



For Immediate Release
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Transport Canada defies Safety Board

Ottawa – Just weeks after the Transportation Safety Board (TSB) called for reforms to strengthen serious weaknesses in aviation safety oversight, Transport Canada has defied those recommendations and quietly exempted entire sectors of commercial aviation from safety oversight.

According to an [internal bulletin](#) to Transport Canada staff these changes came into effect on August 17, 2016, just four weeks after the TSB's latest call for reform. Neither the public nor anyone else has been advised of these reductions.

In addition to diminishing safety oversight at Canada's airport and heliports, Transport Canada managers have completely exempted four other sectors of Canadian aviation from any safety inspections.

Business aircraft like the one former Alberta Premier Jim Prentice died in last week, distributors of aviation parts, and aircraft that do dangerous aerial work to maintain hydro facilities, fight fires, and the like, will no longer be subject to any safety checks by Transport Canada inspectors. Likewise, heliports, like the one on top of St. Michael's Hospital in downtown Toronto, will no longer be subject to any safety compliance inspections by Transport Canada.

The decision also means that every certified airport in Canada, from Vancouver International to St. John's International, will no longer be subject to full safety assessments. Instead, a Transport Canada inspection will now only cover one small part of an airport's safety plan. By comparison, the US Federal Aviation Administration requires full inspections of airports annually.

On June 15, 2016, the TSB recommended Transport Canada:

- “conduct regular SMS assessments to evaluate the capability of operators to effectively manage safety”, and
- “enhance its oversight policies, procedures and training to ensure the frequency and focus of surveillance, as well as post-surveillance oversight activities, including enforcement, are commensurate with the capability of the operator to effectively manage risk”.

These TSB recommendations were made following its investigation of the crash of an Ornge medical evacuation helicopter in Northern Ontario that killed four people in 2013.

“The TSB is calling for more safety checks, not fewer. Transport Canada is actively undercutting these important safety recommendations before the Minister has even had a chance to respond to them,” said Greg McConnell National Chair of the Canadian Federal Pilots Association, which represents the licenced pilots who work at Transport Canada as aviation safety inspectors.

Because Transport Canada's decision is not public, the [CFPA has advised the chair](#) of the Transportation Safety Board, Kathy Fox, of this development.

“I am sure that these decisions will come as a surprise to you as no one outside of Transport Canada has been advised of them. Nor will it be lost on you and your colleagues that these decisions to reduce safety oversight were made just a few weeks after you called for more, not less, regulatory oversight and before the Minister has had a chance to respond to the Board’s recommendations arising from the investigation of the Ornge medical evacuation helicopter crash in Moosonee on 31 May 2013 (Aviation Investigation Report A13H0001).”

Under Safety Management Systems (SMS), three oversight “tools” are available to inspectors: a full SMS assessment is the most comprehensive and involves reviewing every aspect of a licence holder’s safety policies and systems. Certified airports in Canada will no longer be subject to this level of scrutiny. Instead, Transport Canada’s safety oversight will be limited to “Program Validation Inspections” which look at a single aspect of a licence holder’s safety system in isolation. The third tool is called a Process Inspection, which is the least of inspections and focuses on a single activity within a single component of an operator’s system.

According to Transport Canada’s direction to staff, these decisions have been taken because an algorithm has established a low risk indicator for every aviation licence holder in these sectors. However, this technology is flawed. It relies on regular updates of safety data that Transport Canada can no longer supply because inspections are so infrequent. It appears that the only thing that will cause the algorithm to spit out an increased risk level is an increase in accidents and fatalities.

Transport Canada has previously reduced safety oversight of the business aviation sector. In January 2003, the regulator delegated licensing and safety oversight of the aircraft operated by corporations to the Canadian Business Aircraft Association (CBAA), an industry lobby group. Four years later, an audit of the CBAA’s safety management system concluded it failed to meet a majority (5 of 8) of regulatory requirements, and found that the CBAA:

- does not provide any planned or structured oversight of private operators”
- does not collect and analyze safety data and risk factors
- does not punish private operators for safety violations so there are no consequences for violating the rules
- lacks procedures for suspending or cancelling an operator certificate in the event of serious safety problems
- does not track its own safety program to ensure it meets government standards .

