

## **REVIEW OF THE FEDERAL AVIATION ADMINISTRATION INTERNATIONAL AVIATION SAFETY ASSESSMENT (IASA) PROGRAM, ITS BENEFITS AND FAULTS**

**ACKNOWLEDGEMENTS:** My personal thanks to Bobby Booth, Chairman of AvGroup and Editor of AvNews Latin America & Caribbean, whom upon learning of my retirement announcement in late December 2005 graciously invited me to be a speaker at this conference. My first attendance to the CEO Conferences was in May 1997 at the Key Biscayne Sonesta Beach Resort and I was immediately captured by the interlocutors, the high quality of the presentations and the issues of the day discussed from the perspective of this industry, which unfortunately sometimes fell on death ears with many of my former colleagues in the FAA.. I then made a personal commitment to attend these gatherings on a yearly basis to help me understand , articulate and address these issues from my former office's point of view as we planned our policies and developed our technical assistance programs for this region in a more reasoned, productive and thoughtful manner. It also gave me a better insight in dealing with the 42 governmental regional civil aviation authorities that my office interfaced with, the two ICAO Regional Offices in Mexico City and Lima, and the various civil aviation regional organizations such as COCESNA, LACAC and CARICOM/ACAAC/RASOS. My personal thanks also to Guy Booth, President of AvGroup, Conference Chair Marshall "Sandy" Sinick, and John Jackson/Niurka Taquechel of the AvGroup for all of the courtesies extended.

**DISCOURSE SUMMARY:** The United States Federal Aviation Administration (FAA) established the IASA program through "public policy" in August of 1992. The FAA's foreign assessment program focuses on a country's ability, not the individual air carrier, to adhere to international standards and recommended practices for aircraft operations and maintenance established by the United Nation's technical agency for aviation, the International Civil Aviation Organization (ICAO). I will take any questions you may have at the end of my presentation.

**HISTORICAL SETTING/BACKGROUND:** Prior to 1990 the FAA had minimal concerns with foreign air carrier operations into the US, which were covered under 14 CFR 129, under the presumption that the states where these carriers operated from, who were signatories to the Chicago Convention document that created ICAO in Montreal, had agreed to comply with all of the Convention protocols, the current 18 annexes and the SARPS for these annexes under an "honor system". From the FAA's Flight Standards Service point of view, in 1990, their Miami International Field Office (IFO) only had three aviation safety inspector experts to oversee the all of FAR Part 129 air carriers in this region (Rene Cardona, Angel Molinaris and Raul Pomales; it is noteworthy that the current Miami IFO office is staffed with over 20 aviation safety experts). Then we had the unfortunate Avianca Flight 52 air carrier accident on January 25, 1990 in Cove Neck, NY. The Boeing -707 crashed due to fuel starvation on its third approach to JFK airport in NY. The crew "never" declared a fuel emergency and thus was vectored over Long Island before its third approach in low visibility conditions, with the loss of 73 lives out of 158 souls on board and a complete hull loss, After the Congressional hearings on the hill by the FAA oversight committees, in mid-1991, the FAA began to formulate a program to address these concerns on foreign air carrier operations into the US. This program included visits to twelve countries with airlines seeking authority to operate to and from the United States under FAR Part 129. After a trial period the findings convinced the FAA of the need to formally establish the IASA Program. Notice of the FAA new policy was published in the Federal Register, Vol. 57, No. 164, August 24, 1992. The purpose of the IASA is to ensure that all foreign air carriers that operate to or from the United States are properly licensed and with safety oversight provided by a competent Civil Aviation Authority (CAA) in accordance with ICAO standards. The IASA Program audits limit themselves to a minimal compliance with ICAO Annexes 1(Licensing of Personnel), 6(Operations of Aircraft) and 8(Airworthiness of Aircraft).

