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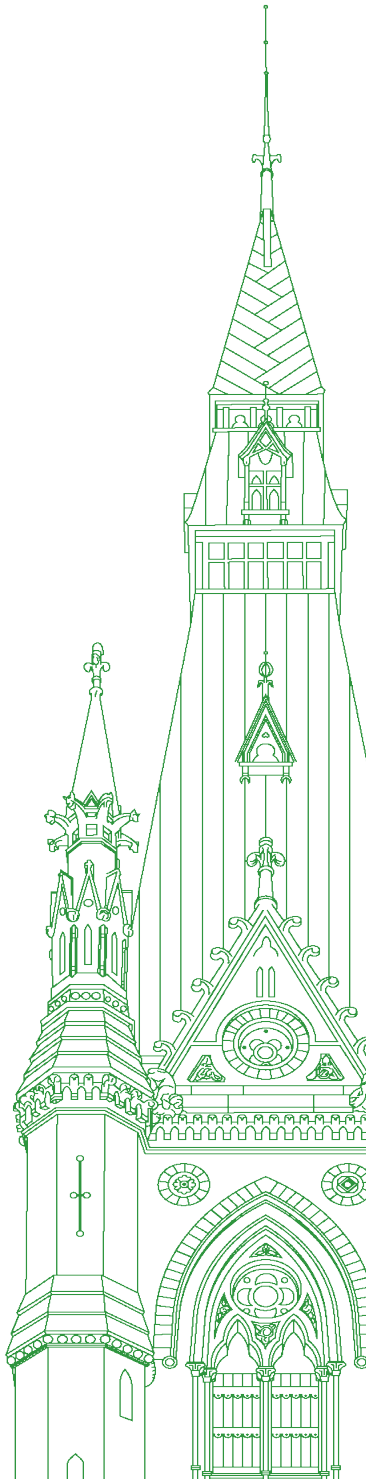

Chair: Mr. Vance Badawey

Standing Committee on Transport, Infrastructure and Communities

Thursday, November 26, 2020

● (1535)

[*English*]

The Chair (Mr. Vance Badawey (Niagara Centre, Lib.)): It's my pleasure to welcome all of you to meeting number seven 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. The proceedings will be made available via the House of Commons website. Just so that 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 committee is meeting in person in a committee room, keeping 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 the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer.

I'll remind you that all comments by members and witnesses should be addressed through the chair. When you are not speaking, please mute your mike. With regard to a speaking list, the committee clerk and I will do our very best to maintain the order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 108(2), the committee is meeting today to resume its study on the aircraft certification process. I would now like to introduce, as well as welcome, our witnesses. From the Department of Transport, we have Nicholas Robinson, director general, civil aviation, and David Turnbull, director, national aircraft certification.

Gentlemen, welcome.

I'm not sure who wants to start.

Mr. Nicholas Robinson (Director General, Civil Aviation, Department of Transport): I'll start, Mr. Chair.

The Chair: Mr. Robinson, the floor is yours for five minutes.

Mr. Nicholas Robinson: Mr. Chair, I'll be making the opening remarks, and then we'll turn it over to questions.

The Chair: Thank you.

Mr. Nicholas Robinson: Good day, Mr. Chair, Vice-Chairs and committee members.

My name is Nicholas Robinson, and I am the director general of civil aviation at Transport Canada, responsible for aviation safety. I am joined here today by my colleague, David Turnbull, who is the director of national aircraft certification at Transport Canada. We are pleased to join you again today to support this study related to aircraft certification.

Canada has one of the safest civil aviation systems in the world. As a result of the exceptional level of expertise and technical experience in our department, Canada is recognized as one of the four global leaders in aircraft certification. We've achieved this through our unwavering commitment to safety and to making evidence-based safety decisions in the highly complex environment of aircraft certification.

As I outlined to this committee back in February, the certification of an aircraft involves a careful examination of the design to verify that the aircraft complies with airworthiness standards and regulations—in short, all the things that we expect an aircraft to have in order for it to fly safely.

[*Translation*]

Transport Canada is the certifying authority where a Canadian company manufactures an aircraft, or aeronautical product such as an engine. When it comes to products that are not Canadian-made, Transport Canada’s role consists of validating the certification decisions—

[*English*]

Ms. Helena Jaczek (Markham—Stouffville, Lib.): I have a point of order, Mr. Chair.

I'm having difficulty. The volume of both the speaker and the translator seem to be at the same level.

The Chair: Thank you, Ms. Jaczek.

Mr. Clerk.

● (1540)

The Clerk of the Committee (Mr. Michael MacPherson): We're going to look into that right now.

Mr. Nicholas Robinson: I apologize. Was the volume okay with the English?

The Chair: Yes.

If you want to continue, Mr. Robinson.

[*Translation*]

Mr. Nicholas Robinson: I will start again in English.

[*English*]

The Chair: Go ahead.

Mr. Nicholas Robinson: When a product's not constructed in Canada, the role of Transport Canada is to validate the certification decisions taken by the state in which it was constructed. This allows us to ensure that the product has conformed with the regulations and our expectations within Canada.

When it concerns the Boeing 737 Max, Boeing is the manufacturer and has developed the modifications to respond to the safety risks that were identified as a result of the accidents that took place in 2018 and 2019. The United States, as the state where the aircraft was constructed, is the certifier. As was announced on November 18, the FAA has finished its certification of these modifications and has approved the return to service of this aircraft.

Transport Canada, as the validating authority, is now determining, through our own independent review, whether to validate the proposed changes, ensuring that our certification as I outlined meets the expectations that we have, both regulatory and our standards within Canada.

I'd like to take some time to speak in more detail about the independent review that Transport Canada is undertaking. Our actions related to the Boeing 737 Max began shortly after the Lion Air accident in Indonesia on October 29, 2018. Following this tragedy, Canada, in collaboration with its operators, developed and implemented enhanced training requirements for pilots. These exceeded the standards implemented by other countries. This was done within the first two weeks after the Lion Air accident, and it's our understanding that Canada and its operators of the Max were the only individuals who implemented these additional requirements.

I remind you that these requirements directly related to the runaway trim stabilizer condition that has been implicated in both the Lion Air and Ethiopian Airlines disasters. Following the Ethiopian Airlines accident that occurred on March 10, 2019, Transport Canada assessed the risks and the need for additional actions, keeping in mind our original unique actions taken back in November 2018.

Upon receiving and analyzing new satellite data, the department closed Canadian airspace to the aircraft on March 13, 2019. This action demonstrated that Canada makes evidence-based decisions to prioritize safety, and that we do not hesitate to take action when safety issues are identified.

Since I appeared here in February, Transport Canada has progressed significantly in our validation work of the Boeing 737 Max and has completed many major milestones in the process. The department has worked in close collaboration with the FAA and other key certifying authorities, including the European Union Aviation Safety Agency and the National Civil Aviation Agency of Brazil, as well as the three Canadian operators of the Max and their pilot unions, to address all factors necessary for the safe return to service of the aircraft.

