

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**HEARING ON
FAA REAUTHORIZATION: CERTIFICATION AND U.S. AVIATION MANUFACTURING
COMPETITIVENESS
TUESDAY, APRIL 21, 2015**

**Questions for Ms. Dorenda Baker, Director of Aircraft Certification Service, Federal
Aviation Administration**

From Senator Heller

Question 1. What ability does the FAA possess in terms of conflict resolution between FAA approved Designated Engineering Representatives (DERs) and applicants?

Answer. A DER acts on behalf of the FAA to find that design data complies with FAA regulations. In a dispute with an applicant, it is the responsibility of the FAA to determine if the DER's decision to not approve a design was made in accordance with FAA policy (reference FAA Order 8110.37E, *Designated Engineering Representative Handbook*, sections 2-2 and 2-3). If the FAA determines the DER's decision is not according to published policy, the FAA may override the DER and approve the design.

Question 2. Are Designated Engineering Representatives required to perform continuing annual proficiency evaluations similar to those continuing evaluations required of pilots and mechanics?

Answer. Unlike pilots and mechanics, where proficiency evaluations are conducted in the form of a practical examination, a DER's performance is evaluated annually on work done over the past year. FAA orders give specific instructions on what the DER must provide to the FAA to verify their activity, and what the FAA must consider during the formal evaluation (reference FAA Order 8100.8D, *Designee Management Handbook*, Section 904). In addition to the annual performance evaluation, the DER's FAA advisor conducts oversight and interacts with the DER throughout the year on a continuing basis. Performance concerns with a DER are often identified by FAA oversight and addressed as they occur. In addition, DER's are required to attend training specific to their discipline every two years.

From Senator Gardner

Wait Times – Denver Regional Office:

In June 2014, at the request of my House office, the USDOT Inspector General issued a report surrounding significant issues with the FAA Denver Regional Office's processing of certifications. At that time, the report stated that Denver had one of the longest waitlists in the country with 42 applicants on the waitlist. The report outlines that some applicants have waited three years on the FAA to complete the certification process. The report notes that the Denver office had issued only 6 certifications to new applicants over 4 years.

In conclusion, the Inspector General made four recommendations to the FAA:

- Clarify and disseminate Agency guidance that allows field offices to establish priorities and pass over applicants when specific resources are not available to perform the certification.
- Require the Northwest Mountain Regional Office to evaluate resources across its district offices and determine whether certification services can be shifted to other offices with greater resource availability and assess the extent to which this applies to other offices.
- Develop a tracking number and sequencing system with CSOP to enhance reporting and visibility of certification activities to Flight Standards management.
- Develop a standardized approach for District Offices to continually monitor and evaluate whether resources are adequate to initiate new certifications.

Question 1. Can you explain why the Denver office has such poor performance compared to some other regional offices?

Answer. The Office of Inspector General (OIG) cited a number of issues in its report regarding the performance of the Denver office in new operator certifications. The office had difficulty in determining how many inspectors it needed to perform certification work and did not request assistance from the regional office. The FAA also lacked a standardized approach to prioritize and track new certificate applications for air operators and repair stations. Instead, the FAA utilized a first come-first served approach to performing certifications, resulting in significant delays for many applicants if more complex certifications were ahead of them in the queue. The OIG also noted the FAA's guidance did not include a process that managers could use to re-evaluate resources and initiate the certification of waitlisted applicants. Finally, competing priorities and frequently changing guidance from FAA headquarters and regional offices regarding the Agency's certification policy resulted in workflow interruptions and delay of new certifications.

Some of these concerns could be attributed to the uncertainty of staffing and budget resources, and a focus on continued operational safety. In addition, Denver has a greater and more diverse concentration of activity compared to many field offices, particularly within the Northwest Mountain Region.

The FAA concurred with the four recommendations proposed in the OIG report. The OIG considered three of the FAA's responses to the issues resolved, pending completion of planned actions. The FAA response to one recommendation resulted in a request for additional information, which the FAA provided. The actions the FAA committed to are now complete.

Question 2. While the report did note that the FAA swiftly acted on some of the recommendations made by the IG, at the time of printing, not all had been addressed. Has the FAA acted on the recommendations laid out in the Inspector General's report?

Answer. FAA's Flight Standards Service has completed action on all four OIG recommendations. FAA sent a description of the actions taken to the OIG for close out.

Standard Operating Procedure (SOP) AFS-002-900-S1, effective April 9, 2015, addresses and provides requirements to field offices and regional offices that comprehensively respond to all of the OIG recommendations. This document is applicable to all regions. Northwest Mountain

Region aggressively implemented the requirements of the SOP in addressing the OIG concerns.

The Denver “waitlist” decreased from 42 to 12. Moreover, FAA’s Flight Standards Service instituted a reporting system toward certification accomplishment, which all regions report to the Director of Flight Standards weekly.

Question 3. What is the current status of the processing of certifications, wait times and total numbers, at the Denver FAA office?

Answer. Currently there are 12 applicants on the Denver waitlist. The oldest of these has a wait time of approximately 9 months. In addition, there are 3 completed certifications, 7 certifications in progress, 6 certifications pending formal application, and 5 certifications which were transferred to another field office for certification. 18 applications were terminated, either because the applicant failed to successfully meet certification standards or because the applicant no longer wanted to pursue certification.