

# Survey Results:

## Inconsistency of FAA Interpretations



The Voice of Aviation Business

National Air Transportation Association

9/30/2009

## Introduction

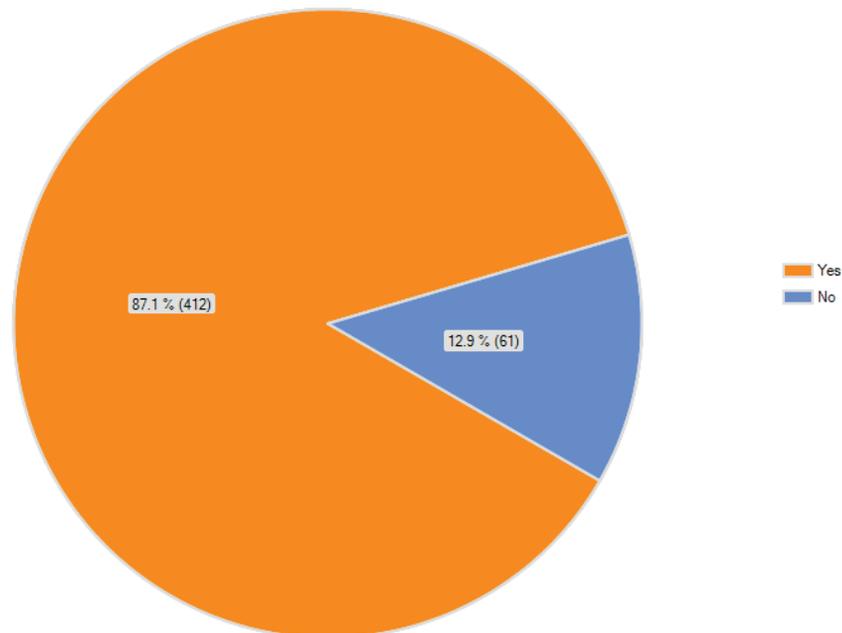
The National Air Transportation Association (NATA) conducted a survey of regulated aviation businesses to solicit their views on the effect of a lack of Federal Aviation Administration (FAA) standardization on regulatory interpretations. The survey was created, in part, as response to the Government Accountability Office (GAO) beginning a review of inconsistencies in how field inspectors interpret and apply requirements on regulated entities. In 2008, NATA asked that Members of Congress request the study to address the mounting dilemma member companies face in dealing with the inconsistencies with interpretations between local FAA offices.

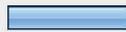
The varying interpretation of Federal Aviation Administration (FAA) regulations by the agency's Regional, Aircraft Certification (ACOs) and Flight Standards District Offices (FSDOs) is estimated to cost general aviation businesses hundreds of millions of dollars annually when previously approved regulations are subjected to "re-interpretation." Currently, there are 9 FAA regions, 10 ACOs and more than 80 FSDOs that each issue approvals on a wide range of maintenance and operational requests made by regulated entities. These regulated entities include Part 135 on-demand charter operators, Part 145 repair stations, and Part 141 and 61 flight training facilities.

NATA is hopeful that the final GAO report will prove how significant lack of standardization is for the general aviation industry while highlighting a need for change within the FAA, ultimately bringing about positive change on this issue.

The survey was launched in July 2009 and closed in September 2009. In total, 473 responses were recorded.

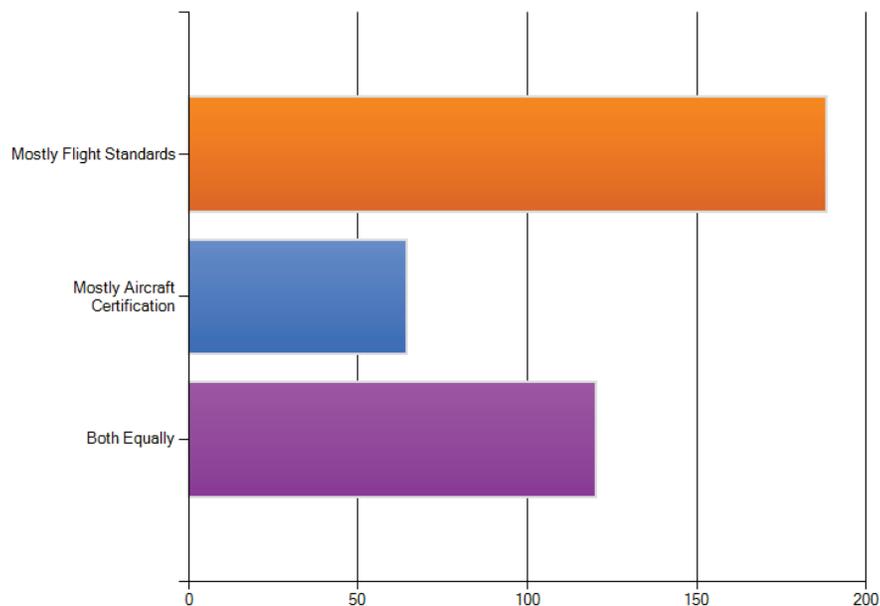
Have you experienced problems due to inconsistent or incorrect interpretations by local FAA inspectors?

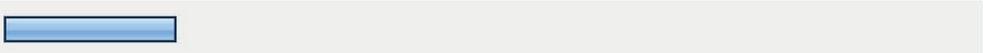
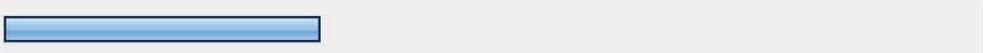


Have you experienced problems due to inconsistent or incorrect interpretations by local FAA inspectors?			Response Percent	Response Count
Yes			87.1%	412
No			12.9%	61
			<i>answered question</i>	473
			<i>skipped question</i>	0

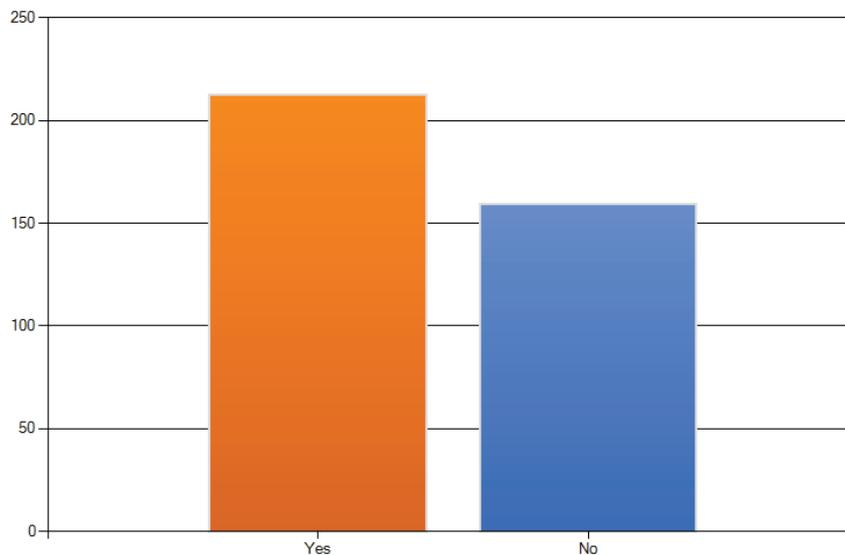
*A respondent answering "No" was directed to the end of the survey.*

Are the issues you have faced related primarily to interpretations regarding flight standards or aircraft certification?



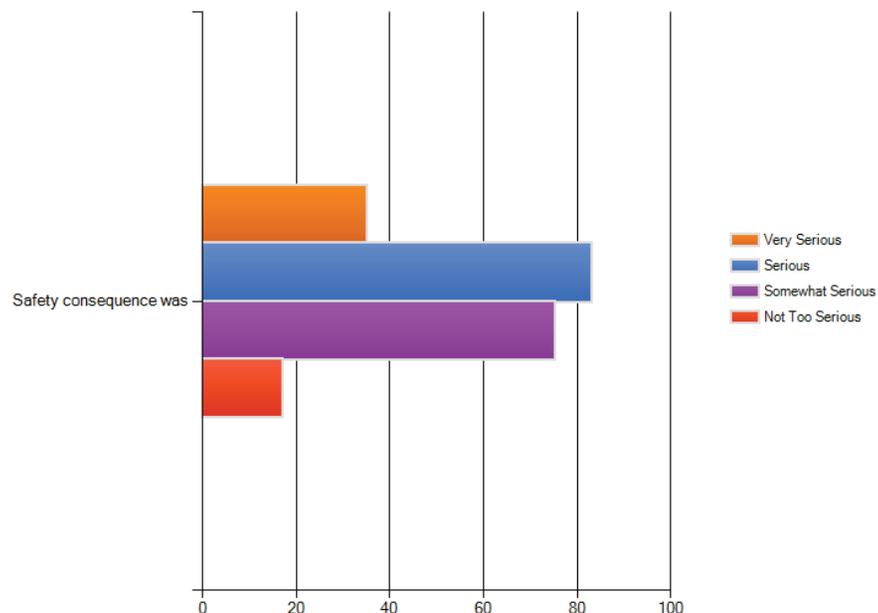
2. Are the issues you have faced related primarily to interpretations regarding flight standards or aircraft certification?			
		Response Percent	Response Count
Mostly Flight Standards		50.5%	188
Mostly Aircraft Certification		17.2%	64
Both Equally		32.3%	120
		<i>answered question</i>	372
		<i>skipped question</i>	101