Most significantly, as part of the validation process, Transport Canada successfully completed in August a series of flight test activities of the updated aircraft. These tests covered the validation of the proposed changes, as well as additional procedures deemed necessary by Transport Canada. In September, Transport Canada participated in a joint operational evaluation board, commonly referred to as a JOEB. This board was made up of representatives from global certification authorities, and the results of the evaluation have been used to establish the minimum training requirements for the return to service of the Boeing 737 Max.

Along with our departmental experts that participated, supporting Canada's efforts were Canadian commercial line pilots of the Max. I want to take this opportunity to thank the Canadian operators and the pilot unions for their tremendous support in this extremely important activity.

Our safety experts are now finalizing their independent validation process to determine whether to approve the proposed changes to the aircraft. I must say that I am proud of the leadership our team has demonstrated to date, particularly on the aircraft design changes that they were instrumental in helping shape.

● (1545)

I can let this committee know today that our validation decision is imminent. The collaboration between global authorities has resulted in a significant amount of common convergence in our independent decisions, but this should not be seen as a rubber-stamp process. While the international collaboration has been unprecedented, as we indicated last week, there will be differences between what the FAA approved and what Canada will require of its operators. These differences will include additional procedures on the flight deck as well as differences in training.

We want to emphasize that Transport Canada's intention to require differences in Canada does not imply that the FAA has an inferior safety standard for the aircraft. As mentioned before, Transport Canada has conducted its independent review, and as such has arrived at different conclusions in a few areas.

I would also like to note that even after our validation decision is made, steps will still need to be taken prior to the return to service of this aircraft in Canada. These will include the issuance of Canada's unique airworthiness directive, or AD, and training directives to Canadian operators. We will be working closely with Canadian operators, crews and pilot unions on the next steps. The issuance of these directives is not expected to be completed until sometime in January of 2021. In the meantime, Transport Canada remains steadfast in its commitment that the Boeing 737 Max will not be permitted to fly in Canada until we can confirm that the changes have been made to the aircraft and that adequate procedures and training are in place.

I must address a final point before closing. I would be remiss if I did not underscore that Transport Canada has learned a great deal from the Ethiopian Airlines flight 302 accident in terms of how the government responds to major air accidents. I want to acknowledge that our department and I were absent in terms of communicating with the families of the victims early on. Our certification and aviation experts were focused on addressing the safety issues that needed to be addressed. That is their job. Unfortunately, we tragically missed recognizing the human toll these accidents take.

We have learned from this mistake and have worked to rectify this over the last year. On January 8, 2020, I personally met with family members of the Canadian victims. This meeting allowed Transport Canada to hear concerns and questions from the families. We have not and will not forget what the families shared with us during that meeting and what we have heard from them since.

We have since tried to keep the families informed of new developments in the validation process through regular, direct communication, as well as by addressing other needs that have been presented to us as a result of this horrible tragedy. Those lessons have helped Canada respond better to the downing of Ukraine International Airlines flight PS752 this past January.

We will continue to learn and improve from the experiences that these families and groups share with us. Canada will continue to work so that other families don't have to suffer through a similar tragedy without the support and communication that they expect from their government.

Mr. Chair, I trust that the foregoing information has shed some light on Canada's response to date to these two tragic accidents and has demonstrated Canada's role.

I welcome any questions or comments.

The Chair: Thank you, Mr. Robinson.

I will now go to the first round of questions.

Ms. Kusie, I'm going to go over to Mr. Kram to take your spot for six minutes.

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Actually, Mr. Chair, I've been cleared to speak by IT.

The Chair: Have you been cleared?

Mrs. Stephanie Kusie: Yes.

I'll go ahead, but I thank Mr. Kram for being prepared.

The Chair: Wonderful.

Mrs. Stephanie Kusie: We're attempting to remedy the problems with the other system and I've been cleared to use this one in the interim.

The Chair: Perfect.

I have Ms. Kusie first for six minutes, followed by Mr. Bittle, Mr. Barsalou-Duval and Mr. Bachrach.

Ms. Kusie, the floor is yours.

Mrs. Stephanie Kusie: Thank you very much, Mr. Chair.

Thank you very much, Mr. Robinson, for your presence here today and for sharing all that useful information.

First, in Transport Canada's concern paper C-FT-04, which Transport Canada provided the committee in the previous session, the discussion portion is from flight test debrief note RDIMS 12460809.

Could you please provide a copy of the entire flight test debrief note to the committee?

● (1550)

Mr. Nicholas Robinson: We can look into providing that information.

The Chair: Thank you.

Mrs. Stephanie Kusie: Thank you so much, Mr. Chair, and thank you very much, Mr. Robinson, for looking into that.

In concern paper C-FT-04, under "Transport Canada Position—Edition 1", it says:

> 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.

Mr. Robinson, it would clearly state to me here that Transport Canada succumbed to commercial pressures and certified this aircraft with these outstanding issues. How is that possibly allowed to be a consideration when certifying an aircraft?

Mr. Nicholas Robinson: I think what we'll do with that question.... It would be important to understand the process that's undertaken with regard to concern papers, which are actually very common practice and are used for validating authorities to identify areas that they seek further information on from the certifying authority.

I'll turn it over to my colleague, Dave Turnbull, to take you through the concern paper process, and as you mentioned the first edition, how that concern paper specifically evolved through the process that we had with the FAA and Boeing.

Mrs. Stephanie Kusie: Thank you very much, Mr. Robinson.

I think we've been given a very good overview as to the process, but as I said it seems to clearly state that Transport Canada succumbed to commercial pressures and certified an aircraft with outstanding issues. I was wondering how this could possibly be a consideration. I wanted to know if this is a common justification for certifying an aircraft with an open concern paper, and has this justification been used with other approved aircraft by Transport Canada? Have you ever seen this case before?

Mr. David Turnbull (Director, National Aircraft Certification, Department of Transport): The answer is yes. Just for the record, my records indicate that it's concern paper C-FT-03. You might be mistaken there, just so we don't get fouled up with the record.

Mrs. Stephanie Kusie: Okay. Thank you very much for that.

Mr. David Turnbull: However, the question remains valid.

As Mr. Robinson explained, our process of raising papers throughout the validation process is aimed at seeking an understanding of how the certifying authority drew their conclusions. Particularly in this case, the question, and it was only a question, was to confirm and to understand a methodology that Boeing had been using to achieve compliance to a basic stall requirement, I'll call it part 25, paragraph 201.

What's been cited in the transport committee today represents focusing in on a particular part of that paper where indeed we did defer the closure of the concern paper to a future activity. That is not an unusual act for us to take. In each individual situation, where we have deliberately decided to leave an issue open, we make a deliberate determination whether the leaving open of that issue, if I may, actually constitutes a safety concern or not. In this case, it did not. We very deliberately left it open, knowing full well that we had not discovered a problem, but we had not yet fully grounded out a full understanding of how Boeing had conducted the test and how compliance had been found.

Why did we need to know this in the first place? The outcome of that exchange, which is included in the same document, would reveal that in the end we actually did get an understanding that in fact the system in the aircraft in question, in other words the speed-trim system that includes MCAS, does in fact play a role as a stall identification system versus a stall prevention system.

