



AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES

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Mr. Brian Rushforth
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Dear Mr. Rushforth,

The American Association of Airport Executives (AAAE) would like to thank you for the opportunity to comment on Draft Advisory Circular 150/5200-37A: Safety Management Systems (SMS) for Airports. We understand that the document is intended to provide detailed guidance about developing and implementing SMS on an airport. We appreciate the FAA's work on this AC and your efforts to put forth some increased guidance for airports regarding SMS implementation. We do, however, have some critical concerns with this document that we wish to express.

While industry comments still are being adjudicated with regards to the final rule, the release of this AC seems premature. The language in the AC is broader than the clear, concise details our members are seeking, and we feel that the finalization of this AC should be postponed until the signing of the final SMS rule. It is almost certain that the AC will have to be immediately re-written when the final rule is signed, making this current draft outdated and unnecessary. Additionally, we were disappointed that data and concrete examples were not included from the various SMS Pilot Studies. There are many references to previous Airport Cooperative Research Program (ACRP) reports, and while these are excellent publications, the pilot study data is more current. That being said, our concerns with the current version of the AC are detailed in the following paragraphs.

Applicability

In Section 2, it is stated that this AC applies to all civil airports. We ask you to clarify this language in the final version and suggest the use of "all certificated airports." Since the pending rulemaking does not apply to general aviation airports, we feel that this clarification of applicability and scope is essential.

Implementation

Draft AC 150/5200-37A appears to be a functional framework for SMS implementation. We are pleased with the emphasis placed on the scalability of an SMS program to meet the needs

of airports of varying sizes. The acknowledgement that airport sponsors will experience resistance from employees and will need guidance to reduce that resistance speaks to a concern our members have repeatedly expressed. It is important to remember that a safety culture cannot be mandated but must come from cooperation with all levels of airport leadership and staff. In order for this to take place, implementation must be handled correctly and there are several issues that must be addressed before this can happen.

Job titles listed in the AC include people such as the “Accountable Executive”, the “SMS Manager”, and the “SMS Champion.” The descriptions given for these individuals are helpful, but leave some room for clarification. SMS Champion is a title only used once in Chapter 2 Section 1: Introduction. The roll of the SMS Champion is not clearly defined and should be expanded upon. It appears in later chapters that the SMS Manager might be representing the duties initially identified as that of an SMS Champion, yet the Introduction says the SMS Champion ideally would not be the person responsible for the daily functions of SMS. In further chapters, the role of the SMS Champion should be identified and defined. Further, it is stated that the SMS Manager should not be referred to as the “Safety Manager.” This is in conflict with ICAO job descriptions in which Safety Manager is an accepted job description and serves the same purpose as the SMS Manager. It does not appear that calling an SMS Manager a Safety Manager would present any confusion within an organization if the job is otherwise defined properly.

The position of Accountable Executive, as defined, would have final authority over the SMS program. We continue to be concerned about the liability that this person may incur by holding this position. Fundamentally, those who report issues related to SMS are protected from punishment and liability. Does this extend to the Accountable Executive as well? For instance, if a hazard is identified and mitigations have not yet been developed and implemented and an accident occurs would the Accountable Executive then be held liable for the accident? The way the AC reads, it also is confusing as to what the exact level of control the Accountable Executive will have over the program, including any changes that may need to be made to the program. The Accountable Executive needs to have complete ownership over the program and the ability to modify the program as he/she deems appropriate. In the program structure shown in Figure 3-2, we see that the SMS Manager does not have a direct line of contact with the Accountable Executive. There should be a direct organizational line between these two positions. The SMS Manager must be able to directly report issues within the program to the Accountable Executive in a timely fashion without an added level of bureaucracy.

Recordkeeping

Documentation will serve an important role in any SMS program, as will training. These are areas that we feel will require more specific standards than what are included in this AC currently. What standards, if any, will be required in terms of retaining documents? Figure 4-1 makes mention of retaining certain records for 36 months after risk analysis of identified hazards and 12 months after mitigations are implemented. These timeframes are not discussed within the text of the document so it is difficult to tell if this is a standard that is being set, or if these numbers are being used purely as an example. If no standards have been set in the text of the document, we recommend that the FAA do so. Chapter 4, Section 2(c) discusses documentation in some detail, but does not offer guidance regarding retention beyond suggesting an airport consult their legal department. Some airports do not readily have access to a legal department

and will require more guidance in this area. Other airports will be able to consult their legal department but will still have questions as to what is required for compliance with this AC and the SMS rule.

Training

The level of training provided will vary between the various levels of employees, but the discussion of the level of training offered in Chapter 4 is vague at best. We recommend that training standards for the SMS processes at various employment levels, including that of Subject Matter Experts, be better defined. Chapter 4 also discusses recurrent training but no suggestion is made as to how frequent this recurrent training must take place. Frequency of recurrent training must be defined for each level of SMS involvement. Additionally, much of the responsibility for reporting potential hazards fall to the front-line employees. Some of the issues they will be expected to report may be compliance issues associated with Part 139. These issues may fall outside of their knowledge base or their job description and they may not recognize the issues as hazards. To what degree are employees expected to recognize and report hazards? This must be determined before SMS training programs are put into place.

