



McBreen & Kopko

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Aviation Group Client Update

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GAO RERPORTS THAT FAA HAS SHOWN PROGRESS IN CERTIFICATION AND REGULATORY CONSISTENCY

On March 23, 2017, the Government Accountability Office (GAO) [testified](#) before the Senate Subcommittee Aviation Operations, Safety, and Security on the FAA's performance in addressing concerns in FAA certification process and regulatory consistency.

Background. Two FAA rulemaking committees made up of industry members made a number of recommendations to the FAA in 2012. GAO testified in April 2015 that selected U.S. aviation companies reported continuing challenges in obtaining certification approvals, resulting in unnecessary delays and cost. GAO recently updated its study of FAA performance and reported on the performance.

Findings. The Certification Process Committee made six recommendations in 2012, and as of March 2017, GAO found that FAA has made significant progress in addressing the recommendations by completing 13 of the 14 total initiatives. These initiatives included developing a roadmap for change initiatives and a tracking system for certification initiatives, improving and expanding FAA's organization designation authorization (ODA) program, improving the project sequencing process, improving the validation process, expediting the rulemaking process, and reorganizing the regulations for the certification of small airplanes. The one initiative that is not complete involves a revision of regulations dealing with the certification of aircraft products and parts to include a systems safety approach.

FAA's progress regarding the consistency of its regulatory interpretations is less complete; the FAA has completed efforts to address 2 of the 6 regulatory consistency recommendations, has efforts underway to address three, and is not planning to implement one. Completed efforts include ensuring better clarity in final rules and improvements in regulatory training for FAA personnel and industry. FAA is continuing work on an electronic platform to allow agency and industry users to access consolidated information on regulations and on creation of a consistency board to provide clarification on regulation-related questions from FAA and industry stakeholders.

If you have any questions or would like further information, please contact Shelley Ewalt.

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McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.

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