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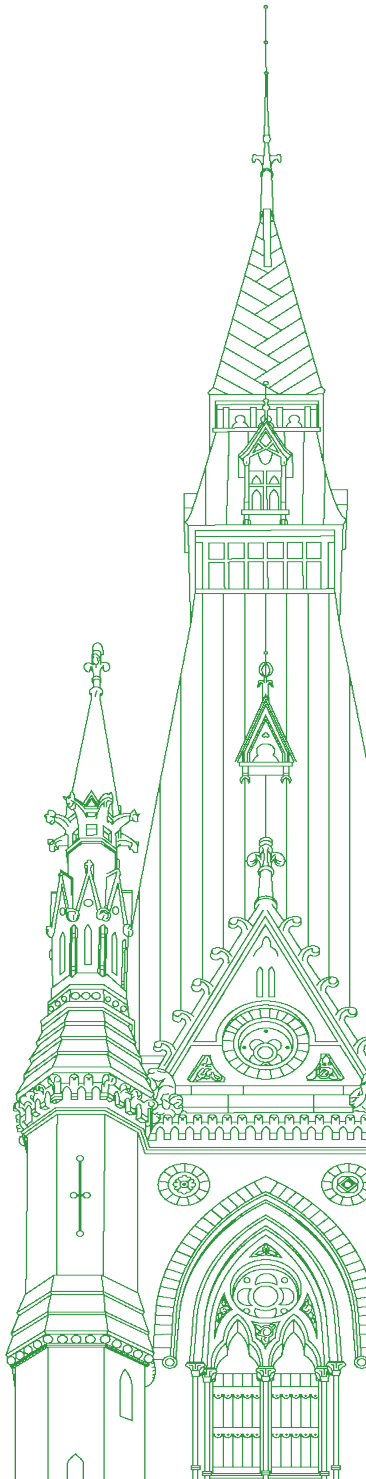

Chair: Mr. Vance Badawey

Standing Committee on Transport, Infrastructure and Communities

Tuesday, November 24, 2020

● (1535)

[*English*]

The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)): I call this meeting to order.

Welcome to meeting number six of the House of Commons Standing Committee on Transport, Infrastructure and Communities. Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23, 2020. Proceedings will be made available via the House of Commons website.

So you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

To ensure an orderly meeting, I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of “Floor”, “English” or “French”.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on video conference, please click on the microphone icon to unmute yourself. For those in the room, microphones will be controlled as normal by the proceedings and verification officer.

I will give a reminder that all comments by members and witnesses should be addressed through the chair.

When you are not speaking, your microphone should be on mute.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain the order of speaking that has been agreed upon by all members, whether you are participating virtually or in person.

Pursuant to Standing Order 108(2), the committee is meeting today to continue its study on the aircraft certification process.

With that, we have heard in the past a great deal of testimony. Although words alone can never express our sorrow to those who lost their lives and their families, please recognize our most sincere sympathies to those who were affected.

May I now welcome our witnesses. For the first round, we have, from the victim families of Ethiopian flight 302, Chris Moore and Paul Njoroge.

Gentlemen, you both have five minutes to speak, and then we will have questions from our committee members. That will take us into the hour.

I'm not sure whether it is going to be Paul or Chris who is going to go first.

Paul, are you going first?

Mr. Paul Njoroge (Representative, Victim Families of Ethiopian 302, As an Individual): Yes, I will go first.

The Chair: Okay, my friend. The floor is yours.

Mr. Paul Njoroge: Thank you very much. I'm going to proceed.

Thank you, Chairman and members of the Standing Committee on Transport, Infrastructure and Communities.

My name is Paul Njoroge. I'm the husband of Carolyne Karanja; father of Ryan Njoroge, Kellie Pauls and Rubi Pauls; and son-in-law of Anne Karanja, who all died in the crash of Ethiopian Airlines flight 302 on March 10, last year.

The tragic death of my family left me in a chasm of solitude, desolation and pain. It changed the lives of my and my wife’s extended families, acquaintances and communities. Young children at St. Joseph Elementary School in Hamilton, Ontario, and friends of Ryan and Kellie, developed a fear of flying.

I'm here today because I believe that the crash that killed my family was preventable. Aviation regulators across the world were not diligent enough in their dispensing of regulatory authority over the certification and validation of the 737 Max plane. Certainly, Canada would not have lost its 18 citizens and unknown numbers of permanent residents had Transport Canada made prudent decisions after the crash of Lion Air flight 610.

Over the last 20 months, a lot has been documented about what affected the design, manufacturing and certification of the 737 Max. A lot more was documented on the FAA’s and Boeing’s acts, omissions and errors that culminated in these tragedies.

My testimony today will not delve into these technicalities. I have provided links to relevant reports in the footnotes of this oral testimony and in the longer version provided for your record.

It is perplexing that agencies across the world became aware of the Boeing and FAA shenanigans after the first crash but still allowed the plane to continue flying. Transport Canada allowed the plane to continue transporting Canadians across the globe. The directorate issued a five-step memory aid for pilots a few days after the first crash. However, in December of 2018, the FAA's TARAM report predicted that 15 more 737 Max crashes would occur within the lifetime of the airplane. Wasn't that a concern enough for the Minister of Transport to consider grounding the plane? Eighteen Canadians and unknown numbers of Canadian permanent residents lost their lives in the second crash because of this oversight.

On March 11 last year, a day after the crash of ET302, the Transport Minister appeared on TV and stressed his confidence in the 737 Max, saying that he would board the plane "without hesitation".

The minister waited for four days before grounding the plane. Mr. Garneau's remarks and actions portrayed excessive hubris, analogous to the behaviour exhibited by many within the FAA and Boeing before and after the 737 Max crashes.

I may not fully understand the bilateral agreement between Canada and the U.S. with respect to aircraft validation, but I'm inclined to think that Transport Canada depended too much on what was decided and documented by the FAA and Boeing. Transport Canada acted like a mere rubber-stamping authority in the validation of the 737 Max planes.

When ET302 crashed, the Prime Minister reacted with one tweet of his thoughts being with the families of the victims, but when Ukraine Airlines flight 752 crashed on January of this year, he humanly appeared extensively on the media and condemned the Iranian government for shooting down the plane. Why didn't the PM demand accountability and thorough investigation of the 737 Max planes? Could it be that he was already aware of the 737 Max issues, but left uninformed Canadians like me to put their families in those flying coffins?

The FAA announced the ungrounding of the 737 Max last week. I believe that the plane is still unsafe to fly. The inherent aerodynamic structural flaws were completely ignored by Boeing and the FAA. The plane is still unstable.

In cases where the MCAS shuts off, pilots are the redundancy expected to turn the manual trim wheel. In the case of flight ET302, this proved to be difficult in scenarios where the aircraft is nosediving at high speed. The plane is still installed with an older flight crew alert system, which produces a cacophony of different alerts that can confuse pilots.

The 737 Max design, certification, validation and ungrounding story is a convoluted web of lies, greed, deceit and concealment of information.

Transport Canada has assured Canadians that the 737 Max will not fly in Canada until their independent validation process is completed. This validation process needs to be redefined, as it failed to consider the 2016 and 2018 concerns of the Canadian test pilots. Mr. Chairman, I have provided this committee with copies of those concerns.

● (1540)

Improvement of this validation process should start with an independent inquiry into decision-making by the transport ministerand Transport Canada, both before and after the 737 Max crashes. Canadians deserve a competent and transparent process.

Thank you for allowing me to speak today.

The Chair: Thank you, Mr. Njoroge.

We're now going to move on to Mr. Moore.

Mr. Moore, the floor is yours.

Mr. Chris Moore (Representative, Victim Families of Ethiopian 302, As an Individual): Mr. Chair and other members of this committee, we are here today to call for an independent inquiry into Transport Canada's validation of the Boeing 737 Max. Because our government didn't fully understand what they were validating, Transport Canada was essentially rubber-stamping a doomed plane. Eighteen Canadians perished, and our government shrugged.

I want to begin this testimony by stating that I am speaking on behalf of the family of Danielle Moore, my daughter, whose life was snuffed out after flight ET302 crashed into a farmer's field in Ethiopia. She was on her way to the United Nations Environment Assembly, representing Canada through a federal government youth program. Her loss will always remain a devastating shock to her family and friends. Her death has left a gaping hole in Canada's sustainability communities.

Danielle lived her life full of hope and believed in creating great change for a more just and environmentally sustainable planet. In her 24 years, she touched the lives of countless people across Canada and around the world. She was a courageous leader, champion for justice and environmental activist always keen to carry the hard work of sustainability forward. Although she accomplished so much in her life, she had so much more left to give. My daughter was one of 346 incredible people who lost their lives because of political expediency, broken government regulations and criminal negligence.

On October 29, 2018, Flight JT610 crashed into the Java Sea due to a number of factors documented in the final congressional committee report on the Boeing 737 Max. Consider this scenario. If the FAA qualified the flight controls plan for the Max, stating that the hazard category may be catastrophic but Boeing was working on a fix, would Transport Canada validate the plane? I think the answer is no, because it would not be airworthy. We need to know why Canada issued only a memory aid when they didn't even understand what they validated.

Canadians have a right to know why Transport Canada issued a concern letter about the anti-stall system before the crash but didn't use their authority to take effective action when they stated that they did not agree with the FAA interpretation.

Certification should have been deemed null and void. There was no redundancy or fail-safe mechanism for a critical system that resulted in the deaths of our loved ones. Did any engineer recommend grounding the plane? Did Canadian and American authorities feel superior in their knowledge and downplay the Lion Air crash because it occurred in a developing country? Would Canada have grounded the Max if the crash had happened in Canada?

There was enough data, information and evidence to ground the plane after the first Max crash. In fact, after the airworthiness directive was issued following the first crash, the FAA performed an analysis, which concluded that if left uncorrected, the MCAS design flaw in the Max could result in as many as 15 future fatal crashes or 3,000 deaths over the life of this fleet.

Transport Canada cannot in good conscience defend their lack of action by saying they might have grounded the plane in hindsight. They neglect to acknowledge the first crash. Boeing and the aviation agencies had six years to get it right. However, flight crews only had four seconds to diagnose the problem and to take action.

