

STATEMENT OF THE HONORABLE RANDOLPH BABBITT, ADMINISTRATOR,
FEDERAL AVIATION ADMINISTRATION, BEFORE THE SENATE COMMITTEE
ON COMMERCE, SCIENCE AND TRANSPORTATION, SUBCOMMITTEE ON
AVIATION ON THE FEDERAL AVIATION ADMINISTRATION'S SAFETY
PROGRAMS, December 10, 2009.

Chairman Dorgan, Ranking Member DeMint, Members of the Subcommittee:

Thank you for inviting me here today to discuss the Federal Aviation Administration's (FAA's) safety programs and ongoing initiatives. As you know, shortly after I was confirmed as Administrator, Secretary LaHood and I initiated a Call to Action on airline safety and pilot training. We made this Call to Action to encourage the aviation industry in this country to come together to share their best practices across the board and implement actions we know can improve safety. History has shown that we are able to implement better safety improvements far more quickly and effectively when we work together on problems and their solutions. We have received a wealth of information from the Call to Action, and, as a result of this information and our previous efforts, we are involved in a number of projects to use that information to make the industry and traveling public safer.

To start, we had several short-term actions that we wanted to achieve in June and July of this year. These included:

Flight and Duty Time Rulemaking: As a result of the Call to Action, FAA made the creation of a new flight and rest rule based on fatigue science a high priority, with an aggressive timeline. FAA chartered an aviation rulemaking committee (ARC), which began meeting in July 2009. The ARC, which consisted of representatives from FAA, industry, and labor organizations, was charged with producing recommendations for a science-based approach to fatigue management by September 1, 2009. I am pleased to report to you that the ARC met its charge and that we are currently reviewing its recommendations. Understandably, this is an extremely sensitive and complex area and, given the short time frame the ARC

was given, consensus was not reached on all of the issues they were asked to consider. At the time the Call to Action was announced, I said that, as Administrator, I would work with the aviation community to reach consensus, and where we could not I would be willing to make the tough decisions. I fully intend to live up to that promise. There is some more analysis that is underway and I am committed to getting this done right – and we will get it done. As frustrating as it is for me that we will not complete this complex analysis by our aggressive year-end schedule, I have told the team working on this rule to take the time required to make sure we have done all that is necessary to support what we ultimately propose. With this in mind, we will continue to push to get our proposed rule on the street as soon as possible.

Focused Inspection Initiative: Recognizing the urgency of proposals in the Call to Action, FAA required its principal operations inspectors for part 121 carriers to conduct a focused program review of air carrier flight crewmember training, qualification, and management practices.

The focused inspection initiative had two parts. The first part of the initiative required FAA inspectors to meet with the carrier's director of operations, director of safety, and company officials responsible for flight crewmember training and qualification programs. The purpose of these meetings was to determine the carrier's ability to identify, track, and manage low-time flight crewmembers and those who have failed evaluation events or demonstrated a repetitive need for additional training. Inspectors also looked at whether the carrier adopted the suggestions in Safety Alert for Operators (SAFO) 06015 to voluntarily implement remedial training for pilots with persistent performance deficiencies. The meetings were to occur as soon as possible, but no later than July 15, 2009. I am pleased to report that all of these reviews were completed.

As a result of these meetings, our inspectors found that about two-thirds of the carriers operating under the traditional regulatory requirements for pilot training

and checking (i.e. carriers that do not participate in an Advanced Qualification Program) had systems in place to identify and manage low-time flight crewmembers and those with persistent performance problems. We strongly encouraged carriers without such systems to establish them. For those who will not commit to implementing these systems, we will increase oversight to ensure their training and qualification programs meet regulatory requirements.

The second part of the initiative has also been completed. Inspectors conducted additional inspections to revalidate that the carrier's training and qualification programs meet regulatory standards in accordance with FAA guidance materials. Among other items, inspectors confirmed that these programs:

- Review the entire performance history of any pilot in question;
- Provide remedial training as necessary; and
- Provide additional oversight by the certificate holder to ensure that performance deficiencies are effectively addressed and corrected.

Training Program Review Guidance: Using results from initial elements of the focused inspection initiative, FAA will provide guidance material on conducting a comprehensive training program review. This guidance will describe the training program review in the context of a safety management system and its role in a corporate safety culture.

Although our original goal (as indicated in the Action Plan) was to develop this document by July 31, we postponed development of the Training Program Review Guidance for two reasons. First, the Action Plan indicates that we will use the results of FAA's focused inspection initiative in developing the material. Although FAA inspectors completed Part I by July 15, Part II (which calls for a more in-depth review of training) was not completed until this fall. Second, we found that the initial July timeframe would not allow us to benefit from

suggestions and ideas developed in the series of Call to Action safety forums held around the country in July and August.

