

The Politics of Aviation Safety  
or  
Aviation ain't for Sissies

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***PMA Parts & DER Repairs—2010***

# Congressional Micro-Management

- Civics lesson-
  - Congress passes laws
    - House passes one version
    - Senate passes the same or another version
    - If different, conference committee works out a compromise
  - Congress is Micro-managing the FAA
    - Aging aircraft inspections
    - Pilot training
    - Repair station security
    - Foreign repair station prohibitions

# Bad Laws Make Bad Regulation

- The law that stopped business
  - Congress told the TSA to pass repair station security regulations
  - TSA didn't do it
  - Congress passed another law that said, do it or the FAA is prohibited from issuing "new" foreign repair station certificates
- TSA has now published a NPRM, but will need to pass a final rule AND do audits before the ban is lifted

# FAA Reauthorization

- House passed its bill
- Senate just passed its bill
- Just SOME of the troubling portions
  - FAA has 3 years to enact regulation that limits the “persons” that can perform “covered work” on air carrier aircraft. Covered work means maintenance that is essential, regularly scheduled, or a required inspection item.

# FAA Reauthorization

- Require air carriers to identify and provide a complete listing of all non-certificated maintenance providers that perform covered maintenance work
- Twice annual inspections of all “foreign” repair stations (except in Canada)
- Drug and alcohol testing of all “foreign” repair stations (except in Canada)
- Establish and implement a safety assessment system **for all part 145 repair stations** based on the type, scope, and complexity of work being performed (except, of course, Canada)

# FAA Reauthorization

- A side-by-side comparison of the House and Senate versions of the legislation is on the ARSA Web site (<http://www.arsa.org>)
- It is not too late to get involved in the political process; all you need to do is spend 10 minutes writing a letter! It doesn't matter whether you are "foreign" or "domestic"; business is business!

# Politics of Commercial Relations

- In the day—
  - The airline bought the aircraft
  - Directly controlled the maintenance
- Today—
  - Leasing companies own the aircraft
  - Engine (and other) manufacturers provide “exclusive” power by the hour contracts
  - Contracts control the environment

# Contract Pitfalls/Hypocrisies

- No “PMA” usage
  - Except for the “OE”?
  - If the PMA is used in an “on condition” component, how will it be found?
  - What about maintenance/owner-produced parts?
  - What about part “substitutions”?
  - What about superseding assemblies with no support for “legacy” units?
  - Where is the airline control of its maintenance program as required by the regulations?

# Contract Pitfalls/Hypocrisies

- No “DER” repairs
  - Except for “OE” developed repairs?
  - Except when the repair doesn’t rise to the level of a “major” repair? (And we all know what those are!)
  - What about other “delegations” now available under the “new” part 183?

# Not for Sissies or the Ignorant

- The “politics” of aviation safety require fundamental knowledge
  - Know the country of design, production and registry (for maintenance)
  - Know the regulations applicable to each customer!
  - Do not let the contract dictate terms that are:
    - Contrary to the regulations of the “end-user”
    - Contrary to basic business interests!
- Don't practice law without a license!