

February 21, 2013

To: Martin Eley,
Director General,
Civil Aviation AAR Transport Canada
Tower C Fifth Floor
330 Sparks Street
Ottawa, Ontario

Cc: Marie-Anne Dromaguet
Chief, Regulatory Affairs
CARAC Secretariat

Nicole Girard
Director, Regulatory Services

Re: Fatigue Risk Management Study on Flight Time and Duty Hours and Pilot Survey

Dear Sir and Mesdames,

We are writing to present the results of a helicopter pilot survey on Fatigue Management and Flight Duty Regulations in Canada. This survey was part of the petition, previously submitted, that was the dissenting voice of a large portion of the helicopter pilot community in Canada. Originally we had intended to present the survey results as a companion to the petition, but the survey authors were unable to complete it in time due to priorities in their full-time employment.

While it is true that the deadline for dissents from the Flight Duty Rest Period Working Group report has passed, we trust that the informed opinions of hundreds of experienced helicopter pilots will carry a great weight when decisions are being made of how to proceed with the Working Group report.

Within this letter we will explain the rationale, methodology, and the

results of the survey.

Rationale

A small, all volunteer, group of Day VFR Helicopter Pilots has taken such issue with the Flight/Duty Time Working Group Report that we felt compelled to seek out our fellow helicopter pilots' opinions and the benefit of their collective experiences on this matter, and then to make sure their voices are heard.

The volunteer group who organized the survey have all worked in the helicopter industry as pilots, and, additionally, have been active on committees and working groups whose main intent has been to study the causes of incidents and accidents, and to formulate ways to prevent them. Safety is paramount in our thinking about how helicopter operations should be conducted and, unfortunately, we see little practical safety benefit, to Day VFR Helicopter Operations, in many of the recommendations put forward in the WG report.

Purpose of Survey

The intent of the survey was to allow our fellow pilots the opportunity to express their opinion, shaped by real world experience, on fatigue and regulation - both the current regulations and the proposed changes. We wanted to capture a cross section of the frontline pilots, and make sure they were aware of the proposed changes, while gathering their opinions of those same changes.

Survey Organizers

The members of the volunteer group involved in organizing the survey were:

Matthew Collins	CH332464
Marc Schoenrank	CH399683
Corey Taylor	AH408463

We have all worked as frontline Day VFR Helicopter Pilots. Currently we hold positions with, respectively:

- A multinational Canadian based Oil and Gas Company as an Aviation Safety Advisor.
- Safety (Standards) pilot position at a large Canadian Day VFR Helicopter company
- Senior management at a large Canadian Day VFR helicopter company

There were numerous other pilots involved in question creation and concept support but the individuals named above were the principals.

The volunteer group engaged expert assistance to administer the survey, namely utilizing the services of Dr. Julie Booke of Mount Royal University, who had conducted helicopter safety surveys previously, to ensure participant anonymity and provide survey data integrity.

The Helicopter Association of Canada (HAC) assisted financially to support the survey (Dr. Brooke's time). The Association felt strongly that as part of its mandate to act as the voice of the industry it should help with this endeavor. The HAC did not initiate or direct the undertaking.

Methodology

We formulated the survey and petition on short notice and went live with it online on January 9th, 2013. The online survey and petition were structured to capture the opinions of helicopter pilots in Canada, with the option to "sign" the petition by providing a name, contact information, and a helicopter licence number, if opposed to the implementation of the Working Group's report. If contact information was incomplete, or if licence numbers were not provided, Dr. Booke disqualified those participants from the data.

While we recognize the possibility that our system was vulnerable to tampering, from parties either wishing to inflate our numbers or to simply call into question the integrity of the process, we received almost

200 direct communications from pilots expressing their support in the most vociferous terms. Some extrapolative exercises have instilled the greatest confidence within us that any errors are in the single digit percentile. Hundreds of pilots told us they would welcome your contact to receive their input so we encourage you to call them if you have any doubts as to the veracity of our survey and petition.

To protect the data and to encourage participation from pilots who are not willing to have their names publicized (a very small group from what we can determine), we engaged Dr. Julie Booke of Mount Royal University. The survey authors had previous experience with Dr. Booke, from a survey of all employees at one of the largest helicopter companies in Canada, and she was gracious enough to take this on with the shortest possible notice.

Survey Results

The groundswell of support we received, from the broadest possible base of the Canadian helicopter industry, was quite remarkable, and the results demonstrate the fact, all too clearly, that helicopter pilots in Canada, generally, do not think that the WG recommendations are a good idea, which is one of the kindest comments we can make based on the comments we received from hundreds of people.

The questions and results are broken down individually below. Upon beginning the survey the participant was provided background information including links to the WG report and other relevant documents. The Survey Preamble was intended to provide context for the survey participant:

The Survey Petition as it was presented online (redacted):

BACKGROUND:

In mid 2010, Transport Canada established a Working Group to examine the Flight, Duty and Rest Period regulations in Canada. The group had specific goals and met in excess of a dozen times before completing their report in August of 2012. The Helicopter Association of

Canada (HAC) participated in this process and brought technical advisors from industry to assist.

The members of the HAC group were all helicopter pilots, however, some of the other members of the WG contended that no “pilots” were represented since the HAC representatives were either management or appointed by management. The Airline pilots were represented by their various unions so it would appear that neither the helicopter industry, nor the many fixed-wing pilots that do not belong to a union were represented in this process, at least in the eyes of the Airline Unions.

We should all be clear that this discussion is about safety, and not about “How much we can make during the flying season.” We do not believe that any discussion of how these new proposals may impact a company’s, or an individual’s, bottom line is productive. We must focus on fatigue, the management of fatigue and the potential impact fatigue has on helicopter operations; but we must be clear on what exactly we are measuring and what effects any regulation changes may have on our industry.

During the HAC Conference in Calgary, in early November, the Director General of Civil Aviation appeared for a Question and Answer period. The hot topic was the proposed new regulations and the Director General repeated the contention that helicopter pilots were not represented by HAC or anyone else during the process. Since helicopter pilots have been left out of this process in the eyes of our regulator, with this survey and petition we intend to provide a voice for anyone that has an “H” licence in this country.

The following survey is designed to get the opinion of helicopter pilots in Canada. At the end of the survey is a petition portion wherein we are asking helicopter pilots, if they agree with the wording of the petition, to add their name and contact info. The petition will be presented to Transport Canada and the Canadian Aviation Regulatory Committee, to demand that they cease and desist from changing the currently existing regulations to those recommended by the WG, insofar as helicopter operations are concerned - specifically pilots. We are asking them to develop new regulations that are more suited to the helicopter industry and its pilots, after study of the specific challenges we face.

In order to participate in this survey and petition you must have a Canadian Commercial (AH or CH) licence as that is the demographic of people that will be most impacted by any of these proposals were they to become law. Furthermore, we ask that participating pilots are active in the Canadian industry as expatriate pilots working for foreign operators would not be impacted by the proposed regulations.

The Survey:

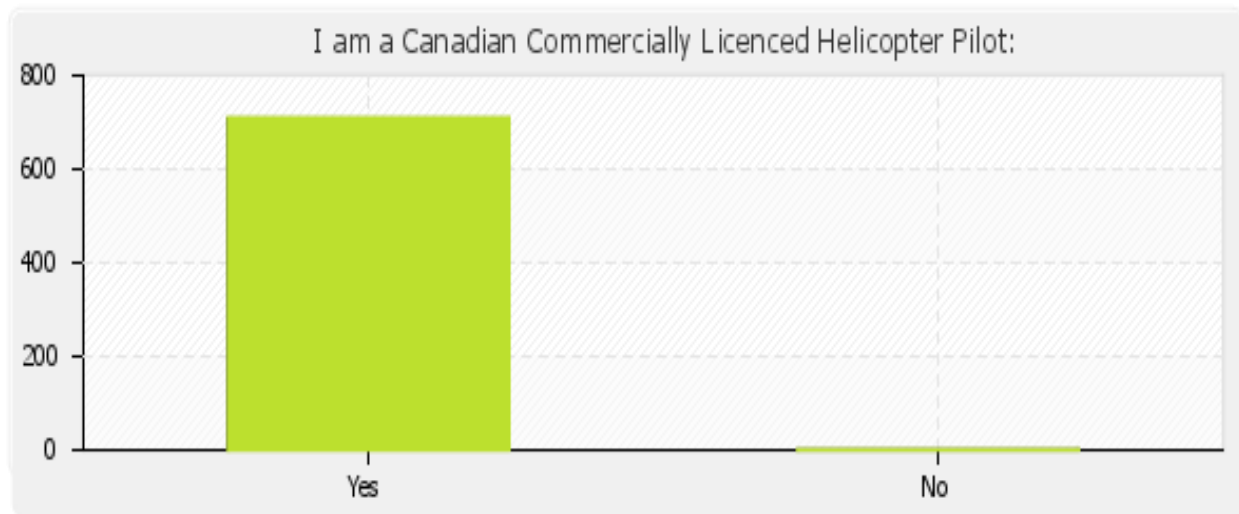
Below are presented the actual survey questions, plus the potential responses, with comments from the survey authors:

Questions 1 through 7 provide the survey results with the ability to define general sub groups within the participants. The goal was to make sure Day VFR pilots were participating in the survey, and to establish some baselines regarding experience.