Mrs. Stephanie Kusie: Thank you, Mr. Turnbull. As well, you were correct that it is C-FT-03.

You've clarified that this has happened before, that there have been situations where there have been open concern papers.

I'll turn to my last question in this round, and it's on the same concern paper that you correctly identified as C-FT-03, which was left open. We saw disagreement between Transport Canada and the FAA, and even in the other concern papers that were eventually closed, we see the difficulty to obtain accurate information from Boeing and the FAA.

Given this, and the numerous testimonies we hear on how Canada has the expertise and approach to independently certify aircraft, why should we continue to go with a harmonized approach?

● (1555)

Mr. David Turnbull: I would say that a harmonized approach to findings of compliance is critical to the industry. If each individual authority took a different interpretation of the same rule, the applicant, the manufacturer, would end up having to effectively recertify the aircraft every time someone asked a different question.

It is endemic to our business that we continually, through our international committees and with our airworthiness partners around the world, continue to strive to interpret these rules and regulations in the same fashion. That's critical so that we can establish a level playing field for the various products in the worldwide market.

The Chair: Think you, Mr. Turnbull.

Mrs. Stephanie Kusie: Thank you, Chair.

Thank you to the witnesses.

The Chair: Thank you, Mrs. Kusie.

We'll now go on to Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much, Mr. Chair.

Some are calling for an independent inquiry before allowing Boeing Max to fly again.

Have any other aviation authorities or countries opted for such an inquiry?

Mr. Nicholas Robinson: Thanks for the question.

Mr. Chair, I'd like to actually take a step back and emphasize that the system that we have is based on an international model of experts, expert states that are global leaders in certification. The system relies on the importance of collaboration between these leaders, information sharing and a strong validation system.

It's crucial that we have a review of what has happened here with the Boeing 737 Max. That's why Canada has been a part of and has considered the multiple reviews that have already taken place.

Let me go through a couple of those reviews. This is not an exhaustive list.

We had, at the beginning, the U.S. Office of Inspector General audit, which sought a factual history of the activities that resulted in the certification of the Boeing 737 Max and produced findings that these four certification authorities will look at and review to see what changes are needed. We have the technical advisory board, a multi-agency review of the proposed MCAS software update and safety assessments that were made in order to determine sufficiency. For that too, we will look at the findings and determine changes.

We have the joint authorities technical review, a multi-authority review of the FAA process and procedures used in the certification of the flight control system of the Max. Canada was a specific partner with that review, as well as countries such as Australia, Brazil, China, the European Union, Indonesia, Japan, Singapore and the UAE. That too brought forward recommendations, and we are looking to see how to adapt and incorporate them into our system.

We have the U.S. blue ribbon panel, a review of FAA procedures for the certification of new aircraft, again, with recommendations and findings we need to consider and incorporate.

There was a recent and reported-on U.S. congressional report that reviewed the accountability and transparency of the certification process. That report uncovered that, as a result of the actions, the validating authorities did not have the full information to determine a validation decision, and it has presented some hard questions on the process that took place between Boeing and the FAA. We also have the NTSB review. Similar to our Transport Safety Board, this is the U.S. transport safety board equivalent. They have examined the safety assessment process and the original design approval of the Boeing MCAS and 737 Max.

We have the Lion Air and Ethiopian Airlines accident reviews. Those are safety investigations. Those, too, will produce findings and recommendations that need to be considered with regard to this aircraft. Of course we have this committee's review as well, which we'll be looking at for any findings or outcomes that will come up.

I'd also like to make you aware that Transport Canada has also launched a review following the accident, which is being led by our departmental audit branch. The objective of this review is to look internally and to assess the adequacy and effectiveness of the Transport Canada civil aviation approach to certifying aeronautical products, including design, implementation and oversight of its aircraft certification design program.

There are a lot of reviews that have taken place. As the Canadian civil aviation authority but also as the certification management team that's made up of four leading aircraft certification states, we are all looking at the outcome of those reports and making sure that the recommendations are considered and implemented where appropriate.

● (1600)

Mr. Chris Bittle: Thank you.

Are you aware of any experts or organizations with technical expertise on certification calling for a public inquiry and, if so, whom?

Mr. Nicholas Robinson: We've spoken to a lot of individual Canadians seeking information about our review, and we provided that information to those individuals. I'm not particularly aware of any experts or Canadian aeronautical organizations that are seeking a review. I would refer to the primary association that represents design and manufacturers, AIAC, which has not called for a review, nor has our very abundant aerospace industry that we have in Canada.

Mr. Chris Bittle: Is it the same with pilot unions?

Mr. Nicholas Robinson: From pilot unions, we've engaged ALPA, ACPA and Unifor. Those are the three pilot unions of the three Canadian operators.

We've engaged them from the beginning of the process and continue to update them and provide them information. We will be providing them a full briefing. They're already aware of our decisions that are going to be finalized. I haven't heard from any of those three with regard to an independent review.

The Chair: You can have a quick question, Mr. Bittle.

Mr. Chris Bittle: Have any independent inquiries previously taken place under areas of Transport Canada's jurisdiction outside of some of the types of inquiries you've mentioned?

The Chair: You can have a quick answer, Mr. Robinson.

Mr. Nicholas Robinson: I'm sorry, but just to confirm, is that with regard to aerospace or aviation?

Mr. Chris Bittle: If that's the only area you can comment on, then yes, in terms of aviation.

Mr. Nicholas Robinson: In commenting on aviation, no, I'm not aware of any independent review that has taken place such as this.

The Chair: Thank you, Mr. Robinson, and thank you, Mr. Bittle.

We'll now move onto the Bloc Québécois, with Mr. Barsalou-Duval.

[*Translation*]

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

In the testimony that we have previously heard at this committee, a number of witnesses were most interested in the issue of certification and the experts working on it. Mr. Primeau and his colleague, Mr. Alarie, two engineers who specialize in critical systems, came to testify. Mr. Robinson and Mr. Turnbull, I believe that your testimony came shortly after theirs, if I recall correctly. Perhaps you were even able to be here for it.

Among the recommendations that were made, two caught my attention.

The first was that, with all regulations that apply to changed products, all the acquired rights provisions that normally apply would no longer be deemed to be acquired, especially if something was new or had been changed in a critical system that had previously been certified.

The second was that, in trials, all new critical systems, or all critical systems, must be tested in an integrated way with all the related systems. That is to say that, as soon as a system is modified, the entire aircraft is tested, including everything related to a critical system, rather than testing solely the critical element as such. This eliminates the acquired rights category.

I would like to know whether Transport Canada intends to adopt those two recommendations.

[*English*]

Mr. David Turnbull: I'll take that question.

● (1605)

The Chair: Go ahead, Mr. Turnbull.

[*Translation*]

Mr. David Turnbull: Thank you for your question.

[*English*]

As you mentioned, Mr. Barsalou-Duval, we met and spoke with both of the individuals more than once, I believe, and were thoroughly briefed on their questions. They brought up some very good points. In general, I'd have to say that we did investigate those questions that we were not able to answer on the spot, but many we did.

