

AERIAL AGRICULTURAL ASSOCIATION OF AUSTRALIA LTD.

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AAAA Submission – CASA Discussion Paper 15070S

Classification of Firefighting Activities Within Aerial Application and Aerial Work Operations

Introduction

AAAA is extremely disappointed with CASA's pursuit of this issue after AAAA already provided feedback on this issue over the previous 12 months, held discussions on the issue with the Director of Air Safety and received a reassurance from the DAS and Peter Boyd, the Head of Standards, at the Regional Aviation Safety Forum, that it was CASA's intent to add all rotary aerial application operations to Part 137 and to ensure that firebombing and oilspill remained in Part 137 where it has happily sat since 2007.

CASA's consistent line for years – supported strongly by AAAA - has been to bring all rotary aerial application operations into Part 137 – including firebombing – the only problem has been CASA not scheduling the work.

AAAA views this discussion paper as another example of CASA not listening to industry and pursuing its own agenda - not based on a safety case or risk management principles - or even a consistent policy line.

If it is simply about the most effective place to locate aerial firefighting – ie a choice between Part 137 and creating a new range of 'dispersal' operations under Part 138 - then AAAA's previous advice for all aerial firebombing to be under Part 137 stands.

DP Objectives.

It is difficult to reconcile the objective of the DP to address industry concerns, when these 'industry concerns' are not being articulated by 'industry' – other than the requirement for all firebombing operations to be covered by Part 137 - aerial application.

AAAA is very concerned at the lack of transparency in the CASA discussion paper as to who in 'industry' is raising the issue of not maintaining aerial firebombing in Part 137.

AAAA would be very concerned if CASA is operating at the behest of other parties that do not hold a licence or AOC issued by CASA, principally because that may mean regulation of the industry being for reasons other than aviation safety. AAAA suggests that if that were the case, then CASA may be acting outside the *Civil Aviation Act*.

If this exercise is simply in service of an individual CASA officer's preference or 'good idea' or for some other reason, then AAAA questions CASA's commitment to open and honest consultation with industry, its compliance with the Government's red tape reduction principles, the Minister's recent Letter of Expectations, and the Government's adopted recommendations from the ASRR.

AAAA is the principle peak industry association that has been actively operating in this area for over a decade. AAAA has both rotary and fixed wing members and that membership covers a very significant amount of the firefighting activity in the country.

In addition to providing the key firefighting services of both rotary and fixed wing aircraft, AAAA members have been involved with bringing large and very large tankers into the country and also provide a wide range of support services to the fire agencies.

AAAA has been instrumental in working cooperatively with CASA to ensure Part 137 meets the needs of the industry – and especially the essential safety and flexibility required – and is struggling to understand the need for this discussion paper given the trajectory of previous discussions.

AAAA Preference – option 2 with significant amendment

AAAA strongly supports the retention of all fixed wing aerial application in Part 137. As a part of the existing definition in Part 137, this should be taken to include the application of materials to a fire or for related purposes.

Part 137 has been highly effective since its introduction in 2007. This success should be built upon as previously intended and not torn down to suit an unclear CASA agenda.

There are a range of very effective measures in Part 137 that provide considerable benefits to operations and to aviation safety. AAAA is extremely concerned that these long-standing and effective measures may be changed by any move to include firebombing operations in Part 138.

The simplest and best coverage of the operational issues and safety is by including all firebombing operations under the coverage of Part 137, and to cover all other firefighting activities under existing or new classifications in Part 138.

As part of a long-term CASA policy, all rotary aerial application – including firebombing – should be brought into Part 137 as a matter of urgency.

AAAA is convinced it is in the long term interests of industry to keep operations together that are largely similar in nature.

The 'straw-man' argument that CASA has concocted in this discussion paper should not be allowed to disguise the fundamental importance of recognising it is not appropriate – from a CASA or industry perspective – to try and lump all 'fire-fighting' operations together when they are of a substantially different nature to aerial application – ie fire-bombing.

Therefore, splitting CASA's current approach into aerial 'firebombing' (Part 137 operations) and 'other activities in support of aerial firefighting' (Part 138 operations) is a reasonable and very

practical means of improving aviation safety and taking advantage of the effectiveness of Part 137.

AAAA believes firebombing ops should be under Part 137 - including fixed wing (including large tankers - perhaps supplemented by an exemption if required as per previous practice given their small numbers and the fact that many are 'N' registered) and rotary wing - both belly tank and bucket (with a sling load endorsement required as necessary and inclusion of sling ops in the company ops manual).

