with each other's interpretation of the standards and enforcement capabilities. It is essential that authorities develop a good mutual understanding of one another's interpretation and enforcement practices if real confidence is to be established. To this end, the FAA and JAA are working cooperatively in two different areas -- joint type certification of aircraft and joint certification of repair stations.

First, let me describe our cooperative efforts in type certification. In the process of importing and exporting aeronautical products, each country involved in the process needs to be satisfied that these products comply with its applicable regulations for type certification. Under our current system with JAA member countries, the aviation authority of the exporting country has prime responsibility for type certification, and the aviation authority of the importing country usually validates that certification. Unfortunately, the validation process usually results in duplication of certification efforts, differing decisions on the designation of applicable certification regulations, and differences in interpretation of identically written requirements. In the end, this imposes a heavy economic burden on the aircraft manufacturers and operators.

The FAA and JAA have agreed to eliminate the unnecessary burdens imposed on the aircraft manufacturers and operators through the conduct of separate FAA and JAA type certification projects, and to develop a more efficient FAA/JAA certification system for the future. For the past two years, the FAA and JAA have been working together to develop Concurrent and Cooperative Certification Procedures (affectionately known as "C-Cubed"), for joint type certification of aeronautical products. This process is intended to eliminate the unnecessary burdens by 1) reaching a jointly-agreed type certification basis, 2) participation by the importing authority's specialists in pre-agreed areas of special interest during the exporting authority's certification program, and 3) issuance of respective type certificates on the same day.

Within the next few months, the FAA/JAA Concurrent and Cooperative Certification Procedures document will be finalized. It is our hope that manufacturers will chose this "C-Cubed" procedure for the certification of imported and exported aeronautical products. It is our belief that this will be a more cost-effective type certification process for industry. It will also help the FAA and JAA identify and minimize differences in policies and interpretations of identically written requirements. And most importantly, it will help the FAA and JAA to develop sufficient knowledge and experience with each other's

interpretation of the standards to enhance the mutual confidence in each other's certification systems. This mutual confidence will allow us to take full advantage of each other's systems in making compliance findings wherever possible. Concurrent and Cooperative Certifications will certainly be one of our most important efforts with the JAA in future years.

A similar type of cooperative work is occurring in the field of aircraft maintenance. Last November, the FAA and JAA started a joint evaluation of FAA and JAA repair stations, in the U.S. and in France, Germany, and the United Kingdom. These specific JAA member countries were chosen because of the large number of FAA Part 145 repair stations located here. These evaluations will eventually lead to certification of repair stations by both the FAA and JAA, meaning that these repair stations will be approved to do work for both authorities.

Currently these FAA/JAA evaluation teams are focused on renewing repair station certificates. In the near future, the evaluation teams will focus on the initial certification of repair stations and issuing of original FAR/JAR Part 145 certificates. Eventually, the evaluation teams will visit all repair stations in JAA member countries, either for renewals or original certification.

This entire evaluation process allows the FAA and JAA to assess not only each other's regulations and standards, but also the implementation of these regulations. As more and more repair stations are evaluated for either certificate renewal or original certification, the FAA and JAA will develop sufficient knowledge and experience with each other's interpretation of the standards to enhance the mutual confidence in each other's systems. Once again, this mutual confidence will allow us to take full advantage of each other's systems in certifying repair stations in both Europe and the U.S. Much work remains to be done in this area, and our cooperative work in maintenance harmonization will continue into the future years with the JAA. But we have made an excellent beginning, and have detailed plans for our future work in this field.

Up to this point, I have discussed several areas of current and future cooperative work between the FAA and JAA - the *FAA/JAA Harmonization Work Program*, Concurrent and Cooperative Certification for type certification of aeronautical products, and the joint certification of repair stations in the U.S. and Europe. There is yet another aspect of cooperation in the future that I would like to promote between the FAA and JAA. This is the important effort concerning the surveillance of air carriers operating into the U.S. and JAA member countries from other countries.

Under international law governing air safety, sovereign states are individually responsible for safety oversight of air carriers based in their territories as well as aircraft licensed on their national registries. The U.S. Government, through the FAA, has relatively limited capacity to exercise certificate or surveillance authority

over foreign air carriers operating into the U.S. The FAA depends on other states, as signatories to the Chicago Convention, to incorporate the International Civil Aviation Organization's (ICAO) standards into their national civil aviation regulations and practices and devote sufficient resources to comply with the minimally acceptable international standards. Indeed, countries are obligated to do so by the terms of the Convention on International Civil Aviation first signed in 1944 at Chicago, and our Government expects others to fulfill that obligation.

