



## REGULATORY CAPTURE CAUSED B737 MAX CRASHES

Captured agencies 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 begins to advance the interests of the industry rather than protecting those, they are there to serve.

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 test flights, checking every parameter to ensure safety standards for all European citizens. Such behaviour is to be commended but should also be enacted before accidents. EASA should always place the safety interests of citizens before commercial operations.

We should not forget a quote from European MEP Markus Ferber 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. 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 says “Trust is good, verification is better”.

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\* <https://www.prnewswire.com/news-releases/aircraft-engineers-international-air-asia-accident-highlights-safety-lessons-not-being-learned-by-aviation-industry-560846141.html>

\*\* <https://www.prnewswire.com/news-releases/aircraft-engineers-international-calls-on-eu-commission-and-easa-to-tighten-aircraft-safety-oversight-300897966.html>