

Minister of Transport



Ministre des Transports

Ottawa, Canada K1A 0N5

OCT 18 2017

Greffier de la Chambre des communes / Clerk of the House of Commons
Chambre des communes / House of Commons
Ottawa, Ontario

Monsieur Charles Robert,

Veillez trouver ci-joint aux fins de dépôt à la Chambre des communes, en vertu de l'article 109 du *Règlement de la Chambre des communes*, et aux fins de renvoi au Comité permanent des transports, de l'infrastructure et des collectivités deux copies, dans les deux langues officielles, de la réponse du gouvernement du Canada au 14^e Rapport du comité intitulé « *La sécurité aérienne au Canada* ».

Veillez agréer, Monsieur, l'expression de mes sentiments les meilleurs.

Mr. Charles Robert,

Enclosed for tabling in the House of Commons, pursuant to Standing Order 109, and for referral to the Standing Committee on Transport, Infrastructure and Communities, are two copies, in both official languages, of the Government of Canada's response to the 14th Report, entitled: "*Aviation Safety in Canada*".

Sincerely,

L'honorable / The Honourable Marc Garneau,
C.P., député / P.C., M.P.
Ministre des Transports / Minister of Transport

P.j. / Enclosures

Canada

Minister of Transport



Ministre des Transports

Ottawa, Canada K1A 0N5

OCT 18 2017

The Honourable Judy Sgro
Chair
Standing Committee on Transport, Infrastructure and Communities
House of Commons
Ottawa ON K1A 0A6

Dear Colleague:

Pursuant to Standing Order 109 of the House of Commons, I am pleased to provide the Government of Canada's response to the 14th Report of the Standing Committee on Transport, Infrastructure and Communities entitled "Aviation Safety in Canada", which was presented in the House of Commons on June 20, 2017.

I would like to thank the members of the Committee for their time in studying aviation safety in Canada and making recommendations on how to continuously promote aviation safety in Canada.

As the Committee's report noted, Canada has a strong and improving safety performance record. The aviation industry is diverse and continues to grow both in pace and complexity, spurred by globalization, technological advances, regulatory advancement, and changing demographics. The scope of the industry that Transport Canada (TC) regulates is immense.

TC works to promote the safety and security of the public and Canada's national air transportation system through its regulatory framework and robust oversight activities. The regulatory framework sets safety regulations for the aviation industry and develops policies, guidelines and standards. The robust oversight regimes uses risk-based approaches to verify that the industry complies with the framework and uses a variety of tools to verify compliance and enforce regulations.

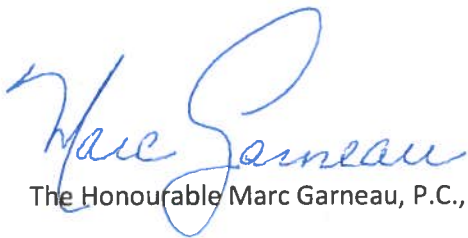
Canada has one of the safest air transportation systems in the world. While my department is proud of this safety record, it is always striving to improve. Aviation safety is of paramount importance to TC. To that end, TC is taking action to transform itself to respond and keep up with the fast-evolving transportation sector to promote aviation safety. TC is well positioned to continue to build on its strong aviation safety record and performance now and into the future.

../2

Canada

Once again, I thank the committee for their time and dedication to this issue. We all agree that a safe and secure transportation system is necessary for the efficient and effective movement of people and as a critical enabler of the Canadian economy. I am committed to continuing to strengthen aviation safety working in consultation with our partners, stakeholders, and the Canadian public.

Yours sincerely,

A handwritten signature in blue ink, reading "Marc Garneau". The signature is fluid and cursive, with the first name "Marc" and last name "Garneau" clearly distinguishable.

The Honourable Marc Garneau, P.C., M.P.

