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April 24, 2019

The Honorable Peter DeFazio
Chairman
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science & Transportation
U.S. Senate
Washington, D.C. 20510

The Honorable Sam Graves
Ranking Member
Committee on Transportation & Infrastructure
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science & Transportation
U.S. Senate
Washington, D.C. 20510

RE: Aviation Stakeholder Engagement & Delegation

Dear Chairmen DeFazio and Wicker and Ranking Members Graves and Cantwell:

The Aeronautical Repair Station Association (ARSA) is concerned about statements and proposals proffered by members of Congress in the wake of the recent Boeing 737 MAX 8 accidents, particularly those related to the Federal Aviation Administration's (FAA) delegation rules and Boeing's participation on government stakeholder panels. As explained herein, we believe both stakeholder engagement and delegation are essential to efficient government oversight.

Background

ARSA is the trade association for the global aviation maintenance and manufacturing sector. ARSA's core members are companies certificated by the FAA and other authorities to perform maintenance, preventive maintenance or alteration of aircraft, other aviation products, appliances and components. Although our membership also includes leading manufacturers (including Boeing), airlines and other entities and individuals with an interest in aviation policy, the bulk of our members – and most repair stations – are small businesses.

During its more than three decades of existence, our association has earned a reputation as a leading source of information and insights about aviation regulatory policy. ARSA is well-known as an advocate for fact and reason-based laws and regulations. As evidence of our long engagement on government-convened bodies, Executive Director Sarah MacLeod serves as a co-chair of the FAA's Aviation Rulemaking Advisory Committee (ARAC), our managing director and general counsel, Marshall Filler, served as a working group lead on the Safety Oversight and Certification Aviation Rulemaking Committee and I represent repair stations on the Transportation Security Administration's Aviation Security Advisory Committee.

Collaboration is the Key to Safety

While the recent Boeing accidents are tragedies, they have attracted such enormous attention because they are anomalies in an aviation system with an unparalleled safety record. That safety record is attributable, in part, to the constant collaboration between aviation companies and dedicated individuals in government and the private sector to identify, assess and mitigate risk.

It is because collaboration is so important that we are concerned about suggestions that Boeing should be excluded from stakeholder panels such as ARAC that deal with aviation regulatory issues. We disagree, for example, with [Senate Minority Leader Charles Schumer's assertion](#) that, "It makes no sense for Boeing — or any company for that matter — to be involved in an active investigation surrounding questions of safety while also retaining 'membership' on a federal committee that recommends airline industry regulations."

April 24, 2019

Page 2

Boeing is America's leading aircraft manufacturer and excluding the company from participating in ARAC would prevent the very collaboration that has helped make our aviation system as safe as it is. The suggestion – whether stated or implied – that Boeing can unduly influence regulators through panels like ARAC is simply unfounded. All participants – from those representing large companies to those representing small businesses like ARSA's members – have an equal voice in making recommendations to improve regulations and oversight.

Engagement through panels and stakeholder bodies supports the continuous improvement of the regulatory system. Having all stakeholders at the table ensures that all necessary data, consequences and alternatives are considered and that proposed rules are consistent with the law, technical and engineering realities and the safety objectives we all share.

Delegation is Efficient Regulation

Similarly, the association is dismayed that some lawmakers have recently questioned the FAA's policy of delegating authority through such mechanisms as Organization Designation Authorization (ODA). The FAA has used delegation in various forms for almost a century with full buy-in from Congress. The agency's authority in this area is codified at [49 U.S.C. Sec. 44702\(d\)](#), which allows the FAA to delegate to a qualified private person a matter related to issuing certificates, or related to the examination, testing, and inspection necessary to issue a certificate on behalf of the FAA Administrator.

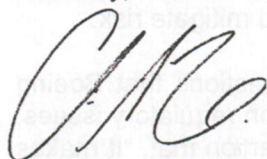
In encouraging – and providing a statutory framework for – delegation, Congress was acting wisely and in recognition of the fact that the FAA has limited resources to regulate a dynamic, growing industry. The FAA regulations that govern delegation ([14 C.F.R. part 183](#)) contain specific qualification requirements to ensure that an ODA holder has proper facilities, resources, and personnel, as well as experience with FAA requirements, process and procedures. [14 C.F.R. Sec. 183.15](#) allows the FAA to revoke delegation authority for “any reason the Administrator considers appropriate,” which creates a strong incentive on the part of designees to strictly abide by agency rules and policies.

ARSA has unique insights about the aviation regulatory system because we constantly engage with U.S. and foreign regulators and receive daily member inquiries about regulatory issues. The rules are complex, and the agency's enforcement can be inconsistent and arbitrary. No one would argue the FAA is perfect or that its rules and policies could not be improved. Of course, congressional oversight and direction through the reauthorization process are essential.

However, unless Congress is prepared to dramatically increase the agency's resources – and to continue to increase those resources as the industry grows in the years ahead – the integrity of stakeholder bodies must be protected and the delegation system must be maintained and enhanced to allow the FAA to leverage industry expertise. Indeed, regardless of the finances and manpower of the regulator, it cannot effectively do its job if it does not engage with, and learn lessons from, the dependable and committed industry it regulates.

Thank you for considering our comments.

Sincerely,



Christian A. Klein
Executive Vice President