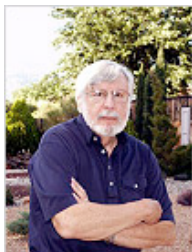


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Outside the Lines

The Sky Isn't Falling — Or Is It? Part 3



by Ira J. Rimson and Ludwig Benner, Jr.



Page: [1](#) | [2](#) | [3](#) | [4](#)

Public Aircraft Oversight: The Elephant in the Ready Room

"... that kind of thing don't finger snap away. It's like the elephant that disappears: only a dam idiot actually believes it went anywhere."

— Kent Meyers, *Rodney Valen's Second Life*,
From *The Georgia Review*, pp. 480-496, Fall-Winter 2006.

We haven't found any compelling reason why oversight of public aircraft should not be identical to oversight of civil aircraft within the NAS. In fact, we see no valid argument why *all* aircraft should not be subject to similar rules and regulations, irrespective of operator identity. Justifiable government operations should be eligible for specific exemptions by a competent federal oversight agency, if necessary. Under current automatic exemption practices, there is no assurance that "governments or political subdivisions" can exercise competent oversight over their own aviation activities, much less over parties that contract to supply aviation operations on their behalf. As a result, it is impossible to gauge the public's real risk from operational errors.

The recent Predator-B crash in Arizona, which we addressed in Part 1 of this series, was operated by a contractor to the U.S. Customs and Border Protection agency. That crash gave rise to an unprecedented 22 NTSB safety recommendations. Each recommendation identified acts of commission or omission that could have been identified and rectified before the crash by competent oversight. NTSB Chairman Mark Rosenker characterized those recommendations as "an indication of the scope of the safety issues these unmanned aircraft are bringing into the National Airspace System."⁸ Yet when the Chairman continued with the obvious question: "Why, for example, were numerous [operational failures] even possible while such conditions would never be tolerated in the cockpit of a manned aircraft?"⁹, he begged the underlying question that remains unanswered: Would they have been tolerated in operation of a civil aircraft — manned or unmanned — that was subject to FAA oversight?

No, they wouldn't. Despite identifying numerous specific details that precipitated the Predator crash, and the aforementioned 22 recommendations directed toward preventing the accident that had already happened, the NTSB was curiously silent on the issue of public vs. civil aircraft oversight. In our opinion, absence of that oversight was the necessary and sufficient underlying condition from which all other deficiencies evolved.

[« previous page](#) [next page »](#)

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- President's Message
- From the Editor's Desk
- Outside the Lines
- In the Spotlight:
 - A Tribute to Trevor Kletz
 - Making Safety-Related Decisions
- Gains from Losses:
 - System Safety Commentary on Accidents and Other Events
- Special:
 - 26th International System Safety Conference: Innovations and Legacy
- Tech Corner
- Chapter News
- Mark Your Calendar
- About this Journal
- Classifieds
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- Puzzle

⁸ NTSB Press Release SB-07-52 dated October 16, 2007, p. 2.

⁹ Id.

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