We did investigate. I believe Mr. Primeau brought up some technical concerns about the horizontal stabilizer trim actuator system. We went back on Mr. Primeau's behalf. I don't believe that we had asked his specific question previously, so we welcomed it. We went back to Boeing and got a response that satisfied our concerns.

I'm not 100% sure whether we closed the loop with Mr. Primeau, but we certainly satisfied ourselves that the specific recommendation and concern that he raised had been addressed to our satisfaction.

The Chair: Thank you, Mr. Turnbull.

Go ahead, Mr. Barsalou-Duval.

[*Translation*]

Mr. Xavier Barsalou-Duval: Mr. Turnbull, I really liked your answer to my question, that you examined the points that Mr. Primeau submitted in depth.

I am pleased to learn that, but I would have preferred to hear an answer to my question, which was whether the two recommendations you shared with us are going to be adopted by Transport Canada going forward, meaning for the next aircraft you certify.

[*English*]

Mr. David Turnbull: The answer is yes. I believe one of the recommendations, as you briefly described.... It has an influence on what we call the changed product rule, which indicates to us, when a product is modified, to what extent the entire system has to be re-evaluated. This is one of the key recommendations of the JATR report, and the re-examination of the interpretation of that particular regulation, in terms of how we certify and establish standards for modified products, is one of the key investigations or activities that we will carry out in a joint fashion with our other airworthiness authority partners moving forward.

[*Translation*]

Mr. Xavier Barsalou-Duval: Thank you for your answers.

I have a few more questions for you.

The last time you testified, I recall asking you why you did not test the MCAS, the Manoeuvring Characteristics Augmentation System, given that it was a new system installed in the aircraft. Normally, logic dictates that new systems are tested.

Your answer was that you had no reason to question it, that the operation of the MCAS had been explained to you, and you were satisfied with the explanation. You did not investigate any further.

However, we subsequently learned that, in internal documents at Transport Canada, test pilots had expressed concerns about a key system in the MCAS on the 737 MAX, namely the stall avoidance system. I would like to know whether that was true at the time of the testimony during which you told me that you did not conduct any tests.

The document points to the opposite, and even that some concerns were raised.

[*English*]

Mr. David Turnbull: Obviously after the accidents, it was certainly a huge preoccupation of ours. In doing our original validation through 2016, we did inquire about the MCAS system. We were made aware of its functioning, but unfortunately, at the time we were not provided with a full explanation of its functionality. We did dig into that, but we were satisfied with the answer that we had. I believe it's already on public record that certain aspects of how the MCAS system functioned were not particularly made available by Boeing. I won't get into speculating to what extent the FAA was aware of it, but that's on public record as being an issue.

Certainly, after the accidents, unfortunately, was when we dug in and went back to that question. It was then revealed that the MCAS had additional functionality that required further examination. This is really one of the central issues in the studies that Mr. Robinson mentioned that are going on within the U.S., as the U.S. is the state of design for the aircraft.

We have learned an awful lot since then; there's no question.

[*Translation*]

Mr. Xavier Barsalou-Duval: I wonder about the following question. Last time, I asked you whether it was a mistake not to have tested the MCAS. Your answer was no because you couldn't test everything. However, it was a new component. We are now learning that Transport Canada's test pilots expressed some concerns.

I would like to know whether it was an error to continue with the certification and approval of the aircraft, given that unanswered questions on that matter remained.

[*English*]

The Chair: Please give a quick answer, Mr. Turnbull.

Mr. David Turnbull: In retrospect, we can look back at that and we can acknowledge that it was an aspect of the original certification that was not done properly. As a validating authority, we got the information that we got and we based our decision on the information that was available at the time.

● (1610)

The Chair: Thank you, Mr. Turnbull. Thank you, Mr. Barsalou-Duval.

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

Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair. Thank you, gentlemen, for appearing before the committee again.

Mr. Robinson and Mr. Turnbull, as the director general of civil aviation at Transport Canada and the director of national aircraft certification, is it fair to say that after the Minister of Transport, you two gentlemen are responsible for the certification of the 737 Max?

Mr. Nicholas Robinson: I'll address that question.

When it comes to the validation of the 737 Max, the national aircraft certification team within civil aviation, which is led by Dave, will complete its full review. They will provide the recommendation and the assessment against our regulations of whether the aircraft meets the minimum expectations that we have, which are outlined in both regulations and standards. Mr. Turnbull will make a decision on whether to validate that aircraft, at which point we will notify the state authority that certifies the aircraft, as well as the operator.

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

I'll take that as a yes. I used the term certification improperly. Perhaps it should be validation. You two gentlemen are accountable for the certification of this aircraft in Canada. Were you in these positions when the 737 Max was validated as safe to fly in Canada?

Mr. Nicholas Robinson: Mr. Turnbull was in the national aircraft certification director position. I was not in the director general position.

Mr. Taylor Bachrach: Mr. Turnbull, do you regret validating that particular aircraft as safe to fly in Canada, knowing what you know now?

Mr. David Turnbull: No, I do not.

I greatly regret what has happened and huge sympathies go out to the families, obviously, with these tragic accidents. I stand before you today being fully confident that we made the right decision with the information that we had. We did do our usual due diligence through our normal tried and true validation process that we've applied to many foreign aircraft. We did our job.

The concern that we're dealing with here is the after-discovery of some of the functionality of the system and its behaviour in certain failure conditions, which was not made readily apparent to us during our validation process, despite our efforts.

Mr. Taylor Bachrach: Mr. Turnbull, we have this concern paper that notes that Transport Canada's own test pilots did experience the situation in the cockpit and documented it—unless I'm missing something. Looking through this, it seems to me that Transport Canada received that note of concern and then didn't act on it. Instead, it proceeded with the validation of the certification.

Am I missing something?

Mr. David Turnbull: Respectfully, you are, actually. Thank you for giving me the opportunity to revisit this because I did not complete my explanation with Ms. Kusie earlier.

What is raised in that concern paper was a question to help us understand the methodology whereby Boeing has demonstrated compliance to a particular requirement. That concern paper does not in itself reveal or demonstrate a discovery of a problem with the aircraft. The outcome of that inquiry would indicate to us whether the systems implicated represent a stall protection system or a stall identification system. That was the gist of the question. If you read to the end of the document, you'll see we did get the response, which satisfied us that the system is indeed only a stall identification system.

Had it been a stall protection system, the design integrity for the relevant systems would have been held to a much higher level. We were satisfied with the response. At that point, we were fully in the know as to how the testing had been done. That concern paper does not in itself in any way represent a problem. Because the nature of the question was trying to understand the method by which that system was certified, that in itself did not reveal any concerns. I look back on that issue paper and I have no regrets. We asked the question. We did indeed defer the answer to a later time.

In the end, the answer came back and it confirmed what we had wanted to hear, but it does not relate directly to the problems that caused the accidents.

● (1615)

Mr. Taylor Bachrach: Mr. Turnbull, I believe you met with Mr. Primeau, the independent aerospace engineer who has years of experience in the design of these control systems. Did you find him to be credible in the information he presented to you?

