



## Helicopter Association of Canada

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Stephen Fletcher P.C., M.P.  
Minister of State for Transport  
c/o John-David Bridges  
Senior Policy Advisor  
Transport Canada

January 30 2013

Via email [john-david.bridges@tc.gc.ca](mailto:john-david.bridges@tc.gc.ca)

Honorable Minister:

The operator-members of the Helicopter Association of Canada collectively operate over 80% of the civil helicopters in Canada today. In our heavily regulated industry, the economic cost of regulatory compliance is significant, and we welcome your invitation to comment on burdensome and irritating regulations.

Thank you for the invitation to comment on your review of Transport Canada's body of aviation regulations. We have invited our members to comment on regulations "that may be out of date, unnecessarily burdensome, or simply no longer needed" and to comment on "specific irritants and issues". We have also invited them to comment on "regulations that require strengthening or realignment to accomplish their policy goals." We have circulated your invitation to comment to all of our operator-members and Associates, and we have received a variety of comments from operators - a summary of which we have provided below.

**a) The Form and Content of the CARs**

The structure and content of the CARs predated the concept of Safety Management Systems (SMS), and today's current regulations are largely prescriptive. That is, they are extremely detailed and offer little flexibility to operators who have embraced SMS concepts. Operators and departmental staff cannot even agree on a definition of "performance-based regulation", – and

there has certainly been no move by Transport Canada to work with industry to move away from detailed prescriptive rules.

Furthermore, at the same time that Departmental staff are encouraging helicopter operators to accept more responsibility for their own safety, the department is less willing to extend more authority to those operators to manage their own risks. In this way, the current regulatory structure is an impediment to safety, and Canada's body of regulation is out of step with the current drive toward SMS.

We fear that if the department does not follow through on its commitment to develop performance-based regulations that provide industry with the ability to benefit from the costly transition to SMS, then the requirement for SMS will be viewed as another layer of prescriptive regulation, requiring traditional Departmental oversight.

This issue has been raised many times by HAC with Departmental staff.

Our members have commented that issue is a "High Priority".

#### **b) Fatigue Risk Management**

A number of our members commented on the recommendations contained in the Fatigue Risk Management Working Group report dated August 15 2012. While the document only contains recommendations for regulatory change, the recommendations being promoted from within Transport Canada have the potential to become regulations, and if this were to occur they would be excessively burdensome to the helicopter industry. These prospective new regulations would have the effect of imposing airline-style flight time and flight duty time limits on flight crews in the helicopter industry – and that would cripple our segment of the aviation community. We urge you to direct your staff to work with the Helicopter Association of Canada and its members to find alternatives to the oppressive recommendations contained in the report - regulations better suited to the helicopter industry in Canada.

This issue has been addressed in multiple submissions by HAC and other industry associations during the Working Group's deliberations and through the CARAC process.

Our members have indicated that this issue is a "High Priority".

#### **c) Transport Canada Staffing Shortages & Declining Service Levels**

Our members have commented generally that the body of regulation that currently exists cannot be supported by the Transport Canada Inspectorate staff tasked to administer them.

Your officials in the field, in the face of budget cutbacks and staffing shortages, are overtasked and incapable of coping with the traditional form of oversight in the aviation community.

For example, our members have commented that they are experiencing lengthy delays for routine manual amendments and inspectors are less engaged with operators in need of their assistance owing to staffing limitations and excessive workload. We are led to believe that many Regional Inspector positions are going unstaffed owing to departmental budget restrictions.

HAC urges you to work with responsible individuals in the aviation community to revisit new ways to manage risk using trusted individuals in the aviation community.

This issue has been raised with Transport Canada on a number of occasions.

Our members have indicated that this issue is a “High Priority”.

**d) Regional Disparity**

A number of our members have commented that different regions interpret the CARs differently. Particularly for members that conduct operations across the country, in an area of Federal regulatory competence, this can be confusing and costly. A recent example of this problem is the regional disparity that exists where applications for Low Flying Permits are concerned. In the absence of clear Transport Canada policy on this subject emanating from Ottawa, the policies applied in the regions can vary widely.

This issue has been raised with Transport Canada on many occasions however, until there is an obligation on the part of the regions to adhere to policy that is established in Ottawa, there is unlikely to be any resolution of this problem.

Our members have identified this issue as a “High Priority”.

**e) NAFTA**

Many of our members are looking to export their services outside Canada, and they have indicated that the USA is a potentially attractive market, particularly where specialty air services are concerned. Opportunities in the American market have been frustrated by what our members consider are one-sided policies and bureaucratic delays that center around personnel licensing and citizenship.

A number of our members have cited in particular their frustration accessing fire-fighting opportunities in the United States. Their perception is that American operators are not limited by similar bureaucratic obstacles in Canada. They have asked us to invite you to conduct an examination of the reciprocity that exists – or lack thereof, where NAFTA’s Specialty Air Service bureaucratic requirements are concerned.

This issue has been raised with Transport Canada.

Our members have indicated that this is a “Medium” priority.

**f) Standard 625 Appendix C10. Non-stabilized Magnetic Direction Indicators (MDIs)**

“(a) Except as provided in (b) and (c), non-stabilized magnetic direction indicators shall be calibrated, and a dated correction card installed for each indicator, at intervals not exceeding 12 months;

(b) The annual calibration requirement of (a) does not apply to an aircraft operating under an air operator certificate, or to any large or turbine-powered pressurized aircraft, where:

(i) the aircraft is equipped with two independent stabilized magnetic direction indicators in addition to the non-stabilized direct reading magnetic direction indicator; and

(ii) a procedure for monitoring and recording the performance of the magnetic direction-indicators is detailed in the flight training unit's, or in the air operator's approved maintenance control manual approved pursuant to CAR 406 and CAR 706 respectively.

