

**Introductory Remarks to the Standing Committee on Transportation,  
Infrastructure and Communities  
Helicopter Association of Canada**



**April 4 2017**

**The Helicopter Association of Canada's Mandate**

- *To promote the continued enhancement of flight safety;*
- To promote a political and regulatory environment that will foster a prosperous Canadian Helicopter industry;
- To educate members, civil servants, and the general public about issues important to the industry;
- To develop expanded utilization of helicopter transport at all levels of Canadian life; and;
- To exchange maintenance practices and common issues among members

**About Fred Jones**

I have been HAC's President & CEO since the Fall of 2008. Formerly I was the Vice-President Operations & Legal Affairs for the *Canadian Airports Council* (CAC) and prior to that I was with the *Air Transport Association of Canada* (ATAC) for 13 years - most recently as their VP Flight Operations. I am a former Transport Canada Inspector, a former Transportation Safety Board Accident Investigator and Safety Analyst, and the holder of both Airline Transport Pilot – Aeroplane and Airline Transport Pilot - Helicopter Licenses. I have a BA in Psychology from Western and a Law Degree from the University of Ottawa and I am a graduate of Canadore College's Helicopter Flight Training Program. I was called to the Ontario Bar in 1986 and I am currently licensed to practice law in the Province of Ontario. Almost every year since '87 to the present, I have worked as a full-time or contract pilot in the Canadian helicopter industry, across ten different companies in Canada's four corners.

With me I have invited Sylvain Seguin, the Vice-President & COO of Canadian Helicopters, the largest Canadian domestic helicopter operator. He is also the

immediate past Chair of the HAC Board of Directors. Mr. Seguin has served on our Board for the past seven years.

## **Introduction**

We have structured our presentation to tailor it to the items identified in your Aviation Safety Outline.

Thank you for this opportunity to appear before the Transportation, Infrastructure and Communities Committee today on the subject of Aviation Safety.

The *Helicopter Association of Canada* is the national voice for the helicopter industry in Canada. There are currently more than 2,800 helicopters registered in Canada, of which more than 1,800 are commercially registered. Focusing on the commercial sector, our industry employs 6,200 full-time equivalents with employees earning over \$500 million annually. With indirect employment this increases to 8,900 full-time equivalents and a \$640 million annual payroll. The average full-time wage is \$80,000. The sector generates direct GDP of almost \$1 billion and \$2.1 billion in economic impact annually. The industry's annual tax contribution is approximately \$285 million at all levels of government. We are pleased to provide you with a copy of a recent independent economic impact study that will provide more specific details on these economic factors.

The Canadian helicopter community is actively involved in the development of "Industry Best Practices" and I sit on the Executive Committee of the International Helicopter Safety Team (IHST). In the last ten years, and in the face of rising utilization, we have seen our accident rate decline significantly during the same period. I direct you to the HAC website at [www.h-a-c.ca](http://www.h-a-c.ca) and [www.ihst.org](http://www.ihst.org) for further details.

Helicopter operators are a unique, vital and often irreplaceable form of transportation in Canada. We are often the only option to reach many remote locations. We lead and support lifesaving missions including search and rescue, emergency medical transport, and evacuation from disaster-stricken communities – the Fort MacMurray wildfire and major accidents on the Sea-to-Sky Highway are common scenarios.

Mining and resource sectors are heavily dependent on helicopter services for surveying, development and ongoing support of major mining and Oil & Gas developments. Offshore Oil, and the Oil sands and the remote nature of most mining developments depend heavily on helicopter support making the helicopter industry a crucial component of the primary economic drivers to the Canadian economy. Without helicopters – these activities could not happen or they would cost considerably more to carry out, without us.

## **1. Personnel Issues**

This past week, Transport Canada issued a Notice of Intent (NOI) to proceed with new fatigue management regulations for pilots with the draft regulations to be Gazetted later this Spring.

In a letter two months ago and when we met the Transport Minister two weeks ago, we specifically asked the Minister's to pause this process to allow the parliamentarians on this committee the full opportunity to do their work with this study. We also asked him to pause while the Transportation Safety Board concluded their investigation in to Air Taxi Accidents. Unfortunately, this pause did not occur.

First, let me be abundantly clear: The Helicopter Association supports reasoned efforts to improve aviation safety that are proportional to the risk. These new regulations however, are not proportional to the risk, and will serve only to put our services beyond the reach of Canadians in many areas. Fatigue related risks are largely being managed in the helicopter industry – which is not to say that some changes should not occur – but the *proposed* changes will erode safety – not improve it. What's more, when changes do not improve safety, they will make it more difficult and costly for our members to provide essential and life-saving services.

You may have heard, "A pilot is a pilot, and fatigue is fatigue". But one set of rules cannot apply to everyone. Helicopter operators cannot be regulated on this subject like the airlines. Unfortunately, this view has pervaded the Department of Transport right up to the Minister's Office and the result is a very flawed, "one-size-fits-all" set of proposed regulations. They will not improve safety - but will erode it in our view.

Our pilots are subject to fatigue, but it must be addressed differently in our industry than for the airlines, for the following reasons:

1. The seasonal nature of the work that we do, and particularly our service to remote and northern communities; HAC would argue that as far as the proposed new regulations are concerned, they are more suited to the Airlines than they are to helicopter operations. They do not adequately contemplate deployed camp operations, where our pilots live on the job site while conducting remote operations. Helicopter pilots are not airline pilots.
2. The unscheduled work that we do in deployed operations – often in a camp setting where replacement crews are difficult to supply – particularly on short notice;
3. Long daylight hours in Northern Canada;
4. Lifesaving Emergency Medical Service (EMS) operations, and our work in support of the resource industries.

