

Submission
by the

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

to the

ADVISORY PANEL

on the

**CANADIAN AIR TRANSPORT SECURITY AUTHORITY (CATSA)
ACT REVIEW**

JUNE 1, 2006



**AIR LINE PILOTS ASSOCIATION
INTERNATIONAL**

**AIR LINE PILOTS ASSOCIATION INTERNATIONAL****CANADA**

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Regarding:

THE CATSA ACT REVIEW

I am Captain Nick Rapagna. I am the Secretary-Treasurer of the Air Line Pilots Association, International (ALPA) Canada Board. As well, I am a pilot for Air Transat. Appearing with me today are First Officer Craig Hall who is the Director for Canada on ALPA's National Security Committee and Art LaFlamme who is ALPA's Senior Air Safety and Legislative Affairs Coordinator in Canada. F/O Hall is a pilot for Air Canada Jazz.

ALPA represents more than 62,000 professional pilots who fly for 39 airlines in Canada and the United States. As the representative of employees whose very lives depend on the safety and security of the air travel system, ALPA has since its inception in 1931 devoted itself to ensuring that air travel is both safe and secure. ALPA has developed extensive knowledge and expertise in aviation security matters.

ALPA has long been a leader in working with other parties in the United States and Canada in developing improvements to aviation security, and these efforts have been stepped up in recent years. Our President, Captain Duane Woerth, after 9/11 led the U.S. Rapid Response Team on Aircraft Security that was tasked with developing recommendations to be delivered to Transportation Secretary Norman Y. Mineta. Additionally, the U.S. Federal Aviation Administration appointed ALPA's then Security Committee Chairman, Captain Steve Luckey, to chair a committee examining new security technologies. Captain Woerth and other ALPA representatives have provided

testimony before U.S. Congress on numerous occasions since the events of September 11, 2001.

Meanwhile, in Canada, representatives from ALPA have met on several occasions with senior officials from Transport Canada's Security Directorate and CATSA to discuss vital aviation security issues. ALPA pilots and staff have participated on the former Aviation Security Advisory Committee and, presently, on Transport Canada's Advisory Group on Aviation Security. We have also appeared before Parliamentary Committees to express our concerns and our views for improving aviation security in Canada.

We appreciate the opportunity to appear before you today to express our views and provide our recommendations for a more effective CATSA and improved security in Canada.

A New Direction for Aviation Security in Canada

The events of 9/11 required immediate measures to address deficiencies in the aviation security system and to maintain the public's confidence in the safety and security of air travel. Professional pilots across North America have assisted in the development and implementation of these new security regulations and measures in the U.S. and Canada and, internationally, through their representation by the International Federation of Air Line Pilots Associations (IFALPA) at the International Civil Aviation Organization (ICAO). Pilots have cooperated with all measures taken to date, even when these new regulations were misdirected, such as screening requirements and restrictions to pilots on access to the flight deck jumpseat. However, it is now approaching five years since these tragic events took place and it is now time to re-think and re-balance the system so that scarce resources can most effectively be deployed in preventing any future terrorist attacks on civil aviation. That it has taken so long for essential security improvements, such as biometric identification and air cargo security is indicative of misplaced priorities.

The current system which considers 100% of individuals as potential terrorists is a phenomenal waste of resources that undermines the time-saving premise of airline travel. The screening of trustworthy individuals, including professional pilots, dilutes scarce resources and reduces the overall effectiveness of Canada's aviation security system. Employees who have been vetted through appropriate background checks should not be subjected to the same level of scrutiny as others. For our part, professional pilots, rather than being treated as a valuable resource and team member in security, have essentially been treated as part of the problem. This is not only ineffective and inefficient, but demeaning and insulting.

There is no other issue on which pilots are more unified than that of the need to replace physical screening with electronic identity verification and controlled access to airport secured areas for pilots, whose background and criminal history records have been checked. The current security screening system virtually ignores the trustworthiness of airline pilots and others, but instead focuses almost exclusively on a search for objects. Unless and until the system becomes more human-centred, rather than weapon-centred, we will remain vulnerable to potential hijackings and other aircraft attacks. It is an unfortunate reality that trained terrorists do not need weapons to perpetrate crimes aboard aircraft.

My remarks before this Panel are intended to demonstrate that we can achieve a much higher level of security - and at a lower cost - by changing our fundamental assumptions and screening procedures.

Since its inception, the focus of checkpoint screening has been to find objects which might threaten the security of an aircraft, its passengers and crew. Accordingly, there is now an even greater focus on finding inanimate objects than before 9/11. Small tools, fingernail files, scissors, pocket knives, knitting needles, matches and lighters—all have found their way onto government-mandated, prohibited-items lists. Pilots are not even permitted to bring short-bladed tools on board even though there is a crash axe readily available on the flight deck.

The scrutiny that is required to identify such items results in long passenger lines, delays, partial disrobings and harried passengers. CATSA reports are issued periodically on the vast numbers of items that are found and confiscated at screening checkpoints.

