



PMA's - Separate but Equal?

Keynote Address

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PMA/DER Conference

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About the Speaker – Sarah MacLeod

Sarah MacLeod is a managing member of [OFMK](#) and a founder and executive director of the [Aeronautical Repair Station Association](#). She has been practicing international aviation safety law for over 20 years.

Ms. MacLeod obtained her bachelor's degree from Evergreen State College, Olympia, Washington and her law degree from Catholic University of America, The Columbus School of Law.

About the Aeronautical Repair Station Association

ARSA is devoted to the \$58 billion worldwide civil aviation maintenance industry—from its global corporations to the small, independent businesses. ARSA members are located on five continents and in nearly 20 countries.

It is managed by the law firm of Obadal, Filler, MacLeod & Klein, which provides management, government affairs, and legal services to trade associations and transportation-centric companies.

The association's experts create the tools for members to navigate the maze of government mandates while enhancing safety, efficiency and productivity.

About Obadal, Filler, MacLeod & Klein, P.L.C.

OFMK is a boutique law firm based in Alexandria, Virginia (across the river from Washington, D.C.).

It provides management, government affairs and legal services to trade associations and transportation-centric companies with particular emphasis on international aviation safety regulations.

It helps clients navigate the maze of government mandates while enhancing safety, efficiency and productivity.

Conference Topics

- The Future of PMA—Market Analysis & Forecast
- Lessors/Financiers & PMAs: Issues, Concerns, and Potential Strategies
- Moving Forward in PMA
- Additive Manufacturing
- Developments at EASA and their Effects on the BASA & PMA
- Regulatory Update

My Topics

- The government's role in civil aviation.
- The industry's role in civil aviation.
- Fighting independence.
- Fighting for independence.
- Making a difference and why.

The Government's Role in Civil Aviation

- Create minimum rules governing safety—for all design and production approvals that means:
 - Design standards and requirements
 - Production requirements
 - Quality requirements
 - Reporting requirements
- Create guidance on how compliance can be shown and found **CONSISTENT WITH THE PLAIN LANGUAGE OF THE RULE.**

The Government's Role in Civil Aviation

- Make independent findings of compliance—
 - Design
 - Production
 - Quality
- Enforce the standards and requirements consistently and even-handedly—no “separate but equal” evaluations or applications.
 - Design is design.
 - Approval is approval.

The Industry's Role in Civil Aviation

- Help develop the requirements and standards—
 - Comment effectively and efficiently:
 - Design and production standards.
 - Airworthiness directives.
 - Guidance
 - Collaborate and clearly distinguish:
 - Business issues.
 - Technical issues.
 - Government obligations and limitations.

The Industry's Role in Civil Aviation

- Know the requirements—
 - That means the plain language of the rules.
 - The applicable guidance.
 - The differences between the regulations and the expectations of the “local” office or individual.
- Show independent and complete compliance with the requirements and standards in a comprehensive and professional manner with—
 - Direct cites to regulations or standards.
 - Written documentation without errors.

Fighting Independence

Government:

- Comparing design data between DAHs.
- The “prove it” attitude—don’t know what is enough.
- Not specifying unsafe conditions in enough detail to determine if the “fix” will work; dependence on DAH “fixes” resulting in “strict compliance” to SBs in ADs.
- Denial of interdependence among and between design, production, operation and maintenance regulations, e.g., CDCCL debacle.
- Politics not safety.

Fighting Independence

Government employees:

- I'm responsible for safety!
 - The certificate holder or person is responsible for safety.
 - You are responsible for creating, following and overseeing safety standards.
 - Indeed, the government's is protected from litigation in cases of "bad" certification.
- I'm just doing my job; it isn't my job.

Fighting Incompetence

Industry

- Top management denial, misunderstanding and ignorance (deliberate and otherwise) of “all” government requirements:
 - Education versus experience.
 - Training and culture.
- Using government as a competitive tool.
- Using government as an excuse.
- Hat in hand attitude.

Fighting Independence

Industry employees

- You can't fight city hall; can't charge very high.
- I have to "live" with "my" DER advisor, inspector, local office...
- "They" will just make my (our) life harder later.
- Upper management doesn't understand and just wants the job done.
- Mix regulatory requirements with customer or contractual conditions.

Fighting For Independence

Become proactive or at least active—know your job and the government’s job and do both.

- Ronald Reagan described the taxpayer as “someone who works for the federal government but doesn’t have to take the civil service examination.”
- Create libraries—bookmarks:
 - Political
 - Regulatory

Fighting For Independence

Become proactive or at least active—know your job and the government's job and do both.

- Political
 - City, county, state
 - Federal
 - International
- Regulatory
 - Local and region
 - National and appropriate directorates

Fighting For Independence

- Be absolutely and completely professional.
 - Do not ever promise more than you can deliver.
 - Keep up-to-date on promises made or change the promise.
- Be consistent and persistent.

Genius, that power which dazzles mortal eyes, is often perseverance in disguise. Henry Willard Austin
- Keep it as simple as possible—Albert Einstein said, “If you can’t explain it simply, you do not understand it well enough.”

Fighting For Independence

Become involved!

- Local, national and international aviation events.
 - Any aviation event held by the local schools, airports, federal offices—offer to make presentations, offer financial support or volunteer to help organize or run.
 - Pay attention to national and international events, if you can't attend, obtain the proceedings.
- Join organizations associated with your expertise and business—keep abreast and aware of your profession, technology and business.

Making a Difference and Why

- Governments are made up of people.
- “They” can create sanity or chaos.
- Through education, persistence and luck:
 - The Aeronautical Repair Station Association was created.
 - A law firm was created.
 - Regulations were influenced.
 - AC 43-18 “validating” maintenance fabrication was created and released.
 - AC 120-78 on creating data was created and released.

Making a Difference and Why

My father's three rules:

- Never be financially dependent on a man.
- Never let “them” tell you that it can't be done because you are a woman.
- Question authority.

Making a Difference and Why

Case in point: Proposed AD on reciprocating engines with certain cylinder assemblies

- Unsafe condition: [M]ultiple failure reports of cylinder head-to-barrel separations and cracked and leaking aluminum cylinder heads. We are issuing this AD to prevent failure of the cylinder assemblies, which could lead to failure of the engine, in-flight shutdown, and loss of control of the airplane.

Making a Difference and Why

- Agency's justification for the proposed AD: "The rate of separation for the affected [PMA holder] cylinder assemblies is at least 32 times greater than that of OEM cylinder assemblies over the same period."
- No showing that the design or production is inadequate.
- Want to see why we need to demand our independence—check out FAA-2012-0002.

Making a Difference and Why

- The government in this country was created by and for the people.
- People have to be involved.
- People need to remind the government of its role.
- Fight for civil rights and great social changes can result—in *Brown v. Board of Education* ordinary people told the government that separate but equal education was a myth and segregation in schools was banned.
- In the regulatory arena, the FAA needs to be told to treat all design approvals the same—data doesn't know the difference and neither should the regulator.

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