In the past, the FAA assumed that the foreign civil aviation authorities complied with ICAO standards in providing certification and surveillance of their air carriers. However, through a combination of reports, inspections, and accidents, it became apparent that some foreign air carriers, mostly from lesser developed countries, were operating without adequate oversight by their respective civil aviation authorities. This information produced increasing concerns with respect to such air carriers flying into the United States.

Since 1991, the FAA has carried out a number of assessments of civil aviation authorities' capabilities to implement safety oversight of their airlines. The results of our assessments of non-JAA countries have been sobering. Nearly two-thirds of the non-JAA countries evaluated failed to meet minimum ICAO standards. Our findings indicate most problems revolved around the limitations of the civil aviation authorities. Their problems appear to grow out of a combination of training deficiencies, lack of defined responsibilities and authority, too few trained personnel, and insufficient funding by their governments. I understand that similar findings are apparent from ICAO's own studies and assessments.

This is not a small problem. There are already more than 470 operators from 90 countries authorized to conduct flights into the United States. Over 40% of U.S. citizens that fly overseas do so on foreign air carriers. I am sure the situation is the same for JAA member countries. The FAA clearly is not in a position financially or otherwise to assist all potential countries in improving their civil aviation oversight. The FAA has already committed significant resources just to keep pace with the surveillance and certificate work arising from the rapid globalization of U.S. air carriers and manufacturers. Yet shortcomings in safety oversight become more serious as the international flow of traffic continues to grow dramatically.

In order to reverse this situation, it is important that all nations work together within the framework of agreed international safety standards. I suggest a move toward specifically and plainly reaffirming, as has already been done at the 1992 ICAO Assembly, the obligation of nations to follow the safety standards of the International Civil Aviation Organization to which we all belong. We are certainly willing to share with others our specific views on just what these obligations are, and would be eager to discuss the best means by which governments could share appropriate information on their assessments of compliance with these standards.

This sharing of assessment data could improve the efficiency and effectiveness of our promotion of adequate government safety oversight of airlines.

But identifying deficiencies in foreign civil aviation oversight is only a first step. If there is to be genuine improvement in safety, the FAA and JAA must work together and combine resources to assist countries to develop and implement sound civil aviation regulatory infrastructure. Those nations who would benefit the most from such assistance are not usually able to afford such training and technical assistance. This includes not only lesser developed countries, but those nations making the transition from centrally-planned to market economies. If these countries are to be integrated successfully into the world economy, they must have the expertise and resources to build regulatory institutions necessary to function effectively in a market economy.

The FAA and JAA should work together to provide technical assistance and training in civil aviation oversight in order to improve the regulatory capabilities of other civil aviation authorities. Without our cooperative work in this matter, I believe that gap between obligations and capabilities will continue to grow with negative implications for both U.S. and European interests. The FAA and JAA should work cooperatively as leaders in the international advancement of aviation safety.

All that said, however, it is important for us all to recognize that each of us in government has an obligation to our citizens to not permit continued operation of airlines in international service when their national governments do not meet their agreed safety oversight responsibilities. This may be a very hard thing to do, but it must be done as soon as serious safety shortcomings are identified if they cannot be immediately remedied. Safety in air transport is a prerequisite for operations. It begins before flight, and is not something to be addressed "in due course."

Shifting gears a bit, let me comment on the JAA structure, and how we work with its members. Organizationally, the JAA has made great strides recently with the expansion of management personnel, and more importantly, with the publishing of Joint Aviation Requirements (JAR) Parts 23, 27 & 29, and the soon-to-be published JAR 21. But we must remember that the JAA is still not a single aviation authority with a legal basis for representing all European countries. Thus, our cooperative work with the JAA serves frequently only as a framework for necessary formal bilateral dealings with each of its members. This is not as efficient as it might be, but we recognize and cannot obviate the major political difficulties that appear to preclude the development of a supernational European authority in the near future.

Thus, while we develop, jointly with JAA, agreed text for rules and technical guidance material, and work with JAA teams to understand the details of their

implementation in individual JAA member states, we can only deal bilaterally when mutually recognizing the ability to delegate safety related functions and activities, as JAA has no legal basis to enter into formal governmental agreements which bind its member states. The pace of development of our cooperation, and mutual recognition, is somewhat limited by the need to deal with some two dozen technically independent authorities. So, too, the negotiation of binding technical agreements for each country, and the development of changes to bring enforcement policies and safety oversight mechanisms up to date, takes more time than optimal. This is, however, the reality of today, and that of the foreseeable future.