Unfortunately, there is no logical connection that can be made between the number of items found and the number of attempted hijackings that were thwarted because, with extremely few exceptions, the individuals carrying such items had no hostile intent.

The current fixation on finding weapons, to the virtual exclusion of determining a passenger's trustworthiness and intent, in addition to being a wasteful and inefficient expenditure of resources, is harming the industry's economic viability. Flying is no longer considered a positive experience by many, but rather an ordeal that must be endured.

Although we Canadians pride ourselves in our ability to look beyond individual or group differences, when it comes to trust, equality is not possible, not because of a person's skin colour or ethnicity, but because of a person's demonstrated behaviours or the government authorities' lack of knowledge of same. Airline pilots earn, and can document, a very high level of personal trustworthiness and integrity because the government and their airline carefully scrutinize them before being hired. Their integrity is under continual observation on an ongoing basis by their fellow crewmembers, medical practitioners, Transport Canada inspectors, company management and others. Unfortunately, that trust has not been acknowledged at the security-screening checkpoint for many years. The politically correct notion of treating everyone in the same way at the screening checkpoint is an ill-advised obstacle to implementation of a human-centred security system. Political correctness at the screening checkpoint has many unintended and ultimately very expensive consequences.

The current aviation screening system is built upon a seriously flawed assumption—that everyone poses a potential threat to aviation security. The truth is that the vast majority of individuals, especially airline pilots, do not pose any kind of threat. Pilots, who are the most thoroughly scrutinized employees in the airline workforce, are highly trusted

individuals. This fact is recognized everywhere, it seems, but at security screening checkpoints. A very small fraction of all passengers actually pose some degree of threat, but our screening resources are greatly diluted by giving the same degree of physical scrutiny to a Member of Parliament or an airline pilot as is given to a federal prison parolee.

Another erroneous assumption is that an individual does not pose a threat once they have been successfully screened for objects that could be used as weapons. Such a conclusion for much of the general population may be warranted, but it does not apply to a fanatically dedicated and highly trained terrorist. Physical screening by itself is incapable of keeping terrorists off of airplanes, because it is not designed to identify them.

A layered approach to aviation security screening is essential. For the same reason that airline safety is enhanced by having two or more professional pilots, two or more engines, and other redundancies, aviation security can be improved by examining each individual for hostile intent while keeping dangerous objects, such as improvised explosive devices, off of airplanes. A critical component to the success of a human-centred screening system is identifying trustworthy individuals and then removing, or lessening, the amount of scrutiny that they receive so that unknown or suspicious individuals can receive much greater scrutiny.

Canada must move to a risk- and threat-based approach for aviation security to be truly improved. Assessment and management of risks in the utilization of operational procedures have the potential to be expanded broadly. For example, although well over 99% of travellers represent no danger, there is a regulated screening process that treats all passengers equally as threats to the system. Augmenting risk-based approaches could potentially increase the overall effectiveness of the aviation security system. By moving resources away from pre-determined low-risk flows of people and goods, and focusing attention on high or unknown risk elements, aviation security could benefit from both efficiency and effectiveness gains. Adoption of risk- and threat-based approaches, technology, performance-based regulations and regulatory flexibility are essential

components to the success of this strategic principle. Adoption of such an approach would permit the Authority the operational flexibility to use emerging technologies and alternative security management methods to addressing vulnerabilities and ensuring aviation security in Canada.

In that regard, the government needs to move expeditiously to implement the Restricted Area Identity Card (RAIC) for aviation workers and a Registered Traveller program. Those whose trustworthiness has been established by criminal and security background checks and whose identity can be verified through biometrics should be screened electronically at separate security checkpoints.

In addition, rather than being treated as potential terrorists, aviation industry workers should be recognized and treated accordingly for the role they can play in maintaining and improving aviation security. The government should ensure workers are trained to assist government security efforts by being the “eyes and ears” on the job and reporting suspicious behaviour to the proper authorities.

ALPA also endorses the concept of behavioural recognition as a means of determining the trustworthiness of certain passengers. CATSA needs to have trained observers to look for signs of suspicious behaviour and resolve issues with those who merit closer scrutiny. Observation, evaluation and response to human behavioural factors are keys to this system. Savings gained through less scrutiny of trusted individuals would allow the efficient allocation of additional screening resources to a small portion of the travelling public.

Security Authority’s Mandate is too Narrow

ALPA believes that the responsibility for national security rests with the Federal government and that CATSA should remain a government agency. Transport Canada has found in the past that there are inherent conflicts with being both an operator and a regulator. The divestiture of airports and commercialization of air navigation services

have resulted in a more effective safety oversight regulatory regime incorporating the principles of Safety Management Systems and performance-based regulations. ALPA recommends a similar approach to the provision of aviation security in Canada.