These troubling conclusions led the TSB to urge Transport Canada to cancel the delegation and bring business aircraft back under its own licensing and surveillance program, a move announced seven years later by then Minister John Baird on March 16, 2010.

“Fast forward to today and managers at Transport Canada are once again ready to gamble with safety while ignoring the TSB in the process,” McConnell said.

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Backgrounder

Summary of recent TSB investigation reports citing weak safety oversight

The Transportation Safety Board has long been concerned about the adequacy of Transport Canada's safety oversight of commercial aviation. After investigating several recent aviation crashes, the TSB has singled out weak oversight as a cause or a risk contributor numerous times.

TSB Report	Date	Operator	Location	Fatalities/Injuries	Causes and Risks ¹
A13H0002	9 Sept 2013	Government of Canada, Department of Transport	M'Clure Strait (Northwest Territories)	3 dead	<i>If identified regulatory surveillance intervals are not respected, then there is an increased likelihood that systemic deficiencies that could increase risk will go unidentified and unaddressed.</i> <i>If findings are overly general, it increases the scope of possible corrective actions and makes it more difficult for the regulator to assess whether the underlying deficiency is addressed through the corrective action plan increasing the risk that safety deficiencies will remain unaddressed.</i> <i>If Transport Canada does not take action to require operators to respect corrective action plan implementation timeframes, there is a risk that safety deficiencies will not be corrected in a timely manner.</i>

¹ These are direct quotes from TSB crash investigation reports. Findings as to risk are distinguished by *italic text*.

TSB Report	Date	Operator	Location	Fatalities/Injuries	Causes and Risks
A13W0120	19 Aug 2013	Buffalo Airways Ltd.	Yellowknife Airport	None	<p>The operator's safety management system was ineffective at identifying and correcting unsafe operating practices.</p> <p>Transport Canada's surveillance activities did not identify the operator's unsafe operating practices related to weight and balance and net take-off flight path calculations. Consequently, these unsafe practices persisted.</p> <p><i>If Transport Canada does not adopt a balanced approach that combines inspections for compliance with audits of safety management processes, unsafe operating practices may not be identified, thereby increasing the risk of accidents.</i></p>
A13H0001	31 May 2013	Orgne	Moosonee ON	4 dead	<p>Transport Canada's approach to surveillance activities did not lead to the timely rectification of non-conformances that were identified, allowing unsafe practices to continue.</p> <p>The selection of the corrective action plan process as the sole means of returning Orgne Rotor-Wing to a state of compliance resulted from the belief that other options were either unavailable or inappropriate for use with a willing operator. This belief contributed to non-conformances being allowed to persist.</p> <p>The training and guidance that was provided to Transport Canada inspectors resulted in uncertainty, which led to inconsistent and ineffective surveillance of Orgne Rotor-Wing.</p> <p><i>Transport Canada's approach to systems-level oversight is predicated on all operators, even those without an assessed safety management system, possessing the capability to address non-conformances. If operators do not have the capability to address non-conformances, this increases the risk that unsafe conditions will persist.</i></p>

TSB Report	Date	Operator	Location	Fatalities/Injuries	Causes and Risks
A12C0154	18 Nov 2012	Gogal Air Services Limited	Snow Lake (Manitoba)	1 dead; 7 seriously injured	<i>If Transport Canada does not provide the same degree of oversight for repetitive charter operations as it does for a scheduled operator, the risks in the operator's activities may not be fully evaluated.</i>
A12W0031	30 Mar 2012	Kananaskis Mountain Helicopters	Loder Peak, Alberta	1 dead; 4 injured	<i>If adequate surveillance is not maintained by Transport Canada, there is an increased risk that operator safety deficiencies will not be identified.</i>
A10Q0117	July 24, 2010	Nordair Quebec	La Grande-Rivière Airport, Quebec	2 dead; 3 seriously injured	<p>The action taken by TC did not have the desired outcomes to ensure regulatory compliance; consequently, unsafe practices persisted.</p> <p>The carrier's operations manual had been approved by Transport Canada for the carriage of external loads, despite the fact that the carrier did not have the required supplemental type certificate (STC).</p>