Furthermore, the minister's response to Canadian operators followed the FAA in lockstep, but modified it to a memory aid for simplicity. He knew the crew needed more time to react. Since the minister prides himself on making decisions based on facts and data, we demand to see the risk analysis he used to support his issuance of a memory aid in lieu of grounding the plane in Canada.

Like the appointment of the FAA administrator, the appointment of the Minister of Transport in Canada is political. Safety directives should be recommended and implemented by those who know the technical information best, and not for political optics. Safety should be apolitical. Was there any discussion whatsoever within Transport Canada regarding the grounding of the Max? Transport Canada's process of safeguarding travellers must conform to its mission statement.

The minister did not even follow his own tenet of action based on data after the first crash because he did not fully understand what his own department validated. The validation was premature. This evasion of facts and complicity with the United States was further evident after the second crash. Two days after 18 Canadians were killed on this plane, the minister doubled down on his position by stating he would board a Boeing 737 “without hesitation”. This was one day after he said that he doesn't want to make any premature decisions. His actions do not match his words; they match industry's objectives.

● (1545)

On behalf of my daughter and the concerned flying public, we demand that the actions taken by Canada's transport minister and civil aviation agency be examined as they pertain to validation and continuous operational safety of the Max. Only a thorough independent inquiry can achieve this.

Thank you.

I look forward to your questions.

The Chair: Thank you, Mr. Moore.

We now have our first round of questions of six minutes each. I have Ms. Kusie first, followed by Mr. El-Khoury, Mr. Barsalou-Duval and then Mr. Bachrach.

Ms. Kusie, the floor is yours.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Thank you very much, Chair.

First if all, I want to express my heartfelt and sincere condolences to the victims' families—

The Clerk of the Committee (Mr. Michael MacPherson): Hold on. We're going to have to interrupt there. We're going to have to interrupt.

The Chair: Go ahead.

The Clerk: The sound quality is really not good there.

Maybe you could move the microphone away from your mouth a little bit. We're just getting a lot of popping, and the sound levels are fluctuating greatly.

Mrs. Stephanie Kusie: I can hear the popping as well as I'm speaking. Is that any better now?

The Clerk: No, unfortunately. The interpreters are not going to be able to provide interpretation with that sound quality. Sorry.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Mr. Chair, is everybody else on mute? That makes a difference.

The Chair: Everybody's on mute but myself.

It looks like Ms. Kusie may have frozen up.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Chair, can I make a suggestion? I was supposed to go on second round. Could I do the five minutes now, and Ms. Kusie can have the six?

The Chair: That's fine, Mr. Shipley. Why don't we go with that?

● (1550)

Mr. Doug Shipley: I'm not trying to bump her, but we have no idea when she.... We can wait. It's up to the chair.

Is she back?

The Chair: Are you back?

Mrs. Stephanie Kusie: No, something is clearly wrong with the network application, so Mr. Shipley is going to go first. I will try to remediate this and join afterward.

I apologize to the team. I will excuse myself and hopefully rejoin shortly.

The Chair: Okay, thank you, Ms. Kusie.

Mr. Shipley, you have six minutes.

Mr. Doug Shipley: Okay. Just to be fair, though, because we all have our things prepared, is it okay if I do five minutes this round and Ms. Kusie can do six the next round?

The Chair: That would be fine.

Mr. Doug Shipley: Okay. Thank you, Mr. Chair.

Thank you to Mr. Moore and to Mr. Njoroge for being here today.

The first thing I'm going to say to both you gentlemen here is that in your heartfelt speeches, you thanked us. Please, you don't need to thank us whatsoever. We're here doing our job. It's you we need to thank for being here. Your stories are heartbreaking. As a father and as a husband, I find it heartbreaking to hear your stories.

Being new to the committee, I'm not completely familiar with all the background. Obviously I want to pass on my sincere condolences. This has obviously changed your lives forever. As much as you can try to put it behind you, I can hear that in your hearts you won't be able to, but please at least know that through this committee, we can try to get some resolution and some thought of at least some closure for you. That's why we're here today.

Again, thank you for being here. Please do not thank us; we're here for you.

I have some questions, but I actually don't want to ask questions. I want to give as much of my time as I can to Mr. Moore and Mr. Njoroge to speak more, because it's really their stories we want to hear.

I heard from both of the gentlemen that they had serious issues with the validation process for this plane and the Transport Canada letter that was put out. “Certification should have been deemed null and void” was one of the quotes.

Mr. Njoroge or Mr. Moore, whoever wants to go first, I'm going to give you a lot of time and leave the floor to you. Would you like to add some more comments as to how this has impacted your life and what you would like to see as an outcome? What are you looking to come out of this committee?

The Chair: Mr. Moore, go ahead.

Mr. Chris Moore: Over the last 20 months, there's been a lot that we've had to uncover and unpack, travelling to the States and sitting through their congressional and Senate hearings and trying to understand and learn anything about the planes and the aviation system.

We've had to learn so much, and that's one of the biggest difficulties. We're also trying to grieve and live our lives and work and just survive. I'm going through so much from a physiological perspective. I'm not the same person at all that I was before the crash.

I want everybody here to know that when this happens to you.... As I said in a couple of interviews, my life is dead. I'm a totally different person.

This shouldn't have been just about let's hurry and get the Max up so we can enjoy our travels and have a reduced cost because this plane is supposed to save the travellers some money. The whole idea of what Boeing did here was basically to try to save as much money as possible. They were trying to save money because of fuel efficiency, but they also tried to skimp on safety. They hid a lot of information. They knew this plane could potentially have a catastrophic event. They knew that, yet they certified the plane.

The FAA did not understand all about the Max and the changes that were made to the MCAS, and then they sent it to Transport Canada. We know a lot about what happened in the States, but we know nothing, really, of what happened in Canada, and what our civil aviation group knew and didn't know. It was only on March 12 of last year that we found out there was a concern letter showing some knowledge of this system, and that Transport Canada had asked some questions of the FAA that went largely unanswered, but when they did provide a response, Transport Canada basically said they didn't agree with what they had stated.

Then why not ground the plane? There's a definition of airworthiness in the Canadian aviation regulations on making sure the plane is safe to fly, and there's no way this plane was safe to fly. The facts speak for themselves, especially after a first crash. They should have grounded it then.

● (1555)

The Chair: Thank you, Mr. Moore.

The five minutes are up, but I am going to allow Mr. Njoroge some time to speak as well.

Mr. Njoroge, the floor is yours.

Mr. Paul Njoroge: Thank you, Mr. Chair.

I spoke about my life being thrown into a chasm of hopelessness....

The Chair: Mr. Njoroge, did you want a moment?

Mr. Paul Njoroge: No.

The difficult thing in life is when you live in a world full of billions of people, but you just feel alone all the time.

I'm going to speak about the validation process. I'm looking at the debrief notes from the Canadian test pilots to Transport Canada. That was in November of 2016, way before this plane was even approved to fly.

The test pilots are talking about an issue with the anti-stall system. Boeing has never disclosed why this anti-stall system we're talking about, which is MCAS, was installed in that plane. They've never told us whether it was meant to prevent stalling. They've never told us whether it was to improve the handling capabilities of the plane. Basically, MCAS is the anti-stall system. They just need to accept that MCAS was installed in order to prevent stalling.

These pilots are speaking about that, and Transport Canada sees that as an issue. They write to the FAA. It's not known today whether there was any response from the FAA. You wonder why Transport Canada would go ahead to validate this plane and allow it to fly in Canada, given the issues and the concerns that the Canadian test pilots had.

Basically, that's why we are asking for an inquiry. We want to know what the exchanges are between the FAA and Transport Canada. What does the validation process look like and how do they define it?

I'll leave it at that.

Thanks.

The Chair: Thank you, Mr. Njoroge.

Mr. El-Khoury, you have the floor.

[*Translation*]

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Mr. Chair.

I would like to thank Mr. Njoroge and Mr. Moore for being with us today.

I don't know where to begin. I completely understand your pain. The loss of human life is the deepest loss a person can experience. As a husband and father of three daughters, I sympathize completely, Mr. Moore. I sympathize with you as well, Mr. Njoroge. I understand your pain, your suffering and your loneliness. It's difficult.

Nevertheless, you must not forget about yourself. All you can do is pray for their souls. My thoughts and prayers are with you, your families, your friends and your loved ones.

As parliamentarians, we have a difficult duty. We must work hard to answer your questions and to get to the truth. Why did this happen? Who was responsible? Could the accident have been prevented?

Mr. Njoroge, I realize that you lost two loved ones, including your wife. Mr. Moore, you lost your daughter. I don't know whether we will ever be able to uncover the truth, but I assure you that Transport Canada and the committee are working hard to do just that. Experts, investigators and this committee are making an earnest effort to find a clear answer, one that will satisfy you.

Whenever the committee meets and even when I go to bed at night, I think of you. It will take a bit of time, but our objective is to get to the bottom of the matter, to find the people responsible and to do the impossible so that an accident like this never happens again. You can put your faith in us. We will be there for you.

In your opening statements, you said that you knew what had happened in the U.S., but are you satisfied with the answers the U.S. provided to our experts in Canada?

Also, could you tell us exactly why you are calling for a private inquiry and what you hope it will achieve?

Thank you. I am eager to hear your answers.

● (1600)

[*English*]

Mr. Paul Njoroge: Mr. El-Khoury, to answer your first question, we are not satisfied with what has gone on in the U.S. I am not satisfied, because we still have this secret call between Boeing and the FAA. Boeing and the FAA have not provided sufficient data to the public in order to show us what they did between the first and second crash. We want to know what variables they looked at in order to allow the plane to continue to fly.

To answer your second question, we're looking for an inquiry here in Canada because we want to know what data the transport minister and Transport Canada relied on in coming up with the five-point memory aid. Why not just ground the plane?

We know that the TARAM report—that is a committee within the FAA—came up with the statistic, using heuristics, that eventually 15 more crashes would happen and about 3,000 people would die. Then why didn't the transport ministry in Canada, as well as the transport minister, demand that the plane be grounded here in Canada in order to protect the Canadian people?

Thank you.

● (1605)

[*Translation*]

Mr. Fayçal El-Khoury: Can Mr. Moore answer as well?