In closing:

There is perhaps no more compelling symbol than the airplane for the growing economic interdependence of our world. The airplane has rearranged the definitions of distances, borders, and neighbors. It has produced tremendous sharing in technological and commercial ventures. In less than a century, it has moved from a fragile novelty to the preferred means of long distance mass transportation. The FAA considers the traveling public to be our most important customer, and we consider public confidence in the safety of the international air transportation system to be one of our most important products. Because of the transnational nature of the aviation industry, and because citizens of all nationalities travel in aircraft of all registries, we must work together with our counterpart authorities in other countries so that we can succeed in meeting our national responsibilities. The aviation safety regulatory authority of every country faces the same challenge.

As we rapidly approach the 21st century, the FAA, JAA and all other civil aviation authorities of the world must work together to create and implement a regulatory environment and oversight system conducive to the changing demands of our industry. No single government has the authority to effectively regulate the many activities that impact the safety of the international air transportation system. Therefore, if the aviation regulatory authorities of the world are to continue to meet their responsibilities to their citizens, the FAA, JAA, and other civil aviation authorities must work together to achieve their goals and objectives. Sometimes, this work will not be easy. There is no conceivable reason, however, that it cannot always be cooperative. Today and in the future, the FAA is committed to working in the spirit of partnership with the JAA -- and other authorities throughout the world -- to develop harmonized standards, rules, practices and procedures; and to adopt new and improved systems and standards, to ensure the safety, security and improved efficiency of international civil aviation throughout the world.

Thank you very much.

International Aviation Safety Oversight

Anthony J. Broderick
Associate Administrator for
Regulation and Certification

Federal Aviation Administration

Presented at the
Chicago Convention 50th Anniversary Conference
Chicago, Illinois

October 31, 1994

International Aviation Safety Oversight

Anthony J. Broderick
Federal Aviation Administration

Introduction

Fifty years ago, international civil aviation fell into the category of a dream or an adventure. Few anticipated how it would shape and influence life in the latter part of this century. I suspect no one believed it would become such a safe means of travel.

There was no consensus on how to structure commercial agreements to provide air services across national borders. Certain things do not change. Today, these agreements still provide the headlines and really knotty issues diplomats address.

There was also little agreement on common standards or operating procedures for international aviation. Each nation retained restrictive rights over its airspace. International air travel would require air crews to know a multiplicity of rules and procedures as they crossed each border. If an international aviation system was to emerge and flourish, it was necessary to solve all these regulatory and institutional matters effectively. Fortunately, the safety issues were left to the technicians.

The safety technicians did a wonderful job! Having begun with 52 signatories, 183 countries have now agreed to implement the principles of the Convention on Civil Aviation. The original text of the Convention laid out a framework for safe international air transportation. It also provided the text of the first 12 technical safety annexes to the Convention and means for expanding and adding to them as the state of the aviation art changed.

The Convention and its annexes remain the basis for promoting safety of flight throughout the world. The Convention is not, however, a self executing document. It requires each government to make a "contract" with the rest of the world: If my country shares in the many benefits of international commercial air transportation, it will also share in the provision of safety oversight of these operations. From our recent experience, it is clear that either governments have failed to recognize this obligation, or are not devoting adequate resources to fulfilling them.

FAA International Aviation Safety Assessment (IASA) Program

In years past, the United States had assumed that countries which had acceded to the Chicago Convention of 1944 were complying with its provisions governing safety of flight

operations. In fact, adherence to ICAO oversight standards is explicitly contained in the air transport bilateral agreements we negotiate with our partners pursuant to Articles 5 and 6 of the Convention. Our confidence in this assumption was shaken, however, when we recognized that operators from several countries were dry leasing aircraft from U.S. owners, and using U.S. crews employed by brokers to operate commercial flights to the U.S. without any apparent safety oversight. Thus, in 1991 we began the International Aviation Safety Assessment (IASA) Program in which we systematically assess the compliance of other countries with the safety oversight provisions of the Convention.

In 1992, we introduced what became ICAO Assembly Resolution A29-13, Improvement of Safety Oversight. That resolution reaffirms each ICAO member's need to fulfill their obligation to provide safety oversight of their airlines, urges them to ensure effective implementation of safety oversight procedures, and calls on States able to do so to assist others to accomplish these ends.

