

Federal inspection for planes is far weaker than for cold cuts¹

by Daniel Slunder, Citizen Special
July 23, 2009

From a distance, cold cuts and airplanes have absolutely nothing in common.

But on closer examination, they do share something: Ottawa regulates the safety requirements for both industries.

While food safety oversight clearly left a lot to be desired last summer -- as detailed by the independent report on the listeriosis outbreak released this week -- it is unsettling to realize that when the two regulatory systems are compared, oversight of the aviation industry is much weaker.

Food inspection is based on an audit system that requires federal inspectors to actually verify that companies are following safety requirements. The Compliance Verification System (CVS) expects inspectors to spend half of their time overseeing production from the plant floor and the other half reviewing results of tests conducted by the companies.

Food inspectors routinely take enforcement action to correct breaches of safety requirements and, since April 1, inspectors conduct their own tests for bacterial contamination in food factory environments, a measure re-introduced in response to the Maple Leaf outbreak.

But what about aviation?

Recently, Ottawa has transformed aviation regulation in Canada with the introduction of Safety Management Systems (SMS). Transport Canada describes SMS as a partnership: industry agrees to take on more responsibility for ensuring compliance with safety requirements in exchange for less direct oversight by government inspectors.

As SMS has been introduced, key safety audit programs have been cancelled. Transport Canada inspectors no longer pursue enforcement action when companies break the safety rules. Companies with SMS are actually granted immunity from prosecution when they turn themselves in for breaching safety rules. Some may be alarmed to know that aviation inspectors no longer conduct audits to verify compliance with safety requirements.

In fact, Transport Canada recently cancelled its practice of requiring a specific frequency of audits and inspections and replaced it with a program of SMS assessments and program validations. This new approach is not designed to ensure operators are in compliance with safety requirements; it's about ensuring that there is a functioning SMS in place.

¹ Daniel Slunder, "Federal inspection for planes is far weaker than for cold cuts", The Ottawa Citizen (23 July 2009)

Although Transport Canada retains the authority to conduct audits and inspections and to enforcement safety regulations, this is rarely done in practice.

The quid pro quo of SMS is that aviation companies will deliver reams of safety data in exchange for the protections and immunity Transport Canada is offering. The only trouble is, all these data are unverified.

In other words, the door is open to airlines to sugar coat their reports in order to keep their planes in the sky earning money. Under SMS, Transport Canada inspectors have become desk-bound, relying on the paperwork assurances of the airlines that everything is OK instead of inspecting airplanes and crews.

Herein lies the fundamental difference between the food and aviation industries when it comes to safety oversight. Government inspectors verify compliance by on-site inspection and data review for the food industry while aviation inspections are limited to a company's management system, and regulators rely on unverified data supplied by the companies themselves. This approach is contrary to international standards set by the International Civil Aviation Organization (ICAO) to which Canada is a signatory:

"(Member) states need to carefully consider the public interest when establishing the various safety oversight functions and to ensure that a proper system of checks and balances is maintained. The state should retain effective control of important inspection functions. Such functions cannot be delegated; otherwise, aviation personnel, maintenance organizations, general aviation, commercial operators, aviation service providers, aerodrome operators, etc. will in effect be regulating themselves and will not be effectively monitored by CAA inspectors."

Like Maple Leaf Foods, Air Canada , WestJet and Air Transat are big companies. Transport Canada targeted these biggest players as the first to require an SMS on the theory that they are large enough to have the internal resources and practices to adapt to an SMS environment without compromising safety. But as the listeriosis incident at Maple Leaf clearly demonstrated, size doesn't matter when it comes to safety.

After reviewing what led to the tragic outbreak of listeriosis last summer, the federal government concluded it needed to tighten its oversight of the food industry. Significant new measures to ensure compliance with safety requirements have been introduced; unfortunately, 22 people lost their lives before this happened.

Many, including the federal aviation inspectors who belong to our organization, have raised the red flag. We fear that a major aviation accident is on the horizon because Transport Canada has abdicated its responsibility to verify regulatory compliance and is relying on the exclusive activity of checking an air operator's SMS. Shouldn't aviation safety oversight be strengthened before this happens?

As we so tragically witnessed last summer, the cost of inaction is far too high and will be even higher if lax safety oversight results in an incident involving a major airliner.

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