Question 1

I am a Canadian Commercially Licenced Helicopter Pilot:

Yes No

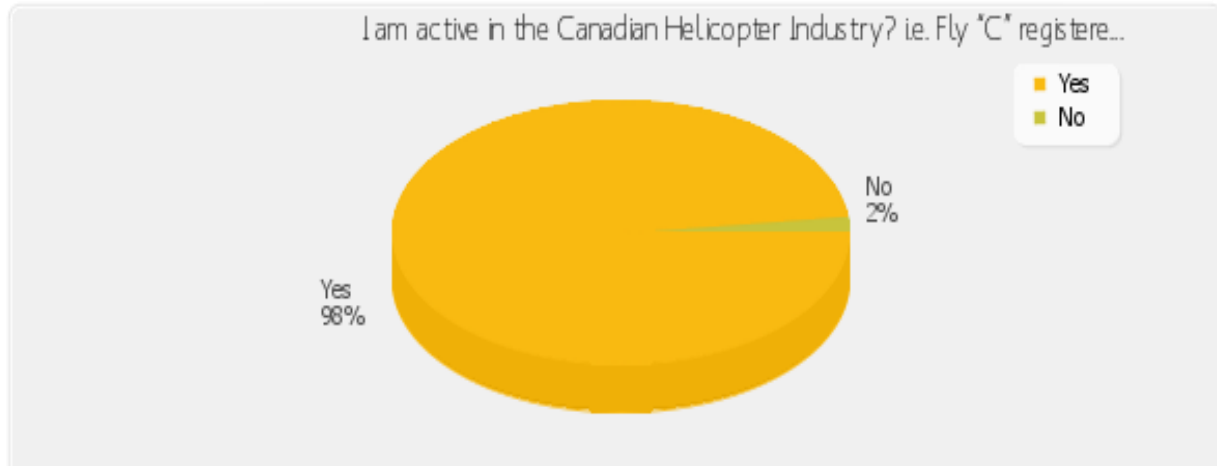


Over 700 persons, 99% of which purported to be helicopter pilots, completed the survey, in the 20 days that it was “live” online.

Question 2

I am active in the Canadian Helicopter Industry? i.e. Fly "C" registered aircraft within Canada or outside the country for a Canadian company.

Yes No



This question (2) was intended to eliminate any pilots who may be Canadian but are flying non C-registered helicopters overseas. Many, or most, of these positions involve much different schedules and pay structures than what is to be found in Canada, and we wanted to eliminate any bias from pilots that “prefer” another system. True safety was our focus. Several pilots contacted us who indicated they were retired but had spent decades in the industry within Canada, which we accepted as a legitimate contribution.

Question 3

To confirm you are a commercially licenced rotary wing pilot please provide your licence number.

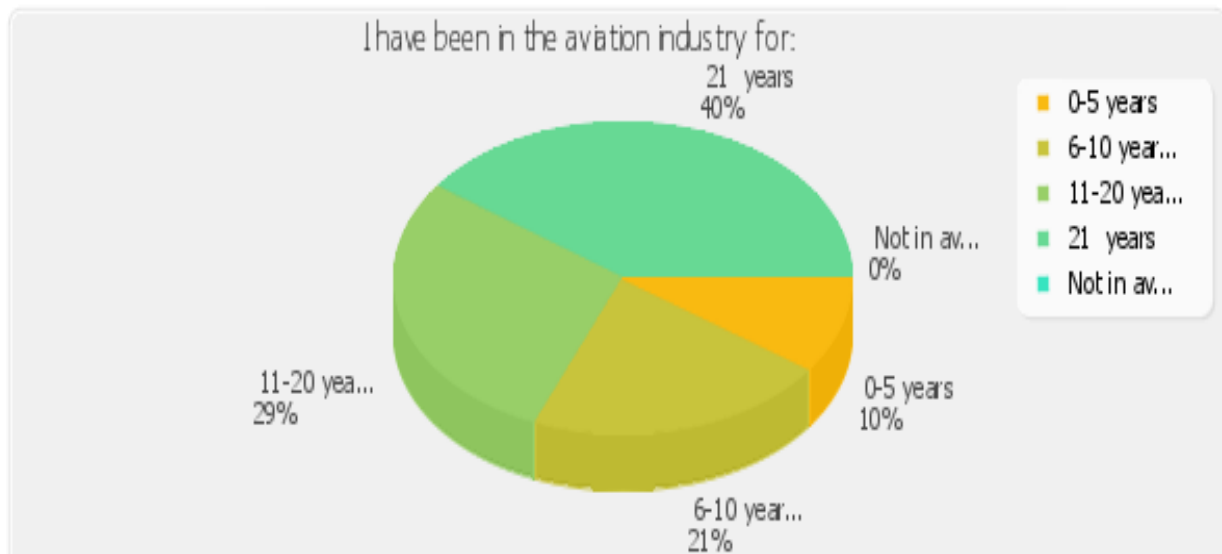
This information will only be seen by the survey conductor (3rd party) and will not be shared with anyone. At the end of the survey if you choose to sign the petition your licence number will be attached to your contact information for verification purposes. Only the survey conductor and the petition recipients (Transport Canada) will receive this information from the authors of the survey. The survey results will only be published in the aggregate with absolutely no way to identify any individuals.

We stated in this question (3) that we wanted CH and AH pilots to sign the petition. During the process we had other pre-fixed licences (notable VRC and QMD) sign their names and as near as we can determine these are, in fact, legitimate licences.

Question 4

I have been in the aviation industry for:

- 0-5 years
- 6-10 years
- 11-20 years
- 21+ years
- Not in aviation



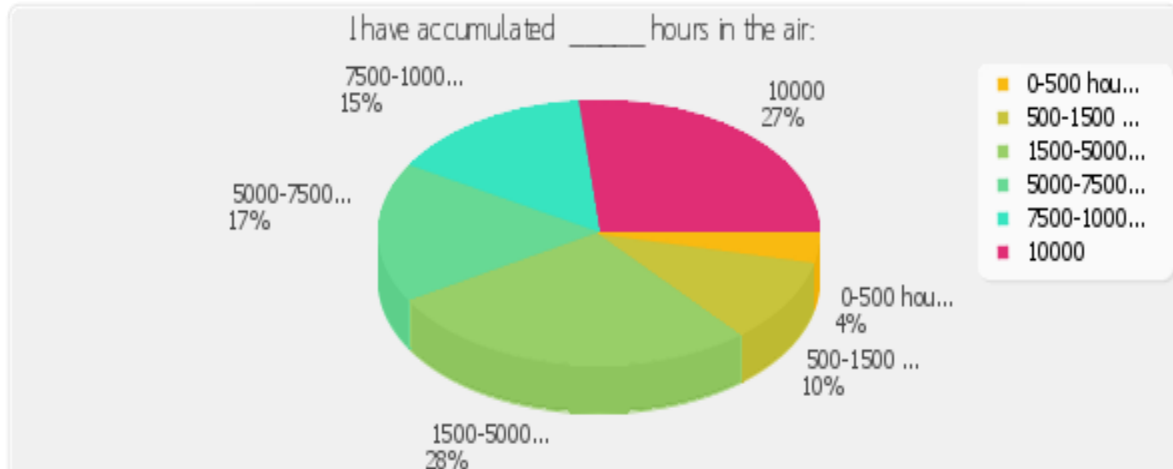
This question (4) was obviously designed to gauge the experience level of respondents. 40% have been in the helicopter industry for 21+ years. This means well over 5,000 years of experience was being represented from this single group.