Minister of Transport

Enclosure

LIST OF RECOMMENDATIONS AND GOVERNMENT RESPONSE

Number	Committee Recommendations	Government Response
A. Personnel Issues		
1.	That TC use its proposed regulation for fatigue management, based on scientific evidence and with safety as a primary concern, for the purpose of soliciting comment and advice, while pursuing consultation with stakeholders, in order to find ways to take into account the specific operating conditions of certain regions.	The Government agrees with this recommendation and work is underway on this issue. TC is currently proceeding with the regulatory process and will make changes to further strengthen aviation safety by applying fatigue-related scientific principles to the management of flight crew fatigue. The proposed regulations, which were published in July 2017, provide an alternate means of compliance (Fatigue Risk Management System) that allows operators to address fatigue generally while also taking into account unique operating or regional considerations. TC will continue to engage key stakeholders and ensure open dialogue through this process.
2.	That TC review Interim Order No. 5 Respecting Flight Deck Occupants in consultation with stakeholders to ensure it is fulfilling its objectives.	The Government agrees with this recommendation. TC has undertaken a comprehensive review and analysis of Interim Order No. 5 and extensive consultations with stakeholder groups and international partners. As a result of this analysis, in June 2017, it was determined that the Interim Order No. 5 was no longer required.
3.	That the federal government revise the 50:1 passenger to flight attendant ratio in consultation with stakeholders and experts on flight	The Government disagrees with the Committee's recommendation on revising the 50:1 passenger seat to flight attendant ratio. Both of the current flight attendant ratios of 1:40 passengers or 1:50 passenger seats are established international standards. No safety concerns have been raised by any international aviation partners nor have they developed any proposals to review or amend the existing flight attendant ratios.

	<p>attendant ratios, while keeping the security of Canadians as a top priority.</p>	<p>Extensive consultations with industry and stakeholders have taken place on this issue over the past several years to ensure that the existing ratios meet safety standards. TC conducted a thorough risk assessment which concluded that the 50:1 passenger seat ratio provides an acceptable level of safety, and risk mitigating measures were adopted as part of the regulatory amendments in 2015 under the Canadian Aviation Regulations (CARs).</p> <p>Under CARs, subsection 705.201 (2), the minimum number of flight attendants required on each deck of an aeroplane is determined in accordance with one of the following ratios that is selected by the air operator in respect of the model of that aeroplane:</p> <ul style="list-style-type: none"> (a) one flight attendant for each unit of 40 passengers or for each portion of such a unit; or (b) one flight attendant for each unit of 50 passenger seats or for each portion of such a unit. <p>Based on the regulatory amendments implemented in 2015, commercial air operators can choose a flight attendant ratio of 1:40 passengers or 1:50 passenger seats. Furthermore, these amendments introduced additional safety enhancements, which include new requirements for passenger and cabin safety procedures, crew member briefings, and the designation and training of in-charge flight attendants.</p>
4.	<p>That the Minister of Transport examine best practices for flight training, striking a balance between in flight and simulator based training and certification for pilots. And that in his study, the Minister take into account recent technological advances, as well as seek input from industry and pilot</p>	<p>The Government agrees with the recommendation and continuously reviews the most effective and safe ways of providing pilot training.</p> <p>TC is currently undertaking a comprehensive review of its flying program and continuing the implementation of the latest technological training methods for flight training. The Approved Training Organization learning model for industry pilots will set the appropriate balance between modern and traditional learning methods to achieve pilot training objectives. Additionally, TC will continue to consult with the appropriate organizations with respect to its pilot training program.</p> <p>Simulator training is recognized internationally and allows pilots to practice situations that cannot be done safely in an aircraft (for example loss of control or an engine out on</p>