Do you believe that an inconsistent or incorrect local FAA position has had safety consequences for your business? Examples of safety consequences could be: - diversion of resources to address this issue at the expense of other safety-related programs/projects - being forced to implement a process/procedure you believe to be unsafe or that could lead to unsafe conditions



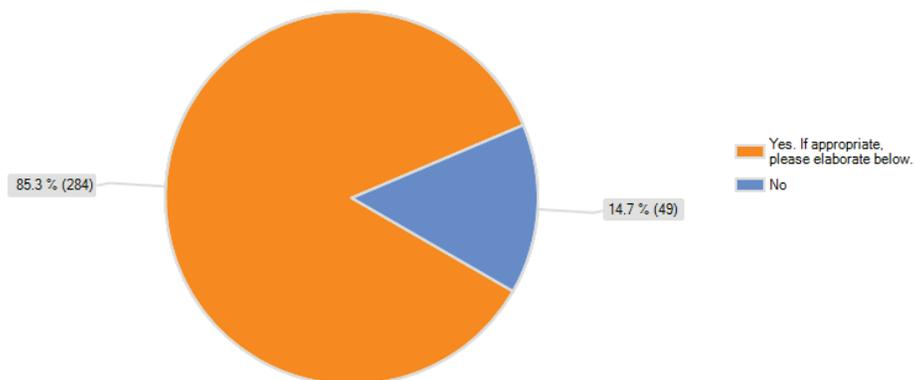
3. Do you believe that an inconsistent or incorrect local FAA position has had safety consequences for your business? Examples of safety consequences could be: - diversion of resources to address this issue at the expense of other safety-related programs/projects - being forced to implement a process/procedure you believe to be unsafe or that could lead to unsafe conditions			Response Percent	Response Count
Yes			57.1%	212
No			42.9%	159
			<i>answered question</i>	371
			<i>skipped question</i>	102

Thinking about the negative safety consequence from the prior question, please rate the safety significance of the FAA position.



4. Thinking about the negative safety consequence from the prior question, please rate the safety significance of the FAA position.					
	Very Serious	Serious	Somewhat Serious	Not Too Serious	Response Count
Safety consequence was	16.7% (35)	39.5% (83)	35.7% (75)	8.1% (17)	210
	<i>answered question</i>				210
	<i>skipped question</i>				263

Have you experienced delays (i.e. lack of timely action or response from the FAA) that you believe have interrupted your ability to do business?



5. Have you experienced delays (i.e. lack of timely action or response from the FAA) that you believe have interrupted your ability to do business? For example, delays in: - adding aircraft to certificate - issuing new operational or maintenance authority - obtaining a new certificate - receiving approval for changes to manuals/procedures

	Response Percent	Response Count
Yes. If appropriate, please elaborate below.	85.3%	284
No	14.7%	49
Explanation of business interruption		213
<i>answered question</i>		333
<i>skipped question</i>		140

Respondent elaboration highlights on next page.

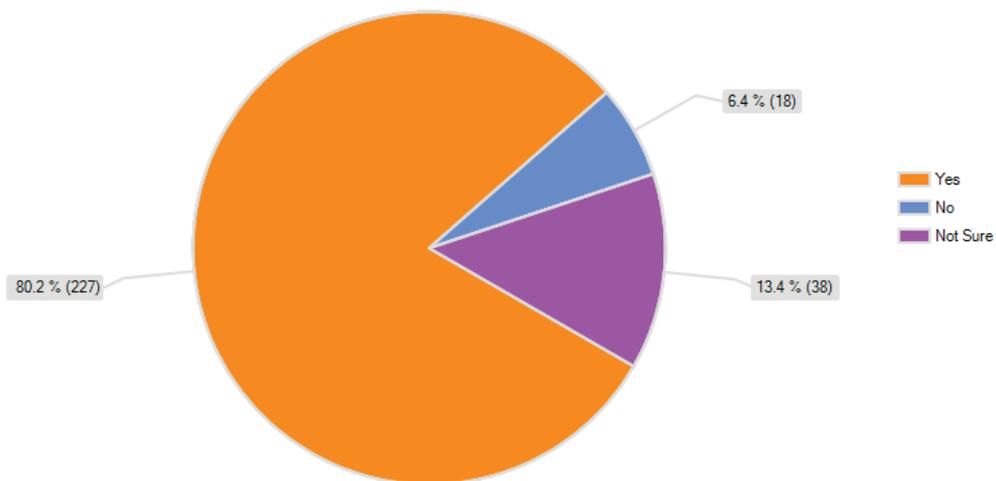
**Selected responses to question 5's request for elaboration.** Responses have not been edited; however identifying information has been redacted to protect respondent anonymity.

1. I have had manuals (operations, maintenance and training) sitting on my POI's desk for periods in excess of 10 months with no action. MEL's disapproved for spelling error on the MMEL and disapproved after the MMEL spelling was correct for changing a MMEL. Authorities refused because FSDO refused to talk with IFO. Inspectors refusing to accept Manufacturers maintenance manual information and threatening pilots into not flying airworthy aircraft.
2. Lack of cooperation in getting field approvals for modifications done to aircraft. Had to go to other FSDO's to get the approval done. This of course irritated our local FSDO office and we have had to deal with that. Incorrect interpretation of FAR part 91 and 43 maintenance requirements resulting in the performance of costly maintenance that had no bearing on safety. I have protested changes made to our ops specs that are not necessary for FAR 135 regulatory compliance and are simply told (by the local FSDO) that's the way our office does it ...end of story. Obviously the local managers are running the show and Washington has nothing to do with the rules!!!
3. I sold a new STC prop kit to a customer. There was some question from *City, State* office as to legality of STC paperwork. Repeated requests via phone to help clarify the situation were unheeded. Then inspector went on vacation so any communication was halted. I personally called head of that office and explained situation. He said he was unable to get involved with the situation. I contacted the company who furnished the propeller kit, *Company*, and they assisted me. They contacted their certifying office who contacted the *City FSDO* office and situation was cleared up. I am not sure if inspector didn't understand STC and didn't want to help resolve the matter or not. He intentionally grounded the aircraft and then left on vacation leaving the owner, installing mechanic, and myself in a predicament.
4. Our organization has its completions done on its airframes in *City, State 1* but our certificate is held in *City, State 2*. The FAA inspectors in *City, State 1* certify the aircraft per current FAA standards in *City, State 1* in the completion shop but when we take delivery of the aircraft in *City, State 2* our POI does not accept the helicopter and requires us to make several modifications and augmentations to the original already FAA accepted, completion. This continued inconsistency of rule and regulatory interpretation between flight standards offices has cost our organization hundreds of thousands if not millions of dollars over the years and has severely delayed the fielding of our aircraft.
5. Our Part 135 certification program that was scheduled to take six months took a year and a half. We waited two and a half years to begin this certification. This wait time required us to have the Learjet that would be used as our first aircraft at a cost of \$10,000/month. Several times the FSDO lost our manuals causing delays and confusion. The PMI didn't review our material until a week before proving flights were scheduled. He had over a year to look at these documents. After the completion of proving flights, the FSDO took a month to complete the certification phase. This phase should take no longer than a week. On one FAA event took place in the same month it was scheduled, most not even in the same year. One inspector recommended we quit several times. We are required to carry a signal flare for each passenger at all times (not as part of the life raft equipment). We could never locate the referenced requirement. We were told to carry a grounding plug adapter. no such adapter is commercially available, we had to make our own. We were required to go to Costa Rica on our international proving flight because the inspector believed he would have difficulty getting State Department Approval to go to Mexico. He had plans to go to a well know club called The Blue Marlin.
6. My company operates three repair stations domestically, two of which are satellite repair stations. When the major rewrite of 14CFR Part 145 was released in 2004, we embraced the single quality system / single manual concept discussed in the preamble and allowed by regulation, knowing that it would enhance safety and quality within our organization. At that time, we submitted an RSM & QCM applicable to all of our domestic facilities, which was found acceptable by the three FSDO's with regulatory oversight over those facilities. However, in May, 2009 (five years later!), a FSDO that holds one of our satellite certificates concluded and communicated to us that the logic used by them in initially finding in 2004 that the RSM and QCM submitted to their office was acceptable to the administrator was "incorrect", and that, due to a lack of understanding over "which of our facilities had control of the

RSM and QCM", our satellite facility would have to submit an RSM and QCM applicable only to that facility to be in compliance with 14CFR145.207, 145.211(c) and 145.107(a) (3) & (4). We were ultimately given a choice to either comply with their demand, or move the certificate to the FSDO that holds the certificate with managerial control (we are the only satellite certificate held by this particular FSDO - bottom line is an all or nothing situation; either they want total control of the satellite without having to coordinate interpretation and application of the regulations with two other FSDO's (who, as of this survey, have NO issues with our shared quality system) as their internal guidance (FAA Order 8900.1) requires, or want nothing to do with us). This has caused many hours spent by our company to mitigate and bring this particular misapplication of the regulations to a successful conclusion. To rewrite manuals specifically applicable to only one of our satellite operations negates the safety and quality benefits achieved by the single / shared manual concept and will cause issues with process management and control within our organization. It also flies in the face of consistent, common sense interpretation and application of the Federal Aviation Regulations and associated guidance material across FAA regions. By the way, we elected to move the certificate; our request to do so, which was submitted to the FAA in June, has not yet been finalized.

