

**STATEMENT OF
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**BEFORE THE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON TRANSPORTATION
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Chairman Rogers, Members of the Subcommittee:

Thank you for the opportunity to appear before you today to discuss funding and safety for the Federal Aviation Administration's (FAA) Flight Standards division. While speaking as a representative of the Professional Airways Systems Specialists (PASS), I am pleased to provide information from my standpoint as an Aviation Safety Inspector. I have been involved in the aircraft maintenance industry for the past 33 years, including positions in maintenance, inspection, and management in both air carrier and general aviation fields. For the past 15 years, I have been a Principal Maintenance Inspector in the FAA's Flight Standards division at the Cleveland, Ohio, Flight Standards District Office (FSDO). In this position, I serve as the primary airworthiness interface to initial and ongoing certification, surveillance, and technical administration of certificated air carriers, air agencies, airmen, designees and the FAA, within our geographical district.

At least on paper, the Flight Standards Service Performance Plan for fiscal year 2001 supports the FAA mission and goals for safety, organizational excellence and global leadership in aviation and is directly linked to the Department of Transportation's Strategic Goal of Safety contained in its 2000-2005 Strategic Plan. I am here today to inform you that FAA Inspectors need your support and influence to ensure these goals will be attained.

Our staffing levels remain well below what is needed to accomplish all our responsibilities and assure that safety is not compromised. On top of that, the Inspectors we do have can't spend enough time in the field doing inspections because of all the administrative tasks they have to complete. This is a serious problem. The hiring of additional Aviation Safety Technicians (AST) could help mitigate the effects of the staffing problem in numerous areas, such as performing research in support of investigations, certifications, inspections, and surveillance; preparing accident, incident, and enforcement reports; answering Freedom of Information Act requests; interfacing with the public; and assisting the Inspector in completion of certification, investigative, and surveillance tasks. Inspectors would be freed to adequately perform our jobs in the field, where we should be.

Inadequate staffing has caused problems in other areas as well, including the performance of crucial Initial Operation Evaluations (IOE's). FAA regulations require an FAA Operations Inspector to observe pilots, during their first few flights, after completing required initial or upgrade training to the position of Pilot in Command. This evaluation and observation requirement ensures the individuals possess the needed skills that the training was to provide, and qualifies the pilot to hold this position. With the tremendous growth in the aviation and transportation industry and the rapid need for qualified flight crews, the number of requests to accomplish this task is staggering and insurmountable given our current staffing levels. Instead of hiring more Inspectors to accommodate this influx of requests, the FAA has authorized air carriers to deviate from the FAA regulations to meet their responsibility and has authorized them to perform up to half of these pilot evaluations with their own company Check Airmen. A review of FAA's Safety Performance Analysis System (SPAS) data, from January 1998 to March of this year, indicates the FAA Inspector performed 18,812 of the more than 36,000 IOE's completed. This means that more than 6,000 new pilots are being allowed into the system per year without ever interfacing with Inspectors — the professional who ultimately must ensure that the pilots meet the minimum regulations to fly the American public. The responsibility of safety oversight on behalf of the FAA and the purpose of the regulation are seriously jeopardized and I believe will negatively impact aviation safety.

Another response to staffing problems has been to authorize more designees. Originally implemented to assist in completion of simple tasks like test administration, the FAA has expanded designees to nearly all aspects of aviation safety. Designees, who are authorized to perform functions on behalf of the FAA, do not work for the FAA, but are either self-employed or industry employees, and receive some form of compensation from industry customers. Customer satisfaction, not compliance with the regulations and aviation safety, is a primary concern of the designee. The authorizing of additional designees is spiraling out of control with more than 20,000 designees for FAA Inspectors to oversee. By empowering the industry to police itself and relegating its own highly skilled workforce to “checklist” duties, the FAA is not fulfilling its regulatory oversight responsibility and is endangering aviation safety. An increase in the Inspector workforce to ensure these inspections are conducted appropriately and in compliance with the regulations is imperative. Currently, oversight of designees is listed as one of the lowest priorities by Flight Standards management. I have performed oversight over several designees and the discrepancies I uncover are not uncommon. For example, in one inspection I performed on a Designated Mechanic Examiner (DME), the DME did not have the required equipment or knowledge to provide adequate evaluation of applicants. Additionally, two Designated Airworthiness Representatives, who are authorized to grant airworthiness certifications and approvals for aircraft, aircraft products and parts, did not understand the certification requirements and failed to ensure all the requirements had been satisfied prior to granting these approvals. With today’s ratio of Inspectors to designees being so lopsided and the fact that designee oversight is a low priority, Inspectors, such as myself, are concerned about the types of discrepancies that may be going undetected by the FAA. Let’s not wait for an accident before taking action. The agency should be conducting an in-depth analysis of the designee program to ensure aviation safety and make corrections or adjustments in this program to ensure compliance with the regulations.