As noted, FAA inspectors have now completed the second part of the focused inspection initiative. We are currently analyzing this information, along with ideas gathered from the regional safety forums. We expect to complete our data evaluation by December 31. We will then develop guidance documents, including both a Notice to Inspectors and a SAFO. Our goal is to have both documents ready for internal coordination by the end of February.

Obtain Air Carriers' Commitment to Most Effective Practices: To solidify oral commitments made at the Call to Action, I sent a letter to all part 121 operators and their unions and requested written commitments to adhere to the highest professional standards, with specific commitments on the following key topics:

- **Pilot Records:** While Congress is working to amend the Pilot Records Improvement Act of 1996 and the FAA amends Advisory Circular 120-68D, I asked that air carriers immediately implement a policy of asking pilot applicants for voluntary disclosure of FAA records, including notices of disapproval for evaluation events.
- **FOQA and ASAP:** I asked that air carriers who have not done so, establish flight operations quality assurance (FOQA) and Aviation Safety Action Program (ASAP) programs and develop data analysis processes to ensure effective use of this information.

I can tell you that the responses indicated that carriers have overwhelmingly shown a willingness to make the commitments I requested. The responses we received cover 99% of the aircraft operating under a Part 121 certificate, so I am pleased to have gotten such a comprehensive commitment.

Labor Organizations: I asked labor organizations for their commitment in the following areas:

- Establish and support professional standards and ethics committees to develop peer audit and review procedures, and to elevate ethics and professional standards.
- Establish and publish a code of ethics that includes expectations for professional behavior, standards of conduct for professional appearance, and overall fitness to fly.
- Support periodic safety risk management meetings between FAA and mainline and regional carriers to promote the most effective practices, including periodic analysis of FOQA and ASAP data with an emphasis on identifying enhancements to the training program.

I contacted seven labor organizations, all of which responded positively and each of which is tracking their individual efforts in accordance with their organizational structure. FAA's authority does not extend to compelling the actions of labor organizations, but we are tracking their efforts and will describe them in the report issued at the end of the year, as discussed below.

Mentoring: To address issues in the professional standards and flight discipline area, FAA developed and sought industry comments on the prospect of creating a range of mentoring programs. There is no question in my mind that this is a critical area. I am very much in favor of mentoring, but there is no question that it is also one of the most challenging concepts to address. We found this to be true during the discussions held at Call to Action safety forums around the country. Still, these discussions have produced some interesting and promising ideas. For example:

- Establishing Joint Strategic Councils within a “family” of carriers (mainline and regional partner(s)). This approach could lead to individual as well as corporate mentoring relationships.
- Using Professional Standards Committee Safety Conferences to provide opportunities for two-way mentoring – a very good reminder that good ideas are not unique to larger mainline carriers.
- Exploring mentoring possibilities between air carriers and university aviation programs.

We encouraged carriers to meet with their partner airlines to discuss what mentoring options were best suited to their operations and seniority structure. I understand that most major carriers have done this and I am appreciative of their efforts. While there are challenges associated with making mentoring a routine part of training standards, I am committed to keep working in this area for the long term.

Regional Safety Forums: Beginning in July, FAA conducted a series of regional safety forums to discuss the Call to Action initiatives, listen to stakeholder comments, and seek ideas for and commitments to additional actions in the areas in which FAA is already taking specific action. It was very important that the Call to Action effort be a comprehensive outreach for information and input and not from only those individuals or entities that could make it to Washington in

June. By the end of August, FAA held 12 well-attended forums in the following locations:

July 21	Washington DC
July 30	Dallas / Fort Worth
July 30	Chicago
August 4	Seattle
August 6	Minneapolis / St. Paul
August 6	Atlanta
August 6	Anchorage
August 20	Miami / Fort Lauderdale
August 20	Denver
August 21	St. Louis
August 27	Las Vegas
August 27	Boston

The Call to Action also included several intermediate term actions, intended for completion in the August-December 2009 timeframe. These include:

Crew Training Requirements: At the time we initiated the Call to Action, the FAA already had an NPRM open for comment, intended to enhance traditional training programs for crewmembers and dispatchers by requiring the use of flight simulation training devices for flight crewmembers, and including additional training requirements in areas critical to safety. The public comment period closed on August 10 with over 3000 pages of comments. After careful review of these comments, FAA will issue a supplementary proposal to incorporate some of the views provided and offer the public another opportunity for input on the revised document. The final rule will be consistent with the philosophy of enhancing the quality and effectiveness of training rather than focusing on traditional quantitative measures such as total flight time.

