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May 20, 2024

To: [TC\\_CARConsultations-RACConsultations.TC@tc.gc.ca](mailto:TC_CARConsultations-RACConsultations.TC@tc.gc.ca)

Via email.

**Re: Preliminary Issue & Consultation Assessment (PICA) on Flight Duty Time and Fatigue Management**

We thank you for consulting NATA, our members and our industry colleagues on the subject. NATA represents northern and remote air carriers in the decision-making process affecting transportation in Northern and remote regions of Canada. Our goals are to promote a safe and effective Northern and remote air transportation system, to advocate for Northern and remote air transport positions as well as establishing and maintaining partnerships within the industry, with governments and other interested parties.

In order to respond to the present request, we held several meetings with all of our operator members, as well as asking them to reach out to their beneficiaries—those that rely on, benefit of, or are serviced by our operators across the Northern or remote regions of Canada.

We know that many of our operators have submitted their own comments towards this PICA, where you will find detailed descriptions, examples and potential solutions in all of their submissions, which we fully support. The goal of this document is not to repeat the submitted comments, but to highlight the need to work together and address the most pressing ones.

**Comments as per the PICA document itself**

Then first three sections are straightforward.

Section 4 gives a quick summary of the history behind the prescriptive regulations.

We must emphasize that NATA agrees wholeheartedly with Transport Canada Civil Aviation's (TCCA) key focus areas behind fatigue management listed in that section, but at the same time we feel the prescriptive remedy may have been applied too broadly.

There is mention of "extensive consultations" that took place until the regulations were put in place but from a feedback and consultative perspective, it would be worthwhile to underline that the concerns raised today are the same that have been raised over the years throughout the consultations. The difference today is that the operators and the beneficiaries of their air services have concrete examples or have undergone the limits of the prescriptive regulations.



Section 5 of the PICA focuses on key issues that may have been brought up over the last years. It presents seven subsections with their requests for comments, concerns or impacts. Our notes can be found below.

#### *Section 5.1—Compliance With ICAO*

Very few of our members have tried to set up a Fatigue Risk Management System (**FRMS**) of their own and those that have, have quickly reverted to using the prescriptive regulations for various reasons. Nothing is close to being an applicable variation of the latter. One operator invested more than two years of effort in data collection but to no avail.

#### *Section 5.2—NOI and the initial Exemption*

Again, very few of our operators have tried to submit a NOI, and those that did have all been readily denied by TCCA.

#### *Section 5.3—A Flight or a Series of Flights*

Our operations are very varied, some IFR for the bigger operators, many day VFR dependent on weather and other factors that make each flight almost unique, so there are simply no flights or series of flights that can be used to find exceptions or variations to the prescriptive regulations.

#### *Section 5.4—Validation of a Safety Case and Section 5.5—Data Collection*

There are too many variances between flights to even think of establishing a baseline over the suggested one-to-two-year period. Some of the reasons for our operators not to have their FRMS are: complexity to conform; lack of financial and human resources to apply, monitor and report the data.

#### *Section 5.6—Interpretation and Delivery*

NATA feels that the Advisory Circular (**AC**) is complex and confusing, sometimes overstepping the bounds between advisory and regulatory. For example, the AC came out trying to help in the interpretation of a Flight crew member on call, adding details to the definition that are not in the regulations. This had major ramifications for many of our operators and it missed its mark. The situation has since been cleared up with the Associate Director General of Civil Aviation – the regulations have precedence over an AC.

#### CARS

**Flight crew member on call** means a flight crew member who has been designated by an air operator to be available to report for flight duty on notice of one hour or less;

#### AC 700-047 Issue 4:

**Flight crew member on call:** a flight crew member who has been designated by an air operator to be available to report for flight duty on notice of one hour or less. (Applicable only in Subpart II—Aerial Work, and Division IV—Flight Crew Member Fatigue Management—Medical Evacuation Flights)

#### *Section 5.7—Other Issues*



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In all of our meetings with our members and discussions with other sources, several issues have been raised and a few stand out as most pressing. The proposed sample suggestions below are similar across the board within our membership and again, only a sample.

