



## Background

Last year, U.S. Representatives John Mica (R-FL) and Pete Sessions (R-TX) requested that the Government Accountability Office (GAO) review inconsistent regulatory interpretations at the Federal Aviation Administration (FAA). The reason for the request was because the general aviation industry is continually confronted with varying interpretation of FAA regulations (FARs) by the agency's Regional, Aircraft Certification (ACOs) and Flight Standards District Offices (FSDOs). The 9 FAA regions, 10 ACOs and more than 80 FSDOs each issue approvals on a wide range of maintenance and operational requests made by regulated entities. These regulated entities include Part 135 on-demand charter operators, Part 145 repair stations, and Part 141 and 61 flight training facilities.

Varying interpretations from inspectors at a FSDO or ACO on how to achieve or demonstrate compliance with FARs are estimated to cost general aviation businesses hundreds of millions of dollars annually when previously approved actions are subjected to "re-interpretation." For example, a Part 145 repair station was informed by the FAA that the region with responsibility for oversight of the repair station would be changing. The NATA member company endured a lengthy, costly process as the new region with jurisdiction decided to reapprove the repair station's manual, used to prescribe performance of maintenance functions, and identified more than 75 "deficiencies." The manual had been deemed to be fully compliant with all FAR requirements and approved by the first FAA region, but the new region insisted that revisions be made according to *its* interpretation of the regulations. This drawn out process cost the repair station countless hours of employee time and hundreds of thousands of dollars in lost revenue while it implemented the new region's revisions.

## Issue

In October 2010, the GAO released a report titled "Certification and Approval Processes are Generally Viewed as Working Well, but Better Evaluative Information Needed to Improve Efficiency." The report was in response to the National Air Transportation Association's (NATA) request to a review the lack of standardization of regulatory interpretations at the regional and local levels.

The report unfortunately missed the mark by failing to provide meaningful information on the root cause and scope of the FAA regulatory interpretation inconsistencies and lacks an insightful analysis on how aviation businesses are impacted. Consequently, it serves only to highlight, again, that there is a problem. The following key failures in the report prevent it from being a useful tool in identifying a path to a long-term solution:

- The GAO report does not provide any empirical data on the scope of inconsistent regulatory interpretation.
- The report falls short in its attempt to categorize the types of circumstances in which inconsistent regulatory interpretations occur.
- The report does not explore or evaluate the impact on certificate holders of a local inspector's preference or opinion on how to meet regulatory requirements when previously the certificate holders' current process was approved by another inspector.

- The analysis omits the key causes of problems in certification and approval processes in flight standards. Those were identified by an expert panel as FAA culture, lack of accountability, rulemaking and guidance development process.
- Implementation of the top two recommended solutions to the issues involved with the certification and approval process – a change in FAA culture (increased accountability) and universal acceptance – was not explored.
- The GAO's recommended actions are so vague and non-specific as to be only marginally effective in addressing the core problem.

The report does highlight that industry believes there are problems in the FAA's processes related to certification and approvals. Before these problems can be addressed, a comprehensive evaluation to determine the full extent of this problem, including sufficient data to categorize variations by identifiable events within the certification and approval process, is necessary.

It's imperative that the U.S. Congress push the GAO to go back and review again the ongoing concern of lack of standardization of regulatory interpretations at FAA.