[*English*]

I'm sorry, Mr. Chair, I don't hear him.

Mr. Chris Moore: Is that better?

Mr. Fayçal El-Khoury: Yes. I didn't hear you before. Can you repeat what you said, please?

Mr. Chris Moore: I agree with exactly what Paul stated. Peter DeFazio, chair of the transportation and infrastructure committee in Congress, did a fantastic job of uncovering a lot of issues, but there are still a lot of details we do not know anything about. For instance, there's the whole idea of issuing an airworthiness directive. I did my own calculation, and I figure they passed the threshold for issuing an airworthiness directive by a factor of 5,000. That is incomprehensible. You would think there would be something in the regulations stating that once you get to a certain threshold, you must at least consider grounding a plane. That's quite a large factor.

There are a number of things or facts we don't know—for instance, how these engineers had approved that plane. It almost sounds like there was one person who was behind the curtain, but there must have been a whole fleet of engineers reviewing this aircraft. I have to call the whole professional engineering association into question. Is there any group looking at that?

How a second crash could happen is beyond me. That's what I want to get down to. This doesn't usually happen. We think Transport Canada played a role in it. Even though perhaps they were hoodwinked initially, they could have at least prevented the second crash by flagging it and saying, “You know, there's a problem here.” There obviously was one.

The Chair: Thank you, Mr. Moore.

Mr. Barsalou-Duval, the floor is yours.

[*Translation*]

Mr. Xavier Barsalou-Duval (Pierre-Boucher—Les Patriotes—Verchères, BQ): Thank you, Mr. Chair.

I want to thank the two witnesses, Mr. Moore and Mr. Njoroge, for being with us today.

I cannot imagine how difficult it must be to mentally relive this tragedy, only months after it happened. The events in question occurred over a year ago, and here you are today, before the committee. Clearly, you are still grieving, and rightfully so. The process is all the more difficult when it is loved ones—children, spouses—whose lives were lost. Perhaps you never stop grieving.

Thank you again for being with us today. I hope that, with your help, we will be able to expand our knowledge of the situation involving the 737 MAX and find out what happened at Transport Canada. We need to know what role the federal government played in this tragedy and whether it bears any of the responsibility. When safety is involved and lives are at stake, it is essential that everyone take responsibility for the part they played.

I am troubled. You mentioned earlier that, soon after the first crash, the Minister of Transport said publicly that he would not hesitate to board a 737 MAX 8. When Mr. Garneau and senior officials appeared before the committee, we asked them whether they had confidence in the FAA's certification process, and they all said that they had full confidence in the process.

I want to know whether you are equally as confident in the FAA's certification process. Do you believe the department compromised people's safety to make the Americans happy?

● (1610)

[*English*]

The Chair: Mr. Moore, go ahead.

Mr. Chris Moore: We, or at least I, don't have any faith in the FAA. It seems they are cheerleaders for Boeing. That's what it sounds like. They have praised the Max, stating that it's the safest plane ever. This is after they've done the fix. There is no way it will ever be as safe as its predecessor variant, the NG, because of this eccentricity that's built into the plane. There are a lot more issues here that will complicate the flight of that plane.

We do not have any trust or faith in their process either. In 2005 they changed the process to allow Boeing—I should say the manufacturer—a lot more liberties in certifying the plane, and in this case the FAA basically handed over 90% of the certification plans to Boeing in the end to certify that plane, which raises another question: What other things are left on that plane that we don't know about? What has been certified by Boeing that Transport Canada has no idea about?

I have a lot of questions and skepticism about the American process of certification.

The Chair: Thank you, Mr. Moore.

Go ahead, Mr. Barsalou-Duval.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you.

The situation you described was brought to the committee's attention. I am referring to the so-called self-certification process undertaken by Boeing and the FAA. It was practically Boeing that certified the aircraft. In light of those practices in other jurisdictions, we need to determine what our government's role is. Is it simply to rubber-stamp the aircraft certification even though control mechanisms may be defective?

We understand that, on the federal government's end, the certification, review and testing process was limited. When we asked officials whether they had detected any anomalies during the testing and certification process, they said no.

You referred to notes that had been provided by certain pilots. I'd like to hear more about those notes, because they don't seem to have been mentioned when senior officials met with the committee.

[*English*]

The Chair: Thank you.

I'm going to go to Mr. Njoroge right now. I'll come back to Mr. Moore.

Mr. Njoroge, the floor is yours.

Mr. Paul Njoroge: I'm referring to the briefing notes by the test pilots. Those came out in March of this year. We were supposed to come and testify on March 24, but COVID hit and all this was postponed.

Those documents were made public by someone. It may be the media. That was something hidden by Transport Canada, basically. That is one of the reasons Chris spoke about our not having faith in the FAA or in Boeing. There is a clear case of regulatory capture there.

Canada is a gold standard of aviation regulation. What we want to see is that Transport Canada can make its own decisions. We want to make sure they don't rely on what the FAA and Boeing are doing.

With the 373 Max, we know there are issues other than just MCAS. There is a reason that MCAS was installed in that plane. The previous versions of the 373 did not have MCAS. It has been spoken about extensively by engineers and aviation experts that the plane has aerodynamic issues. If it cannot be re-engineered and if they cannot rectify the structural flaws, do you think the 737 Max is qualified to fly again? I don't think so.

The Chair: Thank you, Mr. Njoroge.

We're now going to move on to Mr. Bachrach.

Mr. Bachrach, you have six minutes.

● (1615)

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

Thank you to Mr. Moore and Mr. Njoroge for being with us today.

I've been a member of Parliament for only a very short time, and this is the most powerful thing that I've had a chance to witness in this job. I want to thank you for having the courage and the fortitude to be with us today to share your stories. My heart goes out to you. I don't know what else to say other than your persistence and diligence in pursuing answers is a gift to all Canadians who fly and whose families fly. I want to thank you for that.

I'm very compelled by your call for a public inquiry. I hope that's something we can join our voices in calling for.

I have a long list of questions that we've prepared. Many of them you've provided answers to already. I would like to hear from you about the path forward.

From previous testimony that this committee has heard, it seems like there are two main challenges that have arisen. One of them is the culture of self-regulation at Boeing and with the FAA, whereby you have Boeing employees essentially doing the work of the regulator and being paid by the company. That seems like the one challenge in the United States.

The challenge in Canada, it seems, is with the harmonization process, which is a process that our government sought as late as November 19, 2018, after the first crash. Our government sought to deepen that harmonization and, in fact, to reduce Canada's technical involvement in the certification process.

Can you talk a bit more about that and how you feel about.... We've heard from the minister that it seems like there's a step back being taken or he is stepping away from that commitment to that process. Could you speak a little more about whether we need to take an entirely different direction when it comes to certifying these aircraft?

Mr. Chris Moore: The IPA agreement was an agreement between Transport Canada and the FAA. If there was anything that did not warrant additional scrutiny, the other validating authority would essentially rubber-stamp that plan. Anything that had a high risk would have a lot more detailed scrutiny. Apparently the MCAS fell under that threshold, so it never had the proper scrutiny it deserved.

However, with regard to the additional plan—and I think it's the road map that you're referring to.—we definitely should be backing away from the additional articles on the agreement. I think we need to fully validate any product that's coming through. Validation is the act of checking or proving the validity or accuracy of something. If you don't know anything about part of what you're given to validate, how can you be validating it?

I think we really have to go back to the whole definition of what “validation” is and also what it means to be “airworthy”. It means to be safe. The plane has to be safe.

There are a lot of issues here. I think we need to go back and look at the whole process.

I don't know how I can expand on that any further.

Mr. Taylor Bachrach: I understand that the 730 Max has now been cleared to resume flights in the United States. When it comes to Canada's own process, what would you like to see happen? Obviously there's going to be tremendous pressure to put these planes back in the air.

You've talked about an independent public inquiry. How do you see the path forward for the minister and for Transport Canada?

● (1620)

The Chair: Mr. Njoroge, go ahead.

Mr. Paul Njoroge: Thank you.

We've met and spoken with the Minister of Transport. We've met with the director general for Transport Canada. Basically, you have to know that, yes, we understand they did something after the first crash, the crash of the JT610, and that was the five-point memory aid. It tells you they knew there was a bigger issue there.

Even now they've already assured Canadians that it's going to take a while before the plane is ungrounded here in Canada. When you look at all that, you realize that they don't trust the FAA and Boeing at this time. They know the plane could be having more issues.

What we want to see is a validation of the entire complete plane before it's ungrounded here in Canada, and not just using the improved AD that was just issued by the FAA the other day. We want Transport Canada to go back to the drawing board and look at this plane in total before it's ungrounded. I think that's the only way Canadians can feel safe stepping into a 737 Max.

The Chair: Members, we are at our 45 minutes for the first panel. I do have other witnesses lined up at 4:15, but I let it go to 4:20 simply because we started at 3:35.

Again, we're at our limit, so I can now thank Mr. Njoroge as well as Mr. Moore for their testimony and for taking the time to be here today. As was mentioned earlier, our hearts are very heavy with respect to what you, your families, your friends and all those around you have been through.

As Mr. El-Khoury and many others alluded to, the reason for this study was to get to what I'm sure you want to get to.

I'm going to leave it at that, folks, and move on to the next panel. I'll give the clerk a few minutes to get set up and get folks on.

To Mr. Moore and Mr. Njoroge, thank you once again.

Mr. Gerald Soroka (Yellowhead, CPC): Mr. Chair, I have a point of order.

I'm new to the committee, and Mr. Njoroge had mentioned something about documents. I'm not certain if there are any new documents. If they have documents available they would like to share with us, I'd very much appreciate that.

The Chair: Thank you, Mr. Soroka, and thank you for mentioning that. It slipped my mind.

Mr. Taylor Bachrach: Mr. Chair—

The Chair: Just give me a second, Mr. Bachrach.

There are documents that have been distributed. They have been given to the clerk. From what I'm led to believe, they are being translated. Once translated, they will be passed on to members of the committee. I'm sure it will be a lot more information on it than was provided today.

Mr. Bachrach, go ahead.

Mr. Taylor Bachrach: Mr. Chair, I neglected at the end of my time.... I had hoped to make a motion related to the testimony of the witnesses we have before us today. I wonder if you could give me a quick moment to do that at this point, before we move on to the additional witnesses.