Mr. David Turnbull: Yes. I think Mr. Primeau has the credentials, and we could speak intelligently with him on a number of levels, among them the technical level; there was no question. However, Mr. Primeau was misinformed on a few items and we did correct him on some of the issues as we spoke to him. As I mentioned earlier, we looked into some of his assumptions, and in the end, having closed the loop with Boeing, we effectively answered his question. From our perspective, there were no residual concerns.

Overall he was a credible witness, and his questions were welcome.

Mr. Taylor Bachrach: Mr. Primeau appeared on Tuesday before the committee, and it appears that not all of his questions were adequately addressed. I asked him if he would get back into the 737 Max as a passenger, and he said he would not. I'm just wondering how you respond to the concern that he seems to still have as an engineer who specializes in these systems. He does not feel that the safety issues have been adequately addressed.

Mr. David Turnbull: It is of course his privilege to have that opinion. It's unfortunate, however. Without disrespecting Mr. Primeau's credentials, to be fair, he has not been privy to the literally thousands of hours that my team has put into investigating, in explicit detail, the failure modes and the system as it failed, and how we have developed in collaboration with the FAA a series of fixes. He is not privy to all that information. My team is.

The Chair: Thank you, Mr. Turnbull.

Thank you, Mr. Bachrach.

We're now going to go to the second round, which will be five-minute slots.

Mr. Kram, you have the floor.

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

Thank you, Mr. Robinson and Mr. Turnbull, for joining us today.

In June of 2017, Transport Canada certified the Boeing 737 Max 8. That plane later turned out to be unsafe. What went wrong with the certification process and what can be done to ensure that mistakes like this do not happen again?

Mr. Nicholas Robinson: I'll refer back to the variety of reports and reviews that have been undertaken to look at that exact question: What went wrong?

My colleague Mr. Turnbull has already highlighted one piece that went wrong and that needs to change, which is how we look at the incorporation of change in the aircraft and how it interacts or affects the upstream of the aircraft—the changed product rule. We have to look at that. That's something on which we'll see change moving.

We also have to look at the interaction between different authorities and their manufacturers. As my colleague Mr. Turnbull said, it's public record that information was not forthcoming with regard to particular aspects of this aircraft. That circumstance meant that validating authorities could not make a full decision or fully understand the impacts of a particular system on an aircraft. That will have to change. It's something that the congressional report hits on directly in the U.S.

We'll also look at our engagement with regard to validation. As we said at the beginning, the system.... To give a rough sense, when Canada moved forward and certified the Bombardier C Series aircraft, when it was a Bombardier product—it's since become an Airbus product—about 160,000 hours were put into that certification. About 160,000 hours of Canadian time and Canadian certification expertise went into the review and certification of that aircraft. We rely on states to apply the same amount of rigour to their certification standard, but I'll let you know, in this case, from a validating authority, from the time the aircraft was grounded to now, we've contributed about 15,000 hours just to the modifications to this system that are being proposed.

We'll see a greater involvement in validation, but we have to keep with the system where the state of design certifies the aircraft and the other leading authorities go ahead and validate the aircraft independently.

● (1620)

The Chair: Thank you, Mr. Robinson.

Mr. Kram.

Mr. Michael Kram: It's my understanding that Transport Canada has what are called “concern papers”. When test pilots encounter problems or issues when they are certifying the aircraft, those are written down on concern papers and sent to the manufacturer. What does Transport Canada do to ensure that any outstanding serious issues in the concern papers are answered before the aircraft is certified as safe?

Mr. Nicholas Robinson: I'll begin by reviewing what Mr. Turnbull provided a few moments ago. The concern paper is a note. It's to determine that there has been an area where further clarification is needed in order for the validating authority to fully understand how the certifying authority has said the manufacturer achieved compliance. It's not to specify that there is a particular safety issue. It's to specify that more information is needed.

Throughout the iterations of the concern paper, the validating authority will make a determination. Is this an issue that needs to be closed prior to issuing a validation, or is this an issue that does not pose a safety risk but might be an issue, where the four certifying authorities have to regroup and say, “How are we harmonizing the standard? We're looking at it from this way. You're looking at it from this way, and we need to make sure we have a common understanding”?

The Chair: Thank you, Mr. Robinson, and thank you, Mr. Kram.

Mr. Rogers, you have the floor for five minutes.

Mr. Churence Rogers (Bonavista—Burin—Trinity, Lib.): Thank you, Mr. Chair.

Thanks to our guests, Mr. Robinson and Mr. Turnbull, for being here today.

Gentlemen, either one of you could respond to these questions. It has been reported that the FAA conducted a transport aircraft risk assessment methodology analysis after the Lion Air accident. When did Transport Canada first learn of this FAA analysis? I understand that this analysis was not received by the department until after the second crash. Why was it not requested earlier?

Mr. Nicholas Robinson: The transport airplane risk assessment methodology, also called the TARAM, is an analysis tool the FAA uses to quantify unsafe conditions when safety-related occurrences are reported. Transport Canada was made aware of the existence of the FAA TARAM analysis but did not receive the analysis itself until the FAA provided it to the department after it requested it, after the Ethiopian Airlines accident in 2019.

Transport Canada does not routinely request this detailed analysis that the FAA does, but does request the information and the findings from it. That's what was requested and reviewed after the Lion Air accident. After the Ethiopian Airlines accident, we recognized that there was something that we did not have. It was the information that we determined was not present during the validation exercise. That's when we asked the FAA to provide us with the full analysis, which they did provide after the Ethiopian Airlines accident.

Mr. Churence Rogers: You noted, Mr. Robinson, in your opening remarks that the TC certification experts were instrumental in shaping the ultimate design changes for the Boeing 737 Max that have now received FAA approval. Could you or Mr. Turnbull provide an overview of the changes that TC influenced and the impact those have on the safety of the aircraft?

Mr. Nicholas Robinson: I am extremely proud of the national aircraft certification team and the operational evaluation team in this process. From the beginning, in April 2019, we laid out the key areas that we needed to come to an absolute understanding on from the FAA and Boeing. Those included the acceptable levels of pilot workload, the integrity of the flight controls, the architecture or the makeup of the flight controls, the safety assessment and design assurance processes that were in place, and the procedures and training that were required by crews. We needed to understand and have an absolute confirmation of that. Right from the beginning, as this committee is likely aware, we were the first to advocate for simulator training to be incorporated as part of the training for the flight crews.

I'll turn to my colleague Mr. Turnbull to specify all the other areas where we helped shape this product that is being reviewed and proposed today by Boeing.

● (1625)

Mr. David Turnbull: Thank you.

Just to add to what Mr. Robinson was saying, because of our due diligence and our very careful investigation, it was Transport Canada that discovered the original simulators used for training were not programmed to actually allow the pilots to exercise and carry out the procedures associated with the runaway stabilizer events. In other words, the system had been designed in a way that required pilot input, yet we discovered that the simulators had not been capably equipped to run the pilots through those specific training scenarios. That problem has hence been fixed.