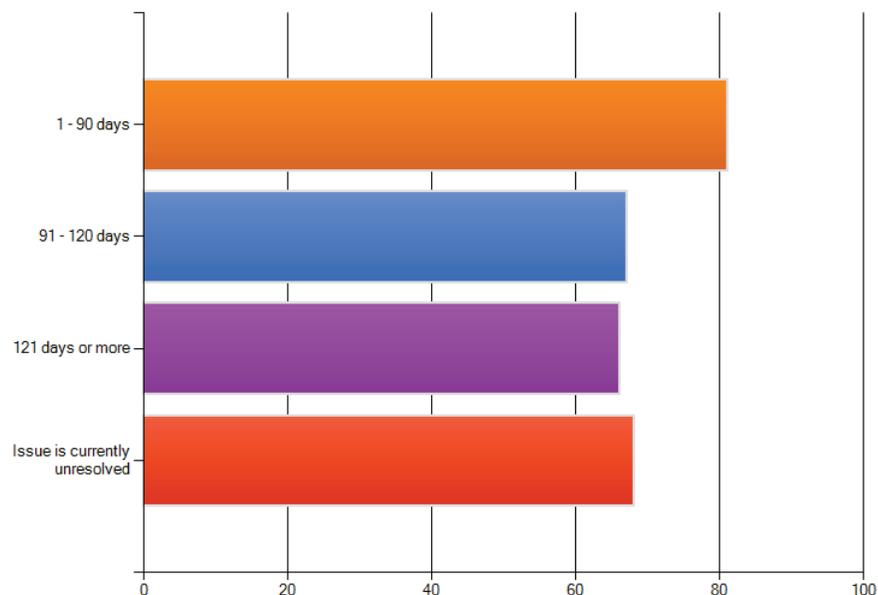
7. This list could go on for days. An example would be simple RVSM LOA's can take months. Meanwhile we have to fly the airplane below RVSM airspace burning enormous amounts of gas, which then causes fuel stops and wastes time and more gas. Another example is Part 135 certificates taking 18-24 months for issue.
8. It took us 11 months to add an aircraft to our certificate. Manuals generally take 4-6 months to get a response. Simple paperwork averages 2-3 months.
9. Compay had 601 Challenger being placed on a Pacific Northwest 135 certificate. FAA inspector informed us that he would not approve interior even though interior was original equipment. Since aircraft was purchased from manufacture we complained and they agreed to change interior at their cost. After two months of work and considerable expense the work was approved by the *City, State* FAA. Paper work was sent to the *FAA Region* inspector and he still would not accept it! Washington DC would not get involved so we sold the aircraft. The aircraft was sold to a company in Spain and EASA accepted the paper work from *City, State* with no problems. The *FAA Region* has always been difficult to work with and placing an aircraft on a 135 certificate can take months.
10. Long delays in responding to regulatory-based questions or providing guidance. One local FAA office manager promised a written response to a question by a certificate holder in September 2008. The certificate holder drafted the response for the local FAA office and sent in MSWord. All the local office had to do was review the draft, make any changes and sign. It's August 2009 and the certificate holder has not received the response from the local office manager despite three requests for the response.
11. Aircraft remains grounded, FSDO #1 "not a priority to issue airworthiness certificate". FSDO #2 "Bring the paperwork here and if the aircraft and paperwork is appropriate, we will issue the certificate." 5+ years delay, and millions of dollars to relocate aircraft to FSDO #2. Two nationally-accepted training programs delegated to local FSDO at renewal time. Local FSDO gives 6 pages of required changes to training program. Abandoned effort. FSDO #1, #2, & #3 find problem with aircraft. ACO #1 agrees with problem, but requires manufacturer-level fix. Manufacturer ACO disagrees, plane remains grounded for months. Thousands lost and that business folds. FSDO #1 allows and recommends copies of airworthiness and registration certificates. FSDO #2 does ramp check, violates pilot, flight instructor & operator. Thousands spent on defense, FAA Legal finally drops case. FSDO #1 allows AGIs to exercise their certificates. FSDO #2 requires AGIs to have IGI to instruct instrument students contrary to what regulation allows. FSDO #1 requires all CFI applicants to take checkride with FAA Inspector. Neighboring FSDO does not. FSDO #1 has 95% fail rate. Neighboring FSDO's DPEs have nearly 100% pass rate. CFI applicants flock to schools in FSDO #2's district. Cost to business: unknown.

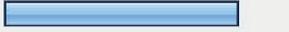
Do you believe the delay you experienced that interrupted your ability to do business was related to an incorrect or inconsistent interpretation?



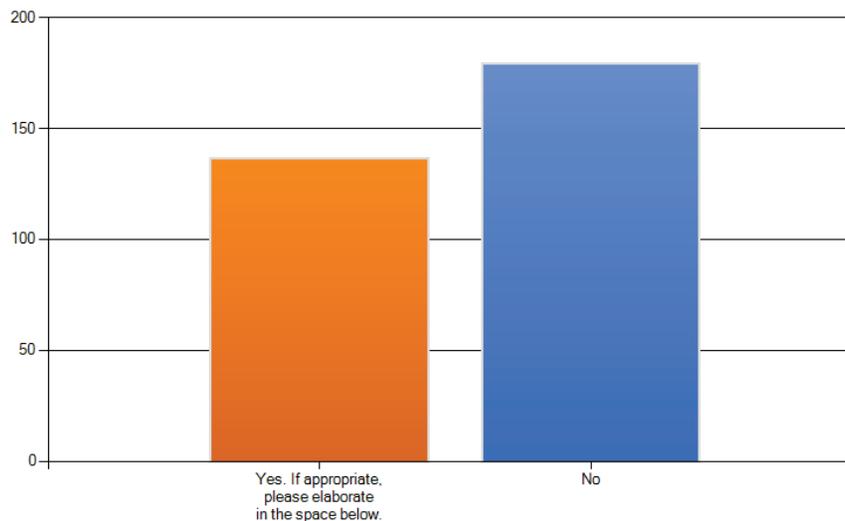
6. Do you believe the delay you experienced that interrupted your ability to do business was related to an incorrect or inconsistent interpretation?			Response Percent	Response Count
Yes			80.2%	227
No			6.4%	18
Not Sure			13.4%	38
<i>answered question</i>				283
<i>skipped question</i>				190

Thinking of the most significant delay you have experienced, how much time elapsed before the issue was resolved?



7. Thinking of the most significant delay you have experienced, how much time elapsed before the issue was resolved?			Response Percent	Response Count
1 - 90 days			28.7%	81
91 - 120 days			23.8%	67
121 days or more			23.4%	66
Issue is currently unresolved			24.1%	68
			<i>answered question</i>	282
			<i>skipped question</i>	191

Have you experienced FAA approval delays or denials for a new program/process that you believe would have improved your safety? For example:- lack of timely FAA approval negatively impacted your ability to implement a new safety process/program or install new safety equipment- FAA's denial of a request (due to local interpretation) prohibited you from implementing a program beneficial to safety (i.e., FAA denied an air charter operator request to adopt a formal flight attendant program because FA's are not required on the size of aircraft operated.)



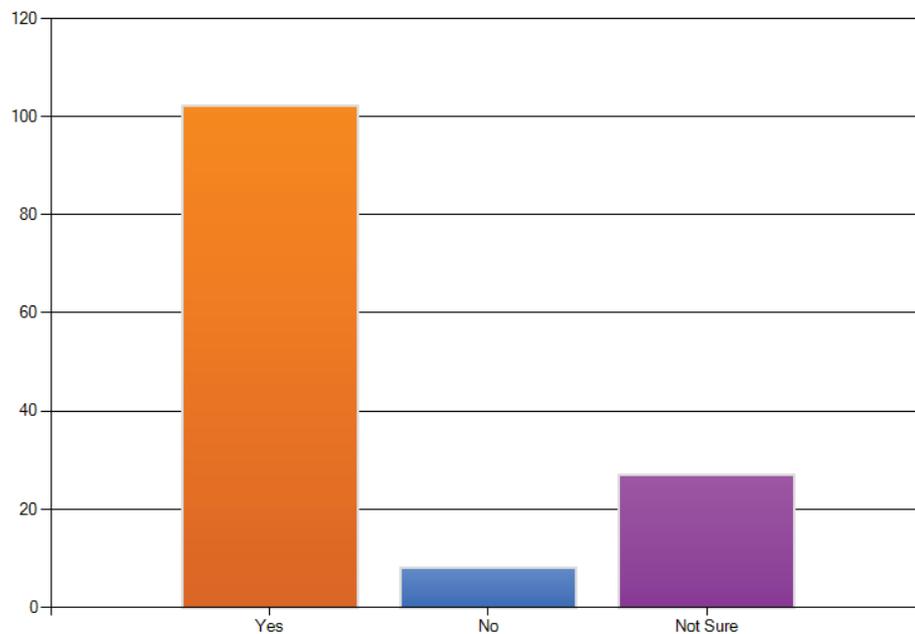
8. Have you experienced FAA approval delays or denials for a new program/process that you believe would have improved your safety? For example: - lack of timely FAA approval negatively impacted your ability to implement a new safety process/program or install new safety equipment - FAA's denial of a request (due to local interpretation) prohibited you from implementing a program beneficial to safety (i.e., FAA denied an air charter operator request to adopt a formal flight attendant program because FA's are not required on the size of aircraft operated.)		Response Percent	Response Count
Yes. If appropriate, please elaborate in the space below.	<input type="text"/>	43.2%	136
No	<input type="text"/>	56.8%	179
Please elaborate on your experience.			83
<b>answered question</b>			<b>315</b>
<b>skipped question</b>			<b>158</b>