The Chair: Okay.

Mr. Clerk, would it be in order for him to move a motion?

Mr. Taylor Bachrach: It relates to the study before us.

The Clerk: We would actually need to hear the motion.

Mr. Taylor Bachrach: Okay.

The Chair: Go ahead, Mr. Bachrach.

Mr. Taylor Bachrach: Mr. Chair, I would like to move:

> That the committee call on the federal government to launch, as early as possible, a public inquiry into Canada's aircraft certification process and its role in certifying the Boeing 737 Max as well as Transport Canada's actions following the Lion Air crash in 2018.

The Chair: While the clerk's thinking about this, Mr. Bachrach, would there be an opportunity to actually add that to the final report's recommendations?

Mr. Taylor Bachrach: My concern, Mr. Chair, is that the government is under tremendous pressure to put these planes back in the air. I am very compelled by the testimony I've heard today, and I believe it's incumbent upon the committee to act very swiftly on the testimony we've heard.

● (1625)

The Chair: Thank you, Mr. Bachrach.

Mr. Clerk.

The Clerk: Actually, I was trying to send you a quick note on that.

The Chair: Mr. Bachrach, what we'll do, and what I'm going to decide to do as the chair of the committee, is take that as a notice of motion. We can then deal with it at our next meeting. If you can, in the meantime, provide wording in both official languages, that would be good.

Do you have any questions on that, Mr. Bachrach?

Mr. Taylor Bachrach: No, Mr. Chair. Thank you for allowing me to read my motion.

The Chair: Great. Thank you, Mr. Bachrach.

Once again, I do want to take this opportunity to thank Mr. Njoroge and Mr. Moore.

As was mentioned by Mr. Soroka, we do have your notes, which the clerk is currently translating into both official languages. Once that's complete, it will be distributed to all members of the committee, and as well I'm sure will be part of the final report.

With that, once again I thank you. I thank you for your time.

Mr. Chris Moore: Thank you very much.

The Chair: Thank you.

Mr. Paul Njoroge: Thank you, Mr. Chair.

Mr. Churence Rogers: Thank you, gentlemen, for being with us.

Mrs. Stephanie Kusie: Thank you.

The Chair: Mr. Clerk, did you want a moment to get everybody all set and sound-checked and everything?

The Clerk: If we could take one minute or so, that would be great. Thank you.

The Chair: Go ahead.

I'll suspend for about three minutes.

● (1625)

_____(Pause)_____

● (1630)

The Chair: Okay, gentlemen, we are all set.

Members of the committee, ladies—we have a few of them here today—and of course gentlemen representing different areas and different sectors, welcome.

With that, we'll reconvene.

We're going to move on to a presentation.

I have here a list of the presenters. Is there an order, Mr. Clerk, that you would prefer?

I see the Air Canada Pilots Association, Mr. Giguere—I hope I'm pronouncing your name right—chief executive officer.

Mr. Clerk, I'm assuming I can start off with him.

The Clerk: Yes, Mr. Chair.

The Chair: Mr. Giguere, the floors is yours. Please tell me if I messed up your name there.

Mr. Rob Giguere (Chief Executive Officer, Air Canada Pilots Association): It's correct. Thank you very much.

The Chair: Thank you.

Mr. Rob Giguere: I trust the audio is all right. We tested it earlier.

The Chair: You're all set.

Mr. Rob Giguere: Thank you, Mr. Chairman, and good afternoon.

I'd like to start by thanking the committee for the invitation to appear.

I'd also like to acknowledge the very important comments from the first witnesses today, Mr. Njoroge and Mr. Moore, and offer my condolences for their loss.

My name is Rob Giguere. I am the CEO of the Air Canada Pilots Association.

While I graduated as a mechanical engineer, I've been a pilot throughout my entire professional life. Additionally, I've also held senior executive positions at Air Canada and Skyservice Airlines. Over the course of my career I have been qualified on a wide range of aircraft, including the Douglas DC-8 and DC-9; the Airbus 320 series, including the 330 and the 340; and the Boeing 727 and 737.

I've been directly involved in developing, implementing and overseeing pilot training during my time at Air Canada. Additionally, I have been seconded to other airlines during my career. Today in my capacity as CEO, I am very proud to represent the Air Canada Pilots Association.

I'd like to offer a bit of context on our membership and our interest in the 737 Max.

When the committee first contemplated this study earlier this year, it was before the full impact of the pandemic was felt around the world. At that time, our association represented 4,500 active pilots of Air Canada and Air Canada Rouge. Today we have about 3,800 active members, with another 600 on furlough.

Our members operate aircraft built by Boeing, including the 737, 777, 787, as well as the Airbus 320 and 330 and the brand new, state-of-the-art Canadian-made Airbus A220.

Air Canada currently has 24 Boeing 737 Max 8 aircraft in its fleet, all of which were taken out of commercial operation in March of 2019 when the transport ministry issued the flight restrictions on grounding.

Airline flight operations are extremely complex; hence, pilots are only trained and qualified to operate one equipment type at a time. Our Boeing 737 Max pilots, of whom there are about 400, have not flown passengers since March of 2019, keeping up their skills with limited periodic simulator training.

As professional pilots, our primary interest is always the safety of our passengers, our flight crew and our aircraft. Well-trained and highly skilled pilots are the first and last line of defence when it comes to the safe operation of commercial aircraft.

● (1635)

Overall, commercial aviation endures an extraordinarily high level of safety by managing and mitigating risk. While these broad statistics are important, they in no way lessen the tragedies in our thoughts, and our thoughts go out to everyone affected by these tragedies.

As pilots, we think particularly of those flights, as those pilots found themselves in a situation with little time and knowledge to understand the best course of action. We need to do the right thing for those lives lost.

Having been heavily involved with aviation safety for my entire career, I can tell you that every professional pilot wants to know and understand the technical details of these two accidents so we can address issues and improve aviation safety going forward, not just for the Max but for aviation more broadly.

In the nearly two years since these accidents, significant work has been done by regulators around the world, including Transport Canada, to closely examine the circumstances of the accidents. As we now know, these two tragedies exposed some deficiencies in how new models of aircraft are certified. They also exposed the critical importance of ensuring that active pilots are both considered and involved in the process.

I will first speak to the certification process. Following the accidents in early 2019, ACPA called for Transport Canada to undertake an independent review of the 737 Max to assess its airworthiness. We are happy that Minister Garneau ordered a full recertification of the 737 Max in Canada before it was to fly again.

In general, we're very concerned with the practice of delegating the certification of aircraft to manufacturers. This can amount to self-certification and relies on the behaviour of manufacturers to make responsible decisions. Canadian aviation authorities have the world-class expertise to independently certify the aircraft flying in our skies. We should not solely rely on what may be a flawed regulatory process of another jurisdiction.

Going forward, we should not outsource this critical safety task to the United States or any other country, which may in turn outsource chunks of its own regulatory oversight to the industry.

I'd like to acknowledge the work done to date by Transport Canada in re-examining the 737 Max. We're broadly satisfied with how this process has unfolded and urge the department to increase its capacity to undertake such examinations on any new aircraft introduced to the Canadian market going forward. That capacity should involve pilots who have extensive experience on the front line of the industry.

We'd also like to thank Minister Garneau for ensuring that Canada's recertification process is proceeding with great care.

Second, I want to talk about the importance of considering and involving pilots in the process, specifically as it relates to training. What we in aviation call “human factors” are a key element of the safety equation. Considering human factors ensures that humans and technology work effectively together. That is not simply about design but also includes training, policies and procedures. This is especially important, as modern aircraft have evolved to incorporate increasingly complex software systems. All these advances contribute to overall safety improvements in aviation.

We must also have a clear understanding of the pilots and their operating environment. Aside from the operational issues around the 737 Max, which appear to have been resolved to a large degree, we would point to the importance of pilot training in general and in particular with certification of new aircraft.

Pilot training is a significant cost for airlines. Pilots engage in an extraordinarily high level of training throughout their careers. This includes ongoing recurrent training and requalification, as well as extensive indoctrination training when they qualify on aircraft of different types.

The 737 Max was a variant of an aircraft already in operation for many years, and as such, an extensive training course was not required for existing 737 operators. There should be no shortcut for pilot training.

I should note that as Air Canada was not previously a 737 operator, the situation of our pilots was somewhat different, in that each Air Canada pilot underwent specific 737 Max training on dedicated 737 Max simulators. Air Canada is one of the few airlines in the world that has two simulators that it designed specifically for the 737 Max. This will be helpful and important as we move forward with the recertification of the aircraft in Canada.

As I noted earlier, Canada's professional pilots are the first and the last line of defence in aviation safety. As such, we believe it's vital for us to have a voice in the regulatory process. This is important not just on behalf of our profession but on behalf of the passengers we are charged with keeping safe on every single flight that we operate.

We should never take for granted the critical role pilots play in the very complex man-machine interface of today's commercial aircraft. It's our view that experienced front-line pilots should be an integral part of certification and of training design.

● (1640)

To that end, we are pleased that Transport Canada included active line pilots in the Joint Operations Evaluation Board as part of the recertification process. This ensured professional pilots, well versed in day-to-day demands of line operations, contributed to the assessment.

I'd like to specifically acknowledge Transport Canada's director general of civil aviation, Nick Robinson, and his team for maintaining regular consultation with groups like mine, groups that represent the interests of professional pilots. This is an important measure, and one we would like to see continuing on an ongoing basis.

Finally, when the 737 Max is certified in Canada, it will be important to consider the reintroduction of the process and how it's managed. Operators need to slowly and thoughtfully reintroduce the aircraft into service, ensuring that the highest standards are maintained and achieved. I'm not aware of the approach of other operators; however, my understanding from my briefings is that Air Canada has developed a very careful and thoughtful plan for the 737 Max recertification and reintroduction to service in Canada.

Thank you. I welcome any comments or questions.

The Chair: Thank you, Mr. Giguere.

We'll now move to the Air Line Pilots Association, International. Mr. Tim Perry is the president of the Air Line Pilots Association Canada.

Captain Tim Perry (President, Air Line Pilots Association Canada, Air Line Pilots Association, International): Thank you very much.