One of the things that the Call Action has also shone a light on is the issue of varying pilot experience. We do not believe that simply raising quantity – the total number of hours of flying time or experience – without regard to the quality and nature of that time and experience – is an appropriate method by which to improve a pilot’s proficiency in commercial operations. We are also considering other options. For example, a newly-certificated commercial pilot with the minimum number of hours might be limited to certain activities until he or she could accumulate the type of experience deemed potentially necessary to serve as a first officer for an air carrier. We are looking at ways to enhance the existing process for pilot certification to identify discrete areas where an individual pilot receives and successfully completes training, thus establishing operational experience in areas such as the multi-pilot environment, exposure to icing, high altitude operations and other areas common to commercial air carrier operations. We view this option as being more targeted than merely increasing the number of total flight hours required because it will be obvious to the carrier what skills an individual pilot has, rather than relying on an assumption that a certain number of hours has resulted in a comprehensive set of skills.

Guidance to Inspectors on Safety Oversight: Consistent with the report of the Independent Review Team on Managing Risks in Civil Aviation, on which I served, FAA’s Aviation Safety organization included scenario-based training in safety oversight as part of the August All-Managers Conference. This training was intended to address issues raised in the report, including:

- Management of varying regulatory interpretation styles within the inspection workforce;
- Methods for harmonizing extremes in regulatory application; and,
- Methods for optimizing the regulatory effectiveness and coherence across a diverse team of inspectors.

Final Report: By December 31, FAA will finalize a report summarizing our findings and recommending additional action items based on the Call to Action meeting, regional safety forums, results of the focused inspection initiative, and other actions. The report will include performance metrics for auditing and assessing progress.

While these are the steps we have accomplished and the upcoming actions we will be taking, I want to point out the biggest factor affecting safety: professionalism in the workplace. Safety begins at the top, but whether one has a wrench in his or her hand, sits at a yoke or carries a clipboard, wears a headset or works in the galley, safety is everyone's responsibility. In spite of this, we have not seen the required level of professionalism consistently from the aviation industry across the board. Although professionalism prevails in the vast majority of the aviation workforce, it is not uniform throughout the industry. The standards are the same, the training is the same, but the mentality is not the same, and this is what we have to change.

One aspect of professionalism that needs further review is the professional responsibility of pilots to report for duty ready to fly. Recent incidents have reinforced this concern. Of special interest is the challenge for those who commute from one city to their work domicile in another. The effect commuting has on fatigue for crew members requires further analysis. I know from last week's hearing that this is an issue of great interest to this Subcommittee. But I want to emphasize as we consider options on fatigue, reporting to work fit for duty is far more complex than drawing a circle around a hub and stating that the pilot must live within that area. This is where professionalism – taking responsibility for showing up fit for duty – has to govern.

Please understand, I recognize the interest in and concern about commuting. But given the complexities and vested interests inherent in this issue, the ARC did not reach a consensus recommendation. Consequently in the interest of not delaying issuing the broader fatigue proposal, we will request additional comments and recommendations to consider whether added restrictions in this area would further enhance safety.

It is essential that those who have captured the essence of the professionalism have opportunities in and out of the cockpit to pass it on. Experience is a wonderful teacher, and there is no substitute for learning at the hands of someone who has already been there. The inexperienced people in the system need to meet the ones who have been around the block. They need to seek them out and mine whatever golden nuggets they have. That is one of the main reasons I think we need to see more mentoring throughout the industry.

I also think that we need to see greater use of the tools at hand like safety management systems across the board. It is often difficult to spot a trend with a slope that has only three data points on it. Safety management systems can help us plot more points and produce better information to help us make the right safety decisions.

When people know that they can raise their hand and say, “Hey, I think there’s a problem here,” it is then, and only then, that we are able to move forward in safety. If you have a situation where someone raises a hand and then is punished for doing so, all you have done is encourage silence. When you make silence the rule, when sweeping issues under the rug becomes the status quo, you have a recipe for disaster.

Unfortunately, we also need to recognize a basic truth here: we cannot regulate professionalism. No matter how many rules, regulations, advisories, mandatory training sessions, voluntary training sessions, it still comes down to the individual – the individual pilot, mechanic, technician, flight attendant or controller.

In conclusion, I want to say that while the Call to Action initiatives have been a major focus for me since joining the safety professionals at the FAA, their impressive work has been ongoing for years. Their work has resulted in eliminating fuel tank flammability, virtually eliminating commercial icing accidents, and drastically reducing the number of general aviation accidents in the state of Alaska, among many other things. Safety is at the core of FAA’s mission and we will always strive to make a safe system safer. Mr. Chairman, Senator DeMint, Members of the Subcommittee, this concludes my prepared remarks. I would be happy to answer any questions that you might have.