*Respondent elaboration highlights on next page.*

***Selected responses to question 8's request for elaboration. Responses have not been edited in any way.***

1. We Have employees with over 30years,23years,16years,and 10years of NDI experiance. Because of an over sight in time, certificates had lapsed. Within 2 weeks all personel had retested under a level III instructor, and passed with ave scores of 95%. But this was not good enough for our PMI. He said that he needed to witness our procedure . A little funny since no one at that FDSO has any NDI expreiance. You have to understand all our Certs from our level III instructor were back since 7-14-09 and I have had to do the same process, and procedure for three different PMI inspectors whom after witnessing the NDI said that it was great and they were happy with the procedure and the process.The third PMI was even flown in from out of state at the expence of the tax payers, and we still do not have our op spects back to do NDI. In my opinion our PMI has some kind of vendeda out for our business or the guy just thinks he can impose any rule that he wishes regardless of the law or procedures. THIS IS AMERICA isn't it ?
2. SIngle-engine IFR in a piston aircraft. MY POI and PMI refused to approve my application even when I showed FAA data that indicated a much greater level of safety. After two months of banging my head against the wall, I went over their heads.
3. In November of 2007 we partnered with a highly regarded aviation manager who owns and operates one of the largest Part 135 air carriers in the United States and founded a new air carrier designed to be the state of the art in operational control, safety management systems, dual release dispatch, ISO 9001 certification etc. We spent over \$1.2M on the project. before we stared the project we visited the DOT and the FAA with leading avitation attornies to review our organization, ownership and our program. We were given very positive encouragment and told that we were exactly what the FAA was looking for with A008. Then an anonymous letter was written to the FAA challenging the ownership of our corporation and the FAA stopped processing our application. The FAA and DOT got into a dispute over jurisdiction in evaluating the validity of our application. We were asked for additional information on several occasions, which we regularly supplied the same day. Months went by and we could not get an answer about the status of our project from the FAA. Finally in June of 2008, we gave up the project and wrote off the investment. To this day we have never received an answer or explanation as to why our application got pidgeon holed and why the DOT who approved our ownership structured was stone walled on the matter by the FAA
4. No two flight standards offices in the country interpret the current rules governing cockpit modifications for Night Vision Google's (NVG) the same way. We have literally delayed delivery of this product to our programs by several months and in some case up to a year due to this inconsistency of interpretation. NVG's have been proven to be a major safety equalizer in the environment within which our organization conducts business but the FAA has become a major road block to this end and has indeed compromised overall safety due to their inconsistency.
5. Long delays in ADS-C and RNP-SAAAR loa's lead operators to hold off on new technology. The operators who are trying to break new ground are the ones with arrows in their back. Just as GPS evolved from new technology to an everyday peice of equipment. Do not let the manufacture have the technology if the FAA is going to tie to hands to use it.
6. The EU, specifically requires a FOQUA program and safety managment system. Furthermore, France requires this to be sanctioned by the FAA. When we presented our program for approval or even acknowledgement of the program, they refused to opine since the FAA did not have an equal requirement. Eventually, we were able to appease the French Govn't but we were prohibited to fly into France with large aircraft for approx 6 weeks since the FAA couldn't approve a safety program.
7. installed WASS into GPS on our jets, recived field approval only to have it questioned at by anouther FAA inspector. took 6 weeks & resources by FAA, avionics shop & our firm to clear up matter. so far have 3 jets approved & still working on anouther, although the WASS was done in the same format, the FAA in not accepting it.

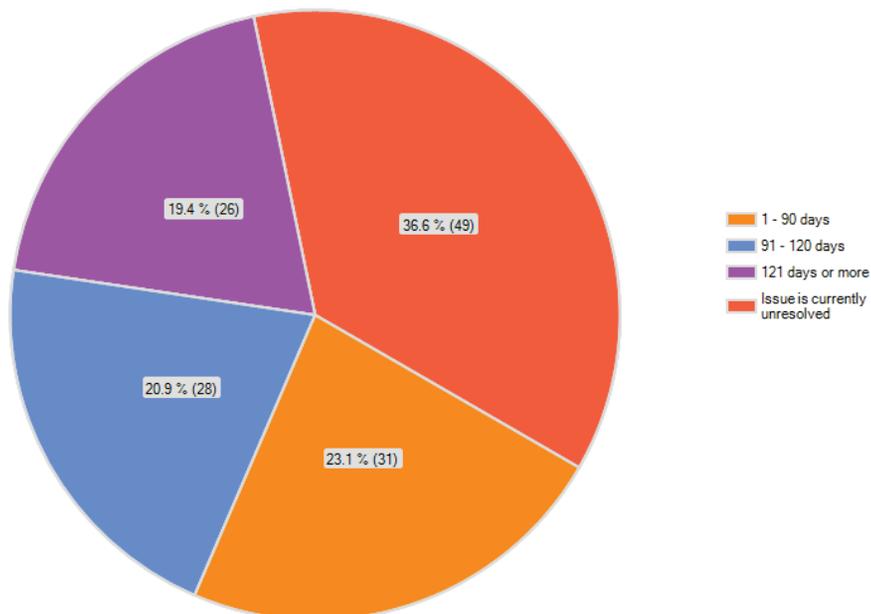
Do you believe that the delay or denial for a new safety program that you experienced was related to an incorrect or inconsistent interpretation?



9. Do you believe that the delay or denial for a new safety program that you experienced was related to an incorrect or inconsistent interpretation?

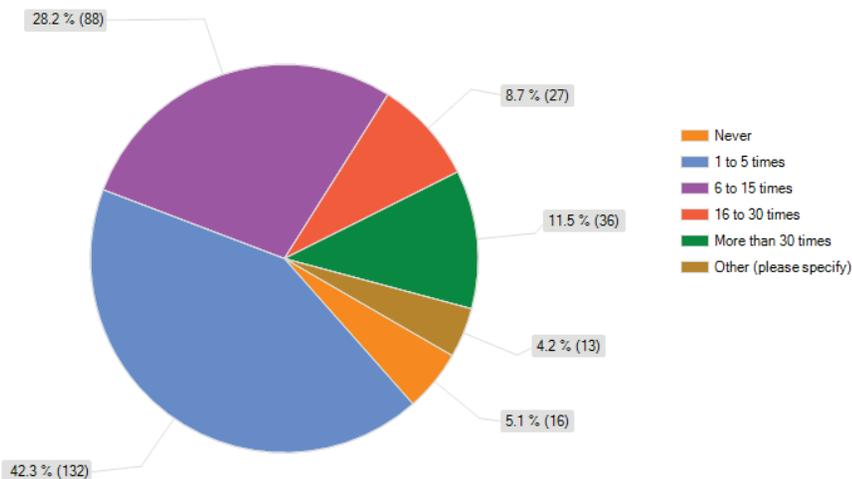
		Response Percent	Response Count
Yes		74.5%	102
No		5.8%	8
Not Sure		19.7%	27
<i>answered question</i>			137
<i>skipped question</i>			336

Thinking of the most significant delay for new safety programs or equipment you have experienced, how much time elapsed before the issue was resolved?



10. Thinking of the most significant delay for new safety programs or equipment you have experienced, how much time elapsed before the issue was resolved?			Response Percent	Response Count
1 - 90 days			23.1%	31
91 - 120 days			20.9%	28
121 days or more			19.4%	26
Issue is currently unresolved			36.6%	49
		<i>answered question</i>		134
		<i>skipped question</i>		339

**How often have you had to make a change to a previously approved manual/process/procedure that was not due to a new regulation or FAA headquarters policy, but rather due to the preference or opinion of a different inspector?**



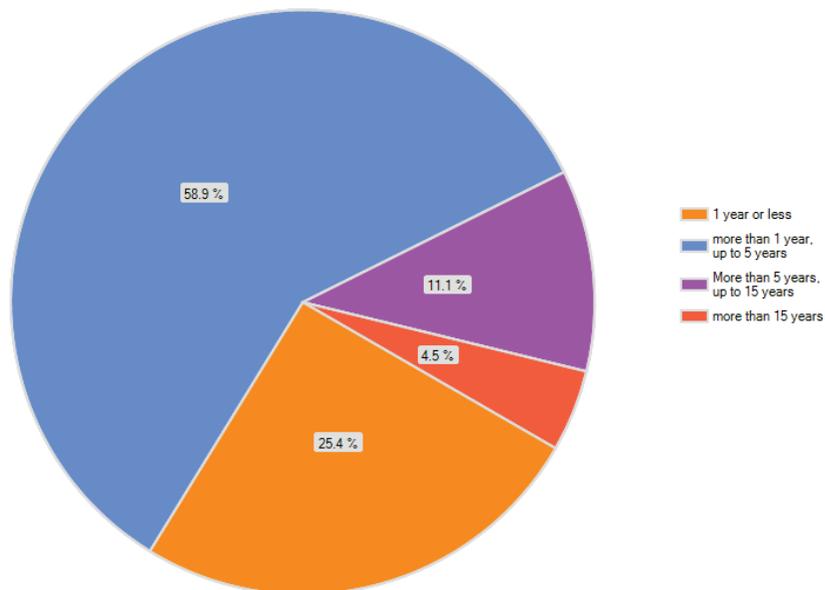
11. How often have you had to make a change to a previously approved manual/process/procedure that was not due to a new regulation or FAA headquarters policy, but rather due to the preference or opinion of a different inspector?		
	Response Percent	Response Count
Never <input type="checkbox"/>	5.1%	16
<b>1 to 5 times <input checked="" type="checkbox"/></b>	<b>42.3%</b>	<b>132</b>
6 to 15 times <input type="checkbox"/>	28.2%	88
16 to 30 times <input type="checkbox"/>	8.7%	27
More than 30 times <input type="checkbox"/>	11.5%	36
Other (please specify) <input type="checkbox"/>	4.2%	13
<i>answered question</i>		312
<i>skipped question</i>		161

