

## **DOM Article-Making It Work!**

Fair warning, this article may overlap with some of the others I have written. In this piece I am trying to provide some practical tips to aid current and future Directors of Maintenance on dealing with government regulators. Quality Assurance Manager's might also benefit as many of them also deal day to day with regulatory inspectors. Some of the points I make can also apply to others one deals with as well. After all we are all human and the core of making it happen is human communications and behaviours or if you will, human factors. A word to the wise, you can use the techniques I spoke about in other articles called the three c's; confront, correct and compliment. A further word to the wise: be careful using this tactic on your significant other, I do not want to be responsible for any poor outcomes!

## **Regulatory Inspectors Role**

First of all, develop a good understanding of the inspector's role. A place to start is on your government's websites which provide a lot of information for those willing to spend some time doing some basic research. Start by reviewing the organizational structure of the government you're dealing with. Follow the organization down to where you're at. Most larger countries have regionally based divisions and local offices. Gain an understanding of which region you are in and the regulatory district office. Compare this to the federal political divisions, find out which district you are in and who is your legislative representative. This can become useful if you ever feel the need to use political representation in your work. Remember that most government air transport safety departments are technical operations, and most politicians avoid getting involved, for obvious reasons, but especially if safety is an issue. They also try to avoid inter- company safety or economic issues as they can soon be seen as being unfair to one or the other, and may lose votes, if in an elected democratic system. In less democratic systems it becomes more important to know who makes the decisions even in technical matters as generally that individual gets the final say.

However, even in the major democratic countries I have rarely seen technical matters decided by politicians. They sometimes do get to choose between options but you can be assured all the options have been well studied by technical experts. This is something to be considered as you work with your regulators.

So for this discussion we will assume you have a regulatory issue caused by an inspection, program validation or even an enforcement matter caused by someone in your organization that you wish to dispute.

## **Strategies and Tactics**

Once you have seriously studied and discussed your issue among your staff and other industry people and you are convinced you have a reasonable chance of winning your case you can decide your strategy. Always remember that the local inspectors also do such reviews and they try to make sure they are correct. As I have written before the inspectors have access to more

technical expertise than you may have reviewing and critiquing their work. Sometimes they only need a few clarifications from you to change a finding or observation or even an enforcement file.

So you have contacted your principal inspector and registered your point of view. The disagreement still stands so now you move to more formal communications or meetings. While doing this make sure it's not a personal thing, keep personalities out, assume the best motives for everyone. If you cannot do that or are short tempered, consider sending someone else who is not personally attached to the matter. Try to match rank for rank, sending a junior apprentice to argue your case before the manager of the principle inspector sends the wrong message. If you do not take such rank considerations seriously you are being disrespectful, even if not done intentionally. Maintain a respectful tone and manner, avoid getting into personal comparisons of abilities or knowledge. If the inspector is not highly trained and knowledgeable about the item under discussion they will bring colleagues in who are. The regulator has access to basically unlimited technical advice if needed. Think about how the TSB can bring experts from everywhere to bear on an incident or accident. Respect the other's position and try to understand their viewpoint.

Sometimes I am sure you will think the inspector is just mad with power. In that case remember the three c's and use them. Recall that all major organisations have a code of conduct, read it and understand it. Document any deviation, serious ones that is, from that code. Witnesses are also very valuable. If you feel that you're not getting a fair hearing you can appeal to the supervisor. Do it openly and keep your principal inspector in the loop as you explain why you feel it's necessary. Regardless of the final outcome thank everyone for their time and assistance. In all such matters keeping records of everything is a major requirement. Before you spend a lot of your time and the regulators time, make sure it is worth it by avoiding arguments over small matters.

### **What Happens When**

I have many times in my regulatory career been threatened by individuals saying that they were going to get the politicians involved or my superiors brought into the discussions. My apologies to the non Canadians reading this article as my examples will be Canadian ones, but you can substitute your own titles and I believe the core points will remain the same.

If you decide to jump right to the top and write to the Minister of Transport or the FAA Administrator, the system kind of locks down. By this I mean that your correspondence goes into a very controlled and accountable system with discrete timelines. Obviously an answer cannot be drafted unless there is input from your inspector. So the inspector working on your file is now tasked, on a priority basis, to write a draft regarding your issue. That means no work on your file. Then it goes up and down the chain of command until everyone is happy with the reply and signs off. Simply put, it is not good for your career to get the top person to sign a

letter or make decisions based on poor or inaccurate information. So it locks everyone into a very formal reply mode. It is much better to resolve things locally if possible.

