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Qualifications, Service and Use of Crewmembers and Aircraft Dispatchers

The Airline Dispatchers Federation, a National Professional Association representing the Professional and Safety Interests of Certificated Aircraft Dispatchers and other Operations Control Professionals, appreciates this opportunity to comment on the above referenced docket. We also appreciate the time and effort the FAA and members of the Part 121 Crewmember/Dispatcher Qualification ARC have invested in the development of this NPRM increasing safety throughout the Air Transportation System.

ADF supports the proposed rule but believes that some areas deserve additional consideration and clarification. We also believe the NPRM unnecessarily falls short of achieving a “Single Standardized Level of Safety”. We offer the following comments for consideration:

HARMONIZATION: ADF supports harmonization of regulations and procedures, when such harmonization results in a higher standardized level of safety for all, including ICAO requirements. We do not support harmonization when the result is a lesser or lower level of safety for operations under FAA regulations.

CRM/DRM: The CRM QPS and guidelines appear to overlook the point that the most valuable resource for the crew, outside the aircraft, is the Aircraft Dispatcher who shares “Joint Responsibility” for the conduct and safety of the flight. The Aircraft Dispatcher using DRM procedures can coordinate a much wider group of resources to assist the crew, depending on the situation at hand. The availability of the Aircraft Dispatcher as the “Primary Resource” outside the aircraft should be part of the CRM training. Also the flight attendants need to know and understand that there is a single trained, licensed and qualified person outside the aircraft who shares this “Joint Responsibility” for safety and security of each flight.

EMERGENCY TRAINING: In conjunction with the CRM comments above, Aircraft Dispatchers are required to ride in the cockpit for initial and recurrent familiarization and observation requirements. Air carriers often encourage their dispatchers to ride in the cockpit whenever they travel as a means of improving understanding between pilots and dispatchers. It would be appropriate to require initial and, at some interval, recurrent training in aircraft emergency procedures including but not limited to cockpit access and egress, use of oxygen mask, communication requirements, sterile cockpit procedures, use of portable and cabin oxygen, opening doors, windows and exits, slide inflation and fire extinguisher use.

We understand that the pilot's first priority is to fly the airplane and handle the situation. Crews should be trained to notify the dispatcher of any emergency or abnormal situation as soon as practical. Often called "One Stop Shopping" Aircraft Dispatchers have all the available tools to provide support, pool his/her resources together to assist the crew, begin preparation for ground assistance, and communicate the required notifications for any given situation.

While it may be a problematic scheduling issue, ADF believes there is much to be gained from joint and coordinated CRM, emergency and LOFT training for both crewmembers and dispatchers. We suggest this be required at the appropriate interval.

SUPERVISED OPERATING EXPERIENCE-SOE: The base line provided in Appendix T appears to be suitable only as the absolute minimum for an experienced dispatcher. Some air carriers currently use 40 hours as a minimum for either domestic or international SOE. ADF suggest the minimum requirement be 40 hours each for domestic or international, with the provision that all duties of the position being trained are covered. In the international arena, depending on the area of operation, the duties of the midnight shift dispatcher may be quite different than the day or afternoon shift.

DEFINITIONS AND APPLICATIONS: The definition and appropriate applications of several terms needs clarification: including but not limited to "acceptable", "adequate", "approved", and "sufficient".

APPENDIX Q ATTACHMENT 2 TABLE 2A: QPS General Subject a (1) should read "Duties and responsibilities of flight crewmembers *and dispatchers*". This is necessary to ensure that each crewmember understands who and what a dispatcher is as well as the joint responsibility shared by the PIC and Aircraft Dispatcher.

DISTANCE LEARNING: In the past, this issue was limited to Recurrent and Requalification Training and there were limits to the program hours that could be initially credited. NPRM offers 50% DL and 50% classroom. Can you cite a recent study or documentation where the 50% number was selected? If no studies or documentation were available, how was that specific percentage derived?

STANDARDIZATION: The level of standardization will determine the eventual success of this NPRM. POI's, ASI-Dispatch, and other Inspectors should consistently interpret and apply the final rule. In today's world a wide variation remains among individual actions even when there appears to be consensus as to intent and standardization. The final rule implementation must come with fair and consistent interpretation and application, while still allowing consideration of size and complexity where appropriate.

For reasons known only to the FAA, the scope of this NPRM and the ARC preceding the NPRM has been limited to Part 121 Flag and Domestic regulations. Since our traveling public has no way of knowing or understanding what regulations apply to the particular flight they are considering, and would not understand the differences in regulations applicable to Part 121 Flag or Domestic scheduled operations, Part 121 Charter Operations, Part 121 Supplemental Operations, Part 135 Scheduled Commuter Operations, Part 135 Charter Operations or Part 135 On Demand operations the FAA has failed to create a "Single High Standard" as it applies to Dispatch and Operational Control. Given today's technology and communication capabilities all Air Transportation offered to the public should be at a "Single High Level of Safety". This can be enhanced by the afore mentioned NPRM which is Part 121 Flag and Domestic Dispatch and Operational Control Regulations.

While one could argue that a non certified person can be trained to perform specific functions performed by a "Certificated Aircraft Dispatcher", there is no determination that this individual is qualified (has the basic academics, skills, understanding and judgment background) unless that person has obtained an Aircraft Dispatchers Certificate. Additionally the certificate provides a way for the FAA to hold the individual accountable. The meaningful difference is that a "Certificated Aircraft Dispatcher" under Part 121 Flag and Domestic rules personally "Shares" responsibility with the PIC for the conduct and safety of the flight (as opposed to a delegated responsibility.) Additionally, a "Single Standard" would allow for more consistent and appropriate FAA oversight and enforcement.

FAA Administrator Randy Babbitt, in his role as ALPA President, stated before Congress in 1993 that there should be "One Level of Safety" for all air carrier operations. ADF has proposed a Single Level of Dispatch and Operational Control using Part 121 Flag and Domestic Regulations at the Part 121 Crewmember/Dispatcher Qualification ARC and the Part 125/Part 135 ARC. Both groups accepted the proposal but the FAA found the proposal outside the scope of the ARC.

In the Conclusion on page 37 of the Regulatory Evaluation it states “Because these problems are equally incurred by all part 121 air carriers, regardless of size, it would be contrary to our policy of one high level of safety for all part 121 operations to exclude certain operators simply because they are small entities.” One would ask why Supplemental Carriers are excluded. One could also ask why the “One High Level of Safety” does not apply to Part 135 operations?

If the FAA chooses to maintain multiple standards, then at the very least they should include Standards and Requirements for Supplemental Operations and Flight Followers.

It is time for a true “Single Level of Safety” as it applies to Dispatch and Operational Control. The proposed Part 121 Domestic and Flag Dispatch and Operational Control regulations should apply to all operations with few regulatory exemptions based on size and complexity.

Thank you for your consideration.

Sincerely,

Joseph J Miceli
President
Airline Dispatchers Federation