*Explanations from those selecting "Other" appear on the next page.*

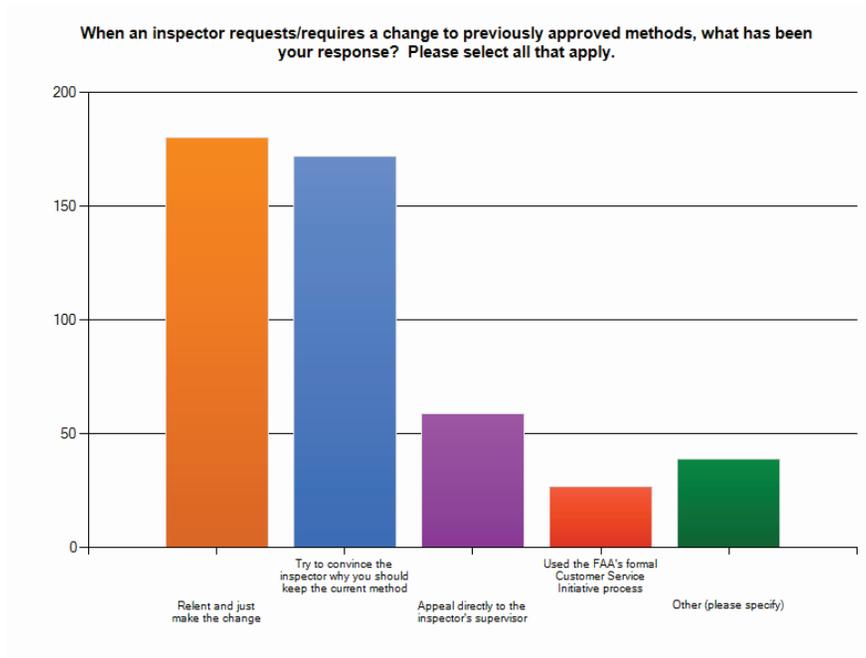
***Explanations from those selecting “Other” in response to question 11. Responses have not been edited or modified in any way.***

1. No, but had to state "no", causing friction with FAA, but no violations, as we were correct.
2. This is a matter of who is on first at the time. Operators have lost programs because the new POI does not want to deal with it. A primary example is the inconsistent application of approvals for Flight Attendant training programs which definitely impacts passenger safety. Many POI's will not even entertain approving an FA training program.
3. This seems to be the norm with our current inspector workforce.
4. I am not involved in this process
5. Every time a new FAA inspector is assigned
6. Issue not specific to our operation; it is an interpretation of manufacturer requirements
7. this is an on-going problem, some inspectors have their own agenda. They appear unable to apply the FARs as the standard. They also try to enforce their guidance as FAR.
8. Often. Uncountable times
9. Aside from owning and operating our own part 135 operation, I am also an aviation consultant who writes and produces manuals for part 121, 129 and 135 operators. To say that the FAA is both capricious and arbitrary is a gross understatement of fact. Over the years, I have had to make numerous revisions to manual procedures for the sole reason that the newest inspector did not like a procedure written at the direction of a previous inspector. The only consistency of the FAA is that they are inconsistent. From an operator standpoint the FAA is maddening, however from a consultant standpoint and in this regard, the whimsical nature of the FAA has been good for business!
10. every new inspector we get.
11. ongoing, due to SAI and EPI guidance material not regulatory.
12. Our whole training program and GOM were at the preference of the inspectors involved. During the documentation phase, I was told to delete or change items because they were not required and the inspector did not want to read them. In one case the inspector told us to rewrite the training program because he liked the Flight Safety format.
13. This has, and continues to happen, very often.

Thinking about the previous question, over what period of time did the selected number of changes occur?



12. Thinking about the previous question, over what period of time did the selected number of changes occur?			Response Percent	Response Count
1 year or less			25.4%	73
more than 1 year, up to 5 years			58.9%	169
More than 5 years, up to 15 years			11.1%	32
more than 15 years			4.5%	13
			<i>answered question</i>	<b>287</b>
			<i>skipped question</i>	<b>186</b>



**13. When an inspector requests/requires a change to previously approved methods, what has been your response? Please select all that apply.**

	Response Percent	Response Count
Relent and just make the change	62.5%	180
Try to convince the inspector why you should keep the current method	59.7%	172
Appeal directly to the inspector's supervisor	20.5%	59
Used the FAA's formal Customer Service Initiative process	9.4%	27
Other (please specify)	13.5%	39
<i>answered question</i>		<b>288</b>
<i>skipped question</i>		<b>185</b>

*Explanations from those selecting "Other" appear on the next page.*

**Explanations from those selecting "Other" in response to question 13.** Responses have not been edited; however identifying information has been redacted to protect respondent anonymity.

1. Tried CSI with response so delayed, we gave up and just held our ground. We also tried reasoning with inspectors before stating "no", but unsuccessfully.
2. Continually having to demonstrate multiple other examples that are accepted and approved. Same individual can change requirements repeatedly; multiple personnel in one office have varying requirements; many have no clear understanding of aviation! Businesses cannot remain financially viable wasting valuable time like the FAA seems to do changing "happy" to "glad". Educating the FAA is not our job. Building "best case" scenarios for them isn't either. Building business cases isn't either.
3. Discuss with FAA Headquarters in D.C.
4. Try to educate the Inspector, most of the time with no success.
5. In the beginning we would try to discuss the issues, but after a few times of that we weren't being heard so we began to relent more often to preserve the relationship.
6. You must be careful not to burn bridges when addressing these requests as you can make things even worse in dealing with the inspector going forward if you question them to strongly.
7. Unless it has a detrimental effect we typically keep them happy by making the change. If it has a negative safety or financial impact then we appeal to the supervisor and as a last resort turn to the customer service initiative at the FAA
8. eventually relent
9. Try to avoid an adversarial relationship. There is more productivity in a cooperative relationship. Often, this is tough to do, most ASI I have dealt with tend to be immature and take any disagreement personal.
10. Customer Service Initiative is dead, no longer exists in our local FSDO. It comes across as it's their way or you don't obtain what ever your attempting to get approval/authorization for.
11. All of the above.
12. Tried all of the above due to the inconsistency between the stated and written action of the inspection and the more stringent interpretation of the FSDO management. CSIP response was exceedingly slow.
13. each change request is reviewed, based on the request, FAR's & 8900 we then work to make sure the change is proper
14. Do extensive research and documentation showing the validity of my position. It usually ends up being about 20 to 200 pages per item in the inspector's request.

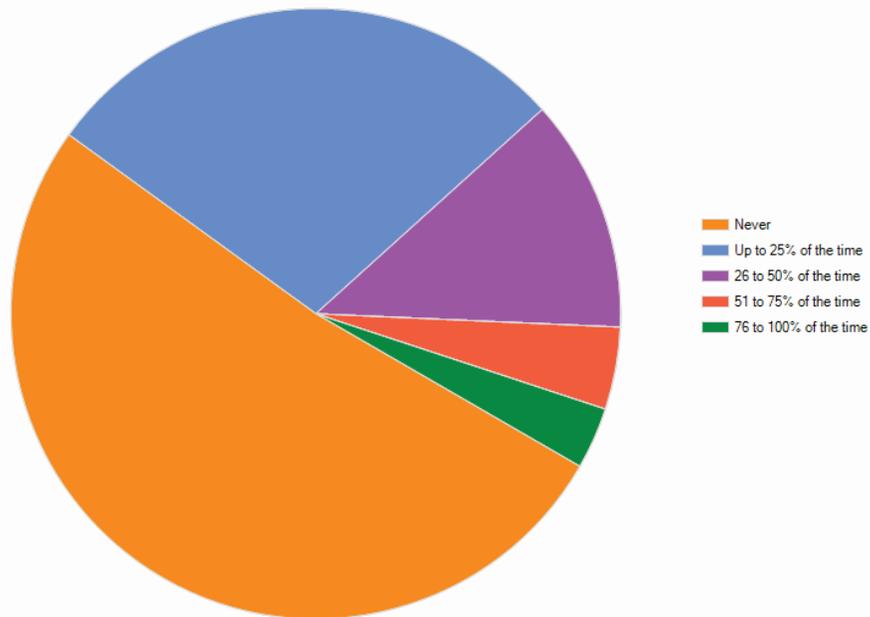
*Explanations from those selecting "Other" in response to question 13, continued.*