Definitions – fire-fighting versus fire-bombing

AAAA has consulted widely with members and others involved with aerial firefighting - both rotary and fixed wing operators.

The unanimous view from AAAA members is that:

- ‘aerial application’ is a very useful concept that provides appropriate coverage of relevant activities
- Part 137 is the appropriate rule set for both firebombing and oilspill control as they clearly meet the intent of the definition of Part 137 and are safe and practical, and
- the real problem identified is CASA's bizarre decision - again, contrary to industry advice - to try and lump unlike operations together under the banner of aerial 'firefighting' as distinct from the more useful ‘firebombing’ categorisation.

The history of Part 137 - that should not be lost - is that adopting the definition of 'aerial application' removes the previous range of problems with classification of operations driven by the now out of date CAR 206 - whereby CASA was previously seeking to apply more complex rules to simple operations by defining them as 'not agriculture' - as is still the case with rotary operations.

If CASA changes the ‘lumping together’ of unlike operations under the 'firefighting' banner and instead separates the issues as 'firebombing' and then 'other operations in support of firefighting' - the decision to keep firebombing ops in Part 137 is even more sensible - and straightforward.

The other ops covered (ie other than firebombing) are then easily managed under 'existing' or new classifications under Part 138.

A key issue that has been lost in the discussion paper is that the application of materials (ie bombing with a fixed wing or a bucket/tank under a helicopter) is quite a different operation from other ‘fire’ operations (personnel insertion, fire spotting, incendiary dropping, fire attack control etc) that CASA is trying to lump together.

Critically, if there is no major impediment to issuing a company with the correct scope of operations on their AOC (eg for rotary ops - Part 137, Part 138, and Part 135(charter)) then this is a fabricated argument that is simply confusing a relatively simple approach.

The process above would also maintain an alternate pathway for pilots not from an ‘agricultural’ or ‘aerial application’ background and would also provide improved simplicity and sensible approaches to safety management in Part 137 to be available to all firebombing operators and pilots - both rotary and fixed wing.

Part 61 Issues

CASA's unilateral and unsustainable decision to lump dissimilar operations together in this discussion paper is the same mistake CASA made in Part 61 when it took industry-supplied competencies for 'firebombing' and changed them to 'firefighting' competencies for a firefighting endorsement.

With no consultation, extremely limited experience or knowledge of the sector and no testing of the revised competencies in cooperation with industry or training organisations, CASA provided no reason for this significant change.

In addition, the integrated 'recognition of prior learning' that AAAA had built into the provided firebombing competencies for pilots already holding an aerial application endorsement were unilaterally removed. This will invariably have to be reinstated in some form.

Confusion may also be coming from the various requirements/pathways to attaining a firefighting endorsement under Part 61.

Some people may be thinking that the firefighting endorsement and accompanying aerial application rating in some way equates to a requirement to have the equivalent training for the old agricultural rating (and competencies) – which is plain wrong – and that the discussion paper approach to lump all firefighting operations together under Part 138 provides relief from this imagined requirement. Clearly this is an understandable error in a confusing area.

The concept of 'alternate pathways' was always foremost in earlier discussions between CASA and AAAA because AAAA was obviously aware that many pilots involved in firebombing would not come from an 'ag' background.

A key principle to help understanding in this area is to grasp that the 'training' and required by Part 61 is best thought of as 'attached' to the *endorsement* rather than the aerial application *rating*.

Therefore, when completing training for a firefighting endorsement, a candidate will also be issued an aerial application rating, but that combination will not permit the operations/privileges of the aerial application endorsement (which is most closely related to the old agricultural rating).

AAAA's previous understanding was that pilots would be required to have a low-level approval (now a rating – see comments below about the aerial application rating), sling endorsement and now, under Part 61, the firefighting endorsement (which results in the issue of an accompanying aerial application rating - but not an aerial application endorsement).

Recent advice from CASA includes that if a pilot completes the training for the issue of an aerial application rating with a firefighting endorsement, they will also get access to the privileges of the low-level rating, perhaps the only additional requirement being a sling endorsement to cover bucketing operations.

The Part 61 mess will continue to cause difficulties in this area until it is resolved. AAAA is also discussing these Part 61 issues with CASA through the Part 61 working group.

AAAA believes that Part 61 should revert to the original industry-supported position of having a firebombing endorsement and managing other requirements through company training and existing qualifications.

Further Information

For further information on this submission or any of issues raised, please do not hesitate to contact AAAA on 02 6241 2100.