Question 5

I have accumulated ____ hours in the air:

- 0-500 hours
- 500-1500 hours
- 1500-5000 hours
- 5000-7500 hours
- 7500-10000
- 10000+

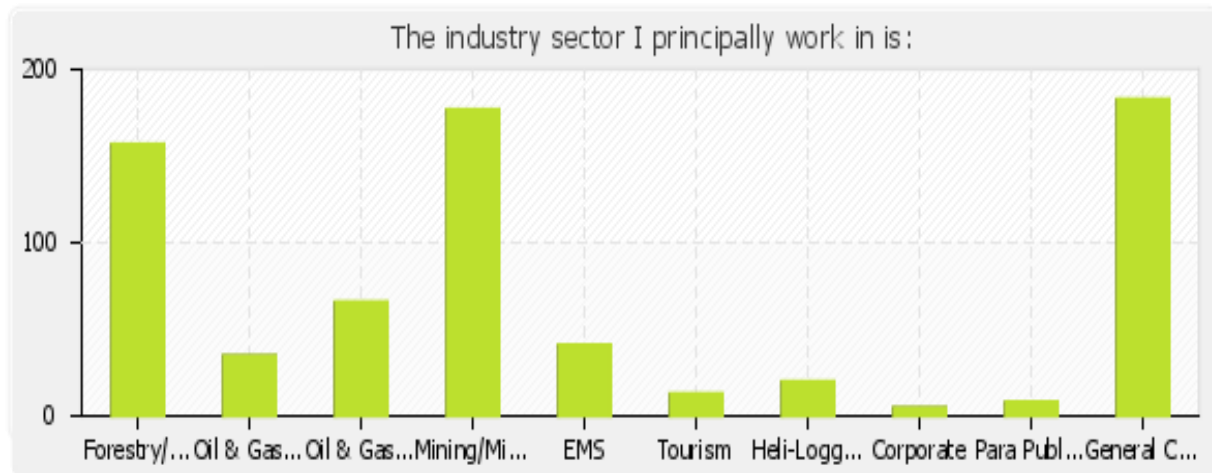
Pilots, Working With Pilots, For Pilots



Question 6

The industry sector I principally work in is:

- Forestry/Fires
- Oil & Gas - Production
- Oil & Gas - Exploration
- Mining/Mineral Exploration
- EMS
- Tourism
- Heli-Logging
- Corporate
- Para Public
- General Charter

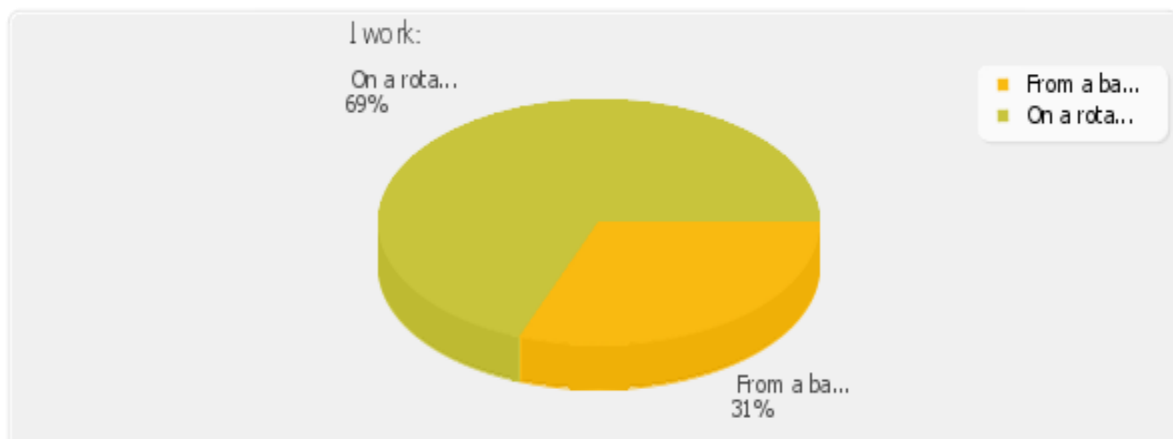


This question (6) was designed to determine exactly who the respondents were in terms of industry sector. As our focus was Day VFR operations we wanted to know how many IFR (EMS, Offshore, etc) pilots were participating as those sectors can be markedly different than Day VFR.

Question 7

I work:

- From a base and am home most nights
- On a rotational basis and am away for work in camps or hotels unless on time off



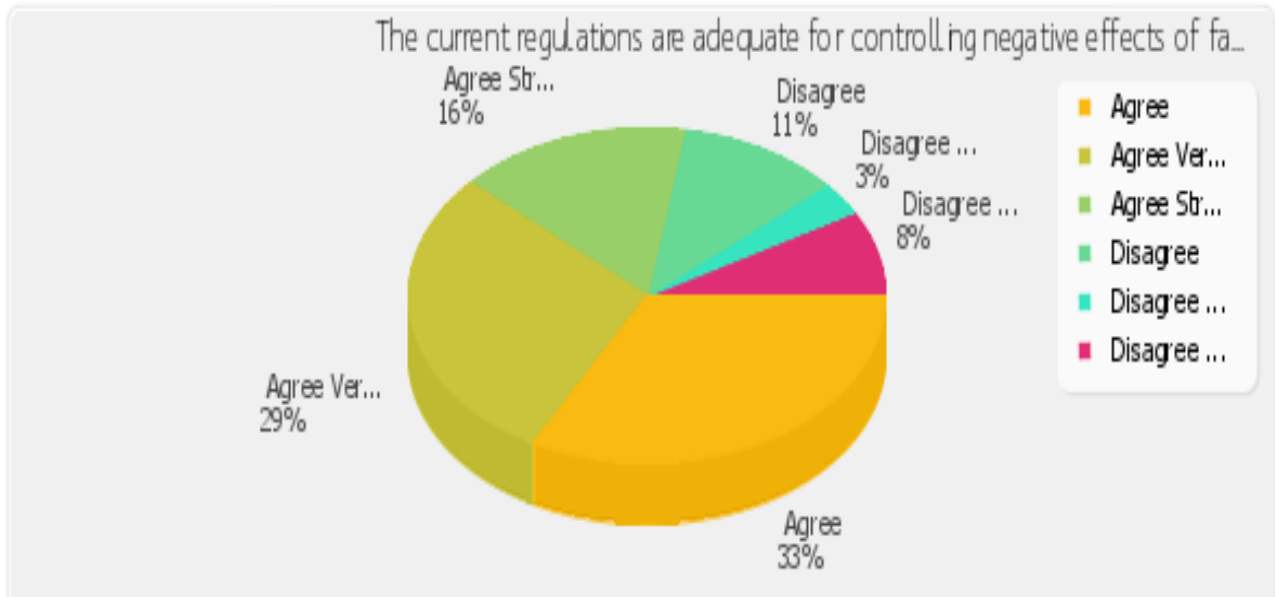
This question (7) was designed to determine how many pilots work “from home” in a standard work week and how many are “deployed”. As expected, this is at least a 2-to-1 ratio.

Question 8 is the first question measuring opinion on the current regulations effectiveness at controlling fatigue in the Day VFR Helicopter segment. Participants overall view the current regime as adequate.

Question 8

The current regulations are adequate for controlling negative effects of fatigue in the helicopter industry.

- Agree
- Agree Very Strongly
- Agree Strongly
- Disagree
- Disagree Strongly
- Disagree Very Strongly

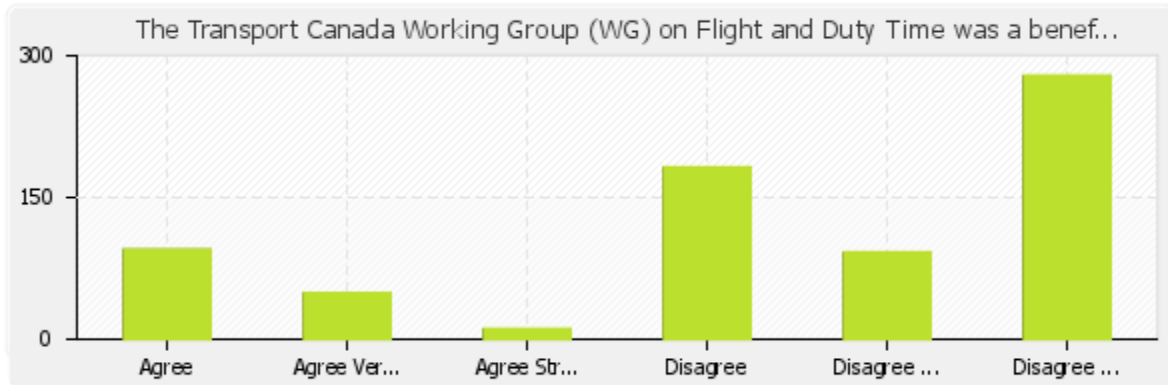


Question 9 is measuring opinions on the Working Group’s report and the likelihood of its recommendations providing a safety benefit for Day VFR Helicopter Operations. Overall, respondents did not see the report improving the Day VFR Helicopter segment.