15. On some we have been able to show the guidance we used and retain the original policy based on printed FAA guidance.
16. any changes come along with implied threats that non-compliance will result in more frequent "inspections"
17. It depends if the change is reasonable and justified. If so, then we willingly change our process. If not, we cooperatively work with the FAA to determine best course of action.
18. I question the inspectors reasoning and review the regs that require the change, then make the change after we agree on his interpretation.
19. TELL THE FAA NO.
20. Then appealed to POI's supervisor
21. We have tried all the above methods with mixed success. Since they are in a position of authority over us, we are always concerned about retaliation against us if we push the matter too far.
22. Assess the change, adapt if it's better, try to work with the inspector if it's not.
23. To prevent the inevitable retribution you will receive for challenging an FAA inspector, in most cases it is better to relent and make the change, than make a stand. I say this because experience has proven that arguing your point or trying to convince an FAA Inspector that his, or her interpretation of a particular regulation is not what the regulation says, is a waste of time and does nothing but make that inspector resent you for challenging their authority. To this end, the "new" Customer Service Initiative is a joke (been there, tried that, and endured the consequences). When you use this new service, all you basically do is bring the battle you are having with your particular inspector into the arena of his supervisor and office manager. It then becomes an "us" versus "them" situation with you in the minority position regardless of whether or not you are in the right.
24. If you want to challenge the FAA and actually "win" (the war and not just the battle at hand) you must have a fantastic aviation law firm on retainer, and then enough patience and cash on hand to finance the endeavor. Knowing, of course that - whatever the outcome - you will be rewarded for your efforts in various forms of retribution meted out for exposing the FAA inspector you are complaining about.
25. If it is a regulatory change no questions. If not we do not change unless there is some benefit
26. Work with the Inspector do find a reasonable solution
27. Resist
28. All of the above. Usually it results in us relenting, but we have appealed to ACO for help and we have written CSI's
29. The *City* FSDO needs a 100 percent inspector general review of all activities of new inspectors in the last 2 years, specifically, airman forced retesting, suspension of certificates and ratings and general barrage of assaulting the industry with paperwork

*Explanations from those selecting "Other" in response to question 13, continued.*

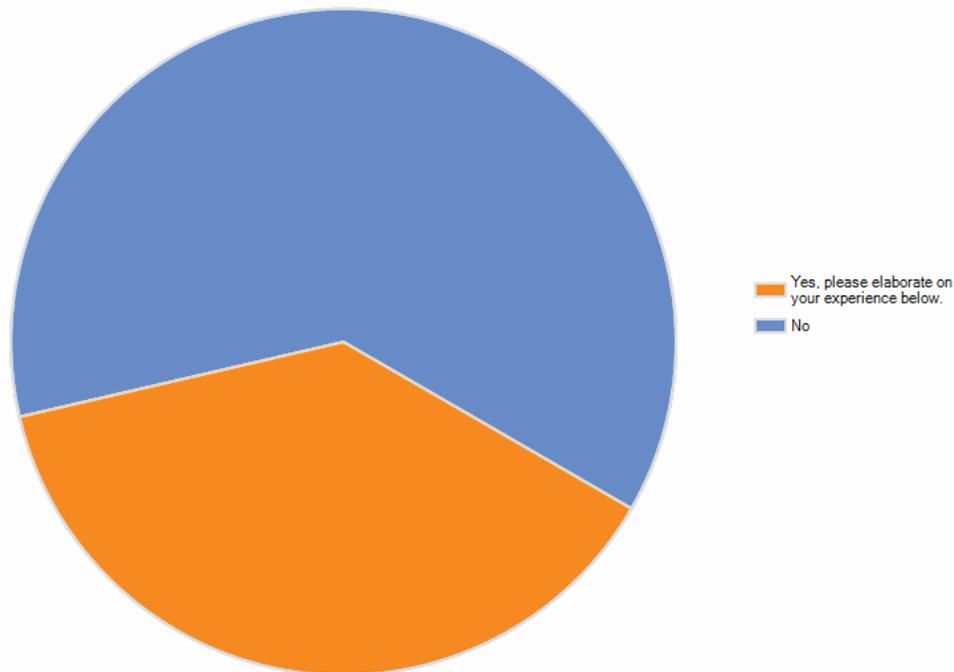
30. The formal Customer Service Initiative is absolutely useless. The only way to get anyone's attention is to go directly to DC.
31. We've scrapped programs in response to the lunacy, then told our customers where to gripe.
32. Request FAA Chief Counsel or Regional Counsel opinion.
33. Write to FAA chief counsel in Washington
34. I have attempted to gain information from other inspectors and such but usually just ended up relenting and making the change. On one occasion by dealing at a high level in the FAA was successful in bringing closure to certification issues.
35. After proving to myself that I am correct and the POI is wrong, I just say "No".
36. I also have to be willing to accept the fact that sometimes he is correct and I am wrong.
37. We thoroughly research any and all requests to make sure they meet the intent of the referenced FAR. If we are unclear we ask for a definition from either our inspectors, regional, or Washington. We never just make a change.
38. in my opinion we were forced to make many changes to the wording in various manuals so they would agree with the opinion of the PMI and how he interpreted it.
39. If the change is minor (just wording) as long as we still meet the regulations it is easy to relent to the change than to use the CSI or go to his supervisor.
40. Both B & A above. If unable to convince the inspector that our method is acceptable, we make the change.
41. A battle won may lead to a war lost!

If you tried to resist making the requested changes, how often were you successful?



14. If you tried to resist making the requested changes, how often were you successful?			Response Percent	Response Count
Never			51.6%	142
Up to 25% of the time			28.4%	78
26 to 50% of the time			12.4%	34
51 to 75% of the time			4.4%	12
76 to 100% of the time			3.3%	9
			<i>answered question</i>	275
			<i>skipped question</i>	198

If you have ever appealed your position to your inspector's superiors, do you believe you were subject to any form of retaliation?



15. If you have ever appealed your position to your inspector's superiors, do you believe you were subject to any form of retaliation?			Response Percent	Response Count
Yes, please elaborate on your experience below.			38.1%	102
No			61.9%	166
Please elaborate on the retaliation you experienced.				98
<i>answered question</i>				268
<i>skipped question</i>				205

Respondent elaboration highlights on next page.

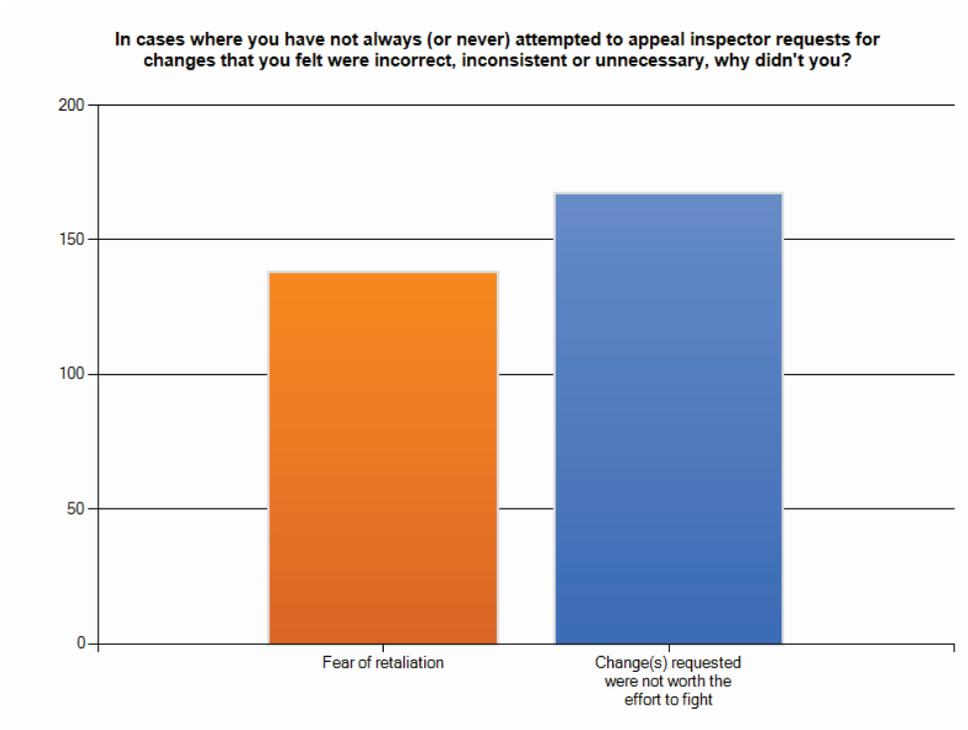
**Selected responses to question 15's request for elaboration.** Responses have not been edited; however identifying information has been redacted to protect respondent anonymity. .