	associations.	takeoff). In fact, the Multi-crew Pilot License established in Canada in 2006, based on guidance from the International Civil Aviation Organization (ICAO) and similar to practices in Europe and Asia, allows pilots to go straight from simulator training to acting as co-pilots.
5.	That TC review its decision to allow TC and Transportation Safety Board (TSB) pilots to renew flight certifications using only simulators.	<p>The Government agrees in principle with the recommendation. TC continuously reviews the training requirements for pilot inspectors, as needed.</p> <p>Simulator training is a safe and effective training practice for pilots. Technological advancement has enhanced the quality of simulators to a very high degree. Today's simulators are very sophisticated training devices and have a high level of complexity and realism. Simulators play a greater role in providing basic pilot training and have the ability to generate particular conditions, such as normal and abnormal flying conditions and weather patterns, without compromising safety to person or property. Basic training provided under simulators is necessary, as it allows pilots to develop their responses and techniques prior to actual flight time. In addition, as secondary benefits, simulators are cost-effective, as they save crew time, fuel, maintenance to real aircraft, revenue that would be lost using a real aircraft, and reduce environmental impact.</p>
B. OVERSIGHT AND ENFORCEMENT OF THE ACT		
6.	That the implementation of a Safety Management System (SMS) becomes mandatory for all commercial operators, including the air taxi sector.	The Government agrees in part with the recommendation. TC is conducting a review of how best to expand SMS to other sectors, and will examine the feasibility of how and where it can be applied, at which time it will be in position to discuss options more fully with industry. It is anticipated that the review will be completed in 2018. TC's objective is to ensure the concepts and principles of SMS promote safety and provide the most effective and efficient approach.
7.	That TC: a) establish targets to ensure more on site safety inspections versus SMS audits;	The Government agrees with recommendation 7(a). In 2016, TC launched a Surveillance and Program Evaluation Update Project to identify opportunities to enhance the delivery of the surveillance program. The evaluation has identified ways that TC can adjust the balance between verifying that an enterprise has a system to promote compliance and verifying that the system is working by conducting spot check inspections. TC recognizes the

	<p>importance of using a mix of system-based inspections and compliance spot checks and has implemented these changes for the 2017-2018 National Oversight Plan.</p> <p>All inspection activities, including enterprises under SMS, include on-site inspections. Oversight is comprised of two complementary functions – Inspections (planned or reactive) and Certification (people, products and organizations). TC carries out thousands of planned and reactive inspections to promote compliance by persons with all applicable regulations. When issues are found, TC can and does take enforcement action as necessary to address non-compliance and promote aviation safety. Secondly, Certification – of people, products and organizations – promotes regulatory compliance and aviation safety. For example, each year TC conducts thousands of aviation medical assessments and invests significant resources in updating the operating conditions of all commercial air carriers and the certification of cutting edge new aircraft.</p> <p>Number of Inspections and Certifications from 2014-Present :</p> <table><tr><th></th><th>2014-2015</th><th>2015-2016</th><th>2016-2017</th><th>2017-2018**</th></tr><tr><td>Inspections</td><td>8,229</td><td>7,695</td><td>7,473</td><td>7,671</td></tr><tr><td>Certification Activities</td><td>Not Available*</td><td>Not Available*</td><td>118,226</td><td>122,985</td></tr><tr><td>Total Oversight Activities</td><td>Not Available*</td><td>Not Available*</td><td>125,699</td><td>130,656</td></tr></table> <p>* Systematic tracking of certification activities only began in 2016, the data for these years is incomplete or not available.</p> <p>** Planned Inspections</p>		2014-2015	2015-2016	2016-2017	2017-2018**	Inspections	8,229	7,695	7,473	7,671	Certification Activities	Not Available*	Not Available*	118,226	122,985	Total Oversight Activities	Not Available*	Not Available*	125,699	130,656
	2014-2015	2015-2016	2016-2017	2017-2018**																	
Inspections	8,229	7,695	7,473	7,671																	
Certification Activities	Not Available*	Not Available*	118,226	122,985																	
Total Oversight Activities	Not Available*	Not Available*	125,699	130,656																	
b) use poor results from SMS audits (including whistleblower input) as a ‘flag’	<p>The Government agrees with recommendation 7(b). Aviation enterprises and individuals are subject to either planned or reactive surveillance activities. TC uses the results of all inspection activities to adjust the frequency at which it inspects enterprises. When a SMS assessment or another type of inspection identifies an issue, TC always</p>																				