1. *Review the definition of a “Local Night’s Rest.”*

This issue has been mentioned by most, if not all of our members. There are so many variations and situations that set the actual definition at odds with operational needs and realities of flight operations, that it requires a review and adaptation. Many suggestions are found in our member’s submissions.

2. *Introduce Flexibility*

Flexibility in the start of a shift, duty hours, flight hours, early duty, rest time and rest period. Reductions to Maximum Flight Duty Period for a number of sectors and average sector length are overly complex for simple Northern operations of ad hoc carriers, impacting the range and ability to reach remote fly-in communities, sometimes their only lifeline. Slower aircraft having longer legs are penalized along the way when they are the only aircraft that can get into some communities.

The rules give rise to certain oddities which some of our members have presented in their submission. For example, Air North provides figures highlighting that “*It is simply not reasonable for a one-minute increase in sector length and a three-minute extension to duty day to trigger an almost 60% decrease to allowable flying.*”

NATA believes that introducing flexibility can be done without impacting safety, which we are committed to doing in working with TCCA.

3. *FRMS is not the solution*

Our 705 members have applied the prescriptive regulations back in 2020, when they came into force. Those that also have 704 and 703 operations (many of them) have simply applied the recipe to these types of operations, since they have a method, most likely software and aides to apply the complex regulations. Even more so when their pilots alternate between 702, 703 and Medevacs. With the best of their knowledge and abilities, with adequate financial resources and support, some have tried to work out a FRMS with variances with TCCA’s help, to work outside of the prescriptive regulations, but nothing worked. FRMS as it was presented and introduced is not the solution for our operators.

4. *Greatly Simplify or exempt Day VFR / 703*

For our smaller operators of strictly VFR operations (e.g., a few floatplanes to outfitters’ camps) having a FRMS of their own is simply impossible. Trying to apply the complexities of the regulations is also very time consuming, overly complex and a financial burden if software or a subscription of some type is required. NATA is of the opinion that strictly day VFR 703 operations should be somewhat like 702 (exempt), with a few parameters to add a safeguard, while keeping it very simple



and applicable. A lot of these pilots alternate between 702 and 703, have barely any travel time to get to work or even live on the premises. They should be able to benefit from the longer northern summer days for more flight time, while not being impacted as “on-duty” when at camp waiting a day or two for the weather to clear.

*5. Extend Medical Evacuations (Medevacs) Exemption to Humanitarian Important Flights*

Medevacs are crucial to any northern and remote community. But there are also other important and vital needs. For example, a generator providing electricity to a medical clinic or a storage freezer that breaks down; life-threatening operations that require police or emergency evacuations. Again, most of our members feel they cannot adequately support their fellow citizens in these circumstances and NATA is pressing TCCA to alleviate the constraints and allow essential or humanitarian flights, as they would be approved or requested by an authority.

*Section 6.0—Next Steps*

To move away from the often-mentioned “one-size-fits-all” approach, the future consultations should focus on the particularities of the air services pertaining to the types of operations, their sector and their realities. This concept should be an integral part of all the consultations and discussions, moving forward.

NATA absolutely needs to be part of the future consultations and provide guidance to the working groups that will address the potential solutions. Maintaining safe, reliable and efficient air service to Northern and remote regions of Canada is vital.

NATA also urges TCCA to go through our members’ and other concerned groups’ comments. They all contain precious information, examples and suggestions to mitigate the impacts of the regulations. Other groups’ comments also underline the fact that flight and duty time (**FDT**) regulations have profound economic and social impacts (decreased tourism, increase in exploration costs, loss of international heli-mining contracts, etc.) that cannot be ignored and should be dealt with moving forward.

Before any other release of a future AC, NATA would like to be consulted on its content, for the benefit of everyone.

Respectfully yours,

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