

# Transport Canada Apologizes to Canadian Light Aircraft Sales and Services Inc.

by Kathy Lubitz

On February 24, Transport Canada deleted the Modification to Amateur builds in the online Aviation Safety Letter (ASL) 1/2010 ([www.tc.gc.ca/civil-aviation/publications/tp185/1-10/menu.htm](http://www.tc.gc.ca/civil-aviation/publications/tp185/1-10/menu.htm)) and corrected the TSB accident synopsis dated June 28 on page 31. In addition, Transport apologized to Canadian Light Aircraft Sales and Services Inc. (CLASS) and Bush Caddy owners and operators. ([www.bushcaddy.com](http://www.bushcaddy.com)).

## Why was an apology needed?

The Aviation Safety Letter is sent to all pilots in Canada by Canada Post or email. ASL 1/2010 contained an article entitled "Major Modifications to Amateur Built Aircraft." This article is a reprint of a Transportation Safety Board (TSB) Aviation Safety Advisory, A09Q0071-D1-A1. In this TSB safety advisory, the unidentified author summarized several TSB accident reports which he claimed are linked by a common thread, in-flight wing failure.

In an amateur built aircraft, owners are the manufacturer and can do the maintenance and make modifications to the aircraft. Some of these may be considered 'major modifications' and require Transport Canada approval.

In the advisory, TSB identified the planes that had the problems as BushCaddy. This is not the case. None of the planes involved were the BushCaddy produced by CLASS.

After checking with TSB, Transport Canada confirmed that the planes had been wrongly identified as BushCaddys. Don Sherritt, Director, Standards, Transport Canada in Ottawa states that: "After consulting with the TSB on this matter, the department acknowledges that none of the aircraft mentioned in the subject advisory and ASL article were actual BushCaddy aircraft."

The problem is that once words are printed and in the public domain, they take on a life of their own and cannot be taken back. The apology on Transport Canada's Aviation Safety Letter web site won't be seen by the majority of pilots who received the printed copy.

The article printed by Transport Canada has harmed CLASS and negatively affected their reputation. Nothing can take back those words.

## How did this happen?

The accidents in question are: A09Q0071, A03Q0149, A09F0074, A09Q0098. In the file identification number, the "A" stands for Accident, the next two numbers are the year; 09 is 2009, 03 is 2003. The next letter is the region in which the accident happened; in these cases, all of them were in Quebec region. The last numbers count the accidents from the beginning of the year until the accident happened. So, file number A09Q0071 tells us that this is the 71st accident in the Quebec region in 2009. All of the accident reports were written in French and translated into English.

File A09Q90071 concerns the modified wing of an amateur built Aventurier which separated in flight. There is a preliminary report (LP075/2009) and the investigation is ongoing.

File A03Q0149 concerns the crash of an amateur built. This accident was classified as Class 5 and so TSB's role was merely the collection of data for conducting safety analysis. Since the wing was not found near the fuselage, TSB concluded that it came off in flight. However, the engine was not found near the wreckage either. Concluding that the wing came off in flight does not explain this.

File A09F0074 is from information supplied by the US National Transportation Safety Board of the crash of an Eco Flyer, an Advanced Ultralight prototype, not an amateur built. The NTSB investigation is ongoing.

File A09Q0098 concerns an amateur built in which a wing reportedly separated in flight, but the pilot landed normally. The owner had noted movement of the wing early in the life of the aircraft and had made a part of his own design to correct the movement; this is considered a major modification. This point was left out of the accident report. The role of TSB in this file is data collection only. However, they note that they will take steps to determine contributing factors, but not necessarily an investigation.

In three of the above accidents files, TSB erroneously identified aeroplanes produced by Club Aeronautic Delisle Inc (CADI) as BushCaddy produced by Canadian Light Aircraft Sales and Services, Inc. (CLASS). CLASS produces the

BushCaddy with models in the Advanced Ultralight category in Canada, Light Sport Aircraft in the US, and amateur built kits worldwide. CLASS was not involved with any of the these planes.

The author of the advisory made conclusions which, by TSB's own statements cannot be substantiated by the facts, because either no investigation was conducted or the investigations have not been completed.

Further, there are other mistakes in the article.

- CADI never was the BushCaddy construction company.
- CADI never had planes in countries other than the US and Canada.
- CLASS is not studying the possibility of contacting BushCaddy owners to inform them of the situation, because there is no situation with any BushCaddy they produce.

These are untrue statements and even though it was probably unintentional on TSB's part, they are misleading and damaged the reputation of CLASS.

The Aviation Safety Letter is a product of Transport Canada and by their own admission; they reprinted the Transportation Safety Board advisory without checking that the facts are accurate.