1. Any time we have used the customer service initiative or talked with the supervisor, it has been made perfectly clear that does not work for our principles, and we subsequently would find our submittals receiving additional scrutiny in non material ways, ewxtending authorizations and just making daily duties more difficult.
2. Due to an appeal, we have experienced increased surveillance to the point of harassment.
3. Not by the FSDO office or management, only by our PAI who was opposed to our position. Even though we had a National Policy Letter supporting our position as well as the support of our POI and PMI. Openly, our PAI verbally threatened to find a way to violate and/or pull our air-carrier certificate to prove that the National Policy Letter was wrong and to us use to prove his point.
4. The inspector was/is upset with me as I keep meticulous records of all our time spent together, our correspondence and conversations, and have related to his superiors through the customer service program and his chain-of-command our interactions. Basically, he got caught lying about what he was working on, where he was working on it, and his lack of knowledge about the subject matter. The inspectors in general will not sign off on anything (FAA 337 field approvals, waivers, deviations, or manual items) that could put their pension at risk unless I can prove many other inspectors or offices have signed off on the item or course of action before.
5. One time, 3 inspectors, which included the FSDO manager, conspired to eradicate our business. A NTSB Judge completely nullified the charges against us, including me personally, and verbally sanctioned the individuals involved. The FAA attempted to pursue the action through the D.C. office, but Senator Phil Gramm eliminated that particular problem. I understand the 3 individuals were also eliminated. Defense costs a lot of money, and the defendant MUST be on very firm ground, as we were, but over a span of more than 40 years, I've seen this process enacted innumerable times. The FAA cannot effectively accomplish their mission without the cooperation and help of the industry, and they have largely destroyed any rapport, at least with General Aviation, through their own mismanagement, and even incompetence. Some of the inspectors are very good, but often are hamstrung by FSDO policies which are not at all standard throughout the Agency. Other inspectors are completely ignorant of the subject matter; few of them will admit that and ask questions. Still others are psychological, ego bound misfits who have never succeeded in any aviation endeavor beyond government employment. In my opinion, the FAA should be a separate entity, not affiliated with the Transportation Department, and reorganized with input from the Aviation Industry.
6. Most time the inspectors superior limits the agencies liability for law suits. Necessary changes in regulation should not be political from the OMB. They should be safety. The best people to know are certified and licensed people that is what NPRM wer supposed to be all about. That has turned into a finger pointing group until a crash happens. Let Congress take over the new law making authority. No more politics from the OMB office. We need full revision to USC title 49 to allow this to happen. We can not wait any more! Our industry is fast becoming open skies and global business. The USA has to take the lead in SMS systems.
7. Several years ago, after several months of enduring the personality of a POI, we requested a change. Thought we would have a private meeting with the office supervisor but instead, was met with the office supervisor, unit supervisor and the inspector in question. We laid out our reasons and our request was denied. Needless to say, that inspector increased his surveillance of us which eventually resulted in cerificate action for a very minor issue. When we went to the informal hearing, the attorney wanted to dismiss the action administratively but had to have the approval of the inspector. The inspector refused. We wound up paying a \$3,000 fine.  
On another occasion, last year, we were experiencing issues with our current PMI, we asked for a meeting and met with the office manager, his unit supervisor, the POI and the ops unit supervisor, and the PMI's assistant (the PMI was not in attenance as he was out of town) to discuss the issues.

*Selected responses to question 15's request for elaboration, continued.*

Basically, we were told that they would address our concerns with the PMI but his behavior has not changed and we continue to experience the same issues. He created so much problems that the Director of Maintenance resigned. We have since hired another Director of Maintenance (about 10 months ago) and now he is experiencing the same issues with this PMI. Had it not been for the experience noted above, we would request another PMI. I should add that none of the issues are regulatory in nature and he has not violated us but continues to insist that he should be able to dictate how we run our shop.

8. One company I workd for had tried to add a ten or more aircraft to his cert. after a year he gave up because of bad help he had and a new inspector. He had upset the manger of the FSDO so much that when he had a accident with a different aircraft they shut down his business and pulled all of his certificates. No one was hurt in the accident and it was his first in 35 years of flying. For sure a pay back.
9. I was given a 44709 within 1 week of questioning my PMI, and requested a meeting. I got to face 5 local PMI's, and they all had the same "Interpretation" of the law, and it was incorrect as proved by the response from Region , to our Attorney. No apology, no lunch!
10. Had Inspector express that he was not happy that I went to his Manager and will not except the fact That we as an operator went to his boss. After he stated this infront of two new hires as he was preforming 135.293. A maintenance Inspector came into the class room and stated that the aircraft was grounded and proceeded to ramp and ground 7 other aircraft.
11. We appealed directly to Washington with regards to our RVSM/MNPS package. Amazingly, the FLL FSDO called within 24 hrs of our appeal and asked us for more data. They eventually relented without significant changes and approved the package.
12. One inspector came to my shop and told me I could not calibrate my own measuring equipment. For many years I had sent everything out for calibration and certification. later I became aware that I could perform that service myself. I obtained all the NIST documents, all the Mil\_Spec, and had in hand procedures to preform all of the calibrations I felt capable of performing correctly. I had inspection and certification forms made to fill out. I had calibrated standards in house. A complete package of all information was made into a large notebook.  
I did perform the inspections and calibrations of the items I had listed, and the additional instruments were sent to a calibration lab for their work. My inspector at the time, Ken Wong, kept stating that I could not do that work. I kept asking why and never received a viable answer. After a few hours of bickering about it, I pulled out my notebook on Quality Assurance with forms, procedures and specifications. I asked Mr. Wong, did he want something like this. His only words were "Oh."  
At that time I stated that I thought he was the dumbest person I had delt with and I did not ever want him back in my shop. I stated I didn't care what he told the other fellows in the office, but he was not to come back.
13. We are still not able to do the work to keep our company in business. You must understand we have been in business since 1972 and have never had any issues with the FAA until this encounter with this PMI. It is my understanding that he has only been employed by the FAA for three years. Its very dishearting that a FSDO in any state in the United States of America can impose their rules as they see fit,not caring that several peoples lively hood is being destroyed because of people who interpet the laws and procedures as their opinion or to their own interpetation.



**16. In cases where you have not always (or never) attempted to appeal inspector requests for changes that you felt were incorrect, inconsistent or unnecessary, why didn't you?**

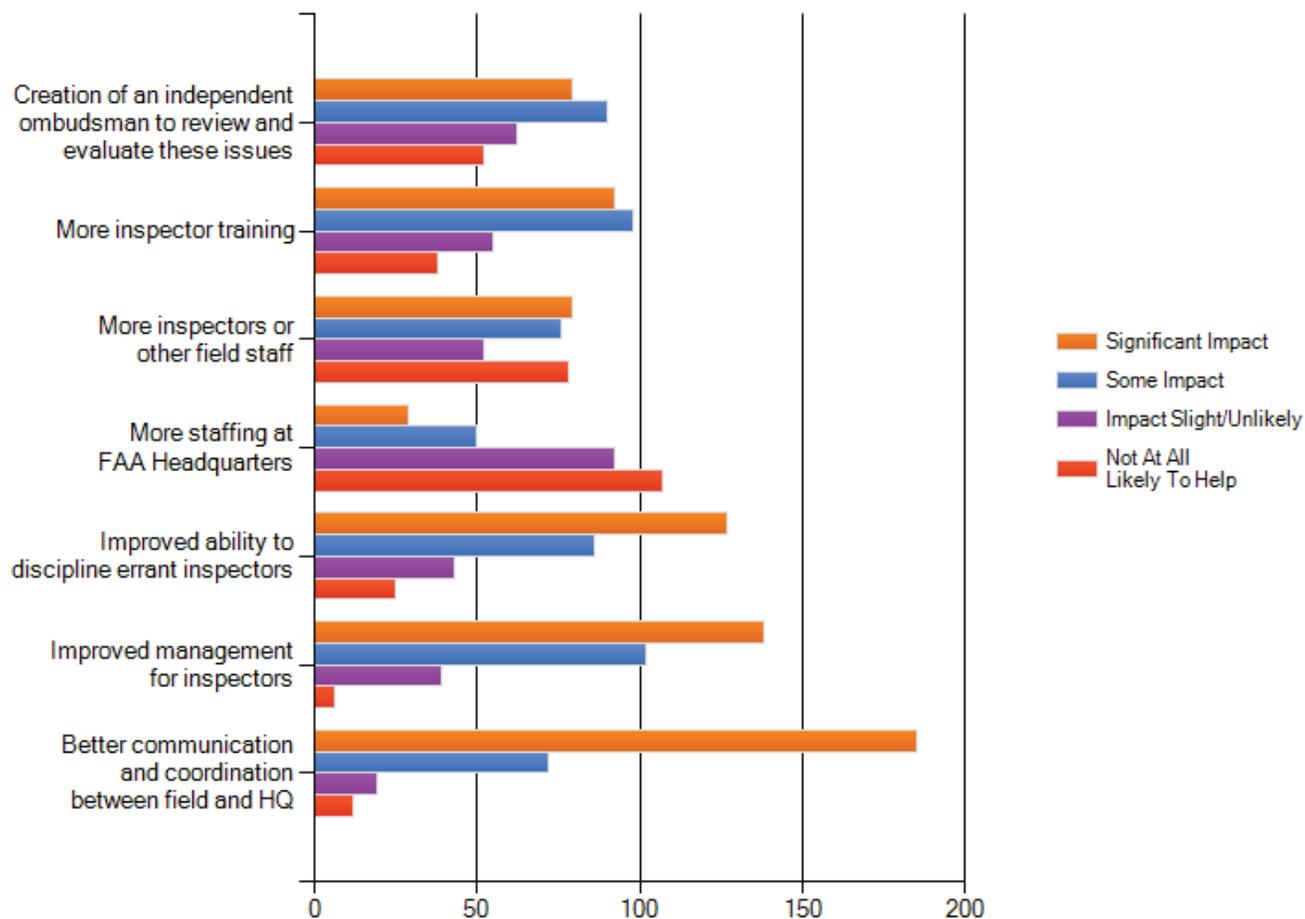
		Response Percent	Response Count
Fear of retaliation		53.7%	138
Change(s) requested were not worth the effort to fight		65.0%	167
Other (please specify)			30
		<i>answered question</i>	257
		<i>skipped question</i>	216

*Explanations from those selecting "Other" appear on the next page.*

**Explanations from those selecting "Other" in response to question 16.** Responses have not been edited; however identifying information has been redacted to protect respondent anonymity.

