

**STATEMENT OF
DAVID H. BOULTER, ACTING ASSOCIATE ADMINISTRATOR FOR AVIATION
SAFETY
FEDERAL AVIATION ADMINISTRATION
HEARING BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
AVIATION SAFETY
FEBRUARY 7, 2023**

Chair Graves, Ranking Member Larsen, and members of the Committee, thank you for the opportunity to be here today. I am David Boulter, and I serve as the acting associate administrator for aviation safety at the Federal Aviation Administration (FAA), a role I have held for almost a year. During my career, I have been fortunate to serve in numerous aviation roles both in industry with commercial air carriers and in government. Over the past 25 years, my government service includes positions in the FAA as an aviation safety inspector, director of operations for multiple legacy FAA flight programs, senior FAA representative in Afghanistan, and executive for the FAA's Flight Program. My permanent position is the executive director of flight standards. I believe the breadth of my real-world experience has given me a common-sense approach that focuses on safety – and on constantly moving forward. In my mind, complacency and stagnation are equal threats to a safety culture.

In December 2020, Congress included the Aircraft Certification, Safety, and Accountability Act, with more than 100 provisions for the FAA to implement, in the Consolidated Appropriations Act, 2021. I thank the Committee for its leadership in passing this important legislation, and we have completed more than half of its directives. I also want to emphasize the efforts of the families of the victims of the Lion Air Flight 610 and Ethiopian Airlines Flight 302. This legislation would not have been possible without your tireless advocacy on behalf of your loved ones. The important work we have accomplished includes strengthening

oversight of manufacturers that have delegated authority through the Organization Designation Authorization (ODA) program, instituting the Voluntary Safety Reporting Program for FAA safety employees, and recently issuing a notice of proposed rulemaking that would require aircraft manufacturers, on-demand and for-hire operations (14 CFR Part 135), and air tour operators to implement a safety management system. We remain focused on implementation of this legislation and continue to make significant strides in fulfilling its requirements.

In recent months, the agency has made important headway in meeting additional statutory obligations aimed at improving safety and has moved a number of those rulemaking projects forward. I am proud to say that in my one-year tenure, we have published seven aviation safety rulemaking actions stemming from congressional direction.

At all times, the safety of the traveling public has been our top priority. The commercial aviation system in the United States currently operates at an unprecedented level of safety, but we do not take that for granted. We achieved this safety record because we have made a concerted effort to evolve in how we approach safety oversight – both in detecting risks and in responding to the risks identified. Key to this approach is a commitment to sharing data through an open and transparent safety culture to detect risks and address problems before accidents occur.

Our mission is continuous improvement in safety — even as we see significant changes on the horizon to how people and packages might travel by air in our busiest cities and across the country. The FAA is rising to that occasion. We are taking steps to establish a regulatory framework that enables innovation and manages the identified risks commensurate with desired operations. This ensures that new entrant aircraft and operators – including those seeking to

conduct advanced air mobility (AAM) operations – will benefit from 120 years of lessons learned since the Wright brothers made their first controlled flight.

I would like to acknowledge my fellow panel members. I am encouraged that you asked representatives from a wide range of aviation interests to speak today. As we all know, aviation safety is a team effort, and we all share the mutual goal of making the world's safest mode of transportation even safer. While we all have specific roles to play, we understand the solemn trust that the public has placed in us.

I think it is important to take a moment to recognize National Transportation Safety Board (NTSB) Chair, Jennifer Homendy, and the important collaborative relationship between our two agencies. We work jointly on accident investigations, with the FAA providing support with real-time information, technical data, transportation to accident scenes, and aviation safety inspector/accident investigator support and cooperation. We also collaborate on safety priorities, to include FAA responses to NTSB safety recommendations. Since 2011, the FAA has annually closed more recommendations than it has received, and the number of open recommendations for FAA (222) is at its lowest point in more than two decades. The FAA takes the NTSB's role seriously and devotes a tremendous amount of time and attention to addressing their recommendations.

Safety Highlights

Today, I want to briefly share some of the actions we are taking to fulfill our safety mission, which extends from general aviation to commercial and air carrier operations.

Evolving our regulatory structure is necessary to enable new users of the airspace, and support innovation and new commercial operations with aircraft and technologies that are evolving at a pace not previously seen in our industry. Sustaining the agency's safety record will

be dependent upon the ability to be agile in our regulations, yet firm in our enforcement.

Although we recognize the need to adapt to new technologies and enable their use, we must also manage risk and be deliberative in our decisions. The FAA is using modern tools and philosophies and incorporating performance-based regulation where possible to develop a regulatory environment that ensures aviation safety remains paramount. We have several recent examples of rulemaking that demonstrate our continued commitment to improving safety and providing flexibility to users of the National Airspace System (NAS).

