

# Requirement to Report Accidents, Transportation Safety Board Processes are changing

By Kevin Psutka, COPA president and CEO

On 12 March 2014, a completely revamped version of the Transportation Safety Board (TSB) regulations was released into law. The purpose of this article is to explain what has changed now and what will change in July so that you are aware of your actions and rights in the event of an occurrence (an accident or incident).

The full text of the regulation, along with background and further explanation, is provided in the Canada Gazette II announcement <http://www.gazette.gc.ca/rp-pr/p2/2014/2014-03-12/html/sor-dors37-eng.php>. Here is a brief explanation of the changes and timings.

First of all, COPA was not consulted on the changes. We found out about the release into law a few days before it occurred, as did several others in the industry who were also taken by surprise. I made my thoughts known about the lack of communication during a briefing on 13 March about the changes. I also emphasized the urgent need to publicize and explain the changes in such media as the Aeronautical Information Manual, whose GEN Section 3 provides some detail (as of the writing of this article, the AIM has not been updated).

If there is any doubt about whether or not a reportable accident or incident has occurred, especially during the time when guidance material is in the process of being updated, please contact the TSB office in your region <http://bst-tsb.gc.ca/eng/contactez-contact/bureaux-offices.asp>

The TSB regulations cover all modes, so only certain portions are applicable or are of interest to our sector.

There are three parts to the regulation. The Interpretation section (definitions) came into force on the 12 March 2014 so there is a change that applies now.

Part 1 deals with mandatory reporting requirements. These changes come into effect on 1 July 2014 so it is important to note that until then the current requirements apply. As such, COPA's "Did U Know" <http://www.copanational.org/DYKAO34.cfm>, which provides a link to the TSB site, is still valid. As well, the existing GEN 3.0 of the AIM [http://www.tc.gc.ca/media/documents/ca-publications/GEN-AIM-2013-2\\_ENG.pdf](http://www.tc.gc.ca/media/documents/ca-publications/GEN-AIM-2013-2_ENG.pdf) applies, at least as far as reporting is concerned.

Part 2 deals with the investigation process. This part came into effect on 12 March 2014, so there are some differences that apply now.

The rationale for the complete overhaul of the regulations is provided along with some detail on the differences in a TSB PowerPoint presentation <http://www.copanational.org/files/kp14025a.pdf>

Here are some highlights of the changes:

## **Interpretation (effective 12 March 2014):**

There are only four definitions that are common to all modes of transport. Others have been moved to the relevant mode, such as "loss of separation" in an aviation context.

The definition for serious injury has been expanded to include more items, such as exposure to infectious substances or injurious radiation, so more injuries are considered as a reportable accident.

**Part 1(effective 1 July 2014):**

An occurrence includes parts falling off of an aircraft and propeller wash.

Occurrences such as certain engine failures and damage as well as to certain portions of the aircraft are no longer considered an accident but are a reportable incident (see 2 (a)(ii)(A) and (B))

Most notable is that the minimum weight for reporting incidents on aeroplanes has decreased from 5700 kg to 2250 kg. So, some larger single-engine and many twin-engine aircraft will be captured as of July.

The definition of “operation” is new. It more clearly defines when an occurrence is reportable.

More information is required in a report, such as telephone numbers.

The TSB may ask the reporter to collect information or take photos. If the TSB makes such a request, it is mandatory.

**Part 2 (effective March 2014):**

All interviews are in private and recorded.

The interviewee has the right to have someone attend with them and they can get a copy of the interview. There are restrictions on who can attend, such as someone who will also be interviewed, but this change essentially provides more rights to the individual.

Investigation Observers’ roles and restrictions have been clarified.

Instead of just the pilot or owner being responsible for protecting evidence, everyone having possession or control over evidence is required to keep and preserve it.