In 1992 we also publicly announced our IASA program, initiated the year before, of assessing the compliance of States with the safety oversight provisions of the Convention. For most countries, our assessments are conducted by a team of perhaps 2 specialists on site for about a week. Details of the information sought from other countries to determine their compliance with ICAO requirements are provided in an attachment to this paper.

Before a new airline is permitted to operate commercial service into the U.S., we must find that their government is fulfilling its safety oversight obligations. This is a vital matter for the United States, as there are in excess of 90 countries that have about 475 airlines operating into the U.S., or that oversee airlines that "code share" with operators flying to the U.S.

We have completed some 31 on site assessments at this writing. To our disappointment, many countries we visited did not exercise the safety oversight required by ICAO. We found that 18 countries complied with ICAO standards at the time of the assessments; 13 countries did not. Of the latter, 4 were allowed to continue operation to the U.S. under substantially increased safety inspection of their aircraft while they are in the U.S. while their aggressive actions to remedy the limited deficiencies we identified were underway. The remaining 9 countries have been required to find alternatives if they intend to exercise the commercial privileges granted them in our bilateral air transport agreements. Wet lease, using a carrier that

receives proper safety oversight from another country, is one way to do this.

For some countries, we have no need to perform an on-site assessment of their safety oversight capabilities. In the cases of Australia, Canada, Japan and New Zealand our long-standing cooperation in civil aviation gives us intimate knowledge of each others' systems and our mutual compliance with ICAO standards. In the case of the 18 European nations who are full members of the Joint Aviation Authorities, we recognize the capability of the JAA to foster those countries' compliance with ICAO standards. Indeed, we participate, from time to time, on international "standardization teams" created by JAA which are designed to provide just such understanding and assurances.

Our IASA program now provides public notification of the results of these assessments. We did not take this step lightly. However, we believed it imperative to provide information to U.S. citizens of safety oversight shortcomings so they could make informed choices in their international flights. By the end of this year, we expect to have announced assessment results for more than 60 countries (including the 22 noted above for which no on-site visits will be required). We expect to complete assessments on all countries by 1996.

The Future Course

Our IASA program is a continuing one, and we will update assessments from time to time, as conditions warrant and resources permit. However, the United States is not in the position, nor do we desire, to be the world's "aviation police." We believe it is vital for ICAO itself to take a more active role in this area in several ways.

First, ICAO should support this type of safety assessment. It should be possible for ICAO to produce a guide for the conduct of safety assessments that countries can use to review their own legislation and safety regulations, as contemplated by the Assembly in resolution A29-13. Perhaps, too, a mechanism can be developed by which assistance is provided to countries not only to have these assessments conducted, but also to correct any safety oversight deficiencies noted.

To that end, the President of the Council, only last month, called for additional efforts along these lines. The United States will eagerly support the activities of ICAO in this area, and we look forward to the recommendations resulting from this activity.

Second, ICAO should facilitate efforts to develop regional institutions to improve safety oversight. The economic benefits of international air transportation are obvious, and all countries seek to reap them. Many countries, however, lack the manpower, financing, or technical resources to provide the safety oversight required by the Convention. There is, however, a feasible alternative: cooperation with neighbors.

The Joint Aviation Authorities (JAA) of Europe provides a good, albeit incomplete, model of regional cooperation. A number of countries can join together to establish a Regional Civil Aviation Authority. This RCAA is a much more efficient use of scarce resources, and can provide a competent safety oversight capability at a fraction of the cost of countries choosing to do so individually. Indeed, with competition for skilled aviation safety professionals so keen, and airline salaries typically beyond the reach of competition with those of States' civil aviation authorities, the concept of a RCAA is an attractive one.

An important issue in considering an RCAA is that of legal authority. Indeed, this is the piece that is absent in the JAA. In Europe, JAA recommends rules to the European Union, where they may be adopted. First line enforcement of these rules remains the responsibility of each EU member state. Thus, JAA is not a RCAA. To have efficiency, it would seem best to convey to the RCAA the authority to act on behalf of member states in matters that are within its purview. The RCAA could then enact and enforce the safety standards contemplated by the authors of the Convention, at a fraction of the cost of individual states doing the same.

Led by El Salvador, partly as a result of their review of our IASA Program findings, the beginnings of just such an RCAA may be emerging in Latin America. Similar actions, to date concentrating on maintenance issues, are underway in a "core group" of South American countries. We eagerly welcome these initiatives, and will work closely to support them. We have seen similar movement toward regional cooperation in the Far East, and note the similar opportunities presented by the Gulf Cooperation Council and the African Civil Aviation Conference. We will do all we can to encourage and support regional cooperation.

