



AIR TRANSPORT ASSOCIATION

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Office of Management and Budget
725 17th Street, N.W.
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Delivered Electronically

Re: Draft Risk Assessment Bulletin

The Air Transport Association of America, Inc. (ATA) appreciates the opportunity to comment, on behalf of its member airlines, on the draft Risk Assessment Bulletin (RAB). ATA is the principal trade and service organization of the U.S. airline industry. ATA's members¹ account for more than 90% of passenger and cargo traffic carried annually by U.S. airlines. With over 4000 aircraft and nearly 16,000 daily departures, ATA's member airlines are very focused on aviation safety and security. These aspects of commercial aviation are highly regulated and, for this reason, ATA has a significant interest in the administrative processes by which federal agencies, in particular the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA), regulate aviation safety and security. Consequently, ATA is keenly interested in the draft RAB and its potential impact on FAA and TSA regulatory proceedings.

ATA supports the use of risk assessment to inform agency decision makers. Aviation safety and security are regulated through a variety of mechanisms. While notice and comment rulemaking is significant, the FAA, in particular, employs several less formal mechanisms, including advisory circulars, airworthiness directives and guidance bulletins to inspectors. To the extent such agency actions prescribe conduct or establish performance standards to address or respond to a risk, we believe that they must be based on an appropriate understanding and assessment of that risk. Risk assessment is a critical tool in the regulation (in the broadest sense) of aviation safety and security, and we endorse its use to determine and prioritize the need for agency action. This is particularly important in aviation where many demands compete for scarce resources.

¹ ABX Air, Inc.; Alaska Airlines; Aloha Airlines; American Airlines; ASTAR Air Cargo; ATA Airlines; Atlas Air; Continental Airlines; Delta Air Lines; Evergreen International Airlines; FedEx Corp.; Hawaiian Airlines; JetBlue Airways; Midwest Airlines; Northwest Airlines; Southwest Airlines; United Airlines; UPS Airlines; and US Airways. Associate members are: Aeromexico; Air Canada; Air Jamaica; and Mexicana.

We encourage OMB to expand its discussion in the final RAB about the types of risk assessments that should be utilized by agencies. The draft RAB focuses largely on medical/health policy issues. In a mature and highly regulated industry like commercial aviation where most (if not all) of the “low hanging fruit” has been plucked and safety is at a very high, sustained level, risk assessment is critical to determining whether agency actions should be considered. Risk assessment is critical to determining the potential benefits of agency action and informing the related benefit-cost analysis. Again, where resources are scarce and priorities must be set to guide decision-making, risk assessment is an essential tool. The final RAB should include a discussion about this type of risk assessment and its use in this context.

The draft RAB’s narrow focus on medical/health policy issues also is reflected in the definition of the term “risk assessment.” The proposed definition hinges on “scientific information,” which is itself an ambiguous term (i.e., what is scientific?) and suggests a narrow construction (i.e., information derived by a scientific method or process, or otherwise developed by scientists). We suggest a broader definition to include use of objective data. Aviation regulators and regulated parties uniformly agree that aviation safety analysis must be data-driven. Risk assessment likewise must be data-driven. The definition in the RAB should be revised accordingly.

While we recommend that the final RAB make clear that risk assessment is not limited to formal notice and comment rulemaking, we also point out that the final RAB must permit flexibility in its application. In a separate submission, Captain Henry P. Krakowski, Vice President, Corporate Safety, Security & Quality Assurance - United Airlines, and Industry Chair of the joint FAA-industry Commercial Aviation Safety Team (CAST), has highlighted the important role that CAST and other similar government-industry initiatives play in advancing aviation safety. Those comments make the point that the RAB fails to take into consideration the risk assessment methods and analyses that underlie such initiatives. ATA endorses those comments and agrees that the final RAB should provide flexibility to accommodate the types of risk assessments and safety analyses that guide these very successful government-industry initiatives.

Thank you for considering these comments.

Respectfully submitted,

Air Transport Association of America, Inc.



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