

***RIAS Survey Cannot be used as the Basis for the New Fatigue Management Regulations* says HAC's President**

As you may recall, last July, in the heart of the operating season, Transport Canada, without consulting with any industry association on its content, and without notice, invited Operators of all sizes to complete a survey on the cost of the proposed new Fatigue Management Regulations for flight crew members. The survey was being conducted in support of the Regulatory Impact Analysis Survey (RIAS) that accompanies the publication of DRAFT Regulations in Canada Gazette I. You may also recall that they refused to consider any potential effect that the new rules could have on revenue.

HAC has argued that the survey's questions were poorly worded and ambiguous, and relied on operators to piece together changes in the draft regulations since they were last published as a *Notice of Proposed Amendment* (NPA) in the Fall of 2014. Since then, some changes were advanced by Transport Canada, and included with the survey in the form of a matrix - without incorporating those changes in the original NPA – and relied on the respondent to amend the text of the original NPA, using the loose and ambiguous matrix narrative. The survey was confusing and precipitated more questions than answers. HAC argued that, for many reasons identified above, the survey would not be completed by many operators. At the same time, HAC tried to help clarify the questions set out in the Survey, and encouraged its operator-members to complete it, in an effort to salvage some information from the effort. However, only 6% of Canada's CAR 703 Operators (fixed-wing and helicopter) completed the survey.

Furthermore, after announcing at the CARAC Plenary session in December, that they would be publishing the DRAFT Regulations in Canada Gazette I in June of 2017, they are now discussing the prospect of splitting the prescriptive regulations from the FRMS regulations. They are actively considering the publication of the prescriptive regulations in March of 2017, while publishing the FRMS regulations in June. HAC and others have strongly objected to this potential course of actions, and have argued that operators can *only* comment on the prescriptive regulations in the context of the FRMS regulations, that could potentially provide some relief. To provide an informed opinion of the prescriptive regulations, industry needs to consider the FRMS regulations side-by-side with the prescriptive regulations in Canada Gazette I.

HAC and others are continuing to meet with Parliamentarians, including an upcoming meeting with Transport Minister Garneau, to oppose the proposed DRAFT regulations in their current form before they are published for comment in Canada Gazette I, as part of the formal regulatory process.