- In November, we issued two final rules. The first requires a commercial balloon pilot to hold a valid second-class medical certificate when flying for compensation or hire (other than flight instruction) – a standard that aligns with what every other commercial pilot must hold. The second final rule requires applicants to demonstrate the integrity of the airplane structure in the presence of pilot-commanded rudder pedal reversals. Adopting the new load condition will protect the airplane from excessive loads on the vertical stabilizer.
- In December, we published a proposed rule that would revise standards for the design of proposed transport category airplanes. These standards would reduce the likelihood of potentially catastrophic risks due to undetected failures. For example, the changes would improve the likelihood that an operator discovers a failure before it develops into an unsafe condition. This would allow the FAA to address, and require an applicant to address, the more integrated nature of modern transport airplane systems.
- Beginning last month, flight attendants are now guaranteed additional and uninterrupted rest that aligns with what pilots receive, ensuring a crew is not fatigued when they report for duty. In January we also extended the duration of aircraft registration certificates from

three to seven years – a benefit to all aircraft owners and the FAA. Both of these final rules were prompted by the FAA Reauthorization Act of 2018.

While these past few months have been busy, we have fully staffed additional rulemaking projects and expect great progress in 2023. The resulting rules will have important implications for certain aircraft, operations, and pilots as we look to enhance the safety of existing operations, continue to normalize certain aspects of operations with unmanned aircraft, and integrate new entrant aircraft into our national airspace.

- We issued a proposed rule for secondary flight deck barriers on certain airplanes used in commercial service last fall, took public comment, and are working to address comments and finalize the rule. This rule would protect the flightdeck from unauthorized intrusion when the flightdeck door is open.
- We have a project that will propose to modernize special airworthiness certification of piloted aircraft as well as a project that would define a regulatory process for determining airworthiness for certain unmanned aircraft. We are also developing rules to enable unmanned aircraft to be flown beyond visual line of sight.
- Finally, we have a special federal aviation regulation on powered-lift– or SFAR – for the integration of certain AAM aircraft into the NAS. This rule would enable a path forward for qualifying pilots as well as determining which operating rules apply to powered-lift. This proposal is a critical step for the United States to usher in the next era of aviation.

Other Safety Initiatives

Our work to improve aviation safety does not stop at our borders. As Congress has directed in section 243 of the FAA Reauthorization Act of 2018, we continue our efforts as a global leader in aviation, and much of the globe is watching in anticipation of our plans for

integrating new entrant aircraft into the NAS and the desired operations envisioned by manufacturers and future operators. The International Civil Aviation Organization (ICAO) Personnel Training and Licensing Panel is tackling pilot qualification for AAM aircraft and the U.S. has been leading this activity. At the ICAO Assembly this past September, the FAA proposed that ICAO establish an advisory group that would connect all aspects of the AAM ecosystem as the world works to enable this industry. The proposal was well-received and work has begun to stand up a study group. We look forward to supporting that effort.

In addition to our important work on rules and the development of international consensus standards, we would be remiss to not mention how we support the aviation industry through the issuance of guidance and information to support rule implementation and operations by all airspace users. The FAA published one of the highly anticipated advisory circulars on flightpath management in November. This document provides both guidance and recommended practices for operators to implement operational procedures and training for managing the airplane's flight path, which includes manual flight operations and managing automated systems. Addressing pilot overreliance on automation through this guidance remains safety-critical. The foundation of its content originated from recommendations from our Air Carrier Training Aviation Rulemaking Committee and is a wonderful example of how industry and government can come together to address a challenge and achieve a common goal – enhancing safety.

In October, we published a revision to our guidance that supports recreational operations of unmanned aircraft and aligns with the statutory permissions afforded to those flyers by the FAA Reauthorization Act of 2018.

Another huge accomplishment was the consolidation and updating of six -related advisory circulars into a single Aviation Weather Handbook that was published in November.

This technical reference streamlines pilot access to all of the FAA's weather documentation and is designed to support everyone who operates in the NAS – from recreational pilots to commercial pilots and dispatchers. Having current technical information about weather is a critical component to safe flying and pilot decision making and it is important that the FAA continue to support airspace users with handbooks like this.

Moving Forward

It is an exciting time in aviation, and we have a lot to look forward to – this also means there is no shortage of work ahead of us. I am extremely proud of the work our staff is doing to address the breadth of aviation safety work we have in front of us. With innovation, it is important we continue to develop and train our workforce so we can continue to meet the regulatory needs of this industry and our safety mission. We are executing workforce strategies to do this while also onboarding diverse talent with the right expertise to strengthen our workforce. The development and expansion of the professional aviation workforce in general is also critical to our industry, and we are proud to promote exciting careers like being an aviation mechanic or a pilot through Aviation Workforce Development grants.

Finally, we will continue to engage with the aviation community, our labor partners, and industry stakeholders, on addressing the safety and sustainability challenges that face our industry through our established committees and outreach events. Our collaborative efforts with long-standing groups like the Commercial Aviation Safety Team (CAST), the General Aviation Joint Safety Committee (GAJSC), and the U.S. Helicopter Safety Team (USHST), help us achieve our collective safety mission and continue to push the envelope in finding ways to enhance safety for all stakeholders. Through the more recent establishment of the Eliminate Aviation Gasoline Lead Emissions (EAGLE) team a year ago, we partnered with aviation

stakeholders to find a safe and practical path to eliminate the use of leaded aviation fuel by no later than 2030 without adversely affecting the existing piston-engine fleet.

Thank you for this opportunity to share information on some of our most important work. We look forward to continued support from the committee and subcommittee on maintaining the safest aviation system in the world during this time of rapid innovation.

##