My name is Tim Perry. I'm the Canadian president of the Air Line Pilots Association, International and a 737 pilot at WestJet airlines. I have been a professional pilot for 18 years.

The Air Line Pilots Association, International—ALPA—on behalf of 59,000 professional pilots at 35 airlines in North America, including 16 in Canada, appreciates the opportunity to participate in the study by the House of Commons Standing Committee on Transport, Infrastructure and Communities of the aircraft certification process in Canada.

Before beginning my remarks, I would like to offer our deepest condolences to the families and friends of those who perished in the Boeing 737 Max accidents, and in particular Mr. Moore and Mr. Njoroge, who took the time to relate their stories today. I found them very moving and very meaningful. I want to thank them for that.

It is in this context that I offer our recommendations for not only the Max's return to service, but also for future evaluations of new designs and modifications to existing designs.

In March, in testimony from Transport Canada's director general of aviation, Nicholas Robinson, and the director of national aircraft certification, David Turnbull, you heard their perspective on the role of airline pilots during the certification process for introduction of a new or derivative Canadian aircraft into service in Canada or the validation process for foreign manufactured and certified aircraft. They also provided information about the role of line pilots in the effort to return the Boeing 737 Max to Canadian skies.

In this brief I will emphasize the need to involve current line pilots more formally in Transport Canada's work. I will also highlight ALPA's unique qualifications to be a primary source of expertise to assist Transport Canada in its evaluation.

When an aircraft is introduced into service, whether it is new or a derivative design developed in Canada or in another country, ALPA offers its expertise to examine training and operating requirements from the perspective of pilots who are current on that type, or a similar type, to evaluate operational procedures in simulators and in flight if necessary. I will refer to them as line pilots.

ALPA line pilots operate into and out of approximately 700 airports around the globe, in all weather conditions. No organization represents such a diverse environment of operating conditions.

While Transport Canada's certification pilots certainly have a key role to play, given their background and training in flight testing to ensure that all steps in the certification process are addressed, ultimately it is line pilots who must be adequately prepared and trained to manage the handling qualities and emergencies that may occur. Therefore, systems and procedures should be evaluated by line pilots to ensure that the training is adequate. This is where ALPA can play a key role.

ALPA is uniquely qualified for two reasons. First, the ALPA Air Safety Organization is the largest non-governmental organization of its kind in the world. Unlike many other pilot organizations, we have a large number of current line pilots who specialize in various aspects of aviation and are organized by discipline within our air safety organization.

Of relevance to your study, two of these disciplines are the aircraft design and operation group and the human factors and training group. Pilot subject matter experts, or SMEs, in these two groups are supported by ALPA's full-time professional staff.

ALPA devotes substantial resources in support of the Air Safety Organization so that it can work with manufacturers and regulators to ensure that passenger and cargo aircraft meet the intent of applicable federal and international regulations and standards, that design certification and operational standards keep pace with the industry, and that newly introduced designs provide a level of safety that is at least equivalent to that of previous models. Additional information about the Air Safety Organization can be provided to this committee upon request.

A second reason that ALPA is unique compared with the government test pilots involved in the certification process is that our pilots offer a valuable perspective that can only come from those who are currently involved in the daily operations of airliners.

Mr. Turnbull said, in response to a question concerning the role pilot associations play in the certification process, that they are not typically involved until a subsequent step, which is referred to as the “operational evaluation”. He said that if there are issues when the regulator's evaluators go through the process, they may select “naive candidates, which are sometimes airline pilots”, to evaluate the proposed training requirements in a simulator.

It has been our experience that involvement of line pilots in the certification or validation process is more the exception than the rule.

● (1645)

I recommend that ALPA's participation in certification and validation efforts be given a higher profile.

Specific to the return to service of the Max, Mr. Robinson emphasized the importance of pilot association involvement. He is aiming for the associations to be standing by the minister when he is confident that it is ready to return to service and that a total of two representatives from the operators and pilot associations will be involved in the work of the Joint Operational Evaluation Board, the JOEB.

We are pleased—

The Chair: Excuse me.

Mr. Perry, can you please wrap it up? Hopefully you can get in some of the remaining comments that you might have through the questions to follow.

Capt Tim Perry: I have five lines left.

I'll just say that we are pleased that subsequent to Mr. Robinson's appearance, two line pilots from ALPA who fly for WestJet travelled to the U.K. to participate in the JOEB's work. Air Canada pilots were also closely involved.

In the committee's development of recommendations to the government for the aircraft certification process, we urge you to consider an ongoing role for airline pilots and pilot associations in evaluating procedures as well as the handling qualities of new or modified aircraft.

Thank you very much. I look forward to your questions and comments.

The Chair: Thank you, Mr. Perry.

The toughest part of my job is having to step in when people are giving us such valuable information.

Capt Tim Perry: I understand.

The Chair: We're now move on to the Canadian Union of Public Employees.

We have Jordan Bray-Stone with us. He is the chairperson, health and safety committee, airline division.

Mr. Bray-Stone, go ahead. The floor is yours.

Mr. Jordan Bray-Stone (Chairperson, Health and Safety Committee, Airline Division, Canadian Union of Public Employees): Thank you, everyone.

First, on behalf of all cabin crew I represent at CUPE, I want to express our sincere condolences to those affected by the Ethiopian Airlines tragedy, most of all the victims' families.

My role is to represent the health and safety interests of the cabin crew who get on these planes day in, day out; and to work tirelessly to ensure their interests are heard. Passengers and our cabin crew get on planes and come home to their families and loved ones. They trust that the companies manufacturing them and the regulator certifying them for flight have their backs and that every safety aspect, both big and small, has been accounted for.

While the 737 Max events are obviously most concerning, similar trends of aircraft manufacturers placing profitability before safety and going either unnoticed or ignored by regulators persists at all levels. We have noted this just over the past two years as we get new aircraft.

We work in the aircraft cabin, so my focus today will be how a profit-first approach affects crucial interior safety systems and devices.

I testified before this committee a few years ago about tombstone legislation, among other things: how with aviation it often takes tragedy to bring about change and improvements.

CUPE has a history with aircraft cabin systems and tragedy. Air Ontario flight 1363 crashed on March 10, 1989, in Dryden, Ontario. One of our flight attendants perished because, at the time, cabin jump seats did not have shoulder straps.

Air Canada flight 797 landed in Cincinnati on June 2, 1983, after a horrific cabin fire, and this led to an emphasis on how important it was not to overlook the aircraft cabin when it comes to safety. It led to oxygen systems, emergency lighting, smoke detectors and smoke protection for flight attendants, and on-board firefighting equipment, among many other things.

In the past two years, a lack of consultation with our professionals, the cabin crew who work in and occupy this space, has highlighted great safety shortcomings. On the 737 Max, this led to an interior option being provided to airlines that maximizes seating to the detriment of functional lavatories, galleys and, most of all, cabin crew jump seats. The galley area is so restricted in the aft section that passengers can't access the lavatories without cabin crew either having to get out of their jump seats or the passenger having to either crawl or climb over them. Imagine the safety issues this presents in turbulence.

The narrow galley space precludes a second jump seat at the aft right, as exists in other cabin configurations. Once again, in the event of sudden turbulence, which the industry acknowledges as an emerging hazard due to climate change, where are cabin crew to go?

These are the people who will help you get off the aircraft in the event of an accident.

The lavatories on this plane are so notoriously narrow that when customers go to wash their hands, a copious amount of water lands on the floor. This is due to the tiny sinks.

Water is a known hazard on board, and training for cabin crew includes the risks of having water leaks in galleys.

It is unacceptable to have such a problem literally engineered into an aircraft to add a couple of seats. This aircraft was certified by the FAA, but it was purchased and flown by Canadian carriers. How has our regulator permitted this? Were they even aware of these problems, and if not, how? These may seem small, but they are important.

On the Airbus A220, a Canadian-designed and certified plane, option designs are offered to airlines that either omit important safety equipment or include equipment that is unacceptably difficult to use.

The aft jump seat is a pullout option, and it's prone to jamming. As well, if certain switches are accidentally depressed in the wrong order, it will not latch in place and therefore will not secure the occupant.

Most concerning, perhaps, is that the jump seat cannot be retrieved if any galley equipment is in the way, which is a common threat, as it is housed in the same frame as onboard meal carts.

The aft jump seat handset needed for emergency communication is positioned such that it is completely unreachable by most occupants unless their shoulder harness is unbuckled. As you will recall, one of our members died because of a problem with or a lack of a shoulder harness. This invites a dangerous scenario of a cabin crew member having to choose between emergency communications and their personal safety.

When asked how this could possibly have been approved by Transport Canada, officials I spoke to could not answer my question. We've never heard from them again on this issue.

Although there is ample room for additional jump seats at the back of this aircraft, it was approved to be sold to operators with only the single pullout jump seat available, what can only be assumed to be a classic cost-saving measure.

● (1650)

No alternate jump seats are available at the aft of the plane in the event of sudden turbulence. Furthermore, if any jump seat is to fall inoperative, someone is going to go without a seat.

CUPE is also very concerned about cabin air quality, which affects on-board crews both front and back. Canadian aviation regulations, in the airworthiness chapter of the manual at section 525.831, call for systems, even in cases of probable and expected failure, “to provide a sufficient amount of uncontaminated air” to ensure crew members can “perform their duties without undue discomfort or fatigue”. The section also states, “Crew and passenger compartment air must be free from harmful or hazardous concentrations of gases or vapours.”

Amazingly, despite the possibility of various contaminants with the potential to cause discomfort, fatigue and illness entering the cabin on commercial aircraft, only one gas is cited here, which is carbon monoxide, although “gases” and “vapours” are used in the plural form. One might be even more surprised to know that we do not have carbon monoxide detectors installed on board in our cabins, although these sections persist in our regulations.

The Chair: Mr. Bray-Stone, can I ask you to wrap it up?

Mr. Jordan Bray-Stone: I'm almost done.

The Chair: Thank you.

Mr. Jordan Bray-Stone: All of this raises the question of how the manufacturing industry is being regulated as they design planes. Many of these are problems that the average flight attendant could easily flag and that our unions certainly could have likely resolved or provided guidance to manufacturers on had they been consulted, but we haven't been. If manufacturers aren't consulting the people who know the aircraft best and the regulators aren't holding them responsible, how can we have faith?