Question 9

The Transport Canada Working Group (WG) on Flight and Duty Time was a beneficial undertaking and produced positive results for helicopter pilots in Canada

- Agree
- Agree Very Strongly
- Agree Strongly
- Disagree
- Disagree Strongly
- Disagree Very Strongly



Pilots, Working With Pilots, For Pilots

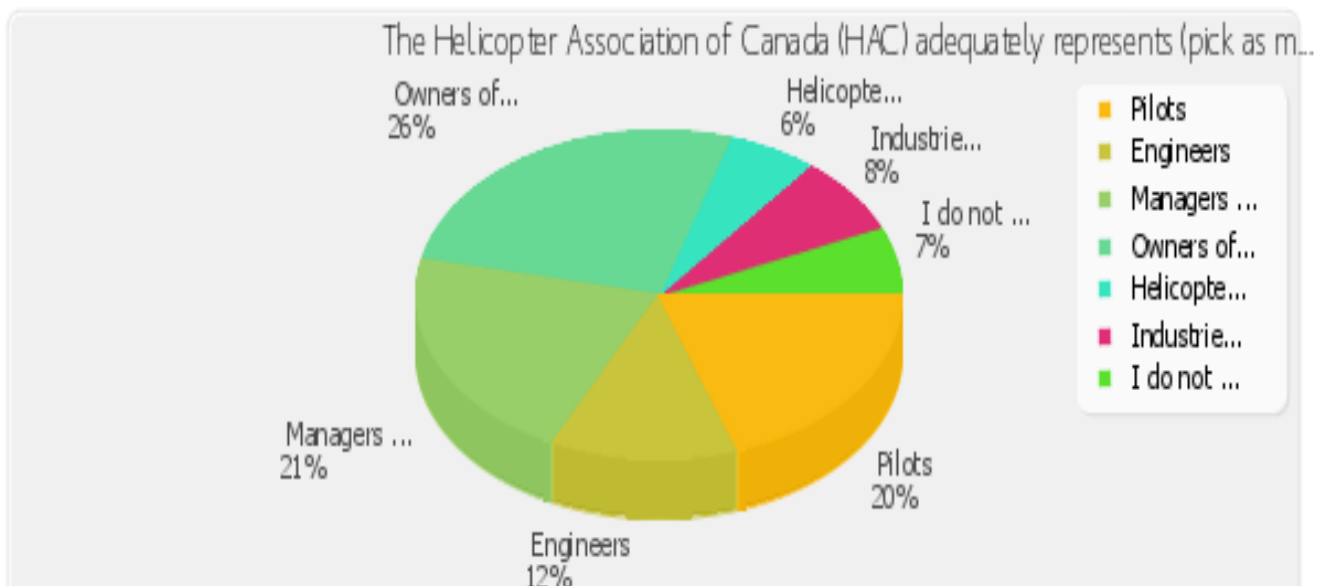
In alignment with the petition participation, 600+ pilots disagree, some more vociferously than others, with the claim that the WG report was a “good idea”, at least in the incarnation that was responsible for the WG’s recommendations.

Question 10 was intended to gauge pilots’ opinion on HAC’s involvement in industry. In order to address the concern that HAC was only representing “owners” and to assuage any worries of bias, we asked line pilots what and who HAC is and does. The results demonstrate that a sizeable proportion of helicopter pilots do believe that HAC does represent them, contrary to the contentions made by ALPA during the WG deliberations. The responses from participants indicate that HAC is viewed as furthering the causes of the helicopter industry with no clear bias towards any one group.

Question 10

The Helicopter Association of Canada (HAC) adequately represents (pick as many as appropriate):

- Pilots
- Engineers
- Managers of helicopter companies
- Owners of helicopter companies
- Helicopter manufacturers
- Industries that use helicopters
- I do not know what HAC does

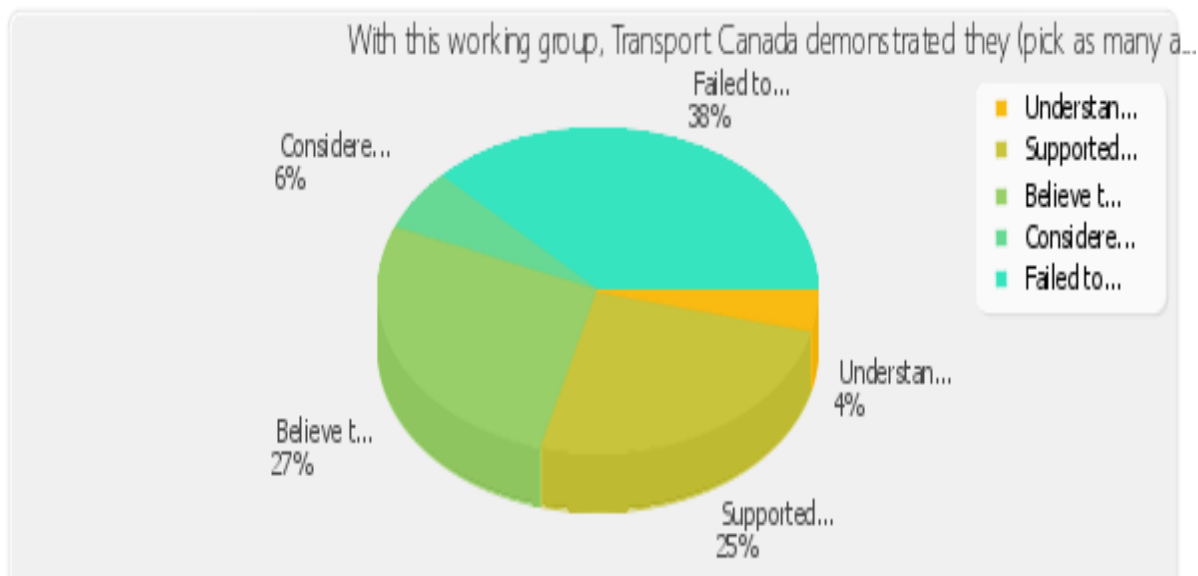


Question 11 measures opinions on the Working Group and its report and how appropriate both were in regards to managing fatigue in our industry segment. Results show participants believe the working group failed to understand Day VFR Helicopter operations. The majority of respondents also do not believe the WG results are about safety, or at least not as the primary focus.

Question 11

With this working group, Transport Canada demonstrated they (pick as many as appropriate):

- Understand the VFR helicopter industry
- Supported regulation change that favored airline operations over helicopters operations
- Believe that pilots of airliners and helicopters do the same kind of work
- Considered safety of flight as the first priority when drafting regulation change
- Failed to understand VFR helicopter operations and the nature of the Canadian VFR helicopter industry

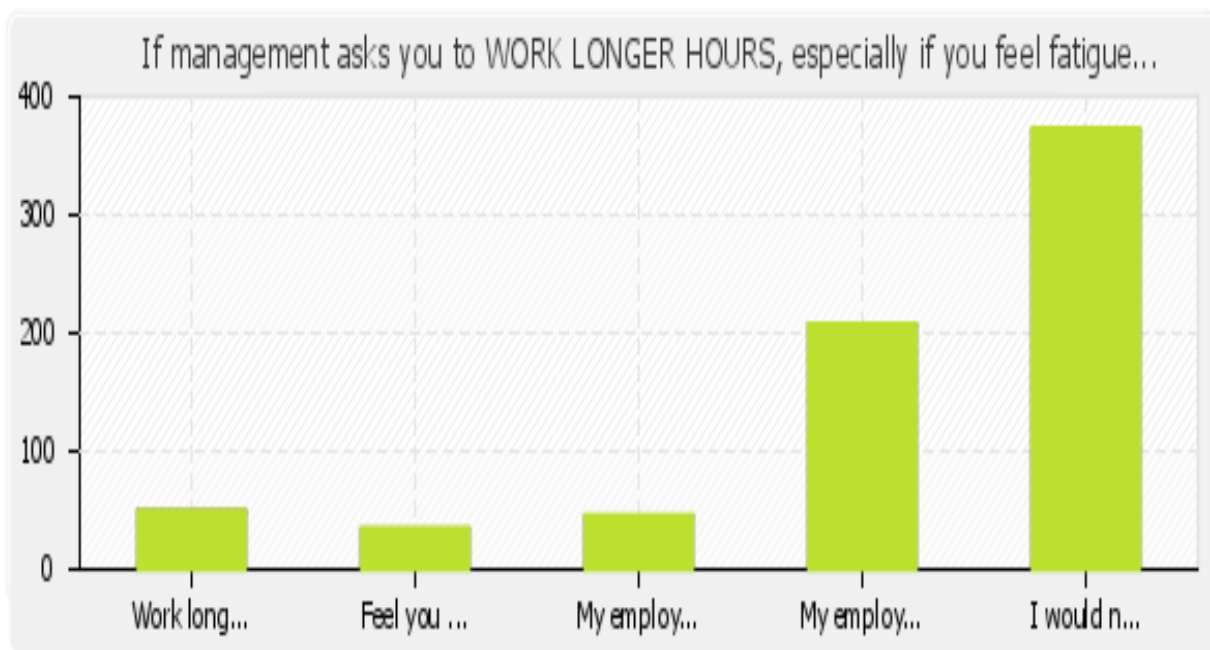


Question 12 This question was designed to determine whether pilots felt that management pressure could be an issue with regard to extensions of duty day or flight hours. The results are unequivocal: Approximately 200 pilots stated they have never been asked to extend when fatigue was a possibility, and 400 pilots (a sizeable portion of the active roster within Canada) stated they would not extend if fatigue was a possible impact. The PIC's decisions are considered to be sacrosanct in the Day VFR helicopter industry and an Operator that attempts a contravention of this precept does so at their peril.

