REGULATORY CAPTURE CAUSED B737 MAX CRASHES

Captured agencies, arrogance and unheeded warnings are the real stories behind the 737 Max tragedies. Regulators are finding it increasingly difficult to regulate the aviation industry because they have become too close, in other words they have become “captured”.

Regulatory capture occurs when a governmental agency charged with protecting the public becomes a captured agency of the industry it is supposed to regulate. The captured agency begins to advance the interests of the industry rather than protecting those, they are there to serve, the public.

“How many more avoidable accidents and deaths must we witness before regulators finally change direction?” AEI previously warned on many of the issues highlighted*/** in the recently released report on the 737 MAX accidents by The House Committee On Transportation And Infrastructure.

Lessons are not being learnt from accidents and it is unacceptable to publish reports repeating the same lack of regulatory oversight problems whilst not addressing the root cause. This time it is the FAA, but it could just have easily been any other regulator including EASA.

Last week when EASA proudly announced that it was going to approve B737 MAX as safe to fly, they were of course deflecting from their own failure to ground the aircraft before the second accident. EASA are now apparently being very meticulous with regards the test flight results and checking every parameter to provide sufficient safety standards for all European citizens. AEI believes such behaviour is to be commended but also enacted before accidents and/or further deaths. EASA should always act with the best safety interests of European citizens being paramount, and not act for commercial operations.

We should not forget a quote from European MEP Markus Feber when he referred to EASA, “An aviation safety authority that classifies a software error as a risk, only after two aircraft have already crashed, poses itself a risk to its citizens.”

EASA would also do well to reverse its policy of promoting the socialising with those they regulate. Regulating is not about trust it is about responsibility to society. The 737 MAX accidents highlight that “trust” may cheapen the commercial process but at the cost of safety and lives.

If we genuinely wish to reduce accidents to the absolute minimum, then the process starts with regulators regulating and performing oversight. They need to recognize they are part of the problem and they need to act now to correct the situation. AEI believes that too many regulators are showing signs of being overly concerned with achieving the business-oriented outcomes of industry stakeholders. If this continues then they must also be held accountable for the safety-related decisions, they make. AEI states “Trust is good, verification is better”.

For further information contact@airengineers.org / www.airengineers.org