In the helicopter world, the proposed rules will do little to advance safety; and in many cases are *not* supported by anchor points in the fatigue-related science – most notably in the removal of the “zeroing provisions” and the use of “Cumulative Duty Hours”. HAC would argue that these new regulations will affect safety – but in a *negative* way. Particularly for the majority of helicopter operators who provide services in Canada’s most isolated regions. Would limiting pilots to ONE hour of flying each day reduce the effect of fatigue on safety? I use this ridiculous example to illustrate that the key to balancing the restrictive nature of the regulations with their impact on safety, is to ensure that the restrictions they impose are *proportional* to the risk that they are trying to remedy. HAC would argue that these proposed major changes to the Fatigue Management regulations are far out of proportion to the risks – and in some ways the proposed new rules will create new risks of their own. On a system-wide basis, the Helicopter Association of Canada and its members believe that fatigue-related risks are being managed. We are not suggesting that the regulations could not be improved – but *these* proposed regulations are far out of proportion to the risk.

When the Canadian Aviation Regulation Advisory Council was struck to engage the industry writ large in developing proposed new regulations, the Helicopter Association of Canada and other aviation associations participated in good faith based on the Working Group’s mandate to review and propose amendments to the regulations, specifically:

- “Identifying and analyzing differences that consider the current Canadian operational environment”
- “Suggesting alternative recommendations in respect to, for example, fatigue and the operational environment”
- “Base its work on scientific data that is defensible and readily available””

These principles were not respected in the recently published Notice of Intent draft Regulations that the Department has shared with us.

Furthermore, the proposed regulations have abandoned the fundamental principles entrenched in Canada’s aviation regulations as stated on Transport Canada’s web site, that:

- **Different regulations for different types of operations** largely based on safety risks & consequences of non-compliance

This was reinforced by the Honourable David Emerson in his comprehensive Canada Transportation Act Review in 2015 and tabled in the House by Minister Garneau in 2016. Mr. Emerson stated:

- **“...Regulations and standards should reflect an understanding of the differences between each aviation segment, including business aviation and small northern and remote operators, as well as large commercial carriers.”**

For the last 40 years, there has been a shortage of experienced helicopter pilots in Canada and the new regulations in their current form will drive helicopter operators to use under qualified pilots, particularly during the peak summer months of our operations, when demand for our services is highest. What’s more, the proposed new regulations in some circumstances will frequently require us to have a second pilot on-site, even where the number of flying hours on the job is extremely low – and under circumstances when the flying currency of both pilots may be at risk.

## **2. Enforcement and Monitoring of Legislation**

Our members see less-and-less of Transport Canada, except during the Audit & Inspection process. In the ranks of Inspectorate staff and in Management, there is a declining level of operational experience – few individuals with industry experience. They are less capable and less willing to provide the benefit of their industry experience in the form of advice to operators. Even the best Inspector training cannot make up for the lack of industry experience, and a willingness on the part of management to allow them to share it with industry. There are glaring differences between regions on the interpretation of the regulations.

For over ten years the aviation community has been urged to implement Safety Management Systems (SMS), and while many of our members have moved forward with implementation in advance of any regulatory requirement, Transport Canada seems to have stalled owing to difficulty adapting a regulatory framework that can accommodate small Air Operators.

## **3. Equipment and Infrastructure**

There is little time available for Inspectorate staff to devote to industry-related initiatives, including by way of example, the use of Night Vision Technology, or the development of heli-specific instrument approach criteria or even to clarify the application of the current helicopter aerodrome regulations. Inspectors spend little time interacting and advising individual operators – and more time in the office and conducting audits. Budget and travel limitations, have constrained any substantive participation from Inspectorate staff at industry events, to the detriment of both Transport Canada and the helicopter community.

While helicopter operators do not require airports for landings or take-offs, a number of our members have bases of operation at airports. We believe that the Privatization of Airports in Canada would be a retrograde step for safety. The movement from the Not-for-Profit model today, to one that is focused on

maximizing value to shareholders, would not be, in our view a model that would benefit the helicopter community.

#### **4. Flight Operations**

The recreational use of Unmanned Aerial Vehicles (UAVs) – and the operation of UAVs beyond Line-of-Sight present significant threats to safety in the helicopter community. We share tasking, and low level airspace with them, and even the smallest UAVs in a collision with a manned helicopter could potentially cause a catastrophic accident. We applaud the Minister's recent efforts to mitigate the risk of recreational operations.

#### **5. Accident Intervention**

The coming-of-age of real-time GPS tracking for helicopters in Canada have rendered Emergency Locator Transmitter technology, obsolete. Operators are well-positioned to alert Search and Rescue in the event of an accident and potentially to dispatch resources at their disposal to assist Search and Rescue operations in the location of the aircraft and the rescue of its occupants.

In conclusion, we would respectfully request that this committee:

Recommend to the Minister of Transport, that he should revisit the Draft Fatigue Management regulations in consultation with the commercial helicopter community to ensure that the actual demonstrated risk of fatigue-related incidents is better balanced against the major restrictions that these proposed new regulations would present to this industry segment.

Thank-you again for the opportunity to speak with you. I would be pleased to entertain any questions that you may have.