Question 12

If management asks you to WORK LONGER HOURS, especially if you feel fatigue may be an issue, you:

- Work longer over concern you may be fired
- Feel you have to do it as there is no one to relieve you
- My employer never asks me to do something I wouldn't do
- My employer does not pressure me to extend my hours if I tell them I may experience fatigue during the extension
- I would not work longer hours, unless I felt fatigue was NOT an issue, as I understand my rights and responsibilities as Pilot in Command



Question 13 expanded on Question 12 and addresses pilots opinions on extending total number of days deployed. Similarly to Question 12, respondents did not feel pressured to extend deployments.

Question 13

If management asks you to work more days of rotation, especially if you feel fatigue may be an issue:

- Work longer over concern you may be fired
- Feel you have to do it as there is no one to relieve you
- My employer never asks me to do something I wouldn't do
- My employer does not pressure me to extend my rotation if I tell them I may experience fatigue during the extension
- I would not work additional days, unless I felt fatigue was NOT an issue, as I understand my rights and responsibilities as Pilot in Command

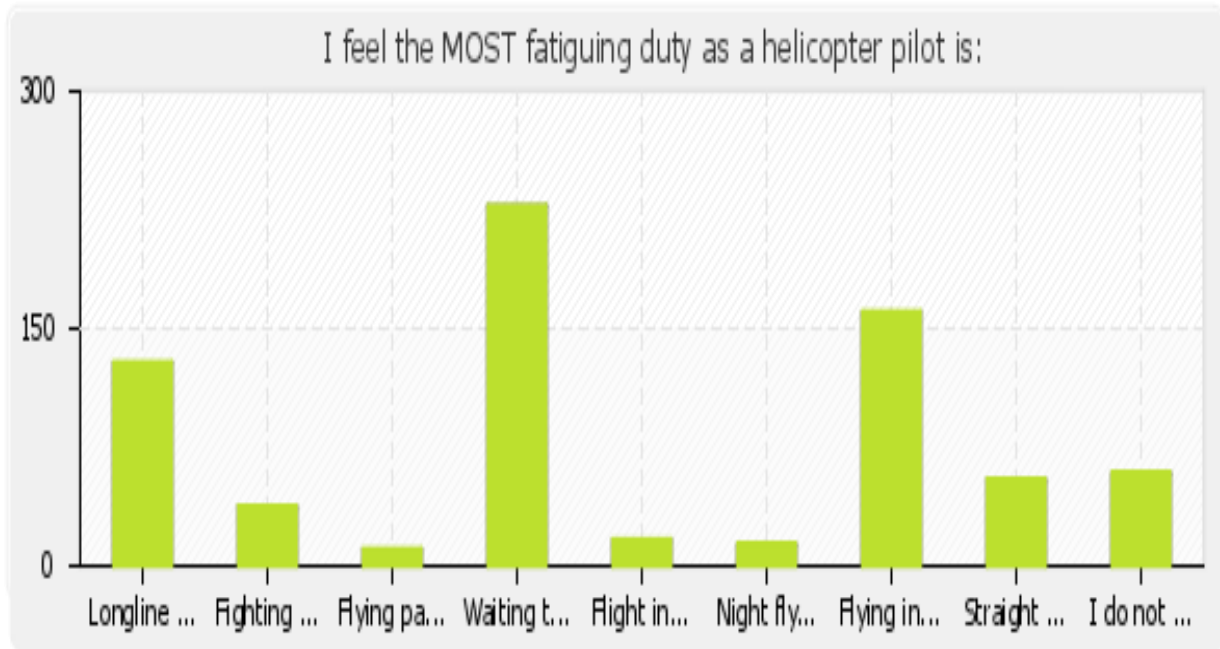


Question 14 was intended to discover under what circumstances pilots reported feeling fatigued. Boredom and operations in poor weather both were dominate factors in pilots reporting feeling fatigued. Boredom, or "waiting to go flying" having such an effect on fatigue, or the perception thereof, is germane to both the contentions of the working group, the beliefs of the authors of this survey and, obviously, the respondents to it. Since boredom is seldom a factor in helicopter operations, this provides further support for our demands that TC study what "Duty Time" means to a helicopter pilot, as opposed to an Airline pilot, before implementing regulations that fail to understand what they are regulating.

Question 14

I feel the MOST fatiguing duty as a helicopter pilot is:

- Longline operations
- Fighting fires
- Flying passengers
- Waiting to go flying
- Flight in Instrument Meteorological conditions
- Night flying
- Flying in bad weather
- Straight and Level Flight Cross-Country
- I do not recall feeling fatigued from my duties as a helicopter pilot

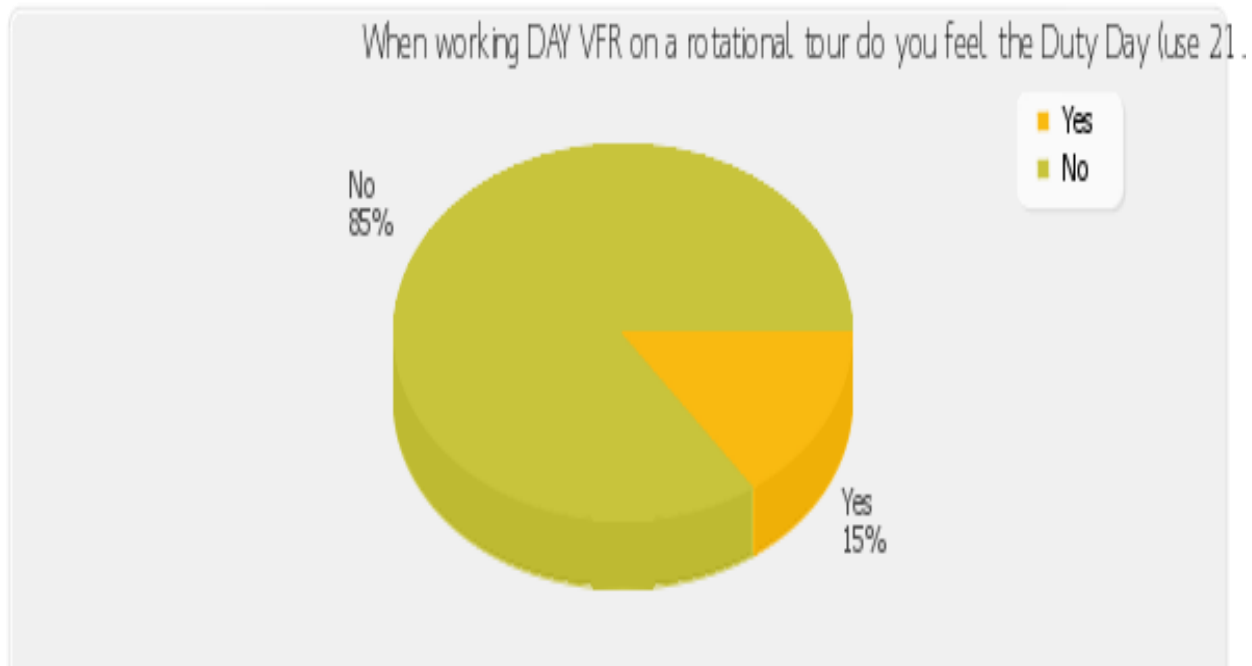


Question 15 asks respondents whether the length of a duty day contributed to fatigue during a deployment and whether it should be reduced during a deployment. Contrary to some recommendations an overwhelming majority of respondents did not feel the length of the duty day needed to be reduced. The survey results show that close to 600 pilots, a huge proportion of helicopter pilots in Canada, the vast majority of which have no management function, are all in agreement on this issue. This should demonstrate resoundingly that helicopter pilots in Canada generally do not feel themselves to be at the mercy or whim of management, contrary to statements made to the contrary by outsiders to the helicopter industry.

Question 15

When working DAY VFR on a rotational tour do you feel the Duty Day (use 21 day rotation as example) needs to be reduced as the tour progresses in order to avoid fatigue?