Standardization

The AC provides many definitions and examples of processes and documents airports can use in implementing their SMS programs. The problem we have with many of these examples is the lack of standardization between what is offered in this AC and what is commonly used by ICAO and other lines of business at the FAA. Additionally, much freedom is granted to the airport to develop their own materials, such as risk matrices, and to make their own determinations on acceptable risk. Fundamentally, SMS is designed as a uniform approach to safety. To have multiple versions of critical tools and definitions is contrary to its intent. Below is a list of Figures presented in the AC that should be standardized or changed:

- Figure 1-2. Reason's Accident Causation Model (Adapted): It is unclear why this figure needed to be adapted for this document. This is a model that is universally used in the industry and this adaptation is missing the key element of "latent failures." There will always be a margin of hazards that cannot be foreseen or mitigated.
- Page 16: Example of Safety Objectives and Goals is offered but has no figure notation. This should be incorporated into the document as a figure. Additionally, this is a very poor example of the concept it is meant to illustrate. The example of FOD damage is highly dependent on reporting by airport tenants and air carriers. Air Carrier data is usually associated with city pairs and makes it very difficult to pinpoint the location the damage originated. A different example of Safety Objectives and Goals should be produced.
- Figure 4-2. Five Steps of SRM: This is typically displayed as an ongoing process. The process does not stop at the implementation of the mitigation. A critical step in this process is missing from this figure, the evaluation of the risk and reporting the results so that they can be used as a metric to gauge effectiveness of the mitigations and monitor the progress of the program. The Five Steps of SRM should be:
 - Identify the Hazards
 - Assess Hazards to Determine Risks

- Evaluate Risks and Decide on Controls
- Record Findings and Implement Controls
- Review/Monitor Assessment and Update if Necessary

We recommend a more accurate graphical representation showing this as an ongoing process. Each of the five steps would need to be rewritten within the AC to conform to the five steps listed above.

- Tables 4-1 and 4-2. Sample Severity and Likelihood Definitions: These tables do not use standard definitions that are used in other areas of the industry. These definitions should be standardized to ICAO definitions. Figures 4-5 and 4-6 would need to be updated to reflect these standard definitions.
- Figure 4-7. Sample 4x4 Predictive Risk Matrix with Likelihood and Severity Definition and Two Levels of Risk: Two-level risk matrices are too narrow in focus. More levels of risk acceptance provide management with additional information when deciding on risk control measures. This figure should be removed and one, standardized, risk matrix should be introduced.
- Appendix D. Sample SMS Manual (Section 1.2): Bracketed text does not make sense and needs to be rewritten.

Many of the definitions included in the AC are adequate for the purposes of the document; however, we recommend that all definitions be reviewed and standardized with ICAO definitions and definitions used in other FAA lines of business. The definitions of most critical concern are those of “risk” and “hazard.” While clearly defined in some portions of the AC, they are used in vague and sometimes interchangeable ways in many other locations. It must be extremely clear to the airport sponsor what these terms mean and how they are to be used.

These issues of standardization are particularly important because there will be times when several entities will be conducting, or involved in, an SRM process. If the FAA, an air carrier, and an airport sponsor are conducting SRM processes it is necessary that they are using the same terms, processes, and tools to produce safe outcomes. The AC indicates that the FAA may take the lead for certain SRAs. Clarification needs to be offered regarding jurisdiction between FAA, air carrier, and airport SMS programs.

SMS Manual

Chapter 2, Section 2 states that a certificated airport may choose to incorporate its SMS Manual directly into their Airport Certification Manual (ACM). Then, in Chapter 2, Section 5: ACM Revision, the AC states that an airport should keep its SMS Manual separate from its ACM. This is inconsistent and should be revised. We recommend removing all references to the SMS Manual being included in the ACM. The ACM is a document that goes through an extensive approval process and must be signed by both the operator and the regulator. The SMS manual will most likely require revisions more often than the ACM, and it would not be necessary for these revisions to undergo that strenuous of a review process. We recommend that a portion of the ACM reference the existence of the SMS Manual, but that the Manual be maintained as a separate document.

Summary and Conclusion

In summary, we would like to reiterate that it would be useful for this AC to be released simultaneously with the final SMS rule and we would appreciate consideration being given to this suggestion. Given that the implementation of SMS at U.S. certificated airports will be the most significant regulation since CFR Part 139, taking some additional time to coordinate this guidance with the final rule would be prudent. We also encourage the FAA to include more specific examples from the SMS Airport Pilot Studies as guidance in the final document to best assist airports in their implementation efforts. We thank you for consideration of our concerns and the opportunity to submit comments on these important issues.

Sincerely,

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