

Dr. Nancy Beck  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17<sup>th</sup> Street, N.W.  
New Executive Office Building – Room 10301  
Washington, D.C. 20503

June 15, 2006

Re: Proposed Risk Assessment Bulletin

Dear Dr. Beck,

On behalf of the commercial aviation industry, I am submitting comments in response to the Proposed Risk Assessment Bulletin (RAB). I currently serve as Co-Chair of the FAA's premier safety initiative CAST (Commercial Aviation Safety Team). In this role, I represent a wide range of industry interests, including commercial air carriers, aviation labor, manufacturers, operators and domestic and international aviation associations (see Appendix A for a complete list). As explained below, we have significant concerns with the proposed bulletin as it relates to the aviation industry and the Federal Aviation Administration.<sup>1</sup>

By way of background, CAST was commissioned in 1997 with a mandate to reduce the commercial aviation fatality rate 80% over a 10-year period ending in 2007. As of the date of this letter, the CAST initiatives are on track and have contributed to the lowest fatal accident rate in aviation history during a time when commercial aviation expanded exponentially. In addition, fatality *risk* has also been proportionally reduced.

The CAST group performed historical research into the primary and contributing causes of fatal aviation accidents, and ranked and weighed the risks in order to prioritize a Safety Enhancement (SE) initiative list. A primary task was to create a ranking of SE's -- relating to technology, equipment, training and procedural change -- that demonstrated the maximum risk reduction with full consideration of the economic impact on both industry and government. Over time, the FAA and the industry agreed to implement the SE's, which are 70% complete. This implementation reflects a mix of regulation, voluntary action/investment and best practice application.

What is unique and important about the CAST initiative, as well as other collaborative efforts between the FAA and the industry such as Data Analysis (FOQA) and Confidential Safety Reporting Programs (ASAP), is the high rigor of work based upon a confidential and trust based process which created efficiency and eliminated redundant work.

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<sup>1</sup> These comments only reflect the views of the industry members I represent as Co-Chair of CAST, and not the views of the FAA (which may or may not agree with these comments).

Given the demonstrable success of these programs and the productive industry-government outcomes, we are quite concerned that the RAB, if applied to the FAA, would be redundant, adding cost but not providing any additional value to the ongoing risk based safety work. More importantly, as detailed below, such requirements may actually interfere with new initiatives being designed.

#### Clarification of Scope

The language in the RAB suggests that it is targeting a toxicological/structures emphasis, which is inapplicable to the evaluation of aviation safety and risk. If aviation were forced into the suggested doctrine, this approach may actually interfere with the effective system currently in place, particularly as it relates to one of the highest aviation risk areas – human factors.

A primary concern is the RAB's failure to recognize the existing joint industry-regulatory processes. These programs provide tremendous value and leverage to safety, risk and economics. Even aviation labor organizations are enthusiastic participants in these processes; to completely dismiss recognition of these initiatives would be a serious oversight. At a minimum, we recommend that these initiatives be recognized as an alternate means of satisfying the intent of the RAB.

The RAB suggests that it would apply to all federal agencies. If, in fact, the RAB would apply to the FAA, TSA, DOT, EPA, OSHA and other federal agencies that have active roles in air transportation policy and regulation, and would apply to rulemakings or other regulatory and guidance mechanisms, we believe the RAB would have a negative impact on the industry.

Additionally, because the actions and due diligence recommended in the RAB are so broad, it is difficult to ascertain how such due diligence would be measured, validated and certified by the OMB. Moreover, as many of the FAA-Industry programs are jointly managed, part of the burden of satisfying the RAB would fall upon a wide range of industry constituents, which we view as unnecessary and inefficient.

#### Removal of Peer Review/Public Participation

The peer review and public participation provisions are particularly onerous for industry/government initiatives such as CAST, as well as other aviation safety initiatives which require industry-government cooperation and are based upon confidentiality, trust and cooperation. Many of these programs are protected from public disclosure via legislation, and this protection is essential to the success and future of the FAA-industry model. The peer review and public participation provisions as written would create an atmosphere in which corporations would be reluctant to participate. We strongly recommend the removal of the peer review provision from the RAB or a modification of the language to exempt these protected programs from the RAB's requirements.

### Correction of Risk Definition

The FAA and the aviation industry use a risk model that was developed from the ATOS (Aviation Transportation Oversight System); it is a durable standard that is straightforward and easy to apply. The suggested RAB risk definition would create confusion as to what real risk is and what risk really exists. We strongly recommend the use of a more traditional risk definition, or better yet that OMB allow the continuing work of the FAA and the industry as a satisfactory means of compliance.

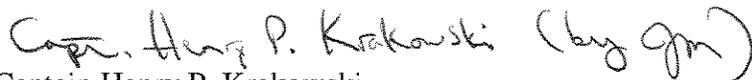
### Change from Mandatory to Discretionary

Due to the broad scope of the RAB, we are quite concerned that the processes and requirements it contains would prove unmanageable. We recommend excluding from the RAB the work of the FAA, particularly as it relates to industry cooperative initiatives like CAST, FOQA, ASAP and others. As previously mentioned, the FAA and the industry have an existing model and mechanism to satisfy the requirements of risk assessment as envisioned by the RAB. The aviation industry has been effective in safety enhancement and risk reduction because every change we make is collectively and collaboratively evaluated against risk and economics.

At a minimum, we urge you to allow the FAA wide latitude to use the waiver provisions suggested in the RAB. To do anything less may actually inhibit and interfere with current safety initiatives and threaten the future programs being designed, implemented and envisioned.

We appreciate the opportunity to comment on the RAB, and would welcome further dialogue with the OMB on this important issue.

Respectfully,



Captain Henry P. Krakowski  
Industry Chair – CAST Commercial Aviation Safety Team  
Vice President, Corporate Safety, Security & Quality Assurance  
United Airlines

Appendix A  
List of Industry CAST Participants

- Air Line Pilots Association (ALPA)
- Air Transport Association (ATA)
- Airbus
- Allied Pilots Association (APA)
- Boeing
- Flight Safety Foundation (FSF)
- International Federation of Air Line Pilots' Associations (IFALPA)
- Joint Aviation Authorities (JAA)/ European Aviation Safety Agency (EASA)
- General Electric, Transportation Aircraft Engines (representing all aircraft engine manufacturers)
- Regional Airline Association (RAA)