1. Often just losing the energy to start another fight.
2. We knew the regs and held our ground. In one case, we must take unreasonable steps because the operator was "required" to make changes. These "requirements are in violation of the regulations, not in excess of.
3. my way or the highway attitude of inspector
4. Personnel time is too valuable
5. Would rather keep the relationship good with POI
6. Can't fight city hall!!
7. We are in the City Region and calling them has not been successful to date.
8. I've always appealed the request.
9. Not applicable
10. Did not expect to be successful
11. Went to FSDO manager and received run around
12. Have requested change, with no written decision.
13. Felt no need to fight
14. One of us walked away with a different point of view.
15. The delay to the program wasn't worth it since they never seem to want to contradict what another colleague has done
16. I will always disagree with an inspector if I'm right or process previously approved.
17. was just clearly a losing battle
18. All of the above, you have to pick your battles.
19. I wouldn't say it was fear rather it might have deteriorated the relationship
20. waste of time and resources no matter how important the issue
21. You always have fear and feel or question yourself if its worth the fight
22. did not want to effect next request
23. Don't poke the bear...
24. We have to carefully pick our fights or pay a price
25. they have no experience so you cannot ask for them to tell you what should be done. They think they are Gods and not to be questioned.
26. The amount of time involved
27. Or time involved. Too burdensome to make change worthwhile.
28. Been at the job long enough and just didn't care.
29. The retaliation has already happened
30. further review/approval delays

**What do you think the FAA can or should do to correct the problem of inconsistency?**



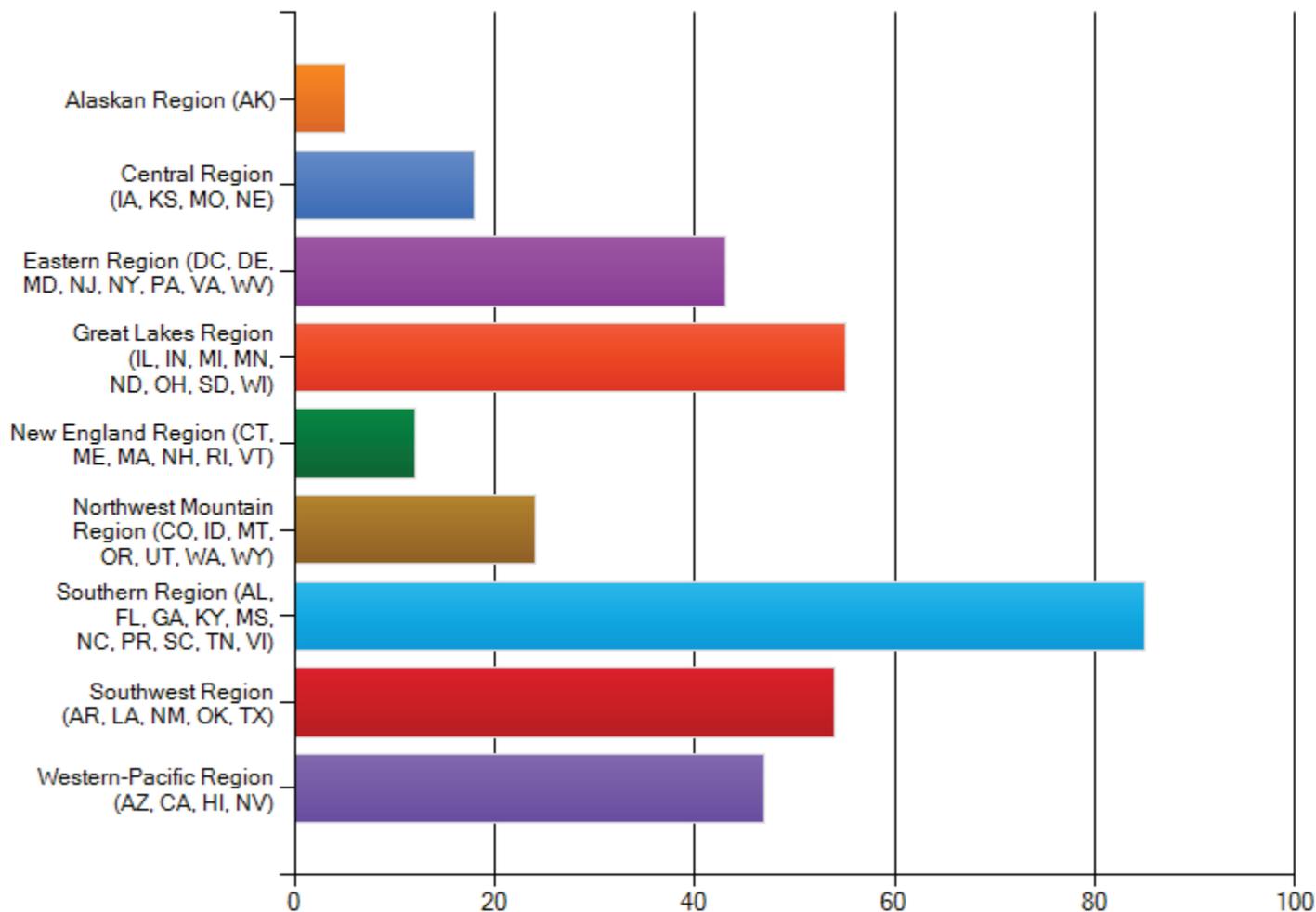
17. What do you think the FAA can or should do to correct the problem of inconsistency?						
	Significant Impact	Some Impact	Impact Slight/Unlikely	Not At All Likely To Help	Rating Average	Response Count
Creation of an independent ombudsman to review and evaluate these issues	27.9% (79)	<b>31.8% (90)</b>	21.9% (62)	18.4% (52)	2.31	283
More inspector training	32.5% (92)	<b>34.6% (98)</b>	19.4% (55)	13.4% (38)	2.14	283
More inspectors or other field staff	<b>27.7% (79)</b>	26.7% (76)	18.2% (52)	27.4% (78)	2.45	285
More staffing at FAA Headquarters	10.4% (29)	18.0% (50)	33.1% (92)	<b>38.5% (107)</b>	3.00	278
Improved ability to discipline errant inspectors	<b>45.2% (127)</b>	30.6% (86)	15.3% (43)	8.9% (25)	1.88	281
Improved management for inspectors	<b>48.4% (138)</b>	35.8% (102)	13.7% (39)	2.1% (6)	1.69	285
Better communication and coordination between field and HQ	<b>64.2% (185)</b>	25.0% (72)	6.6% (19)	4.2% (12)	1.51	288
				Other (please specify)		83
				<i>answered question</i>		290
				<i>skipped question</i>		183

*Respondent elaboration highlights begin on next page.*

**Selected responses to question 17's request for elaboration.** Responses have not been edited; however identifying information has been redacted to protect respondent anonymity.

1. There are times that you would like to call your POI or PMI and get some help with an unclear regulation but two problems exist; one is the inspectors seldom seem to offer any useful information other than what's in their inspectors handbook and that does not explain the regulation and secondly are you really going to confess your sins (no matter how innocent) to the party charged with overseeing your ops. We all wind up calling our peers to get their read on the "issue".
2. I think the FAA should wrest some control from the field. I do not feel that one FSDO should scrutinize the work ( approvals) of another at the expense of the operator , e.g. requiring rewrites of Ops Specs, Trainign Manuals , Maintenance programs etc, when changing FSDOs
3. Inspectors with actual field experience should be utilized more often. It seems like some of the inspectors that I've worked with have never actually worked on aircraft!!! Not a good thing at all.
4. Most of our problem seem to come from FAA inspectors personal misinterpretation of regs. and guidance. The 8900 guidance seem provide for too much discretion of individual inspectors. The guidance is also too complicated for most to keep up with.
5. A simple regulation that says if one FSDO/Inspector approves something, it should be good with all FSDO's/Inspectors would help significantly. Nothing is more frustrating than being approved by your home FSDO and then get hammered by another FSDO when you land in a different state.
6. More inspectors would help with backlog,if properly trained, but would add more opinions if not trained well. A big impact would be to reduce loa's like RVSM approvals when on approved programs etc. Eliminate paper and programs that have little or no value on safety.
7. We need more inspectors, and an independent voice/advocate for standards in interpretation of regulations. We continue to suffer from a lack of interpretation or incorrect interpretation due to lack of inspector experience.
8.
  1. Require a 2 year probationary period for new inspectors. The current 1 year probation allows the new inspector to perform few duties beyond training in the first year. The second year would provide a more realistic assessment of the inspector's ability to perform, or not. Successful completion of the second year and probation would require documented evaluation by 2 levels of supervision as well as any operators surveilled by that inspector.
  2. Require all questions of regulatory or guidance interpretation be published on a public website. Similar questions could be consolidated, but with total counts so that the regulation/guidance with more questions would be obvious to everyone so that resources could be placed where an actual need exists, not simply perceived.
  3. Require FAA to accept that if a document or data, or any other submission is made and accepted or approved by FAA, it is immediately accepted or approved anywhere else in FAA. If there is a question of acceptability between FAA offices, that question must be resolved within FAA and if not to the benefit of the submitter, the FAA office that made the determination of acceptability must be held accountable. If it was accepted and should not have been, that's ok and it has to be fixed, but the FAA office that accepted/approved it should bear some cost for the applicant's required resubmission or cost incurred by the use of the improperly approved/accepted submission.
9. Monitor Inspector's working hours and amount of work accomplished.

Please indicate the FAA Region which has primary jurisdiction over your certificated operation.



**National Air Transportation Association**

4226 King Street

Alexandria, Virginia 22302

703-845-9000

[www.nata.aero](http://www.nata.aero)