

Speaking Notes

Thank you for inviting me to participate in this important study.

I know the mandate given to this committee flows from the tragic events of Lac Mégantic last summer.

For her foresight and fortitude, I want to thank Minister Raitt for expanding the scope of your inquiry to include safety in other modes of transportation.

We believe that Minister Raitt and your committee can make a difference that will save lives by recommending change in the way Transport Canada oversees safety in commercial aviation.

We also believe the transition to SMS in aviation has and continues to expose the travelling public to higher levels of risk and that Transport Canada officials are downplaying these problems as they have done with tragic results in rail safety.

The Canadian Federal Pilots Association is not opposed to SMS. We have grave concerns about Transport Canada's SMS which has become the sole layer of safety in Canada.

By way of introduction, I have been a pilot for 40 years. The bulk of my experience is with the Canadian military where I served 23 years instructing on jets, patrolling Canada's ocean coastline conducting surface surveillance, anti submarine patrols and peace keeping. I worked at Transport Canada for the remainder of my career training pilot inspectors, , managing the Approved Check Pilot Program and in other areas. Just as I served the Canadian public in the military, I consider the work I do now to be in the public interest.

Our members are the 382 licenced pilots who work as inspectors at Transport Canada and the Transportation Safety Board. We also represent 32 licenced pilots who work at NavCanada. I can tell you that the number of licenced pilot inspectors is at its lowest. Today, we have fifty fewer inspectors than when I last appeared before this committee in November 2009, when TC promised to hire more inspectors.

One of the first witnesses to appear before your committee was Auditor General Michael Ferguson.

His testimony cast a long shadow of doubt over the evidence placed before you by Transport Canada officials concerning rail safety.

Among other things, Mr. Ferguson told your committee that Transport Canada had completed only 26% of the SMS audits of rail companies the department said were needed to ensure compliance with the safety regulations.

This and other comments were in sharp contrast to the remarks of Transport Canada officials who testified to you only days before Mr. Ferguson. I think Mr. Watson's comments following the Auditor General's testimony were most appropriate, and I quote.

"I sense that if we were to read between the lines, not only did Canadians expect better from Transport Canada, I suspect you did as well, and I know the government expected better too."

Some of you will be familiar with the Auditor General's review of Transport Canada's aviation safety program. His office conducted an audit in May 2008 and a second in April 2012.

When you line up the audit findings for rail and aviation, the parallels are striking.

According to the Auditor General both Transport Canada's rail and aviation safety program fail in these areas:

- Number of inspectors and engineers needed to ensure safety is unknown
- Significantly fewer inspections are done than planned
- Minimum acceptable level of surveillance to ensure safety is not established
- No documented rationale for changing acceptable minimum level of surveillance

Officials may try to assure you that all of these issues have been addressed

But Transport Canada's rosy forecast is based on a simple sleight of hand. Inspections once required annually can now be as infrequent as once every five years. That is one way to stretch your inspection resources but does it have anything to do with safeguarding the public?

It is important to emphasize that aviation SMS is not intended to be a stand-alone buffer against safety failure and never was. This makes perfect sense. Redundancy is an important principle in safety. When one system fails, another is in place to ensure nothing bad happens.

Yet today, aviation SMS is pretty much the sole safety program as Transport Canada has all but abandoned direct operational oversight of airlines.

How could this happen?

Canada was among the first countries to embrace aviation SMS. In 2005 when it was first introduced among the major Canadian carriers, there was no beaten path to follow. It was an experiment.

As a brand new approach, Transport Canada did not anticipate the implementation of SMS would consume all of its inspection resources and then some.

Something had to give. And that something was direct operational oversight, which has all but disappeared. We seldom if ever conduct no-notice inspections, ramp checks, pilot check rides, and other activities that once gave us a window into the state of safety of an airline.

Other safety corners are being cut to this day under the weight of a cumbersome SMS. For example, TC is cancelling all comprehensive SMS Assessments for airports and aerodromes in favour of doing only more narrowly focused Process Validation Inspections.