We urge the regulators and the manufacturers to involve us during [*Technical difficulty—Editor*]

Thank you for your time.

The Chair: Thank you, Mr. Bray-Stone.

I'm now going to move on to Mr. Gilles Primeau, professional engineer.

Mr. Primeau, the floor is yours for five minutes.

● (1655)

Mr. Gilles Primeau (Professional Engineer, As an Individual): Good afternoon, Mr. Chair and members.

When I testified to this committee on March 10, I was asked if I'd table my findings at that point. I did so confidentially, with the desire and the idea to give Boeing a fair opportunity to answer the questions that were then 24 main questions over 44 pages in the document I had sent them. I can tell you today, after nearly nine months, that Boeing has not answered any of my questions and didn't even try to contact me. It's disappointing but hardly surprising, given they didn't even respond to an invitation to testify to the same committee on March 10.

After my first testimony, I reviewed the interim report on the second crash and also all of the FAA's documentation towards lifting the restrictions. Only a few of my main questions have been answered, minor ones. Furthermore, my list of questions grew from 24 to 37. On September 21, I made all my comments available as seven downloadable attachments. It's comment serial number 172 on the FAA site. Here are the highlights of my cumulative findings.

The emergency airworthiness that was issued after the first crash deprived the operators and crews of two of the four critical, logical steps that allow an MCAS command to be executed. First is the flaps. If they are deployed to any non-zero position, this disables the MCAS. The other thing that is the next MCAS command was going to come five seconds after the completion of the previous one. Had the ET302 crew been aware of these two things, their chances of recovering would have been much, much better. If you doubt any of that, please ask me during the question period.

The fleet should have been grounded after the first crash. Many arguments have been heard. The main one, in my opinion, is that the FDR data, the flight data recorder data, in the preliminary report of the first crash clearly showed not only the MCAS but also the stab trim system doing something really, really abnormal. Another thing that's less talked about is that there's a precedent, Falcon 7X by Dassault Aviation. The whole fleet was grounded at the request of the airframer, not the authorities, after an incident took place involving the pitch trim system that didn't even lead to a fatality. Also, nobody in this industry should be making any concessions for the pitch trim system since the Alaska Airlines flight 261 accident in 2000.

In my first testimony, I also made recommendations for changes to regulations. I am not going to go over them here again. We can talk about them later.

Here are the technical arguments that I want to talk about that are 100% independent of MCAS.

The pitch trim system on the 737 Max is an obsolete 1960s technology. Its main deficiency is that there's only one electric motor on the actuator for the horizontal stabilizer movement. All other comparable airplanes currently in operation have two motors. Some even have three. The WestJet flight 1245 incident on December 1, 2018—meaning between the two crashes—should be revisited for that reason. Ask me for details during the questions.

The 737 relies on the muscles of the crew as a backup for the single electric motor on its critical actuator. There used to even be a procedure called a roller-coaster manoeuver that is no longer in force, but it was trying to address the fact that this system is inadequate for lack of redundancy.

All of these arguments are difficult for the public to grasp, so let me try to offer you an analogy. Would any of you buy and drive a car today that doesn't have power steering? Obsolescence of the system also involves problems with not using the latest technology to prevent slippage, which I have seen on both flights. It also probably doesn't contain all of the contemporary safety monitor suite that we normally implement for such a system.

● (1700)

I show, by comparing to an existing monitor on another aircraft, that the slippage on ET302 would have been very easy to detect and passivate.

Let's talk a bit about the first crash. I saw—

The Chair: Mr. Primeau, I would ask you to start wrapping up. Thank you.

Mr. Gilles Primeau: Yes. Okay.

There was a sudden jolt of 0.5 degrees on the H-stab in the first crash. Nobody talks about it in the final report, yet Transport Canada, when I worked on such systems, imposed not more than this amount of movement, half a degree, under some failure conditions.

High control forces conditions have been observed as well on the second flight. I estimated 120 pounds at one point in flight. Later on in the interim report their calculation was 119.4.

The Chair: Okay, Mr. Primeau. Thank you. I appreciate your testimony.

We're now going to go on to questions. We have our first questioner for six minutes.

Ms. Kusie, how is your audio going?

Mrs. Stephanie Kusie: Thank you for asking, Chair. I'm actually going—

The Chair: There you go. It's perfect.

Mrs. Stephanie Kusie: I know, yes, but actually, I'm going to pass my time over to my colleague Mr. Kram, just in case. Thank you, Chair.

The Chair: Thank you, Ms. Kusie.

Mr. Kram, the floor is yours.

Mr. Michael Kram (Regina—Wascana, CPC): Thank you, Mr. Chair.

My questions will be directed to Mr. Giguere and Mr. Perry.

What I find so tragic about the Max 8 certification process is that as far back as 2016, Transport Canada test pilots had questions about the plane's behaviour related to speed and pitch. These pilots didn't know it at the time, but the strange behaviours they were observing were related to the flawed MCAS. Naturally, the pilots had questions. They wrote these questions down on a concern paper that was sent to Boeing. Tragically and inexplicably, the certification process for the Max 8 was approved without having received answers to all the Transport Canada questions.

My question is to Mr. Giguere and Mr. Perry.

I really want to hear your perspectives, because you're the ones who fly the planes. Should Transport Canada continue the practice of approving certifications for airplanes before having received answers from the manufacturer to all of its questions?

Capt Tim Perry: I can comment only briefly, as I'm not familiar with the concern letter specifically, although I do know that letters of concern are normal. They don't necessarily indicate a high degree of risk versus a low degree of risk. This process isn't necessarily enough to really understand what is being highlighted for what needs addressing.

Of course, we all, as pilots, want aircraft to be.... If there are any outstanding issues, we absolutely stand for them to be addressed properly by the manufacturer and the regulator. That's absolutely something we would support.

Mr. Rob Giguere: Mr. Chair, I could speak about this.

Yes, as I said in my comments, certainly we believe that we have the capability in Canada. We have an extraordinarily high level of capability. The certification process is not one that should be deferred to another authority.

To your question specifically, obviously if Canada is having a review and a certification process of its own, all those questions would have to be asked before the aircraft is returned to service, or in the case of a new aircraft, certified.

Mr. Michael Kram: I have another Transport Canada concern paper here, dated November 22, 2018. I'd like to read a brief quote from this concern paper:

> Please note that in order to meet its delivery commitments to the Canadian operators, Boeing has requested Transport Canada to issue the 737-8 Max ATC in June of 2017. To avoid delivery delays to our operators, Transport Canada will review and discuss FAA position on this concern paper during its upcoming 737-9 validation activities. Therefore, this concern paper will remain open when the 737-8 Max ATC is issued by Transport Canada.

I find it very concerning that Boeing's sales targets and sales deadlines are making their way into a Transport Canada certification document.

Again to Mr. Giguere and Mr. Perry, how concerned are you that the Transport Canada certification process is being driven by Boeing's sales targets and not the safety of the aircraft?

● (1705)

The Chair: We'll start off with Mr. Giguere.

Mr. Rob Giguere: As I said in my comments, I believe we have the absolute expertise, world-class expertise, to do independent certification here in Canada, not only of the 737 Max but of other aircraft and future aircraft. We would support that view. We believe front-line pilots should be involved in the process. We have the experience and the knowledge and the wide breadth of different types that could be added to the process. We believe that is something that should happen, going forward.

Capt Tim Perry: I echo Mr. Giguere's comments. I will also add that as airline pilots, of course we place the safety of the public and the safety of everyone on board at the absolute highest level. We believe safety and the considerations for safety are the most important considerations of all. We would like to see those considerations understood by Transport Canada and anybody certifying an airplane. We believe, as Mr. Giguere said, that certification can and should be done with our breadth of expertise here in Canada.

The Chair: Thank you, Mr. Perry.

Mr. Kram, you have time for a quick question.

Mr. Michael Kram: Thank you, Chair.

Finally, where do you feel Canada made its biggest mistake? Was it the initial certification of the Max 8? Was it the delay in grounding the plane after the first crash or was it the delay in grounding the plane after the second crash?

Mr. Rob Giguere: You know, I think it's a complex process, and I don't think we've.... In aviation, you look toward learning from events and experiences and processes. That's what our goal always is. As Captain Perry said, we place the importance of safety at the top of the list in terms of the passengers, the crew and the aircraft. That is something that won't change.

Learning from events that have happened is a primary goal. We look for transparency and knowledge as we move forward. That's why we're pleased with this process. As I said in my comments to this point, we're pleased with the recertification line that's been happening and the slow and thoughtful method to get the aircraft to a point where it could be determined to be airworthy and certified again in Canada.

The Chair: Thank you, Mr. Giguere.

We'll now move to Mr. Sidhu for six minutes.

Mr. Maninder Sidhu (Brampton East, Lib.): Thank you, Mr. Chair.

Thank you to all the witnesses for being with us today.

To Mr. Moore and Mr. Njoroge especially, thank you for being here. My sincere condolences to you and your families and all the families impacted by this tragic event.

Mr. Giguere, I very much appreciate your insights. What role have you been playing with Transport Canada in considering the re-certification of the Boeing Max planes?

Mr. Rob Giguere: Like Captain Perry, ACPA, the Air Canada Pilots Association, has been very much involved. We have a very thorough review, a flight safety department internally within ACPA. We've been getting briefings essentially weekly throughout this process.

As was mentioned earlier, the Joint Operations Evaluation Board was something that was introduced. Front-line pilots—in this case, WestJet pilots as the primary crew—went and worked with Transport Canada in the simulator to assess the procedures and processes in the development of the changes to the Max. The Air Canada crew were on standby as a secondary crew.

We've seen a lot of collaboration through this process, which has given us confidence and comfort that our views are taken seriously and considered. We believe it's something that should happen, going forward, to ensure that processes are complete from our perspective.

● (1710)

Mr. Maninder Sidhu: Mr. Giguere, how do you balance the safety of pilots and passengers with the economic need to get your pilots flying again? I know you mentioned that quite a few pilots are on furlough. I'd like to hear your insights on that.