	for prioritizing on-site inspections;	follows-up on this by requiring the enterprise to put in place a plan to correct the issue and then monitors through on-site inspections that the plan is implemented and the issue is corrected.
	c) Review whistleblower policies to ensure adequate protection for people who raise safety issues to foster open, transparent and timely disclosure of safety concerns	The Government agrees in principle with recommendation 7(c). There are mechanisms and policies that exist now to protect whistleblowers. Additional analysis will be undertaken of the applicable legislative framework, including the <i>Aeronautics Act</i> and <i>Privacy Act</i> . At such a time that the <i>Aeronautics Act</i> is reviewed, TC will also consider reviewing any whistleblower policies related to the <i>Aeronautics Act</i> .
8.	That the Government make sure that SMS are accompanied by an effective, properly financed, adequately staffed system of regulatory oversight: monitoring, surveillance and enforcement supported by sufficient, appropriately trained staff.	The Government agrees with this recommendation. In 2015, in response to an Office of the Auditor General recommendation, TC implemented a comprehensive National Oversight Plan to manage and track oversight activities. In addition, in 2016, the Surveillance and Program Evaluation Update Project was undertaken to adapt and enhance the surveillance program that effectively maintains aviation safety through efficient oversight planning, lean surveillance processes and the effective use of surveillance tools and training. The National Oversight Plan ensures delivery of a comprehensive oversight regime.
9.	That TC review all training processes and training materials for civil aviation inspectors to ensure they have the resources to perform their	<p>The Government agrees with the recommendation and is continuously reviewing its training processes and materials.</p> <p>TC considers technical training for the inspectorate community a priority to promote safety and works on an ongoing basis to develop and deliver new courses and to ensure TC's technical training program reflects regulatory changes and responds to emerging technologies and</p>

	duties effectively.	aviation needs. TC works in partnership with service providers to both develop new courses and update existing technical training program on an on-going basis.
10.	That TC establish an expedited process for responding to TSB air safety-related recommendations, including the backlog, and that an enhanced reporting system be adopted to prevent recommendations from languishing, without action, on the TSB Active Recommendations list regarding aviation.	<p>The Government agrees with this recommendation, recognizing that it is required by law to respond to TSB recommendations within 90 days.</p> <p>In all cases, the Government actively reviews and considers recommendations from the TSB, and factors recommendations into decisions about priorities. It is important to note that in some cases, identifying longer-term solutions to recommendations requires research to identify available technological solutions and consultations with stakeholders to avoid unintended consequences.</p> <p>As part of TC's Regulatory Modernization Initiative, it is making a greater effort in addressing and responding to those TSB recommendations that are accepted, in a timelier manner.</p>
11.	That TC invite the ICAO to conduct a comprehensive audit of Canada's civil aviation oversight system.	The Government agrees with this recommendation. ICAO has commended Canada on its high safety standards and record. ICAO is planning to undertake an audit of TC's Safety Program in 2020 based on its own internal system of risk ranking of its Member States.
12.	That TC undertake an air safety review and report its findings back to Parliament.	The Government agrees in principle with the recommendation. However, a standalone air safety review reporting back to Parliament, is not being contemplated. TC is currently undertaking a number of reviews and initiatives to modernize and update the TC Safety Program. These include: A Transformation Project, Regulatory Review, Strategic Planning and Resource Alignment project, SMS Policy Review, and the Surveillance and Program Evaluation Update project. The overarching goal of these reviews is to advance the TC Aviation Safety Program by assessing lessons learned in resource and oversight planning, SMS implementation, surveillance methodology, industry guidance, as well as inspector tools and training. Together, these reviews and initiatives provide a multi-faceted approach to examining and