(c) The calibration requirement of (a)(i) can be postponed, for the purpose of flights commencing or terminating within the area of compass unreliability, as defined in the Designated Airspace Handbook (TP 1820), or any of a series of flights conducted within a period of seven consecutive days, where the series commences within the area of compass unreliability.

Issues – The modern world now includes improved navigation aids and communications not available when this 12-month calibration requirement of the magnetic compass was instituted.”

GPS systems should be specifically mentioned to eliminate the compass calibration requirement. Magnetic compass calibration should be after major airframe modification work or repairs only with (b) (i) including a GPS system. Small and unpressurized aircraft need to be addressed. Compass roses at smaller airports are generally a thing of the past. Pilot’s use of the magnetic compass is arguably non-existent with the advent of GPS and other navigational aids including portable units. (i) Two independent stabilized magnetic direction indicators should be expanded.

Impact - Once a year low-level flights specifically to “swing the compass” do have an element of unnecessary cost and inconvenience. Tracking and scheduling with non-revenue flight time has an economic impact. Tooling and or improper facilities with a less-than-suitable compass rose and land compass can facilitate improper adjustments from OEM settings. The common fact that many flight crews don’t use the magnetic compass anymore does influence staff responsible for the corrections card to not always adhere to full and complete maintenance requirements.

Transport Canada PMI’s have been approached many times. It is common for a maintenance schedule to be approved at the regional level with a tolerance to the 12-month inspection requirement.

Our members have indicated that this item is a “Medium” level of importance.

#### **g) Civil Aviation Daily Occurrence Reporting CADORS**

“Please note that for the most part, CADORS reports contain preliminary, unconfirmed data which can be subject to change”

The above statement appears at the bottom of each CADOR report issued on the website.

Generally speaking these initial reports contain incorrect information. Frequently these occurrences are written up and distributed without verification. The first call an operator gets from their PMI or POI is based on this supplied information. Time and resources are spent first of all, checking the accuracy of the report then supplying the accurate information to the PMI/POI.

Issue: Accuracy checking of CADORS Reports before making them public. These unsubstantiated reports are immediately available to the public and others. Any immediate corrected information is not immediately made available. After-the-fact changes to a CADORS report are difficult to address or get changed as there is no clear responsibility on who has authority to make changes and or more importantly which organization can authorize a change to be made. Customers and Media react to these unsubstantiated CADORS very quickly.

The reputation of the operator and future business is affected immediately by an “incorrect” CADORS Report. The inability to have its accuracy verified by the principal parties prior to “publishing” can put persons responsible for safety and airworthiness in a position of first correcting the report, then placating and reporting to TCCA POI/PMIs instead of immediate actions to correct or prevent re-occurrence.

The direct impact on aviation safety is that the current process diverts the attention of persons who can affect positive change away from the immediate problem and towards being defensive over unsubstantiated and incorrect CADORS.

Transport Canada has been approached on this issue in the regions and at headquarters. The operator has approached their PMI and a Safety officer with System Safety in Pacific Region. Both these persons were sympathetic to the operator’s concerns but had no official power to overturn or change a CADOR when another agency expressed reluctance.

A suggestion was made to the operator’s PMI to have a scheduled hold on CADORS before going on the official website and providing public access. During this period the principals could respond to address accuracy with the PMI/POI until the principals and the POI/PMI approve it. A time period (3 business days) could be agreed on and if there was no operator response, the CADORS report could go out as written.

Our members have indicated that this is a “Medium” level of importance.

h) **724.121 Contents of Company Operations Manual**

“The Company Operations Manual shall contain at least the following, as applicable to the operation:

(g-g) copies of all forms utilized including sufficient instruction on form completion; and”

Issue – Electronic and changes to forms require COM amendments which ties up regulatory and Operational AOC holder staff. It is also not practical and not practiced in the real world. However, by-the-book inspectors can hold an AOC holder to task over it. Application of this regulation is not uniform from inspector to inspector. MPM/MCM allows the use of IBR lists as reference to forms and the forms themselves are controlled outside of the MPM/MCM.

Impact: Repeated findings during PVIs because all forms used aren’t contained accurately in the COM as per 724.121 g-g are disruptive. AOC holders reluctance to update COM every time a form is changed has standardized procedures at-risk because what is in use doesn’t reflect the master control document (COM). Approval of small changes hold up the use of forms which were meant to accurately and quickly standardize procedures to eliminate mistakes, improve safety or compliance to new regulations. Reference to the form and even identifiers in the COM should exist but as forms and procedures change constantly to improve safety so must the ability of the operator to have controlled and standardized procedures available to all staff in a timely fashion.

The procedure has been discussed with various POIs. The operator’s experiences have been that most POIs insist on some semblance of the actual forms but do not worry about currency while others demand actual copies on-hand but are not too worried about changing the COM. A couple of POI’s have been rather stringent in their application of the Standard.

Our members have indicated that this is a “Low Priority” item.

The HAC would be pleased to meet with you to discuss or clarify these issues at your convenience.

Regards,

A handwritten signature in blue ink, appearing to read "Fred L. Jones". The signature is fluid and cursive, with the first name "Fred" being the most prominent.

Fred L. Jones BA LLB  
President & CEO