Yes No

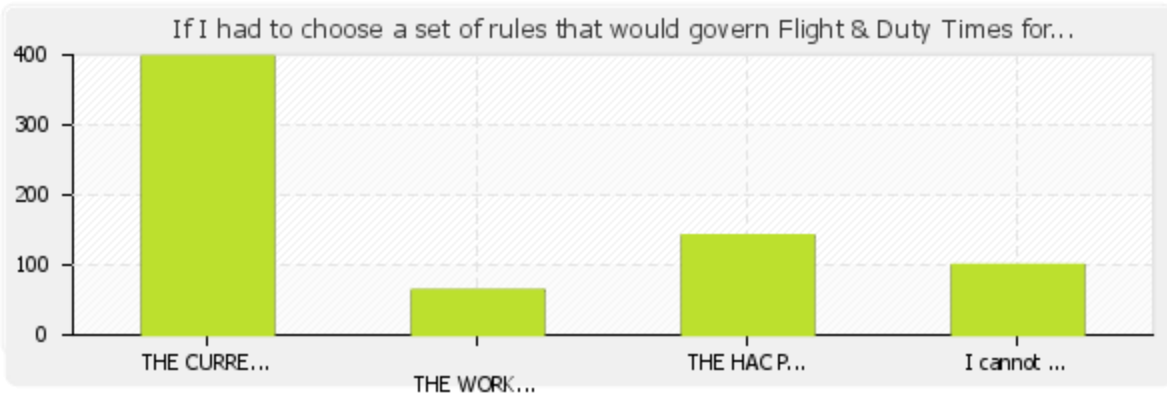


Question 16 asks the respondents to choose the best possible set of rules. The survey allowed respondents the chance to review the information. As is highlighted in Question 8, respondents feel the current regulations are adequate. The authors of the survey and, we believe, the majority of respondents, are not change averse. However, changes of such momentous proportions must be clear and unequivocal in addressing visible problems or issues and they must be designed to provide solutions to those problems or issues. With regard to the helicopter industry the "problem" has not been properly defined or studied, and nor have the proposals been designed to fit the industry segment to which the Survey Authors and respondents belong. Therefore the vast majority of helicopter pilots in Canada prefer no change than anything approaching the WG recommendations.

Question 16

If I had to choose a set of rules that would govern Flight & Duty Times for helicopters in Canada, I would choose [choose one]:

- THE CURRENT REGULATIONS
- THE WORKING GROUP'S PROPOSED NEW FLIGHT AND DUTY REGULATIONS. To read a summary - copy and paste the following URL into a new window (or survey responses will be lost) http://www.h-a-c.ca/Flight_&_Duty_Time_Post_Convention.pdf
- THE HAC PROPOSAL. To read a summary - copy and paste the following URL into a new window (or survey responses will be lost) <http://www.h-a-c.ca/Proposals.pdf>
- I cannot make an informed decision

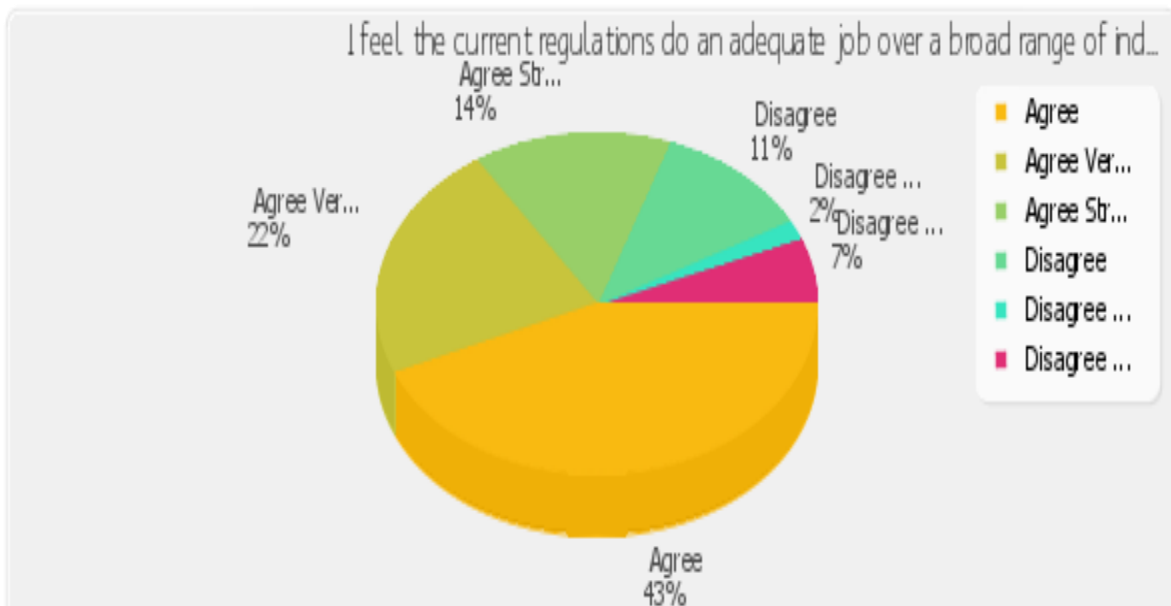


Question 17 asked respondents to consider helicopter industry segments that Day VFR helicopters service, from mining support to general charter work, and how the current regulatory structure functions over the whole. Overwhelmingly respondents agreed the current regulations are appropriate.

Question 17

I feel the current regulations do an adequate job over a broad range of industry segments.

- Agree
- Agree Very Strongly
- Agree Strongly
- Disagree
- Disagree Strongly
- Disagree Very Strongly

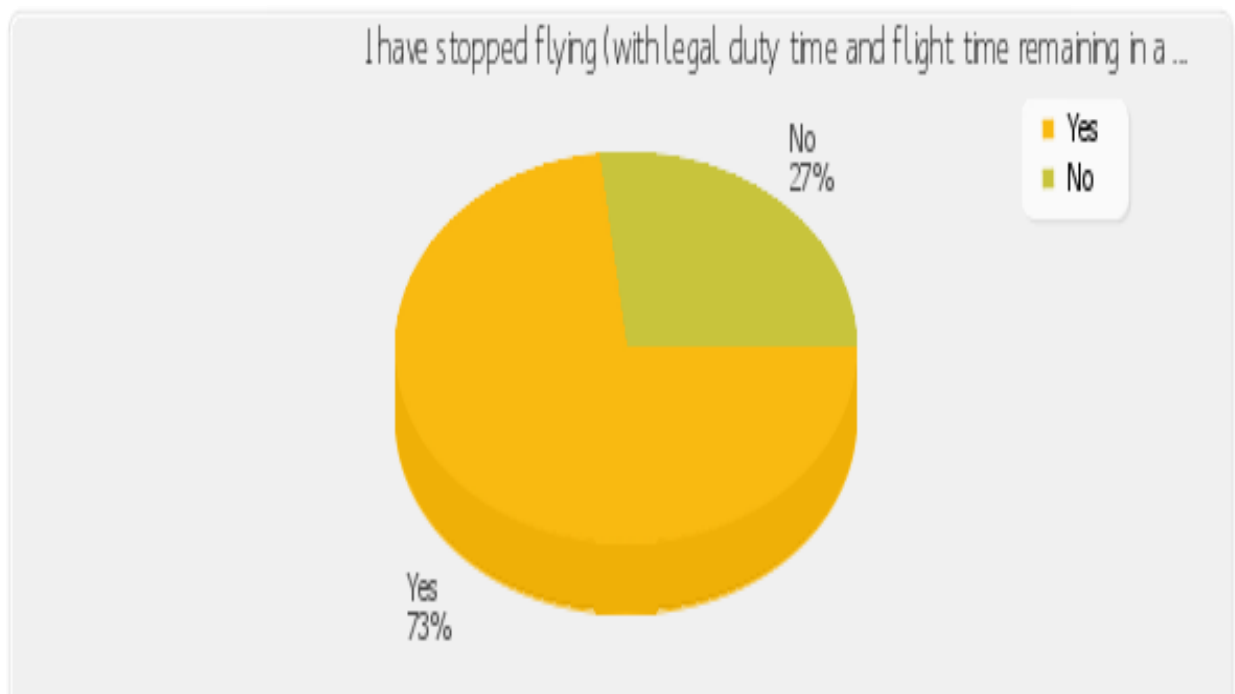


Question 18 gauges the behavior of respondents when faced with a choice about managing their fatigue levels and the job demands. Almost three quarters of respondents alter their work in order to deal with fatigue.

Question 18

I have stopped flying (with legal duty time and flight time remaining in a day) when I have felt fatigued.