Occasionally you run into a major policy matter. This is where you can turn for help to industry associations, who might already be working on the subject. There is power in numbers. I made some policy decisions on a single letter input or a meeting but most times it was with association support. Unfortunately, the general public rarely gets involved unless it is in regard to fees, taxes or subsidies, all outside safety regulation field for the most part. There are exceptions of course, like licensing fees.

If you're facing a serious legal issue, then aviation skilled lawyers are a good place to turn to. Likely most of your issues are of a technical or an administrative nature. Additionally, there are consultants, who can offer a valuable service to you depending on their background and interests. One real advantage of using them is that you can augment your resources for short term issues, like dealing with a regulatory problem. Regardless of how you approach solving the issues, and what resources you bring, it will be the facts that determine the final outcome for most matters.

### **Professional Help**

Sometimes we all need extra help from people who have invested a large part of their lives in formal education and training. From time to time you may need to ask advice from those who have spent their career digging deeply into one field of study. Many years ago I had a technical matter to resolve and I ended up talking with a battery expert, PHD level education in a research laboratory, who had spent his entire life studying batteries. I have met very few DOMs or maintenance techs who can or have spent their entire life on one study. In fact, being a jack of all trades and master of none is what most DOMs seem to be. In my entire military and civil career, I noticed it was the individuals with a wide range of knowledge and interests who rose to the more senior positions. In addition, one other strength was that they knew when to consult others.

So who are the others? Well your local principal inspectors for a start, equipment manufacturers, aviation associations, manufacturer's technical representatives, lawyers, consulting aeronautical engineers and so on. To save you time and money ensure that you have scoped out the issue fully before bringing it to them or you may have to go back and do some more homework. This saves them time as most of them are very busy as well.

### **Summary**

Try to understand the inspector's role and put yourself into their position as you make your proposal or case. Do not underestimate their knowledge or the amount of help and information they have. Always be prepared with good records and sound technical arguments and present them well without excessive emotion. Record all decisions and follow up as

required. Bring additional assistance to the table if needed. Ensure you meet your timelines and commitments.

Most countries have aviation feedback systems covering technical matters as well as aviation policy. Become knowledgeable about them and use them. Your feedback will help your regulator develop better policies and regulations.

Become an industry leader by attending conferences, courses and being members of associations that present the views of your industry sector. There is strength in numbers as regulators pay attention to industry associations. Many senior aviation leaders and politicians attend such meetings and conferences which makes for good networking opportunities for DOMs. A good aviation citizen also has all the basic citizenship rights to use the appeals mechanisms set up to aid in ensuring the right technical decisions get made; do not be afraid to use them when necessary. Work hard to keep the very essential communication channels open to your local regulators. It makes life easier for everyone. Basically everything I have written about in this article can also be applied in company division work as well, say for example between quality inspectors and production.

Just in case you think I am perfect I will end with a personal story. When I was a very junior airworthiness inspector in Transport Canada's Ontario Region I was sent out to a hangar to inspect a Twin Otter under modification. It was a conformity and compliance inspection to determine if the modification was in fact conforming to the approved data. I immediately focused on the under belly where some electrical work had been done. I cannot recall all the details from 40 years ago but I recall the embarrassing highlights. I saw electrical lines wrapped around either fuel or hydraulic lines. I cannot recall the exact systems now. I then issued an immediate aircraft grounding order and went back to my office desk very pleased I had done a good job. The DOM telephoned my boss, no personal cell phone then, and complained about my work. My boss called me into his office, a real office, my desk was in the inspector's pool. Being a newbie, this was intimidating. After a few preliminary bits of information was exchanged he said, "Roger, you're a really good inspector and we are pleased with your work but next time you issue an immediate aircraft grounding order, please see if it has any engines installed. You could have just advised them by a notice of a defect." Well how much more embarrassed as an inspector can you be? I was so focused on the defect that I found, I didn't look up at the wings to notice both engines were removed. To really drive the lesson home I had to go and retrieve my grounding notice. Everyone from DOM down was nice but I could see a few smiles on their faces. I recovered from my embarrassment and eventually completed the inspection. They also changed the routing of the wiring. In closing, I am sure my colleague and friend Gordon DuPont has a 'Human Factors' item that covers my less than brilliant inspection.