STATEMENT OF BARRY L. VALENTINE, ACTING ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, CONCERNING HAZARDOUS MATERIALS AND CARGO PROTECTION ISSUES. MAY 15, 1997.

Mr. Chairman and Members of the Subcommittee:

I am Barry Valentine, Acting Administrator of the FAA. With me today from the FAA are Admiral Cathal Flynn, Associate Administrator for Civil Aviation Security and Mr. Guy Gardner, Associate Administrator for Regulation and Certification. Also accompanying me today is Mr. Alan Roberts, Associate Administrator for Hazardous Materials Safety from the Department of Transportation's Research and Special Programs Administration, known as RSPA.

We welcome the chance to appear before you today, slightly more than one year following the tragic crash of ValuJet Flight 592 in the Everglades. The lessons we in the aviation community have learned from this accident have translated into a number of positive actions that have already been taken and some actions that are in progress, as I will briefly highlight.

Before focusing on the hazardous materials and cargo issues, and the improvements we have made in our airline surveillance and certification activities, I would like to take a few moments to describe the actions we have taken on the issue of fire detection and suppression.

Last November, we announced that we would proceed with rulemaking to require fire detection and suppression equipment in the cargo compartments of all passenger aircraft.

But first, a number of complex issues had to be resolved before moving forward with requiring fire suppression equipment. Despite the technical challenges, we believed that it was critical to proceed with a rulemaking that addressed both detection and suppression, since fire suppression equipment adds an important dimension to protecting the public safety. In our view, moving on both fronts simultaneously made sense both from a safety and an engineering standpoint.

I am pleased to say that we have worked through many of the outstanding issues concerning fire suppression equipment that required resolution before we could proceed with a rule to require both detection and suppression measures. We have received assurances from the Environmental Protection Agency that it will not ban the use of halon in installed fire suppression systems for the life of the aircraft on which they are installed. Given this progress, I would like to share with you the FAA's rulemaking plans.

We will issue a Notice of Proposed Rule Making by late Spring. The Notice will propose to require the retrofit of class D compartments of commercial aircraft with fire detection and suppression equipment, to be phased-in over a period of three years. We will make every effort to issue the Final Rule by the end of this

year. With many of the technical issues behind us, and the assurance we have received from the EPA, we are confident that the industry could comply with the compliance schedule we intend to propose.

Last year, the major airlines represented by the Air Transport Association (ATA) indicated that they would voluntarily act to install fire detection equipment, commencing in October, 1997. This was an important step. Such voluntary action can generally accomplish the introduction of equipment faster than can the regulatory process.

I am also pleased to report that ATA member carriers have accepted our offer to expand our partnership approach to protecting aircraft from fire by agreeing to begin the installation of both detection and suppression equipment on their aircraft this year, before our final rule goes into effect. We have scheduled a meeting with the ATA later this month to determine how the schedule, which they developed to install detection systems, could be amended to include the installation of both detection and suppression consistent with the completion date envisioned in our proposal.

In addition to our on-going rulemaking activity, we must continue to hire and train inspectors to ensure compliance with the regulations. We have continued to add to our aviation safety inspector workforce to provide greater surveillance and oversight capabilities. By the end of this fiscal year, our operations and

maintenance safety inspector workforce will have increased by 300. Over the past 4 years, this workforce will have grown by more than 600 positions, from 2,423 to 3,062. But adding inspectors is only part of a broader strategy that we have adopted. We concluded, after an intensive 90-day safety review led by then-Deputy Administrator Linda Hall Daschle, that we needed to target better our approach to the surveillance of new entrant airlines, and to improve the initial certification of new airlines.

We have now adopted the approach of increasing the surveillance of new entrant airlines during their first 5 years of operations, altering a long-standing practice of typically directing resources towards airlines based on their size, numbers of operations, and passengers carried. We have also established a national certification team that will undertake the safety certification of new airlines, helping to achieve greater standardization and relieving some of the burden of such certification work from our field offices. We also recognized that it is critical to direct some of our more senior and experienced inspection personnel to the oversight of new entrant carriers, rather than assigning personnel based on the size of an airline. Personnel reform has permitted us to make that important staffing adjustment.

Greater surveillance is now being conducted of repair stations that provide contract maintenance for air carriers. Further, air carriers are now required to perform a greater degree of surveillance of their contract maintenance

operations, and repair stations used by airlines must now be specifically documented by the airlines to facilitate the surveillance of such facilities by FAA inspectors. Also, prior to contracting with these entities, an airline is now required to conduct an audit to determine that the contractor can perform the contracted work in accordance with the airline's FAA-approved programs. I should note that these contract-related requirements also apply to airlines' contract training programs.

With regard to the carriage of hazardous or dangerous materials by air, much has already been done, and efforts continue to obtain further safety improvements. Both FAA and RSPA have added inspection personnel. In FAA's case, we will have 122 hazardous materials inspectors on board by the end of June, up from only 14 one year ago. We have also increased training requirements for these inspection personnel. Additionally, with these additional personnel we are intensifying the nature and degree of our hazardous materials inspections. In February, we began conducting inspections of air carrier shipping and receiving facilities and the verification of employee training for shippers. Intensive inspections are also scheduled for freight forwarders, repair stations, and shippers.

FAA is supplementing its new inspection personnel with 12 additional attorneys to deal with the increased enforcement cases that are expected to be generated by the increased inspector workforce. And we have established in our civil aviation

security organization a new division to specifically address dangerous goods and cargo security issues.

RSPA is similarly increasing its inspection activity and is increasing its inspector workforce from 20 to 35. These inspectors are responsible for shippers in all modes of transportation, including air. In addition, RSPA has initiated several significant regulatory actions. For example, last December, RSPA's interim ban on the carriage of oxygen generators aboard passenger aircraft, implemented immediately after the ValuJet crash, was made permanent. RSPA also published a proposal to prohibit the carriage of oxidizers on passenger aircraft and in all inaccessible compartments on cargo aircraft. FAA has initiated a separate rulemaking project to require air carriers to clearly label cargo compartments as class C or D.

Together, the FAA and RSPA have engaged in a strong education program designed to increase both industry and public awareness of the carriage of dangerous goods aboard aircraft. Last June, for example, 260,000 advisory notices were sent to industry by RSPA, and in October more than 8 million brochures were distributed by RSPA to the public to educate potential travelers about hazardous materials concerns. Also, last December, RSPA published a Federal Register advisory notice on hazardous materials transportation that focused on the transportation of airline company owned materials, referred to as COMAT.

Before closing, Mr. Chairman, I would like to express to the families, friends, and loved ones of those who perished in the tragic ValuJet crash last year the continued sorrow that we feel for those losses. Every accident that occurs represents something that has gone wrong, and requires that all of us in the aviation community rededicate ourselves to finding the right answers to prevent similar tragedies from reoccurring. During the past year, we have done just that. I feel we have accomplished much. But I also know that there is more to be done. I can assure you that we are acting to take the appropriate steps to protect the traveling public. We look forward to the continued support of the Members of this Subcommittee as we do so.

That completes my prepared statement. We would be pleased to respond to any questions you may have at this time.