Yes No

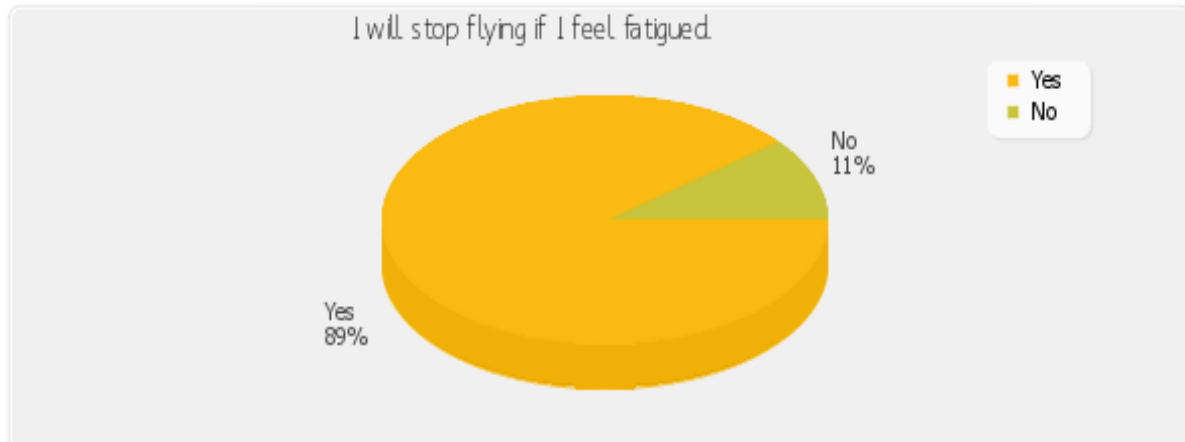


Question 19 asks the respondents about how they manage their fatigue at work. As with Question 18 a majority answered that they would alter their work to manage fatigue.

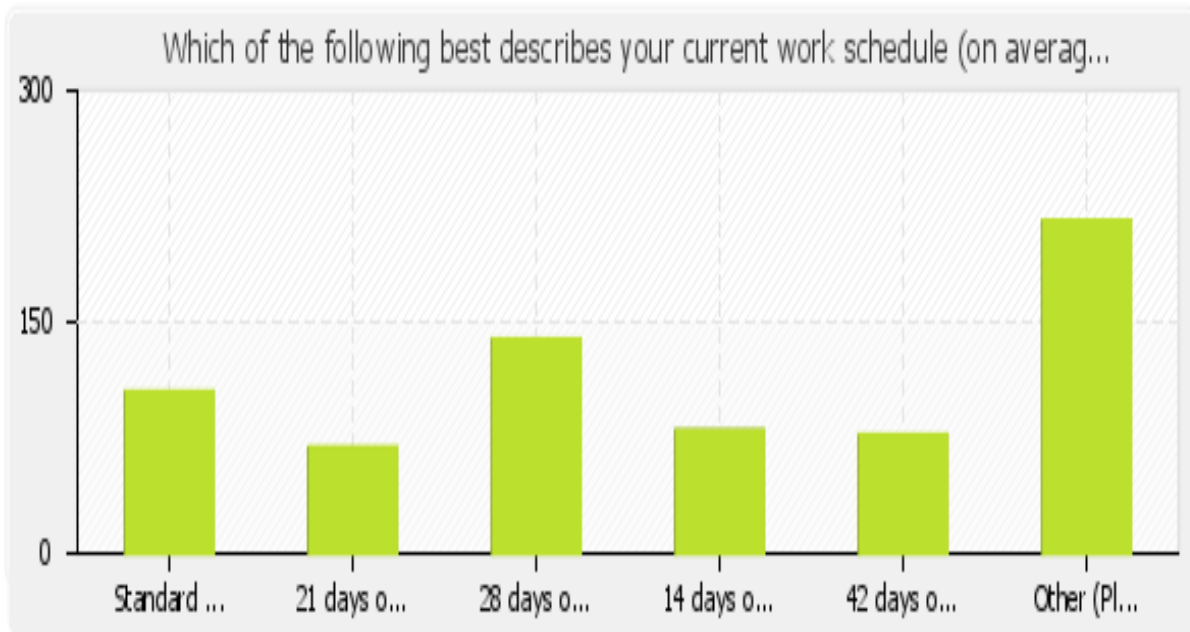
Question 19

I will stop flying if I feel fatigued.

Yes No



The results of **Question 20** clearly show that just because regulations allow a certain schedule, other forces are in play that provide many different levels of oversight, which then serve to provide limitations beyond regulation. This allows flexibility in tailoring schedules to fit individual jobs, geographic locales, pilot experience levels, etc. Unlike Airline Operations, which are, for the most part, the same everywhere, helicopter operations involve a myriad of nuanced factors that require a malleable framework. This is one of the reasons that Canada has an enviable safety record in helicopter operations while operating in some of the World's most challenging conditions. With this in mind, we feel we need to ask why Canadian helicopter operators would want to align their regulations with the rest of the world, where in many cases there is no equivalent to Canadian Domestic helicopter operations? In our opinion, as far as Day VFR is concerned, the rest of the world would be prudent to align themselves with Canadian rules and regulations, rather than the other way around. Many foreign Nationals come to Canada annually for training at any of a number of schools of advanced flying, which has no parallel anywhere else on the planet.

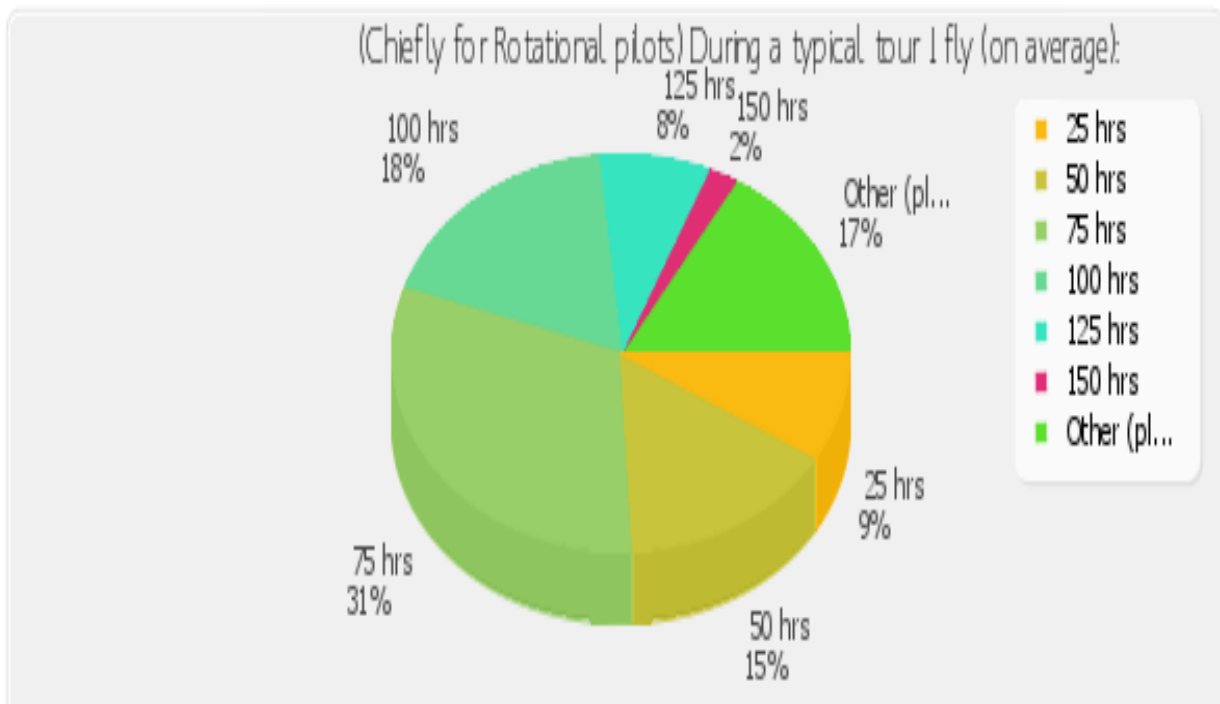


Question 21 is designed to learn how much flying occurs during a deployment. A majority of pilots fly 75 hours or less during a deployment length that is less than 28 days on average (based on question 20 – deployment lengths). Once again this demonstrates that what regulation “allows” is not used to the full extent as a matter of course, contrary to the statements made by some parties that “if it’s allowed it will happen”, as if economic pressure trumps safety in all matters. Instead the regulations are liberal enough to provide a flexible framework to enable the Canadian industry to survive and thrive.

