When Will SMS Be Required?

By Russ Lawton

"When will SMS become a requirement?" is a question frequently asked of NATA Safety 1st. Well, it depends on the part of the world in which you operate. On January 1, 2009, the International Civil Aviation Organization (ICAO) will require countries to make implementation of a safety management system (SMS) mandatory for any certificated operator. As you can well imagine, many countries (including the U.S.) won't meet the January 2009 deadline. ICAO has circulated a proposal to extend the deadline to November 2009; however, as of this writing the January deadline remains in effect.

FAA Moving Slowly

Many countries will be forced to file a "difference" from the ICAO requirement as a result, meaning they won't be able to comply by the 2009 deadline. (Canada and Singapore are the only countries to declare their intent to meet the ICAO deadline.) The U.S. will be one of the many countries forced to file a difference as the FAA inches ever slowly to initiate rulemaking that would require U.S. airlines and charter operators to implement SMS.

The current FAA plan is to publish an advance notice of proposed rulemaking (ANPRM) before the end of 2008. The operative word here is "advance," as the ANPRM is intended to solicit feedback from operators, such as the economic impact of and time required to implement SMS, etc. Any actual proposed rulemaking for SMS is several years away.

It's interesting that FAA Associate Administrator for Aviation Safety Nicholas Sabatini has declared that there will be one regulation developed for SMS, instead of modifying existing regulations. This means there will be one comprehensive rule to require SMS for the following:

- Scheduled Airlines (Part 121),
- On-demand Charter (Part 135), and
- Repair Stations (Part 145).

As of this writing, there were no plans to include aircraft certification, Part 141 pilot schools, Part 142 training centers, or shared aircraft ownership (fractional) 91K operations in the new regulation. But stay tuned, that could easily change.

The next step to make the "one SMS rule" a reality is for the FAA to establish an aviation rulemaking committee (ARC), composed of FAA and aviation industry representative companies that would be affected, to provide guidance on how the new rule would be written and the implementation process. A notice of proposed rulemaking will follow once the ARC has completed its work, allowing more time for the aviation industry to comment.

The bottom line: Don't expect to see a regulation in place until 2013, unless the newly elected administration decides to push it through sooner (not likely).

You shouldn't adopt the attitude, "With a regulation years away, I'm not going to worry about this until it becomes mandatory." You'll be way behind the proverbial power curve if you do. It takes three to four years to fully develop an SMS, which is why many companies are already well into the development process.

Another reason to get started is that if you operate outside the U.S., your business will most likely be affected long before any new FAA rule is adopted. Some countries are already raising the possibility of prohibiting anyone without an officially recognized SMS from operating in their airspace. This policy could extend to landing slots as well.

Voluntary SMS

The FAA is developing a voluntary SMS implementation program to assist operators and head off potential problems during international operations. Although the program is still a work in progress with a draft advisory circular, any operator that participates and meets the criteria would receive FAA recognition for its SMS. The form of recognition, however, is still under consideration. NATA has recommended that the FAA implement a voluntary operation specification (Ops Spec) for SMS, as this would provide both an official and internationally accepted form of recognition.

It's more likely that the FAA will instead issue a certificate of recognition. This might be more expedient because the FAA can neither officially "accept" nor "approve" an SMS program until it becomes required by regulation. A word of

caution to charter operators: The fact that you have included your SMS program in your operations manual does not constitute FAA acceptance of your SMS.

Both NATA and the Air Charter Safety Foundation (ACSF) are actively participating in an SMS working group, composed of charter operators, airlines, repair station companies, and FAA representatives. The group's purpose is to advance the voluntary implementation of SMS by providing feedback and lessons learned from companies already implementing SMS. This effort will hopefully result in a more practical regulation and implementation process.

Tools are available right now to help you implement SMS in your organization. NATA Safety 1st has a structured program to assist in the development of an SMS, which includes a guidance manual, hands-on workshops, and monthly webcasts. ACSF offers the AVSiS safety event reporting and management software program and the newly developed ACSF Operator Standard and Audit Program that will help ensure your SMS conforms to FAA standards.

For further information on these programs, go to www.natasafety1st.org or www.acsf.aero.