We were front and centre in pushing very hard for procedural emphasis to ensure that the pilot actions that were required were clarified and emphasized, such that when the design was dependent on a pilot action to mitigate a particular concern, the procedures associated with that would be sufficient to bring the pilot up to a sufficient level of awareness to be able to control the aircraft.

We also discovered that the testing of the aircraft without the speed trim system, which includes MCAS off, was not performed. It was our influence that caused the FAA to initiate a significant activity to re-evaluate the characteristics of the aircraft with those systems off. Fortunately for all, we discovered that the aircraft is in fact quite controllable with those systems unavailable.

Further, although the basic design change that we will be validating is technically identical to that which the FAA has approved, we are adding an additional procedural element that allows the deactivation of an erroneously firing stalled stick shaker system. We had deemed it through our own evaluation to be a considerable distraction to the pilot during these failure scenarios. This was recorded in the accident reports as well.

We participated significantly, and I think my team did a great job on the JATR study. We were front and centre in having a very strong voice to speak to the nature of the concerns that related to the application of the changed product rule, which is part of what Mr. Primeau incidentally was concerned about as well.

In addition, we were pushing for the need to acknowledge that, although we have and are about to validate a design change that makes the aircraft perfectly safe, we asked if Boeing could produce some additional changes that would come post-RTS to further enhance the safety of the aircraft. I think we were instrumental in having Boeing put a number of future modifications, which should be considered as product improvements, on the table.

The Chair: Thank you, Mr. Turnbull and Mr. Rogers.

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

[*Translation*]

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

Mr. Turnbull, Mr. Robinson, this is probably my last opportunity to speak with you, because we will soon be coming to the end of this study.

In broad terms, my current understanding, in this study of the Boeing 737 MAX, is that the American civil aviation administration, the FAA, did not conduct its certification process adequately, to say the least. We were somewhat complicit because we are not in the habit of validating the work done in the United States, in any in-depth or significant way. Unfortunately, our system has some shortcomings.

Would you agree that, in terms of the organizations responsible, whether that is Transport Canada in matters of safety, or whether that is you, Mr. Turnbull, in matters of certification, more needs to be done to ensure the safety of people taking that aircraft here?

● (1630)

[*English*]

Mr. David Turnbull: Clearly, again, nobody is denying that there wasn't something missed. The ICAO regulations and signing up to an ICAO convention, which started in 1939, clearly states the responsibility of the state of design. I think the U.S. is going through what it needs to go through to investigate what happened. We, as a validating authority, are more than willing to collaborate, have been collaborating and will continue to collaborate with them as they investigate the many aspects, as included in the list of things that Mr. Robinson spelled out.

I am confident that our process from a validation perspective is adequate. We are looking at the areas that are new and novel. We are looking at the areas of risk, at the safety concerns, but a validating authority will always be subject to the information we are provided when we do our inquiry. The information has to be made available. A full understanding of the aircraft system and how it was certified must be provided to the validating authority. That is a principle we must uphold.

That is why in this particular case it is the FAA that is going back and re-examining what happened and will be implementing changes in the future, which we will adopt as well, because as we mentioned, for example, on the changed product rule and its interpretation, everybody is using it.

[*Translation*]

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

I want to make sure that I fully understand. You are telling me that the problem lies in the design, that we ourselves have done everything required and that we have nothing to feel bad about.

I feel that some things need to change. Do you not agree with me?

[*English*]

Mr. David Turnbull: Things have changed in which regard? I'm sorry.

The Chair: Mr. Barsalou-Duval, your time is up.

To the gentlemen, if you want to get that answer in, maybe you can get it in during the next round with Mr. Bachrach.

Mr. Bachrach, you have the floor for two and a half minutes.

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

On the congressional House committee on transport, I'm sure you're both aware of its preliminary report and its more recent final report.

In the preliminary report, the congressional House committee on transport found some really concerning things in terms of the certification culture in the United States. It described how the financial pressure on Boeing to compete with Airbus led to decisions and assumptions that “jeopardized the safety of the flying public”, and it said that a culture of concealment saw Boeing withhold crucial information from the FAA, including hiding “the very existence of MCAS from 737 MAX pilots”.

On the culture it describes, you folks are in charge of validating the process in the United States. Before this preliminary report came out, were you at all aware of this culture of concealment in the American certification process?

Mr. Nicholas Robinson: This incident has provided us a much greater understanding of the process that occurs between the FAA and Boeing.

As was mentioned, the congressional report has made public the issues and the problems that are happening with that relationship, but I will emphasize that if we look at the relationships we have with our certifying companies, companies like Bell, Bombardier, Pratt & Whitney, Diamond and others—I know that this committee was able to meet and discuss the certification process with many of them—the information exchange we have with these companies is just not the same as what was discussed in the U.S. congressional report.

The information and the relationships we have with these companies.... It's one where, when we identify an issue with regard to a product they are certifying, we get into a room with these individuals and we find a solution, a safe solution, to make sure that these products can fly to our regulations—

Mr. Taylor Bachrach: Mr. Robinson, I just have one more question and my time is very short. I apologize.

Mr. Bittle had you run through a list of organizations that have not called for a public inquiry into the Canadian involvement in the validation process.

Do you know of anyone apart from me who has called for a public inquiry? If so, who?

● (1635)

Mr. Nicholas Robinson: I can identify that I saw that two family members, very key representatives of the families that were impacted by Ethiopian Airlines Flight 302, have called for a public inquiry. They did so on Tuesday. They have discussed that previously as well. Those are the two that I made most particular note of.

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

The Chair: Thank you, Mr. Bachrach.

I'm now going to go to a third round. We have Mr. Shipley.

You have the floor for five minutes.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Mr. Chair.

I'm learning a lot about concern papers. Being new to this committee and not having a lot of knowledge of this industry, concern papers are new to me. I would like to follow up on why concern papers would contain any references to a manufacturer's sales deadlines or sales targets.

Could I get some in-depth information on that, please?

Mr. David Turnbull: We are not certifying products in isolation of commercial realities. We have to take into account when certain manufacturers want to sell and operate their aircraft. Even for a certification program that would start and last five to six years, which, for example, was the case with the C Series certified in Canada, we were always working to a target date that was specified by the applicant. That is not unusual at all.

That said, we worked to that as a target date, but we are not necessarily constrained by that. There are cases where we have not met the target date as requested by the manufacturer because we simply weren't finished the job. That's all part of the judgment that my team and I apply as we approach these target dates as to whether, if there are any outstanding issues, they are of concern.

In some cases, as my colleague Mr. Robinson mentioned earlier, some of the disconnects we have with respect to issues on a validation pertain more to generic disharmonization of how we approach the rule, which we will deliberately take outside the project and work on through a harmonization venue versus effectively hold the recipient of the aircraft hostage. In some cases, it may take several years to iron out those differences, but in the end, our decision to validate is based on a degree of confidence that the aircraft is safe, and we rely on the state of design to make that determination.

Mr. Doug Shipley: What would you say are some structural changes that need to happen in Transport Canada to ensure that commercial pressure is not put on the certification process?