### **BushCaddy President Responds**

Sean Gilmore, President of CLASS, saw the Aviation Safety Letter on January 19. He sent a letter to the federal Minister of Transportation on January 20.

On or about January 26, Sean replied to a query from TSB. In the first week of February, there was further communication with TSB personnel with promises to do something. On February 15, Sean received a copy of the revised Advisory (in French) in which references to BushCaddy had been eliminated but references to CLASS had not.

On February 19, Sean advised TC in strong language that if there was not a more immediate action taken they would send another letter to the Minister. The following day, he received the letter from Sherritt. The article was also deleted from the online ASL issue. It took another 4 days for Transport Canada to put its apology on the ASL web page.



*BushCaddy R80 AULA - photo from www.bushcaddy.com*

It took over a month for Transport to retract the article and publicly apologize to CLASS. For a small business, the expenses do not stop; the rent, the materials, the staff, the bills all have to be paid. Saying that CLASS was negatively impacted is an understatement. Customers are calling wondering what's going on, potential customers are taking a wait and see approach. CLASS will never know how many sales it has lost due to the actions of TSB and TC.

### **Sean Gilmore had the following comments:**

"What has been evident throughout this ineptly handled issue was a total disregard of the facts to achieve a point. And even then the point has been missed, confusing the issue of unauthorized modifications i.e. to the Aventurier, with what truly was a prototypical aircraft and first of its type, the Eco Flyer is confusing to say the least.

Not only have they harmed our company and the BushCaddy products, but they have caused much unnecessary concern among CADI owners. CADI, although they were pretty unsophisticated, have produced a strong reliable product, many of them have flown for 10 years and more without so much as requiring a single replacement part. The L160 is perhaps the weak sister of the fleet, the wings in our judgment did require beefing up; this was our first major mod to the CADI design.

*Editor's note: CLASS bought the rights to the L160 when CADI went out of business.*

Notwithstanding however, the L160s built by CADI have been flying for years without mishap of a structural nature.

The first incident referred to in the Safety Letter,

(A03Q0149) i.e. C-FYUB in 2003, has never been clearly shown to be the result of an in flight wing failure. We feel it was included in the article simply for effect. The question has to be asked, if it were an in flight failure why has it taken seven years for the TSB to report it as such?

The second incident (A09Q0098) some six years later, was to an aircraft that DID have evidence of prior wing movement. This point was completely missed by the investigator. To repair the movement the owner had replaced an original part with an unauthorized one of his own design. This is not to say that the replacement part was inadequate but the CAUSE of the wing movement was never clearly identified or reported to CADI or CLASS. This movement may very well have contributed to the final bend (not "break") of the wing.

This bend, as reported to me by the pilot/owner, occurred in turbulence, a fact ignored in the report. Despite the bend, he was able to continue his flight in full control of his aircraft to his home base of Drummondville. The impression one has in reading the Safety Letter was that "he was forced to make an emergency landing at Drummondville" a totally different fact.

Another issue demonstrating the overall lack of focus in the Safety Letter is the inclusion of the Eco Flyer in the context of "Major Modification to Amateur Built Aircraft"; this really baffles me. That aircraft was a prototype and first of its kind returning from a US fly-in and flown by the owner of the manufacturing company. Why include this at all?

The impression I'm left with is that this letter represents an overall biased opinion with regards to Amateur Built Aircraft on the part of TSB and the careless attitude towards our industry by Transport. TC attempts to beg off from any responsibility, by its "we printed it as is" without editing "in good faith" sort of a National Enquirer approach to publishing.

CLASS produces 7 models of aircraft; CADI produced 3. Of these 3 CADI model aircraft, only the L160 has had one incident that COULD have been interpreted as having occurred as the result of a structural flaw. The other models have been flying primarily on floats/skis for well over 10 years without so much as requiring the replacement of a single part. To have ALL CADI aircraft lumped into this so-called Safety Letter does nothing but cause unnecessary panic and adds nothing to the

cause of safety. Your letter, in addition to going a long way in destroying our reputation, has to many, certainly to those familiar with the facts, seriously damaged the credibility of both TSB and Transport Canada.

We are left with the impression that you neither know how to investigate an accident nor how to report it, and that the general attitude towards amateur built aircraft by TSB and Transport Canada is negative or at best disinterested.

It is one thing to ignore and downplay the importance of amateur built aircraft to Canadian pilots and General Aviation in Canada. It is another through carelessness to attempt to ruin one of the few Canadian companies struggling to survive in a market with some four hundred world wide competitors. We employ Canadians we pay Canadian taxes and we have the right to expect better, not better than others, but with the respect due to this industry.

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