Finally, ICAO and its members must push the international assistance community to provide adequate funding of civil aviation regulatory structures. A prosperous air travel and tourism industry is likely only to exist to the extent that there is general public confidence in the ability of a country to oversee the safety of its airline industry. Without an adequate air safety oversight infrastructure available to serve the transportation needs of a nation, one cannot expect to see the sustained economic development

associated with aviation ties to the world economy. Yet a review of United Nations Development Program funding shows that funding of aviation related projects has fallen from 5% to 1.5% of resources over the last decade or so. Clearly, this must be reversed and some of the funding should be targeted to assist countries in needed development of their safety oversight capabilities.

21st Century Safety Needs

The last 4 years (1990-93) have been the safest in U.S. commercial aviation since the Convention here nearly 50 years ago. Nevertheless, we agree with those who argue that, given the expected growth in air travel, it is urgent that we reduce accident rates much further. Recent statistical analyses by experts at the Boeing Company show that the risk of a fatal accident on a given flight varies by approximately a factor of 20 when broad regions of the world are considered. In countries where accident rates are high, air travel is far less common than it might be. We simply must reduce accidents if the benefits of air travel are to be realized. In regions where alternative transportation modes are few--Alaska, Russia, Indonesia, for example--the imperative is even stronger.

Our IASA program fills a vacuum. We recognize the discomfort some have with its unilateral application. We will continue to work bilaterally and multilaterally to foster a cooperative international climate within which we can promote safety in international airline operations. However, we are determined to prevent unsafe operations within our own borders, and will take such actions as are needed to meet that responsibility.

Safety promotion is best accomplished by governments and industries working together. Harmonized regulations, agreed interpretations, and common methods of compliance are essential to the most efficient use of our safety promotion resources.

ICAO should be at the forefront of this cooperation. ICAO can involve all member States, and its deliberations take into account our different needs and views. It is not a speedy process, nor is it always one with which we are satisfied. I must note, however, that the shortcomings we find with "their" work in ICAO can be readily addressed: ICAO is us, and we have no one else to blame for its shortcomings.

November 9, 1994
Anthony J. Broderick
Associate Administrator for
Regulation and Certification

STATEMENT

As you know, the National Transportation Safety Board (NTSB) has not yet established the cause of the tragic Indiana accident on October 31. They have , however, issued several recommendations as a result of their investigation. The Federal Aviation Administration (FAA) has been acting rapidly to implement actions responsive to Nov. 7 recommendations issued by the NTSB.

First we will jointly chair with our French counterpart agency--the certifying authority for the ATR aircraft--a certification review team of engineers, test pilots and specialists in aircraft performance to address issues related to performance of the ATR-42 and ATR-72 aircraft. The team will begin work immediately.

Additionally, though icing has not yet been established as the cause of the accident, the FAA believes it prudent to initiate action to respond to the specific recommendations of the NTSB. The FAA will issue several notices, information bulletins, and other documents that will do the following:

- We will advise all pilots operating in all types of aircraft to avoid rapid descents at low altitudes, or during landing approaches, or other deviations from approved procedures, as a means of minimizing exposure to icing conditions;

- We will provide specific guidance for configuring ATR-42 and ATR-72 aircraft in the event of inadvertent icing encounters, for establishing appropriate airspeeds, and for monitoring lateral control forces;

- Within the next several days, we will prohibit in ATR aircraft the use of the autopilot in conditions of ice accretion and/or in turbulence;

- We will issue a General Notice (GENOT) to air traffic personnel to provide expedited service for special handling of ATR aircraft in the event of encounters with icing conditions; or as a result of a pilot request to avoid icing conditions by changes in altitude, airspeed or heading;

- We also will institute a requirement for airlines to use special dispatch procedures for ATR aircraft to maximize the avoidance of flight into icing conditions. The FAA also will issue special air traffic control procedures to avoid in-flight holding of ATR aircraft in icing conditions.

These are complex issues. We will be working out the precise technical details of these new procedures in the next day or two and will provide them to the NTSB. To the extent the Board suggests further additional action in regard to these procedures, we will of course work with them to accomplish such changes. The FAA will continue to work closely with the NTSB to be fully responsive to all safety recommendations resulting from the Board's investigation of this tragic accident.

####