Mr. Nicholas Robinson: I don't believe commercial pressures are put on the process within Canada. We do prioritize as Mr. Turnbull identified. We do need to know, with regard to a validation, when a product is expected to be or wished to be used in Canada. That will allow us to prioritize. We are working on certifying as well as validating a number of products. If we know a product is not expected to be used in Canada for a number of years, that will have a lower priority for us to look at it in the immediacy, and we will look more at a company that wants to bring in a product right away.

We've had a couple of instances during COVID-19, for instance, where a company wanted to bring in a product that wasn't originally certified. It was a special-type certification, not a full certification, but they wanted to bring in a product that wasn't validated for use in Canada. We prioritized that, so we wanted to know. This is something related to COVID. It's not being driven, but we know that this project should get a number of resources right away as opposed to another project that we might see only needing to be brought into force in a number of years, because they're considering bringing in a product like that.

From a commercial perspective, we need to know those delivery dates in order to prioritize our resources, but they don't determine our process. Our process is determined by the regulations and the standards we set.

Mr. Doug Shipley: During some of my research, I've come across some notes that there were some internal emails and some issues going on within Boeing that are less than positive. Are you satisfied with Boeing's process in addressing concerns that are brought forward from staff?

Mr. Nicholas Robinson: That is an issue that, from an information perspective, the state of design will have to address, with regard to how those questions are brought forward amongst staff. When we are looking at a product, we are holding it against a set of regulations. The internal dynamics of Boeing is something that we're not as involved in.

● (1640)

Mr. Doug Shipley: If there was a message or a whistle-blower from a manufacturer, how would you treat that?

Mr. Nicholas Robinson: We need to know the information in order to certify a product, the full set of information. As we've described here today, when information is not known by a validating authority, things can go wrong, and in this instance, something did go wrong. Our expectation from a manufacturer is that we need to know the full scope of the project.

The Chair: Thank you, Mr. Robinson, and thank you, Mr. Shipley.

We'll now go on to Ms. Jaczek for five minutes.

Ms. Helena Jaczek: Thank you, Chair, and thank you to both of the witnesses.

Many of us have become really concerned about concern papers. I would suggest that, in essence, it's because the use of the words “concern paper” leads to concern, which it obviously did with the victims' families we heard from on Tuesday.

Do you, in essence, look at your concern papers in any sort of graded fashion? Do you, as your positions allow, look at whatever note is made by a concerned pilot or whomever this concern comes from? Do you say that this is absolutely crucial in some cases, and that if you don't get the answer, you're not validating? You've described in this particular case that it did not endanger safety.

Do you have a “nice to know” kind of inquiry, as opposed to a crucial inquiry? Do you have that system of ensuring, when you're looking for answers, that you've looked at it in that way?

Mr. Nicholas Robinson: Absolutely.

I take the point that was made, Mr. Chair. The terminology of “concern paper” needs work, and you may see changes moving forward on that.

A concern paper, if it's related to a serious safety risk, would not remain open if that safety risk hasn't been addressed. However, a concern paper, as Mr. Turnbull noted, that identified a disharmonization of the regulations that needed to be addressed as part of a CMT, or a certification management team, as a whole could remain open, and the validation of a product could continue. Those assessments are made on an ongoing basis.

Ms. Helena Jaczek: In retrospect, I'm sure you've examined all the information you received from pilots, on simulators and so on. Was there anything that talked about what you've identified as probably the crucial factor, in other words, changing the technology, the MCAS system, and what that did to the safety of the aircraft as a whole, in other words, the interaction with the existing aircraft? If you look back, have you seen anything that might have led you to have a really important concern and to issue yet another concern paper?

Mr. Nicholas Robinson: If we had found anything in the validation process that was a concern, that addressed a safety risk that hadn't been finalized or brought to a conclusion in our validation process, the aircraft wouldn't have been validated in Canada.

Ms. Helena Jaczek: Obviously you've done a lot of reviews. We know that obviously the U.S. Congress has had its investigations. The FAA is obviously going to have to change a number of its processes in accordance with what the U.S. Congress is doing.

Going forward, what additional aspects of validation are you going to introduce for the safety of Canadian air travellers?

Mr. David Turnbull: Thank you for the question.

I'd like to say the good news is that the fundamental processes we've had in place and we've refined over the years do not need to change.

The process itself is scalable. What I mean by that is that our validation efforts can adapt to the situation, just as they have throughout the validation of the design changes. Given the profile of these two particular accidents and the complexity of the issue, the validation process in this design change activity has been significantly higher than it normally would have been, but it is the same process. It still follows the same protocols. It still works the same way.

In the future, with other applicants, in future aircraft, we will continue to do what we've been doing. Obviously we have learned some lessons here—so has the FAA. We're going to be applying those lessons, and those lessons become risk areas for the future that may result in our taking a greater depth of review in certain areas, which we might not have otherwise done. Because the process is scalable, it allows us to take the level of review that we deem necessary.

● (1645)

Ms. Helena Jaczek: I have one last piece. On Tuesday, CUPE came and spoke to us about their cabin crew safety issues. From what the witness told us, it seems that perhaps there hasn't been sufficient attention to some of those concerns. Are you aware of CUPE's concerns, and do you have any idea, going forward, as to how to incorporate those into your reviews?

The Chair: Gentlemen, give a quick answer, please.

Mr. Nicholas Robinson: We met with CUPE earlier on in this process. I can actually report to the committee that we're meeting with CUPE again—and that was set before their appearance on Tuesday—to outline exactly how...and the conclusions we brought with regard to our validation and what they can expect. We expect they will bring forward those issues. Much like I said at the start of this committee appearance, we will be working with our Canadian operators, all of the unions, air crew unions, towards our next steps, an airworthiness directive and directives on training, which we expect to be in place sometime in January 2021.

Ms. Helena Jaczek: Thank you.

The Chair: Ms. Jaczek, thank you.

Thank you, members.

Most importantly, thank you to the witnesses, Mr. Robinson and Mr. Turnbull.

It was a wonderful discussion. We have lots of answers to great questions. I want to thank you for this time. I really appreciate it and the committee really appreciates it.

With that, I am going to go in camera.

Mr. Taylor Bachrach: Mr. Chair, before we go in camera, could I have the floor for a moment?

The Chair: Mr. Bachrach, go ahead.

Mr. Taylor Bachrach: I appreciate the testimony of the witnesses today, and I appreciate your giving me a brief moment to move my motion, notice for which was provided. I believe the clerk has translated copies for all the committee members, which he can email to you.

I 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 8 as well as Transports Canada's actions following the Lion Air crash in 2018; and that the Chair of the committee writes to the minister to inform him thereof.

The Chair: Thank you, Mr. Bachrach.

I am going to ask for comments or questions on this, noting of course that it's going to take away from our time to give drafting instructions, but I will allow it.

First off, Mr. Clerk, is the motion clear enough for you? Is no further clarification needed?

Thank you.

I am now going to go to members of the committee. If you'd like to speak to the motion, go to "participants" at the bottom of your screen and push the "raise hand" button. I have the queue here in front of me. I have, first off, Ms. Jaczek.

Ms. Jaczek, you have the floor.