Mr. Rob Giguere: There is no higher priority for an airline pilot than the safety of his passengers, his crew and his aircraft. I can say that with certainty. Certainly, in the Canadian environment, with the experience I've had, it is the absolute highest priority. The crews I have been exposed to, worked with and had working for me over the years understand that this is the most important priority.

Mr. Maninder Sidhu: Mr. Giguere, I have a lot of questions for you. You mentioned human factors in regard to training. I'm hoping you can elaborate more on this.

Mr. Rob Giguere: The aircraft that we fly today are much different from the aircraft we flew when I started my career. The aircraft are complex man-machine interfaces with very complex computer systems that assist the pilots and that have proven over time to reduce the incident and accident rate.

That said, the crews, the pilots always need to be aware of how those systems interact with the primary systems of the aircraft. I think that's something that will continue.

Aircraft are extremely sophisticated, so the human factors piece of it is really something that the crews work with every day. One of the primary focuses in the extensive training has become human factors and how the aircraft is handled by the crew and how the crew handle the aircraft in terms of understanding it.

Mr. Maninder Sidhu: Captain Perry, I want to go more into the training aspect so I can get a proper grasp of it.

What kind of training does it require to become a pilot? I know these seem like basic questions, but they're very important for the public. How many years does it take, and how much does it cost? What type of additional training is required to pilot these planes? I know certain pilots are trained for certain types of planes. Could you elaborate more on that?

Capt Tim Perry: Sure. Primary flight training follows a path something like this: A pilot will obtain a private pilot's licence. They will do some flying in a private environment, funded at their own cost. They will receive further training to receive a commercial pilot's licence. There are also ratings that one must obtain in order to be able to fly at night, fly multi-engine airplanes and be able to fly and control an airplane what are called instrument meteorological conditions. Those all take, at the bare minimum, a few hundred hours and approximately a couple of years.

At that point you're eligible to be employed in the commercial aviation space. Most entry-level jobs are flying small airplanes in remote parts of Canada, or instructing. As experience is gained, jobs become available at bigger airlines and in more complex machines. This is something that we could discuss at length, although I would like to add that prior to this current COVID situation, there was a lot of growth. Between growth metrics and attrition, the experience on the flight deck was decreasing somewhat, although that particular issue has been, at least in the short term, mitigated by the furloughs and the downturn in the aviation industry.

The Chair: Thank you, Mr. Perry.

Mr. Sidhu, do you have a quick question?

Mr. Maninder Sidhu: That's it. Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. Sidhu.

Thank you, Mr. Giguere and Mr Perry.

We're now going to move on to Mr. Barsalou-Duval for six minutes.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

I'm not very familiar with the aircraft certification process. However, I'd say that the committee has helped us learn more about it.

The concerns raised by pilots and flight attendants have shown us that these people are generally not involved in the aircraft certification process.

I want to hear from Mr. Primeau, who is more familiar with the certification process.

In your opinion, why aren't these people involved in the process? Would it be beneficial if they were?

● (1715)

[*English*]

Mr. Gilles Primeau: It always could be useful to involve other...while the pilots are well involved in the certification process. All those systems, including the interiors and [*Technical difficulty—Editor*] are being certified as well. I find one of the big lacks is in the engineering systems. The systems engineering aspect has been what has caused those two crashes, because they did not do the safety analysis properly, which led them to assess a criticality level of failures that was not sufficiently high. If that had been done, more testing would have taken place.

The Chair: Thank you, Mr. Primeau.

As a question for the clerk, are we getting interpretation for Mr. Primeau?

The Clerk: We're having some difficulties, I'm told. Where they can, they are providing interpretation, but they are having major difficulties hearing him.

The Chair: Mr. Primeau, if you're asked any questions, please speak up a bit louder so the interpretation can hear you, because they're having some problems hearing you for interpretation.

I'll go back to Mr. Barsalou-Duval.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

The Americans decided to allow the Boeing 737 MAX 8 to fly again, while requiring pilots to undergo MCAS training.

In your opinion, is this change enough to make the aircraft safe?

Should the Canadian government approve this aircraft?

[*English*]

Mr. Gilles Primeau: Certainly the 737 Max is safer now that the MCAS software has been changed. However, to say that this is now the safest airplane because of all this scrutiny is just not true, simply on the basis of the obsolete system for the pitch trim, which has only one electric motor. We're talking about relying on human muscles as a backup to a single electric motor, while all other aircraft have at least two. Some even have three.

I would not get on this aircraft. Why should I subject myself unnecessarily to a higher risk level than on other comparable aircraft? That's basically what's happening here. The grandfathering has been stretched too much.

The final report is not out yet for the second crash, but the interim report has shown quite extensively that the forces on the manual trim wheel are much too high. It's not too surprising. The aircraft's growth since the 1960s has been massive.

First of all, to reiterate, it's not fair to claim that this is the safest airplane, just on that basis. There are other failures that might be happening completely independently of the MCAS that could lead to similar situations in flight when you have high forces on the column and on the manual trim wheel and several types of different malfunctions could happen in the system itself.

It appears to me that it would have made sense, once they introduced MCAS, to ask, "Hold on. MCAS is going to talk to this critical system, the most critical system on the aircraft, and we're not going to put it up to contemporary standards?" Regulations don't force them to do so, but if the new regulation modifications that I'm proposing were ever to be implemented, or had they been applied, or if we could magically apply them retroactively to the development of the 737 Max, I guarantee that the design flaws would have been found and corrected, and the two crashes would have been avoided.

The Chair: Thank you, Mr. Primeau.

Go ahead, Mr. Barsalou-Duval.

[*Translation*]

Mr. Xavier Barsalou-Duval: In your opinion, the aircraft certification system currently has significant shortcomings. As a result, not all issues are being identified. Your proposal would address a number of these issues.

Has the government responded to the proposals that you submitted? If so, I'd like to know the response.

● (1720)

[*English*]

Mr. Gilles Primeau: At this point, there's been no feedback, and I'm not seeking feedback from Transport Canada because when I went to see them on June 18, 2019, I understood when they said that they could not give me feedback, given the ongoing investigations. However, I will be requesting to be at the debrief, for sure, when that investigation is completed.

The Chair: Thank you, Mr. Primeau, and thank you, Mr. Barsalou-Duval.

We're now going to move on to Mr. Bachrach for six minutes.

Mr. Taylor Bachrach: Thank you, Mr. Chair, and thank you to our witnesses for being with us today.

I'll start with the certification process. We've heard both from Mr. Giguere and Mr. Perry about the members of their associations. I'm wondering what you're hearing from those pilots. Are you hearing from pilots who are worried about getting back on the 737 Max and don't feel that the steps that have been taken are adequate? Is that something that you're hearing from your pilots?

Mr. Rob Giguere: Obviously, the process is not yet complete. Our crews have been getting trained on the 737 Max simulator, of which we have two at Air Canada. The Air Canada Pilots Association members are training on that aircraft.

Once the certification process in Canada is completed, there will be more training done at that point, but we're not through the process yet. Of course, the minister hasn't made that decision at this point.

Mr. Taylor Bachrach: Okay.

The Chair: Mr. Perry, do you have any comment on that?

Capt Tim Perry: I would just say that at this point, it's been our experience that the review of the certification and of the airplane has been quite thorough. We have commented to both Boeing and Transport Canada on numerous occasions. While we have not seen a final validation, we have every indication that any of our pilots' concerns, expressed through their association, have been considered.

I would like to leave you with that.

Mr. Taylor Bachrach: I'm just trying to understand. Mr. Perry, you say the concerns expressed from the pilots through the association have been understood. Does that mean that you have received concerns from pilots about the safety of the airplane?

Capt Tim Perry: No, and thank you for the chance to clarify.

What I meant was our aircraft design and operation committee, which looks at the review process from a technical perspective, at times posed questions about the process and about certain technical aspects about the airplane. Those queries have been addressed to our satisfaction so far, and that's what I meant. We haven't received specific concerns from our members. They have been allowing the process to take place and the other associations to work together to seek these types of clarifications.

Mr. Taylor Bachrach: Mr. Perry, we heard from Mr. Giguere. He said he was concerned about self-certification and this aspect of self-regulation, self-certification in the United States, and that Canada should not rely on the flawed regulatory processes of another jurisdiction. Is that a concern you share?

Capt Tim Perry: Yes. I think it was well stated by Mr. Giguere that the idea of self-certification does have the potential for problems to emerge. This is because, as has been mentioned, airplanes have become so much more complex that it's actually the manufacturer that understands them the best. I think this is something to be learned. Since aircraft have become so much more technically advanced, we are going to have to evolve a process by which the manufacturer, the applicant, brings along the certification to the validating authorities. I think we can learn a lot from what's happened to date.

● (1725)

Mr. Taylor Bachrach: My next question is for Mr. Bray-Stone.

I found your testimony about the conditions your members face onboard these aircraft very interesting.

What steps would you like to see the government take before it approves the 737 Max for flights in Canada?

Mr. Jordan Bray-Stone: We've been in touch with Transport Canada about this. We want to be consulted and given a chance to understand the steps they have gone through and the items they have reviewed or taken issue with. They've made it clear that they have held off on approving this aircraft, compared to the FAA. We'll be looking to really understand why and to get a more detailed explanation about those aspects.

Most of all, we're really looking for a commitment and an understanding of how there will be greater transparency going forward. There will be future events with aircraft. Our members shouldn't have to get on board planes wondering if they are safe, wondering whether a regulator is deciding to pull the plug based on industry pressure.

I think we have a good dialogue with Transport. We're going to pursue that and ask the questions that need to be asked on behalf of our members.

The Chair: Thank you, Mr. Bray-Stone.

Mr. Bachrach, you have time for a quick question.

Mr. Taylor Bachrach: Thank you, Mr. Chair.

Mr. Primeau, I thought I heard you say that given the safety concerns you have with the 737 Max 8, you would not get on board that aircraft.

The Chair: Mr. Primeau, give a quick answer, please.

Mr. Gilles Primeau: Affirmative.

The Chair: Thank you, Mr. Primeau. Thank you, Mr. Bachrach.

We're now going to move on to our second round.