**IASA DISCUSSION:** A foreign air carrier of a sovereign state desiring to conduct foreign air transportation operations into the United States files an application with the DOT for a foreign air carrier permit under the Federal Aviation Act, newly recodified at 49 U.S.C. 41302. Parts 211 and

302 of the Economic Regulations of Department of Transportation (DOT), (14 Code of Federal Regulations (CFR) parts 211 and 302) prescribe the requirements for issuance of these authorities. Consistent with international law, certain safety requirements for operations into the United States are prescribed by the FAA's Part 129 regulations (14 CFR part 129). 14 CFR Part 129 specifies that the carrier must meet the safety standards contained in Part 1 (International Commercial Air Transport) of Annex 6 (Operations of Aircraft) to the Convention on International Civil Aviation (Chicago Convention). Before DOT issues a foreign air carrier permit, it notifies the FAA of the application and requests the FAA's evaluation of the respective CAA's capability for providing safety certification and continuing oversight for its international carriers.

Upon DOT notification of a pending foreign air carrier application, if the FAA has not made a positive assessment of that country's safety oversight capabilities, the FAA Flight Standards Service will then direct its appropriate international field office (IFO) to schedule an FAA assessment visit to the CAA of the applicant's country.

Once the assessment visits have been completed, the FAA assessment team will return to the United States to compile the findings. Appropriate notifications to the CAA and other U.S. Government officials of the results of the assessment will be made from Washington, DC, headquarters as soon as practicable.

If a CAA is found to be meeting its minimum safety obligations under the Chicago Convention, the FAA will forward a positive recommendation to DOT. If there is a pending foreign air carrier application, DOT will issue the requested economic authority and FAA will issue operations specifications to permit the carrier to begin operations to or from the United States.

When CAA's of countries with existing air carrier service to the U.S. are found to not meet ICAO standards, the FAA formally requests consultations with the CAA. The purpose of consultations is to discuss the findings in some detail and explore means to quickly rectify shortcomings found with regard to ICAO annexes, to enable its air carriers to continue service to the United States. During the consultation phase, foreign air carrier operations from that country into the United States will be frozen at existing levels. This policy is defined in a notice published in the Federal Register (Volume 60, No. 210, October 31, 1995). FAA may also heighten its surveillance inspections (ramp checks) on these carriers while they are in the United States. If the deficiencies noted during consultations cannot be successfully corrected within a reasonable period of time, FAA will notify DOT that carriers from that country do not have an acceptable level of safety oversight and will recommend that DOT revoke or suspend its carrier's economic operating authority.

When CAA's of countries with no existing air carrier service to the United States are found to not meet ICAO standards, the FAA does not, of course, undertake consultations. The FAA will notify DOT that the CAA does not have an acceptable level of safety oversight and its application for economic authority will be denied. The FAA will undertake a reassessment of the CAA after evidence of compliance with ICAO provisions has been received. FAA will, of course, be willing to meet with CAA's at any time, as resources permit.

After the assessment visit, consultations (if necessary), and notifications have been completed, the FAA will publicly release the results of these assessments. This policy revision, published in 1994 (Federal Register Vol. 59, No. 173, September 8, 1994), was made after considerable deliberation. It was determined that the findings of the IASA program regarding safety oversight shortcomings must be provided to all U.S. citizens so they can make informed choices in their international flights.

The FAA, budget permitting, does periodically revisit CAA's of countries with air carriers operating into the United States to maintain full familiarity of the methods of that country's continued

compliance with ICAO provisions. The FAA may also find it necessary to reassess a CAA at any time if it has reason to believe that minimum ICAO standards are not being met.

At present, there are close to 600 foreign air carriers that operate into the United States. There are approximately 103 countries or regional country alliances that have oversight responsibilities for air carriers that either currently operate into the United States or that have air carriers that have applied to operate into the United States. At present the results of 100 completed CAA assessments have been publicly disclosed at the FAA web site ([www.faa.gov/safety](http://www.faa.gov/safety)). This web site has the most current information on the IASA program, checklists used by the aviation safety inspectors during these audits, results, results definitions, Federal Register Notices and the Model Aviation Regulatory Document (which includes the model law, regulations and guidance based on US (FARs), European (JARs), Canadian, Australian and ICAO Annexes and SARPs) developed under ICAO Technical Assistance Program RLA/95-003 by the US and made available to all 189 ICAO signatory states for their use.