Instead of correcting the problem, Flight Standards has chosen to add to it by developing a new process that will create an additional designee, a Maintenance-Designated Airworthiness Representative; a process generated in response to industry pressures. This representative will be authorized to grant approvals of data used to perform major aircraft alterations and repairs. While qualifications for this individual are being developed as part of the proposed FAA Field Approval Process Improvement, it’s currently in the prototype phase. Lack of adequate training and low surveillance priority will result in the *inspector* being unable to perform effective oversight of this individual.

While agency decisions regarding resource allocations are hindering many Inspectors, the agency is making other decisions that further erode the envelope of aviation safety. Recently, the FAA has started the questionable and potentially dangerous practice of switching oversight responsibilities to appease the wishes of some major carriers. Despite being directly contradictory to internal handbook policy, the FAA has begun switching oversight responsibilities of repair stations from FSDO’s, where the repair stations are geographically co-located and the Inspectors have the skills to conduct oversight, to an often times distant Certificate Management Office (CMO), whose primary concern is to manage the major air carrier’s certificate and oversee its operations. These new carrier repair stations also provide maintenance services to other carriers, which further complicates safety oversight. The agency has recently switched repair station responsibilities from the FSDO’s in Dallas and Indianapolis to the CMO’s in Atlanta and San Francisco, respectively. This problem is particularly serious now that the FAA has reallocated funds for Inspector travel to other agency initiatives. While these arrangements may be convenient for the carriers, we believe added convenience should not be achieved at the cost of aviation safety. Therefore, we ask this subcommittee to ensure the FAA follows its own policies,

place the responsibility for the repair stations back under the FSDO's, and keep an eye on a similar practice now beginning with the Part 142 Pilot Training Centers.

In addition to staffing and other problems, some detrimental situations could be corrected with common sense changes to agency policy. For instance, the "enroute inspection," one of the many job functions of Inspectors, could be more effective if we were allowed to perform them more appropriately. These inspections require an Inspector in an aircraft throughout a flight. Our mere presence generates and promotes a focused and sustained safety conscience of the crews and provides instant real time feedback on any noted discrepancies or problems being experienced by the carrier. These inspections result in swift, corrective action taken by the respective CMO. Current application of FAA policy is highly subjective, creating huge obstacles that must be overcome by the inspector and restricting the effective use of this tool to ensure the safety of the traveling public. This is in direct conflict with the recommendations from the 90-day safety review following the ValuJet crash in 1996, which found "the general public is safer anytime an Inspector is on board any aircraft for any purpose." Under these current conditions, aircrews are not being inspected during some of the busiest travel times, further jeopardizing aviation safety.

Ramp inspections, which ensure aircraft are in a condition for safe operation and enable Inspectors to observe how the air carrier performs its ground operations, are a critical function. Our FAA nationally issued security badge (8000.39) is not always recognized by airport security, thus preventing the Inspector from entering the secure areas of the airport where these tasks are performed. For example, following this hearing and while I'm waiting for my flight to depart Reagan National Airport, I could do a ramp inspection with absolutely no increased cost to the FAA or the American taxpayers, but I won't because my ID might not be recognized by airport security. In order for me to conduct the inspection, I would be subjected to the hassle of obtaining the local ID from airport security to gain access to the ramp, a process that could take up to a month. Therefore, I will wait in the departure lounge with the other passengers — yet another missed opportunity for oversight. I know of Inspectors who routinely travel to the same destinations and carry a dozen or more local ID's in order to perform ramp inspections in those locations. I ask this subcommittee to help get the FAA to correct this situation and have airport security honor the Inspector's federal credentials.

As referenced in the General Accounting Office Report, issued February 1998, titled *Weaknesses in Inspection and Enforcement Limit FAA in Identifying and Responding to Risks*, the recently implemented Streamlined Administrative Action Plan has reduced paperwork and processing time to complete administrative enforcements. The legal enforcement process still remains too cumbersome. Inspectors are recommending sanctions based on current FAA sanction guidance that are being dramatically reduced at the time of case settlement. Inspectors follow guidelines to determine sanction amounts, which may result in financial hardship for a company. The company often negotiates much lower sanctions with the agency. Companies consider these reduced sanctions as simply the cost of doing business, certainly not a deterrent. Since the time expended by the Inspector on research, investigation, and report preparation is considerable, a significant reduction in the sanction leaves the individual believing the efforts were in vain. Recently, a major air carrier experienced an incident and remained reluctant to quickly address and correct a serious problem affecting a fleet of aircraft. Compliance was finally obtained, enforcement action taken and the resulting fine that was levied was pennies on the dollar from what it should have been. Numerous examples of this are apparent and available to the public. These are some of the reasons that infractions requiring legal enforcement action are being underreported. In addition, Inspectors have been removed from an assigned operator based on the amount of enforcement action that was recommended or at the desire of an operator.

In conclusion, I would ask this subcommittee to provide proper oversight of the FAA to ensure proper staffing levels, adequate training and internal policies to promote the highest levels of aviation safety. With your influence in the process, we can ensure that the National Airspace System has the proper oversight and America's flying public can be assured that air travel in this country remains the safest it can be.