		continuously improving aviation safety in Canada.
13.	That the federal government produce an annual compliance report on TC's implementation of any measures identified in the audit conducted by ICAO.	<p>The Government agrees with this recommendation. As a Member State of ICAO, Canada must report and respond to ICAO on its compliance with international standards and provide updates on corrective action plans.</p> <p>As part of ICAO's audit process, ICAO has implemented a Continuous Monitoring Approach (CMA) to its audits and inspections. The CMA incorporates audit and inspection results with an online system and its tools that Member States can access for self-reporting via an On-Line Framework. TC has embraced this approach and is fully compliant with addressing the 2005 ICAO audit findings.</p> <p>ICAO has recognized Canada's leadership and innovative approach in using ICAO's online self-reporting tools. TC is committed to meeting ICAO's compliance and reporting obligations and is well-prepared for any future ICAO audit.</p>

C. ISSUES RELATED TO EQUIPMENT AND INFRASTRUCTURE

14.	That the federal government implement the TSB and ICAO recommendation on 300-metre Runway End Safety Areas (RESA).	The Government agrees with implementing an increased RESA. TC will be proposing to increase the safety area at selected Canadian airports by introducing the current ICAO's Standard of 150-metres RESA, based on air traffic volume and a risk-based approach aimed at covering runways which serve over 90 percent of Canada's passenger traffic. The proposed regulatory development work is currently underway and proposed amendments are anticipated in 2018-2019.
-----	--	--

D. SECURITY SCREENING OF NON-PASSENGERS AT AIRPORTS

15.	That TC examine the various security databases upon which security clearances rely to ensure they are as current as possible.	The Government agrees with this recommendation, as a periodic review of operating practices is good management.
16.	That the Government increase the financing of the Canadian Air Transport Security	<p>The Government agrees in part with the recommendation. The Government is committed to ensuring that the security screening program has adequate funding to deliver on its mandate.</p> <p>The Government is taking two actions to further enhance CATSA's funding model: First, in Bill C-49, the</p>

	<p>Authority (CATSA), in particular by making sure that the revenues from the fees paid by travelers are allocated to CATSA.</p>	<p><i>Transportation Modernization Act</i>, the Government has proposed to allow airports that are not satisfied with the base level of service provided by CATSA to purchase enhancements on a cost-recovery basis. Secondly, the Government committed to reviewing the governance and funding model of CATSA to potentially improve the service level and efficiency of security screening in Canada. TC has recently undertaken industry consultations on this matter and analysis is ongoing.</p>
E. ISSUES CONCERNING THE NORTH		
17.	<p>That TC develop a plan and a timeline to address the specific operating conditions and infrastructure needs of airlines serving Northern Canada and small airports.</p>	<p>The Government agrees in principle with the recommendation. The 2017 federal budget announced that the Government will invest \$10.1 billion over 11 years in trade and transportation projects. This included the establishment of a National Trade Corridors Fund (NTCF), with an allocation of \$2.0 billion over 11 years, including up to \$400 million in dedicated funding for transportation infrastructure projects in Yukon, the Northwest Territories and Nunavut, related to transportation safety, and improving social and economic opportunities.</p> <p>In addition to supporting nationally-significant trade flows, NTCF funding could also provide support to National Airport System (NAS) airports with annual passenger flows below 600,000 (small NAS airports). Furthermore, potential airport infrastructure projects in northern communities could qualify for funding under Infrastructure Canada's Rural and Northern Communities Fund.</p> <p>To further address northern transportation needs in the longer-term, TC is also working closely with its territorial counterparts to develop an Arctic transportation policy framework. The framework will better articulate TC's approach to the unique transportation concerns in the territorial North. Once completed, the framework will support greater coherence in federal actions related to policy, investment, and regulatory measures that support improving social and economic opportunities in Canada's Arctic. This is being developed in close alignment with the new Arctic Policy Framework, led by Indigenous and Northern Affairs Canada.</p>