Mr. Kram, did you still want the floor? You switched with Ms. Kusie, so I'm just wondering if you're going to have the floor, or are you going to pass it on to Mr. Soroka?

Mr. Michael Kram: Thank you, Chair.

I'd like to pass it on to either Mr. Soroka or Mr. Shipley. I'm not sure who's up next, but I'm sure one of them would be more than happy to take it.

The Chair: I have Mr. Soroka next on the list. Mr. Soroka, the floor is yours.

Mr. Gerald Soroka: Thank you, Mr. Chair.

Mr. Perry, why should there be differences in the way an aircraft is certified in Canada from the way it is certified in the country of the manufacturer?

Capt Tim Perry: We don't know whether there should or shouldn't be differences. Our comments are directed at our own certifying authority. Without commenting on the process of the FAA or other authorities, it really does come down to the experience from our certification authority at Transport Canada, and I think that is borne out by experiences in certifying airplanes here.

I think it's fair for me to comment just on the Transport Canada process and our engagement with them at this point.

Mr. Gerald Soroka: When it comes to the role of ALPA in evaluating your process on certifying an airplane versus Transport Canada's certification, what do you see as the difference or the benefit?

Capt Tim Perry: I think our process focuses on the training. Line pilots who have experience operating these airplanes every day have a unique perspective on not just how the airplane is certified but also on the training that is recommended to the airlines. It's that training, that perspective, first and foremost, that is best evaluated by line pilots who do the job every day and understand best how effective that training may or may not be.

Of course, the aircraft design and operations team evaluates the information from a technical perspective, and we always think that having a safety organization such as ours with eyes on that aspect is beneficial in offering a different perspective, but it's primarily to accomplish a good evaluation of the training procedure.

● (1730)

Mr. Gerald Soroka: Mr. Perry, have you been hearing any pilots expressing some concerns with the Max plane, finding some issues as they're having that nose drop? I know we've had some questions about the integrity or the design of the plane.

Capt Tim Perry: A lot of questions have been directed to our association about Boeing and Transport Canada, our regulator, and so far those recommendations and those concerns have been expressed and answers have been given to our satisfaction, both from a training and from a technical perspective, although I will say that we haven't received the final certification yet, so we will reserve our final judgment until that time.

Mr. Gerald Soroka: Mr. Primeau, I've an understanding that you're not getting results back from Boeing and that you have more questions than answers. Is this correct, and if so, why do you think this is?

Mr. Gilles Primeau: Yes, you're correct in your assessment.

Why is it? We might be the best to ask this question to Boeing. Why do they not even reply to an invitation to appear before this committee, for instance?

I extended an offer of technical help to them. I gave them lots of ideas. I even proposed a couple of design changes that could have vastly improved this aircraft. They're not collaborating with the Canadian government or this committee, so they will do so much less with an engineer, I guess.

The Chair: Thank you, Mr. Primeau.

We're now going to move on to Ms. Jaczek for five minutes.

Ms. Helena Jaczek (Markham—Stouffville, Lib.): Thank you, Chair.

I would like to thank all of our witnesses today, of course including Mr. Njoroge and Mr. Moore in particular, for turning their personal tragedy into thinking deeply about the events that led to the Boeing Max 8 tragedy and giving us some really substantial recommendations as well.

In terms of what we've heard directly related to what we are studying, which is the Boeing Max 8 tragedy, Mr. Giguere, you've also alluded to the fact that we're going to see future changes to aircraft—new technology, and so on. You've also mentioned that Transport Canada—the director general and other officials—have reached out to your association to get you perhaps more involved than you have been previously.

Would you like to see this type of engagement formalized in some way, perhaps, for future certifications and validations going forward?

Mr. Rob Giguere: Yes, absolutely we would. We believe that this is something that should be ingrained and captured going forward.

We've been party to this recertification, which is encouraging. We think that the experience of front-line pilots in a certification process gives an independent analysis of those who are operating the aircraft and an opportunity for questions from people who are not formally in the process and who cannot be influenced.

As I stated earlier, pilots and crews who operate these aircraft in airlines take the seriousness of safety as the number one priority, and that is something that will never change. It's ingrained in pilots from day one, and it is something that strengthens the view that pilots should be involved in the process, particularly experienced line pilots who have real-life experience in operating the aircraft on a day-to-day basis.

Ms. Helena Jaczek: Thank you.

Now I'd like to turn to Mr. Bray-Stone.

Mr. Bray-Stone, you raised some issues that resonated with a lot of us. Just as your cabin crew are almost at the mercy of the certification process in trusting that Transport Canada has done due diligence, so are we as passengers also party to that trust.

You've raised a number of cases in which recommendations or changes were made following particular incidents that obviously could not be ignored, incidents that led to change. You've talked a little about being more involved with Transport Canada.

What would you like to see by way of your issues being part of the discussion as we think more broadly about certification of aircraft? What do you see as the role of CUPE in bringing your issues forward?

● (1735)

Mr. Jordan Bray-Stone: That's a good question.

Here is a good example of what we would like going forward. I heard our pilot representative colleagues mention an ongoing dialogue throughout this, with almost weekly meetings with Transport Canada. We've experienced that as well with Transport Canada, as cabin crew during COVID-19. We've had some excellent weekly—sometimes twice-weekly—briefings.

When aircraft are being certified or when another generation of an aircraft is coming out and being certified, there are going to be phases during the design in which the regulator is working with the manufacturer, and we should be receiving briefings. We should be being consulted as important stakeholders.

As I mentioned, an aircraft is full of thousands of systems, and they're all important. We can't forget about any part of the plane. In the past, that has happened. In the past, certain systems have been considered less important than others, and often that fact has come back to haunt us. That speaks at least a little bit to these two tragedies that we've been largely discussing today.

We'd be looking, then, for ongoing briefings and consultation as an important stakeholder for those areas of the plane and the systems and the safety products that we are expected to use to protect the public.

The Chair: Thank you, Mr. Bray-Stone, and thank you Ms. Jaczek.

I'm now going to go over to Mr. Barsalou-Duval for two and a half minutes.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you, Mr. Chair.

My question is for Mr. Primeau.

Given the issues surrounding the 737 MAX 8 and the American certification process, it became apparent that the shortcomings of the process affected not only Americans, but people here as well.

Earlier this year, when he appeared before our committee, Mr. Turnbull, a senior official who works on aircraft certification, said that no issues were identified. That doesn't seem right to me. Later, we saw that some Transport Canada pilots reportedly sent notes in 2016 saying that they did in fact identify issues.

Yet there was no willingness, at least on the part of the government, to come clean. It seems that people wanted to say that the government had done nothing wrong and that everything was perfect, when this clearly wasn't the case.

For me, the 737 MAX 8 accident reveals one thing. This actually goes beyond the accident, but it reveals one thing. Our regulators potentially endangered the lives of pilots and passengers through complacency in terms of oversight. Do you agree with this? What do you have to say about this?

[*English*]

Mr. Gilles Primeau: That's a very difficult question. I'm not sure I would characterize complacency with the officers of Transport Canada. Even though I'd like them to give me feedback, I understand the legality aspect behind it.

What I am seeing, as a recurring pattern, is the airframer not providing sufficient answers. I'm aware that the victims have been requesting the release of data, and the FAA administrator has answered—the letter is public—stating “confidential proprietary data” four times. We could use a non-disclosure agreement so that professional people could look at the data and have an independent inquiry.

If Boeing didn't answer me, if Boeing didn't answer the Canadian government, and if Boeing or the FAA didn't provide proper answers to Transport Canada as they were trying to better this airplane before certifying it, it's not necessarily the fault of those who struggled. If they were empowered to say no—and for once the “no” would stand—and insist on getting a reply, maybe we would start changing the pattern.

● (1740)

The Chair: Thank you, Mr. Primeau, and thank you, Mr. Barsalou-Duval.

I'm now going to go to our last speaker. Mr. Bachrach, you have the floor.

Mr. Taylor Bachrach: Thank you, Mr. Chair. I appreciate the time of the witnesses we've heard from today.

Mr. Chair, I'd like to address the motion that I raised previously. I understand your desire for it to stand as a notice of motion, but it was really offered as a motion that I hoped we could act on today.

I recognize that I'm new to this role; however, my read of the routine motions and our rules of procedure would indicate that it is in order to have a motion related to the study at hand.

I would ask that we be allowed, as a committee, to vote on this motion today. I believe, given the testimony we heard from the families, that this is of utmost importance. It needs to be dealt with in a timely way. I would ask, Mr. Chair, that my motion be allowed to stand as a motion and that we move swiftly to a vote.

The Chair: Thank you, Mr. Bachrach.

The reason for my judgment at the time was to not take away time from the important witnesses who took their time to come out today to give us their testimony—both the families of the victims, as well as the four witnesses that we have now. I'll stand by that.

Frankly, between now and Thursday.... I don't see any reason not to allow it to go until Thursday to raise the motion and to deal with it then versus today. It's two days away. You'll still get the expediency that you're desiring. Once again, the call that I made was simply with all due respect to the witnesses that we invited today.

That notice of motion, I believe, can be brought Thursday. I apologize for being repetitive, but—

Mr. Taylor Bachrach: I appreciate that, Mr. Chair.

The Chair: If we could bring it on Thursday, Mr. Bachrach, that would then give us the time to get to both the witnesses and the questioners. I allowed the meeting to go to 5:43 today because we had some difficulties and technical issues. Also, of course, we had to wait for some members to show up.

Frankly, the meeting is now at the point of adjournment. I was trying to fit you in for that last two and a half minutes, but that time has elapsed.

Mr. Taylor Bachrach: Mr. Chair, can you rule on it formally as a point of order that my motion is out of order, as per the routine motions and our rules of procedure?

The Chair: You can. I won't say your motion is out of order, because it can be in order. Although it's not directly involved in the study we're dealing with, it is in line with the discussion, so I'm not going to rule it out of order. It's more that I'm asking for it to be placed on Thursday's agenda so that we can get through the time we got through today, and we did. We got through the time, and now we're past time.

It's not something we can bring on the floor right now because the meeting is at the point of adjournment. What I would ask, Mr. Bachrach, is simply that we bring it up on Thursday, and we can deal with it on Thursday.

With that, members, I will adjourn the meeting.