Ms. Helena Jaczek: Thank you, Mr. Chair.

Thank you to Mr. Bachrach for raising this issue, particularly as we did hear, of course, from the victims' families just a couple of days ago about their feeling that they needed something more, which they termed a "public inquiry".

Quite honestly, I've given this a lot of thought over the last two days. I looked at the briefing notes that we received about activities, such as the U.S. congressional hearings, activities in the U.S. and the fact that we, as a committee, have been looking at this issue now since January. I think we've all been asking pretty searching questions. I really feel that we have enough information. I feel that a public inquiry really couldn't add any particular value.

We've been meeting in public. Our deliberations have been public. The testimony has been frank and I think very informative. In essence, I'm saying that I don't see that there's going to be any particular added value at this point in accordance with Mr. Bachrach's motion.

● (1650)

The Chair: Thank you, Ms. Jaczek.

Mr. Rogers, you have the floor.

Mr. Churence Rogers: I firmly believe this motion is premature. With the work we've been doing as a committee, all the witnesses we have been hearing from and the information we have received from a lot of different sources, we should take this information first, complete the study, do our report and if, at the end of the day, that becomes a part of the report or a recommendation in our report, then so be it. However, I do not think this motion should not be passed today. It's premature. It should be something that becomes a part of our overall report.

The Chair: Are there any further questions?

I have Mr. Bittle, Mrs. Kusie, Mr. Barsalou-Duval and Mr. Bachrach.

Mr. Bittle, please go ahead.

Mr. Chris Bittle: I won't go into too much depth on this. I want to echo what my colleagues have said, but also add that this motion is so broad as to not really provide much direction.

I know Mr. Bachrach is new. I think it might be a much better process to discuss this, review the report and make recommendations of substance, rather than just trying for a quick motion headline that doesn't mean anything because it's so broad and so open to interpretation.

I'm not supportive of it because it's far too broad. The best way to do this is how we normally do it, which is to discuss it among committee members, and if it's the will of the committee, that's the best way to go.

The Chair: Mrs. Kusie.

Mrs. Stephanie Kusie: We definitely feel this is not entirely resolved. From the testimony of the witnesses yesterday, it is evident to us that several of the family members still feel as though this is not resolved, as well as some of the individuals who appeared in the second hour of testimony. However, similar to the thoughts of Mr. Rogers, we feel it would be premature to go to a public inquiry at this time. We should let this study conclude and wait to see the decision of the government based on the information it has learned from the study.

We feel some steps would be necessary to ensure the complete resolution of not only our work but also our consciences, in terms of the families and all other Canadians who may have the potential to fly on this aircraft in the future.

We would hope that when the government comes to its decision, which Mr. Robinson indicated at the beginning of our time together was imminent, we could bring the minister forward again in an effort to question him on his final sign-off, his justification for the decision, and if necessary, extend the study at that time if we do not feel it is satisfactory, so that we can look at the faces of those families we had yesterday and hear their stories.

We do not feel it is resolved. However, we feel that at this time, particularly in a pandemic where we have the failure of an entire sector—for which, by the way I'm very disappointed there is still no plan and we need to discuss this as soon as possible as well as solutions for that—now is not the right time for a public inquiry. We need to see the outcomes of the work the committee is currently doing, what the department and minister draw from that work, and the decisions they will make at that time.

● (1655)

The Chair: Thank you, Ms. Kusie.

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

The floor is yours.

[*Translation*]

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

I would like to thank Mr. Bachrach for introducing his motion. I feel that the issue it raises is important: should there be a public inquiry into this matter? I will not hide from members of this committee the fact that I was not really satisfied by the answers provided on the Canadian certification process.

In fact, I have been very concerned with this kind of complicity or lack of will to dig deeper, especially after the revelations we have heard. I was very disappointed to see no concern and no will to change the process. That worries me greatly because, if the Americans, or any other nation, send us a lemon, we are going to approve it, do two or three little tests, take one flight in it, and that will be that.

Knowing what I know now, I am having a really hard time saying that we are doing this matter justice and handling it responsibly. I am thinking of the victims who came here to the committee, who touched me greatly, and who are still grieving. It is impossible for us to fail to ask more questions.

So I am very sympathetic to the motion introduced by Mr. Bachrach for those reasons. I would like to have seen a sincere will to reform or question the current process, which, in my opinion, has problems. Pilots submitted reports. They weren't critical reports, but the fact remains that some critical systems—new systems—were not tested. It seems to me that there were shortcomings in some respects. Perhaps I am mistaken, but an inquiry would allow us to find out whether I am mistaken, whatever my intuition tells me. If our process is actually too sloppy as well, we become as responsible as the original authority.

I feel that it is important for us not to be complicit with the authorities, especially following experiences that tell us that we should be more vigilant.

[*English*]

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

I'll now go to Mr. Bachrach.

Mr. Bachrach, the floor is yours.

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

I appreciate the committee having this discussion about my motion. As a way of speaking to why I feel the motion is advisable, I want to address a few of the points raised by my colleagues.

Ms. Jaczek mentioned that she feels that the committee has enough information, but I want to make it clear that the public inquiry is not about satisfying the needs of the committee; the inquiry is about satisfying the needs of all Canadians. On Tuesday, we heard testimony from Mr. Njoroge and Mr. Moore that, frankly, I found gut-wrenching. They obviously have not gotten the answers they need. I just feel that it behooves us as a committee to do what we can to help them get the answers and the closure they need. Frankly, as Mr. Barsalou-Duval alluded to in his remarks, I don't believe the committee has received satisfactory answers to all our questions. There are questions about this process, about the way that Canada certified or validated the certification of these aircraft, that remain outstanding. That is why I think a public inquiry is the right thing to do. This motion simply calls on the government to put such an inquiry in place.

The other point, made by my colleague Ms. Kusie, was around the timing of the inquiry and the fact that, in her view, it is premature to go to an inquiry. With all due respect, I understand this is a very difficult time for our country, but right now our government is in the process of returning these airplanes to the sky. Just on November 18, Minister Garneau said that he expects the validation process to conclude “very soon”. Therefore, time is of the essence, and this type of thing is very timely, because these airplanes before too long could be back in the skies and people are going to be wondering if they're safe to fly on. We heard from our witness, the independent engineer, on Tuesday, and he disagrees. He doesn't think they are safe.

It's an issue on which Canadians deserve answers, and I believe a public inquiry will have powers to find those answers that go beyond the powers of this committee.

We asked for Boeing to appear before us and answer our questions on the Canadian context and how what has happened in the United States affects our validation and to get answers for Canadian citizens, and they haven't appeared before the committee. I think that's something that an inquiry would be able to get answers on.

I'll end my comments there, and I appreciate the time to discuss my motion.

Thank you.

● (1700)

The Chair: Thank you, Mr. Bachrach.

With no other speakers, I will move to the clerk to do the roll call.

(Motion negatived: nays 9; yeas 2)

The Chair: Thank you, Mr. Clerk.

Thank you, Mr. Bachrach and members of the committee.

If we may, we will now move in camera to finish with today's agenda.

[*Proceedings continue in camera*]

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