



Slow progress on addressing TSB recommendations

Transport Canada action to address TSB recommendations is too slow.

Why this matters

Since its creation in 1990, the Transportation Safety Board of Canada (TSB) has made 580 recommendations aimed at fixing high-risk, systemic safety deficiencies in the marine, pipeline, rail and air modes of transportation. Most of these recommendations were addressed to Transport Canada.

TSB recommendations are non-binding, but the relevant minister is nonetheless required by law to respond to the TSB on what, if any, action will be taken to address the underlying safety deficiency. In many cases, Transport Canada replied positively to the recommendations and agreed with the safety deficiency identified by the TSB but has not taken timely action to address it.

Too often, it has taken Transport Canada years to implement its planned actions in response to TSB recommendations. For example:

- In 1995, the TSB recommended that Transport Canada require terrain proximity warning systems for certain categories of commercial aircraft.¹ The regulations were finally implemented 17 years later, in 2012.

¹ TSB Recommendation A95-10

- In 2001, the TSB recommended that Transport Canada expedite the promulgation of new grade crossings regulations²—something that Transport Canada had already been working on for over 10 years. The new *Grade Crossings Regulations* were finally implemented 13 years after that, in 2014.

In both cases, in the intervening years TSB accident investigations found underlying risk factors that the new regulations would eventually address—but which could have been mitigated if the regulations had been implemented sooner.³

There are currently 52 recommendations directed to Transport Canada that have been active for more than 10 or even 20 years and that still have not been fully addressed. For example:

² TSB Recommendation R01-05

³ TSB investigation reports R07D0111, R08T0158, R11T0175, A09Q0203, A10A0056, A11H0001, and A11H0002



- The TSB has made numerous recommendations⁴ since the 1990s for better training in and assessment of pilot decision-making and crew resource management, but Transport Canada has still not issued updated standards. In the meantime, TSB investigations continue to make findings that demonstrate the persistence of the safety deficiencies that prompted these recommendations in the first place.⁵
- There have been and continue to be repeated delays in publishing proposed amendments to the *Fishing Vessel Regulations*. Meanwhile, the average annual number of fatalities has remained constant despite a decline in the numbers of registered fishermen and active fishing vessels.

Table 1.
TSB recommendations active for 10 years or more, by mode

Mode	10–14 years	15–19 years	More than 20 years	Total
Air	3	4	32	39
Rail	1	1	1	3
Marine	3	1	6	10
Total	7	6	39	52

⁴ TSB recommendations A09-02, A07-03, A00-06, A96-12, A95-12, A95-11, and A90-86

⁵ TSB investigation reports A13H0001, A13P0166, A14A0067, A14Q0148, and A14W0181

There are various reasons for the slow implementation of changes that would respond to TSB recommendations, including these:

- Transport Canada has experienced significant slippage year over year in carrying out studies and publishing proposed regulations.⁶
- In some cases, Transport Canada indicated that it planned to follow a certain course of action, but then changed its approach, further delaying implementation.⁷
- Transport Canada’s approach to consultation on proposed regulatory measures often results in protracted delays because of a lack of consensus within the industry. This has sometimes led Transport Canada to promote voluntary, rather than mandatory, adoption of certain safety technologies or procedures,⁸ thereby creating uneven safety standards in a highly competitive transportation industry, which may not be apparent to its customers who unwittingly bear the associated risks.
- In other cases, Transport Canada has attributed the delay in taking action to jurisdictional issues⁹ or to the need to harmonize Canadian and international standards.¹⁰ However, even when international standards are adopted, there are long delays before Transport Canada proceeds to implement them. Canada has actually fallen behind with respect to some international standards such as for cockpit voice recorders, runway-end safety areas, and safety management systems for small commercial marine vessels.

⁶ TSB recommendations A91-13, A94-04, A99-02, A99-03, R00-04, M92-07, M94-06, M94-33, M00-09, and M05-05

⁷ TSB recommendations R91-01, A90-86, A95-11, A95-12, A96-12, A00-06, and M04-01

⁸ TSB recommendations M04-01 and R03-02

⁹ TSB Recommendation R91-01

¹⁰ TSB recommendations A91-13, A94-04, A99-02, A99-03, A07-06, R07-04, and M04-01

Whatever the reason for the delay, the end result is that the TSB continues to find contributory factors and underlying risks in recent accident investigations that are similar to those that gave rise to long-standing recommendations. More timely safety actions are required to mitigate these risks, including, where appropriate, the adoption of short-term measures pending the implementation of permanent solutions.

Action required

This issue will remain on the Watchlist until:

- Transport Canada makes a clear commitment to take action on the outstanding TSB recommendations with which it agrees;
- the Government of Canada improves and accelerates the process for taking action on safety-related recommendations; and
- there is a marked reduction in the backlog of outstanding TSB recommendations, particularly those that will bring Canada back in line with international standards.