When Transport Canada tells you about the thousands of aviation audits and inspections done annually, you should keep in mind three important points:

First, their numbers are inflated. The AG blew the whistle on Transport Canada's inspection claims with respect to rail. Transport Canada simply cannot conduct up to 30,000 inspections with only 250 front line pilot inspectors.

Second, the audits and inspections they talk about involve nothing more than reviewing documents and telephone interviews. It's a superficial exercise that allows serious problems to go unaddressed.

Finally, TC expects to see the accident rate increase and adjusted its forecast performance targets to account for it. The increase, if it materializes, will equate to between 40 and 50 more aircraft accidents in 2014 than occurred in 2011.

Just a few months ago, we asked Civil Aviation Safety Inspectors about SMS.

Nine-in-ten aviation inspectors report that Transport Canada's SMS actually **prevents** them from correcting safety problems in a timely fashion. This is up from 80% who worried this would be the case in the early days of SMS.

Give this your serious consideration. These individuals are professionals, as noted by one of the National Airlines Council of Canada witnesses earlier this week. They care deeply about their work and the safety of the traveling public.

Virtually the entire aviation inspectorate thinks SMS is better at hiding safety problems than solving them.

You have the full survey report in your packages.

I want to bring to your attention two specific examples of the consequences of this reality.

Just months before a First Air jet crashed in Nunavut, a Transport Canada assessment found no problems with the airline's Safety Management System. In fact it was stellar..

Yet, the investigation into the August 20, 2011 crash by the Transportation Safety Board discovered many safety shortcomings at the airline that contributed to the accident, including the fact that First Air's Safety Management System was not working properly.

Twelve people died in this controlled flight into terrain. It could have been much worse had the accident occurred with a plane full of passengers landing at a major airport.

Today, commercial operators in Canada could go for as long as five years without a single SMS assessment or Program Validation Inspection. That's far too long and well beyond the international requirement for annual inspections.

Transport Canada's own flight operations department is experiencing difficulty in spite of SMS, according to documents we have acquired through Access to Information. Even with SMS implemented and the best of intentions Transport Canada continues to fail to meet minimum safety requirements. TC has had two accidents, the last one fatal, since implementing SMS.

Witnesses from Air Canada, West Jet, Air Transat and the NACC testified earlier this week that the SMS partnership between industry and the regulator safeguards the public. Members of the travelling public should be concerned when at least one half of the partnership can't make SMS work and is crashing aircraft at a rate of one every three years.

When we rely almost exclusively on superficial SMS audits and Program Validation Inspections – safety problems get missed with tragic consequences.

Transport Canada's aviation safety program desperately needs to change. For your consideration we recommend:

Give total ownership of and responsibility for SMS to the operators. Have a concentration of SMS experts within a redesigned Branch in TC available to conduct assistance visits to companies. Their mandate would be to help companies with and promote the benefits of SMS. These visits would be non-threatening, "white hat" validations and assessments to assist industry in implementation of SMS.

For the majority of inspectors, simplify the auditing method by removing all the SMS verification actions in favour of conducting more company visits, random no notice inspections (monitors, line checks, office records checks) to improve our intelligence gathering. Document the results of all visits.

Based on the intelligence gathered over the year, return to the companies and conduct the annual inspection using modern sampling techniques, look strictly for regulatory noncompliance in as many facets of the enterprise as time and finances will permit. Apply enforcement action for non-compliance where the findings show that SMS wasn't followed or a for a non SMS company that they did not make every effort to remedy the situation.

This will entice the company to improve its SMS or move to SMS to capture future errors. The approach uses positive reinforcement where the system worked or negative reinforcement where the system is ineffective.

Expected Results:

- A. The company that doesn't fix its errors by the next audit will be found deficient and more enforcement actions will be required. TC thereby documents a record of non-compliance and builds the legal case to suspend the certificate, or

- B. The company that fixes the errors by the next audit will be compliant and TC can extend the audit cycle based on actual measured performance.
- C. The companies truly take ownership of their SMS without TC prescribing anything and without TC trying to enforce a variable standard. No need for prescriptive regulation to list all requirements of the system and to address the issue of a company not following an SMS.
- D. TC has its additional layer of safety, well defined and delineated.

Thank you for your attention. I hope your strength and resolve will result in change before we suffer another tragedy.