After the FAA started the IASA program in the US, it morally forced ICAO to start a voluntary safety audit program in March 1995 and ICAO finally migrated to its mandatory Universal Safety Oversight Audit Programme (USOAP) in October 1998 (The US was one of the initial states audited by ICAO under USOAP). ICAO has audited over 160 states out of the 189 member states. In a general ICAO meeting of all of the world's DGCA's in March 2006 they agreed on making the summary audits available to the flying public by 2008.

The initial IASA findings have shown that two thirds of the countries audited were not fully complying with ICAO standards. Deficiencies found in FAA assessments typically fall into major categories. These categories are almost identical to the deficiencies found by ICAO, during 1993, in its safety surveillance project surveying six Asian countries. These deficiencies included:

- inadequate and in some cases nonexistent regulatory legislation;
- lack of advisory documentation;
- shortage of experienced airworthiness staff;
- lack of control on important airworthiness related items such as issuance and enforcement of Airworthiness Directives, Minimum Equipment Lists, investigation of Service Difficulty Reports, etc.;
- lack of adequate technical data;
- absence of Air Operator Certification (AOC) systems,
- nonconformance to the requirements of the AOC System
- lack or shortage of adequately trained flight operations inspectors including a lack of type ratings;
- lack of updated company manuals for the use by airmen;
- inadequate proficiency check procedures; and
- inadequately trained cabin attendants.

Some of the same items are also found on FAA ramp checks of foreign carriers while in this country. This list is long but by no means exhaustive and points out a continuing safety oversight problem that several ICAO member States need to address within its own CAA. These are also problems that must be corrected before carriers from those CAA's can operate on a regularly scheduled basis to and from the United States.

In this region 33% of 30 regional CAA's that have been audited do not comply with these minimum criteria. When I first arrived at my former office in the summer of 1996 the non-compliance rate was at 65%. The CAA's that do not currently comply are:

Belize, Dominican Republic, Ecuador, Guatemala, Guyana, Haiti, Honduras, Nicaragua, Paraguay and Uruguay.

## **BENEFITS:**

- 1- The FAA is working to determine that each country meets its obligations under ICAO and to provide proper oversight to each air carrier operating into the U.S.
- 2- The continued application of this program will result in a lower number of safety-related problems, including accidents, incidents, and an improved level of safety to the flying public.
- 3- It has raised the "safety" paradigm worldwide by having ICAO be the standard bearer and lead safety efforts.
- 4- Has not lead to "black listing" of air carriers as proposed by EU.

## **FAULTS:**

- 1- It has in some instances been accused of personal subjectivity and inconsistency amongst different IFOs and FAA regions.
- 2- It inordinately punishes the FAR 129 air carrier for CAA/governmental lack of budget/prioritization/focus.
- 3- The lack of "freezing" of US air carriers flying into IASA Category 2 countries (Bobby Booth doctrine).
- 4- It has at many times been "politically" rather than "technically" driven by Department of State/ Department of Transportation
- 5- There is no "administrative" review process of IASA final decisions by impacted CAA's or Part 129 air carriers.
- 6- There is a lack of statutory codification as compared to the foreign air carrier aviation security program administered now by TSA.

## **PROGNOSIS:**

The lack of political will and resources to address the IASA shortcomings are slowly disappearing as resources to address these problems are being made by multi-lateral lending institutions such as the World Bank, the Inter-American Development Bank and some air frame manufacturers. Sub-regional safety oversight bodies/authorities such as COCESNA, LACAC and CARICOM's RASOS are now harmonizing law, regulations, share technical resources and train personnel. Private sector firms/consultants, as well as the ICAO Technical Cooperation Bureau and FAA reimbursable technical assistance are also available.

Progress to get out of FAA IASA Category 2 will be slower than desired, probably no more than 2 CAA's per year. Political changes in states and wholesale change of technical personnel will impact progress made and may have some Category 1 CAA's move back to Category 2.

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