

STATEMENT OF MARGARET GILLIGAN, ASSOCIATE ADMINISTRATOR FOR AVIATION SAFETY, FEDERAL AVIATION ADMINISTRATION, BEFORE THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY, ON AVIATION SAFETY: ONE YEAR AFTER THE CRASH OF FLIGHT 3407. FEBRUARY 25, 2010.

Chairman Dorgan, Senator DeMint, Members of the Subcommittee:

Thank you for inviting me here today to provide you with an update on the Federal Aviation Administration's (FAA's) Call to Action on airline safety and pilot training. There is no question that the FAA's job is to ensure that we have the safest aviation system in the world. The aviation safety record in the United States reflects the dedication of safety-minded aviation professionals in all parts of our industry, including the FAA's inspector workforce. In an agency dedicated to aviation safety, any failure in the system, especially one that causes loss of life, is keenly felt. When accidents do happen, they reveal risks, including the tragic Colgan Air accident. Consequently, it is incumbent on all parties in the system to identify the risks in order to eliminate or mitigate them. As Administrator Babbitt noted when he appeared before you in December, history has shown that we are able to implement safety improvements far more quickly and effectively when the FAA, industry, and labor work together on agreed upon solutions. The fastest way to implement a solution is for it to be done voluntarily, and that is what the Call to Action was intended to facilitate. On January 27, the FAA issued a report that describes the progress made toward fulfilling commitments made in the Call to Action and offers recommendations for additional steps to enhance aviation safety. I would like to use this opportunity to review the issues the Administrator identified in December and let you know where we stand on them.

Pilot Flight Time, Rest and Fatigue: When Administrator Babbitt was last here he told you that the aviation rulemaking committee (ARC) he convened for the purpose of making recommendations on flight time, rest and fatigue, consisting of representatives from the FAA, industry and labor organizations, provided him with recommendations for a science-based approach to fatigue management in early September. While we were extremely pleased with the product provided, the ARC did not reach a consensus agreement on all areas and was not charged with doing any type of economic analysis. Consequently, in spite of the Administrator's direction for a very aggressive timeline in which to develop a Notice of Proposed Rulemaking (NPRM), his hope that a rulemaking proposal could be issued by the end of last year was not realized. The complexities involved with these issues are part of the reason why the FAA has struggled to finalize proposed regulations on fatigue and duty time that were issued in the mid-1990s. However, with the Administrator's continued emphasis on this topic, we hope to issue an NPRM this spring. Although this is slightly later than we originally hoped, it is still an extremely expedited schedule, and I can assure you the FAA team working on this is committed to meeting the target.

One of the issues contributing to fatigue that I know is of interest to many of you is that of pilots who commute by air to their job. I would like to describe some of the emails and letters the Administrator has been receiving on the issue of commuting from pilots who choose to commute by air to their job. As you can imagine, those pilots who commute responsibly are understandably concerned that they could be forced to relocate because of the irresponsible actions of a few. Should some sort of hard and fast

commuting rule be imposed, it could result in families being separated, people being forced to sell homes at a loss, or even people being forced to violate child custody agreements. It is important to keep in mind these personal accounts because, to people not familiar with the airline industry, the issue of living in one city and working hundreds of miles away in another does not make sense. But in the airline industry, this is not only a common practice, it is one airline employees have come to rely on. So we want to emphasize these issues are complex and, depending on how they are addressed, could have significant impacts on people's lives.

Focused Inspection Initiative: From June 24, 2009 to September 30, 2009, FAA inspectors conducted a two-part, focused review of air carrier flight crewmember training, qualification, and management practices. The FAA inspected 85 air carriers to determine if they had systems to provide remedial training for pilots. The FAA did not inspect the 14 carriers that have FAA-approved Advanced Qualification Programs (AQP) because AQP includes such a system. Seventy-six air carriers, including AQP carriers, have remedial training programs. An additional 15 air carriers had some part of a remedial training program. There were eight air carriers that lacked any component of a remedial training program that received additional scrutiny and have since instituted some component of a remedial training system. Since we started, all carriers have implemented some component of a remedial training program. The FAA inspectors also observed 2,419 training and checking events during the evaluation. In the few instances we observed regulatory non-compliance, we took corrective action.

Training Program Review Guidance: Based on the information from last summer's inspections, the FAA is drafting a Safety Alert for Operators (SAFO) with guidance material on how to conduct a comprehensive training program review in the context of a safety management system (SMS). A complementary Notice to FAA inspectors will provide guidance on how to conduct surveillance. SMS aims to integrate modern safety risk management and safety assurance concepts into repeatable, proactive systems. SMS programs emphasize safety management as a fundamental business process in the same manner as other aspects of business management. Now that we have completed our data evaluation and drafting, both guidance documents are in internal coordination.