Question 21

(Chiefly for Rotational pilots) During a typical tour I fly (on average):

- 25 hrs
- 50 hrs
- 75 hrs
- 100 hrs
- 125 hrs
- 150 hrs
- Other (please explain)

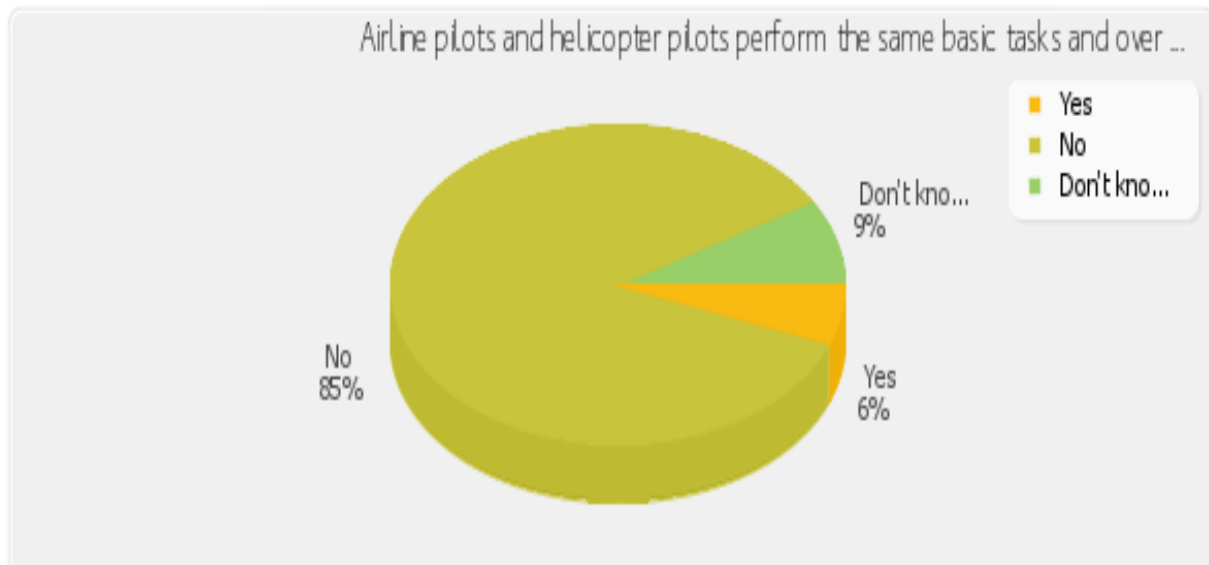


Question 22 asks if airline pilots and helicopter pilots perform the same work in terms of fatigue inducing tasks and events. The obvious answer – no - is the majority opinion. The survey authors expect it to be said that the Canadian Helicopter Industry doesn't know enough about the Airline Industry to have an opinion one way or the other, yet respondents are forced to choose with this question. If this is true than so must the opposite be true. We are willing to accept both of these precepts and feel they add weight to our argument. Only those that know a thing should have an opinion about that thing and if someone is to regulate and provide oversight of a thing they MUST know that thing better than anyone. We feel it is unassailably demonstrable that the WG did not and does not understand the Day VFR Helicopter industry and therefore should recuse themselves from making recommendations that will affect a segment of which the most that can be said of their knowledge is that they really have none to speak of.

Question 22

Airline pilots and helicopter pilots perform the same basic tasks and over the course of a duty day would experience the same level of fatigue?

- Yes
- No
- Don't know

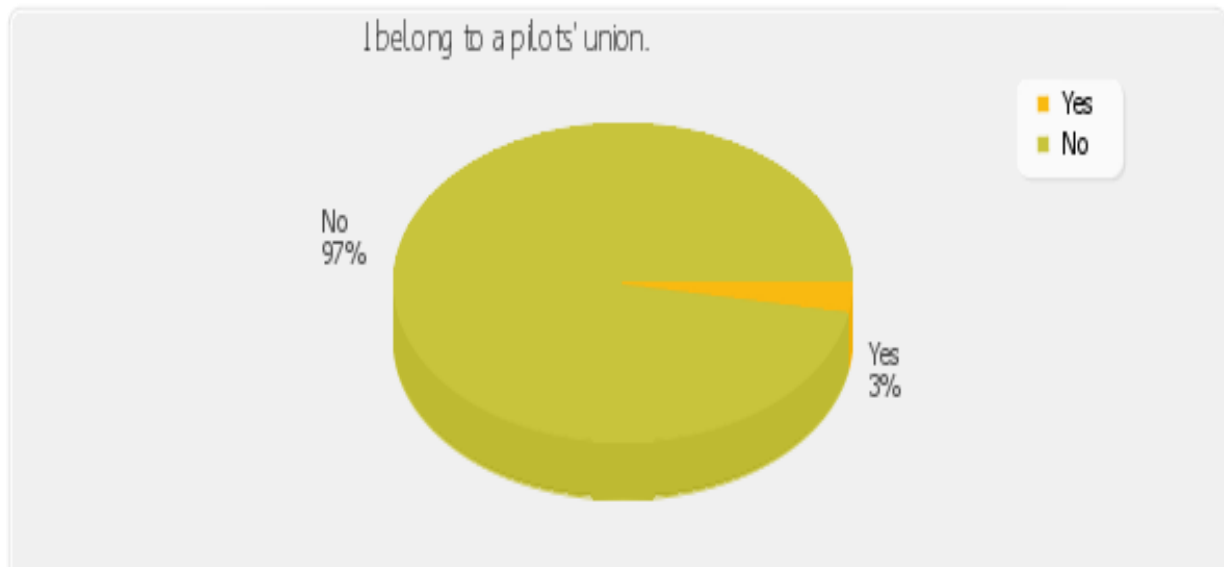


Question 23's purpose was to understand to what extent unions represent Day VFR helicopter pilots. With the working group's lack of helicopter pilot participation we wanted to understand if respondents had any formal organization beyond HAC representing their views.

Question 23

I belong to a pilots' union.

Yes No



Question 24 was the opportunity for Day VFR Helicopter Pilots to voice their opposition to the Working Group's report. Those who participated in the survey overwhelmingly signed the petition.

Question 24

If you agree with the above, as your signature to the petition, please provide the following contact information (only the survey conductor and Transport Canada will see this information):

Name in full:

Email or Physical Address:

Contact Number:

Please read the following petition, if you agree to the wording please PROVIDE YOUR NAME AND CONTACT INFORMATION below (only visible to the survey conductor and the recipients of the petition).

Transport Canada,

We respectfully request that these proposals, insofar as the helicopter industry is concerned, be reserved for further discussion and study, just as was done in Europe, and the United States.

We, the signatories to this petition, are all commercially licensed helicopter pilots.

We request that the CARAC Working Group findings on Flight/Duty Time regulations exclude the helicopter industry. We wish further Flight/Duty regulations pertaining to the industry segment be reserved for further discussion and study.

We believe the proposed regulations are not appropriate to the helicopter industry.

We believe there has been no effort on the part of Transport Canada to actually understand the tasks and duties performed by helicopter pilots as opposed to those of pilots that fly fixed wing aircraft, particularly airliners, and this has resulted in a mentality wherein anyone that flies is viewed as performing the same tasks and being subject to the same fatigue producing events in equivalent measures.

We believe that Transport Canada, while on the one hand stating that helicopter pilots were not represented in the process, has made no attempt to actually involve this group outside of the Helicopter Association of Canada, whom they claim did not represent those same pilots.

We believe that the Working Group report shows clear bias in not including a single recommendation made by the Helicopter Association of Canada during the WG deliberations.

We believe the Working Group report shows clear bias towards the Airline Unions by not including scientific data presented by Transport Canada's own fatigue expert on the fatigue elimination effect of consecutive days free from duty due to the conflict with current collective bargains between the airlines and the unions.

We believe the Working Group was tainted from the outset by Transport Canada's appointment of the President of the Airline Pilots Association of Canada as one of the co-chairs of the WG and one of the co-authors of the final report.

We believe an equivalent level of safety for all air transport in Canada is an essential goal but we do not believe the WG proposals will further that cause insofar as the helicopter industry is concerned.

We believe that airplanes and helicopters are inherently different and the daily tasks performed by pilots of each are likewise very different.

We believe that applying measures, that may work to control fatigue in airline operations, to helicopter operations is to miss the point that the pilots are not performing the same tasks, nor are they working the same schedules.

We believe that safety may be compromised by these measures due to loss of currency, skill dilution and pilot migration.

In Summary

The Working Group has produced recommendations that simply do not work in our industry. A significant cross section of Day VFR Helicopter pilots in Canada took time to participate in a survey and petition to express their opinion that more work is needed to address our industry's concerns.

Mr. Eley, helicopter pilots and airline pilots are not in the same industry. They do not work the same schedules. They do not perform the same tasks. They should not be lumped together into a one-size fits all approach to regulation. We ask that you please form another working group, one with a mandate to understand the various aspects of the Day VFR Helicopter industry so that appropriate, relevant regulations and guidelines can be established. Helicopter pilots are actively engaged in safety initiatives that are supported by management and clientele and would welcome the participation of Transport Canada.

Sincerely,

Matthew Collins

Marc Schoenrank

Corey Taylor

and

Hundreds of Canadian Helicopter Pilots