Currently, CATSA is stifled by its overly narrow mandate and is forced to operate under prescriptive regulations that do not provide for any flexibility in approach or ability to apply risk- and threat-based methodologies. For example, under the current legislation, CATSA has no authority to implement a Registered Traveller program with separate screening standards. As well, although CATSA officials at very senior levels have privately told ALPA that the screening of pilots is a meaningless exercise, they have no flexibility under the Transport Canada prescriptive regulatory requirements.

Furthermore, all aviation security services required by legislation and regulations and provided by government should automatically come under CATSA's authority and not be at the discretion of the Transport Minister as is the current case. The role of Transport Canada should be to set the regulations and provide regulatory oversight. The regulatory framework established by Transport Canada must be performance-based and require CATSA to adopt a risk management strategy. Adoption of such an approach would permit the Authority the operational flexibility to use emerging technologies and risk- and threat-based approaches to addressing vulnerabilities and ensuring aviation security in Canada.

CATSA Governance

With such a narrow mandate and limited financial authorities, the current CATSA structure with an eleven-member Board of Directors is excessive. Together with the broader mandate recommended above, ALPA is of the view that the Authority should have full control over collected revenues. The current collection of the Security Charge and the provision of funding on an annual basis from the Consolidated Revenue Fund do not allow CATSA to address priority issues as they arise, nor does it allow for long-term multi-year planning. Speaking of the Security Charge, ALPA objected and still objects in the strongest possible terms to the assessment of this punitive levy which we believe is the responsibility of the Federal government as this is an issue of national security.

However, we understand that the Air Travellers Security Charge Act is not the subject of review by this Panel. Given that revenue will continue to be collected, ALPA argues that alternatives to a passenger tax should be explored. ALPA recommends the legislation be amended to require CATSA to generate its revenues through charges to airlines, airports and other recipients of its services on a not-for-profit basis in accordance with legislated charging principles. The Civil Air Navigation Services Commercialization Act would be a good model in order to address revenue and governance issues.

Inadequate Stakeholder Representation on Authority's Board

ALPA believes that the current legislation does not provide for adequate stakeholder representation on CATSA's Board. In our view, the current allocation to airlines and airports is minimal given their direct involvement in CATSA operations. More egregious, however, is the lack of representation from Labour and the men and women who work in the industry and who are on the front lines when issues of aviation security arise. ALPA, as I've indicated, has decades of experience in the issue. Because our members' lives are on the line every day, we believe that they should have a great deal to say on the issue of aviation security. Therefore, in order to create a body that is truly responsive to the critical issues of security, a far greater proportion of the Board members should be drawn from the industry, including Labour.

Delegation of Screening Function

ALPA believes the current provision which permits the use of airport employees to deliver screening services should be removed. There is an inherent conflict of interest between an airport's desire for throughput and the effective provision of screening services. ALPA would object strongly to any arrangement for screening other than the use of CATSA employees or contractors under the direct control of CATSA. Canadians must be able to expect that performance objectives will be set, measured and executed directly by a public authority, and not through an intermediary whose priorities and objectives are different. We therefore urge the Panel to recommend the Bill be amended

to preclude CATSA or the Minister of Transport from delegating the screening functions to airports or other third parties not under the direct control of CATSA.

Recommendations

In summary, ALPA believes that much has been accomplished since 9/11; however, significant improvements to aviation security would accrue by adopting the following recommendations:

1. Individuals, such as airline pilots, parliamentarians, peace officers and others, whose trustworthiness have been firmly established through criminal and security background checks, should be screened electronically and expeditiously at separate security checkpoints.
2. The government should move quickly, with industry, to prototype, fine-tune, and deploy a human-centred security screening system employing behavioural recognition concepts that establishes a basis of trust as its principal component.
3. In order to help facilitate the first two recommendations, the government should expeditiously develop and deploy RAIC and a Registered Traveller program.
4. All government and industry employees who work in aviation should be trained on how to act as the "eyes and ears" of security.
5. The responsibility for national security rests with the Federal government and CATSA should remain a government agency.
6. CATSA be given the operational flexibility to use emerging technologies and risk- and threat-based approaches in addressing vulnerabilities and ensuring aviation security in Canada.
7. All aviation security services required by legislation and regulations and provided by government should automatically come under CATSA's authority and not be at the discretion of the Transport Minister.
8. Together with this broader mandate, CATSA should be provided with all requisite financial authorities, including revenue collection.

9. The role of Transport Canada should be to set the regulations and provide regulatory oversight.
10. The regulatory framework established by Transport Canada must be performance-based and require CATSA to implement risk management strategies.
11. The legislation be amended to require a CATSA Board that is more representative of stakeholders, including Labour.
12. The current provision which permits the use of airport employees to deliver screening services should be removed from the legislation.

We thank you for the opportunity to appear before this Panel to outline ALPA's views on the CATSA Act Review and to provide our views and recommendations in respect of this legislation. We would be pleased to respond to any questions that you may have.