Obtain Air Carriers' Commitment to Most Effective Practices: To solidify oral commitments made at the Call to Action, Administrator Babbitt sent a letter to all part 121 operators and their unions and requested written commitments to adhere to the highest professional standards. Many airlines are now taking steps to promote the larger airline's most effective safety practices at their smaller partner airlines. The Air Transport Association's Safety Council is now including safety directors from the National Air Carrier Association and the Regional Airline Association in their quarterly meetings. Several large air carriers are conducting periodic meetings with those with whom they have contract agreements to review safety information and we are encouraged by these efforts.

In addition, I am pleased to say that since July 2009, after the Call to Action, the FAA approved 12 new Flight Operations Quality Assurance (FOQA) programs. Three air carriers that had no Aviation Safety Action Programs (ASAP) have now established

them. Four more air carriers have established new ASAP programs for additional employee groups. All of this supports the contention that the Call to Action did make a difference.

Professionalism and Mentoring: Last week, the FAA met with labor organizations to discuss further developing and improving professionalism and transfer of pilot experience. In the interim, these organizations have answered the Call to Action and support the establishment of professional standards and ethics committees, a code of ethics, and safety risk management meetings between the FAA and major and regional air carriers. We also believe that labor organizations can explore some of the ideas raised in the Call to Action road shows, such as establishing joint strategic councils within a “family of carriers,” use of professional standards committee safety conferences, and mentoring possibilities between air carriers and university aviation programs, with the goal of coming up with concrete ideas on mentoring. These ideas merit further discussion and the FAA looks forward to continuing to work with these organizations on these concepts.

Crew Training Requirements: As the Administrator explained during his last appearance before this Committee, the FAA issued a rulemaking proposal in January 2009 to enhance training programs by requiring the use of simulation devices for pilots. More than 3,000 pages of comments were received. The FAA is now developing a supplemental proposal that will be issued in the coming months to allow the public to comment on the revisions that were made based on the comments that were submitted.

One of the things that the Call Action has shone a light on is the issue of varying pilot experience. The FAA is attempting to address this issue with an Advanced Notice of Proposed Rulemaking (ANPRM) in which we can consider possible alternative requirements, such as an endorsement on a commercial license to indicate specific qualifications. We know some people believe that simply increasing the minimum number of hours required for a pilot to fly in commercial aviation is appropriate. As Administrator Babbitt has stated repeatedly, he does 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.

The ANPRM requests recommendations from the public to improve pilot performance and professionalism; specifically on whether existing flight crew eligibility, training and qualification requirements should be increased for commercial pilots engaged in part 121 operations. The FAA is requesting comments and recommendations on four concepts for the purpose of reviewing current pilot certification regulations. The four concepts are: (1) requirement for all pilots employed in part 121 air carrier operations to hold an Airline Transport Pilot (ATP) certificate with the appropriate aircraft category, class and type rating, or meet the aeronautical experience requirements of an ATP certificate; (2) academic training as a substitute for flight hours experience; (3) endorsement for air carrier operations; and, (4) new additional authorization on an existing pilot certificate. The FAA has also asked for recommendations from industry and the public on any other concepts they may wish to offer. The ANPRM was published in the Federal Register on February 8.

Pilot Records: While Congress is working to amend the Pilot Records Improvement Act of 1996 and the FAA amends its guidance to airlines, Administrator Babbitt asked that air carriers immediately implement a policy of asking pilot applicants to voluntarily disclose FAA records, including notices of disapproval for evaluation events. The airlines agreed to use this best practice for pilot record checks to allow for a more expansive review of records created over the course a pilot's career. The expanded review would include all the records the FAA maintains on pilots in addition to the records airlines already receive from past employers. Of the 80 air carriers that responded to the FAA on this issue, 53 air carriers, or 66%, reported that they already require full disclosure of a pilot applicant's FAA records. Another 15% reported that they plan to implement the same policy.

As the Administrator stated when he appeared before you in December, the core of many of the issues facing the air carrier industry today is professionalism. It is the duty of the flight crew to arrive for work rested and ready to perform their jobs, regardless of whether they live down the street from the airport or a thousand miles away.

Professionalism is not something we can regulate, but it is something to which we must encourage and urge pilots and flight crews to aspire. The conversations we have been having, in part because of the Call to Action, help emphasize the importance of professionalism in aviation safety.

In conclusion, our efforts will not stop or even slow down just because the final report on the Call to Action was issued. We have been gratified with the response to this effort.

We believe that the collective efforts of FAA, the airlines, labor unions and, of course, Congress, will continue to result in implementing best practices, transferring pilot

experience, and achieving an overall improvement in safety. Safety is at the core of the 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.