

Regulation and the Balloon Industry.

Iss 5.

The-hot air balloon industry is small, employing perhaps one thousand people in the UK and ten thousand in the entire EU. But it is now being destroyed by a large and unnecessary increase in the regulatory burden.

Hot-air balloons are simple devices. They travel slowly and have no complex systems. As a result, they are the safest form of sporting flight and the statistics of general aviation accidents fully confirm this. Unfortunately, since the advent of EASA there has been a steady increase in regulatory burden and associated costs, quite unrelated to any safety benefit.

Because balloons have a much lower unit cost than other aircraft, the cost of the unnecessary bureaucracy has a disproportionate effect.

The onslaught of this over-regulation has taken time, but it is now beginning to bite. The ballooning industry is divided into three main sectors: firms offering passenger flights, balloons used for advertising, and balloons used for sport and training. It is this last group which is suffering most, because its number of flights per year is low. That causes each flight to carry hundreds of pounds of bureaucracy cost. Entry to the sport is now prohibitively expensive and there are few new pilots.

The number of balloons sold by Cameron Balloons Ltd in the last few years is as follows:

2010	2011	2012	2013
130	122	106	82

Because new balloon registrations world-wide are published, we know that other balloon builders are suffering similarly, in some cases more. Both of the British manufacturers have been forced to carry out large redundancies in 2013.

The dominant theme of EASA regulation is to treat balloons as if they were airliners. Even those who fly light aeroplanes and gliders are suffering inappropriate regulation for the same reason. Of course, balloons do not resemble airliners even slightly and the result is that useless and burdensome rules have replaced the much better British regulation which had been developed by careful negotiation between the British Balloon and Airship Club and the Civil Aviation Authority over many years.

EASA claim to consult on their proposed new rules, but it is impossible for us to devote the resources to represent ourselves. At times we have been confronted with 700 page documents.

Some of the problems are as follows:

Manufacturers' Approval

Under the old system, balloon manufacturers were approved by the CAA. Under EASA, a manufacturer now needs four approvals. The company must now be separately approved as a design organisation, as a production organisation, as a repair and maintenance organisation, and as an organisation able to certify continuing airworthiness. We were at first astonished to learn that as an approved manufacturer we were no longer allowed to do repairs. Each of these implies the writing of an exposition which will satisfy the bureaucrats and the payment of greatly increased fees. The increase in ongoing useless paperwork imposes a further cost and all of this expense can only end in the price of the finished product.

Certificate of Airworthiness

Under the old system a certificate of airworthiness, for private flights, was voluntary, although a very good system was operated by the British Balloon and Airship Club and most owners availed themselves of it. BBAC inspectors would usually do an annual inspection free of charge.

Over a period of 40 years, there were no serious accidents that could have been prevented by stronger airworthiness regulation. The question that must be asked is, how big a field experiment would it take to convince these people?

The new rule is that a Certificate of Airworthiness is compulsory and we need, in addition, an Airworthiness Review Certificate (ARC). This is a completely pointless certificate to certify that there is a certificate. This is all with accompanying fees. Inspectors now have so much paperwork to do (four hours or so, after an inspection that only takes one hour) that they are no longer willing to work free and some are resigning.

There is some doubt where the blame for this lies. Discussions with Netherlands inspectors reveal that the bureaucracy is much less there, while apparently complying with EASA requirements. It may be that we are suffering from CAA “gold-plating”

But once again the balloonist has to pay, pay, pay.

Innovation

One less obvious effect of the voluntary system was that innovation could go ahead unhindered. The United Kingdom made almost all the technical advances in ballooning over forty years and many special flights and records were achieved. Flights such as the first balloon to fly around the world (achieved by Cameron Balloons in 1999) would now be legally impossible.

Medical Examinations

A medical emergency in an aeroplane with a single pilot is a serious matter and could easily be fatal for all on board. Medical examinations make sense for aeroplane pilots (although opinions differ on whether they really are any good at predicting sudden illness in the following year).

But a balloon is completely different. If the pilot ceases to act, it will descend at parachute speed for a landing which will be rough, but survivable, unless there is some very unlucky ground feature.

For an incapacity with a slower onset, it is also quite different in a balloon. If an aeroplane pilot wishes to land quickly, he must find an airport. A balloon, in contrast, can almost always land within the next minute immediately below (if an emergency is bad enough to ignore courtesy to those on the ground, respect for farmer’s crops etc.).

There should be no medical requirement for balloon pilots at all. The old British system for private pilots required only a pilot’s declaration countersigned by the GP, similar to truck drivers, but now EASA is proposing to require expensive examinations by aviation doctors. Of course the doctors say it is a good idea because it is money for them.

Balloons have a lower risk to occupants and third parties than aeroplanes. They even have a lower risk than trucks or cars.

Balloons have been flying for 230 years (more than twice as long as aeroplanes). In all that time, there has never been a case of an accident caused by a pilot’s medical condition. Again, is this a big enough field experiment to prove that the burden is unnecessary?

Balloon Training

Under the old system, balloon pilots could train by flying with any pilot, with only a few flights with BBAC appointed instructors. Now EASA will require that all instruction must be with approved instructors. Even worse, these instructors must be controlled by an “Approved Training Organisation” which must keep records centrally every time a training flight is made. This creates purposeless expense.

Forming an Approved Training Organisation, which the BBAC is trying to do, means once again the writing of pointless manuals and, of course, the payment of yet more fees by the ATO and by the instructors. These costs will be passed to the trainees. Smaller European countries will not have the resources to do this and their student pilots will have to go to other countries to train. The discouragement of new entrants could not be greater.

Under the old system an exemplary safety record, far superior to aeroplanes, was achieved, because balloons are simpler than aeroplanes. Once again it must be asked is, how big a field experiment would it take to convince these people?

Licence Renewal

EASA is going to demand that every balloon pilot must periodically make a revalidation flight with an examiner. This will take time and cost and has no justification in the accident rate. But it is what is done with airliners...

Age Limits

EASA is placing a limit of age 65 on commercial balloon pilots despite the fact that retirement ages generally are rising above this to 67 or 70. Once again, there appears to be an uncritical application of aeroplane rules, despite the skills required to pilot a balloon being very different from those required for aeroplanes. Speeds are much lower and experience is more important than rapid reaction. Despite the severe impact of this ruling on individuals, EASA (as usual) does not appear to have taken the trouble to investigate the level of risk before rulemaking.

And there is more

The new bureaucracy is showing no sign of slowing. There are new announcements at regular intervals. Pilots must obtain a certificate of language proficiency in English (less of a problem for us, but a barrier for some of our customers). Pilots have to attend seminars, at a cost in time and money, instructors and examiners have greater initial and ongoing training requirements and, of course, more fees which they have to recover from students.

The Latest

Only two days after I had finished writing the above, a new burden arrived. The British Civil Aviation Authority (which is now a branch office of EASA) has announced an “initiative” to demand that we should make audit visits to our UK and overseas suppliers accompanied by a CAA inspector. They add the condition “The costs will be recoverable from the Production Organisation Approval holder.” This has been dreamt up, despite there being no safety problem in the last 40 years with our existing quality control system that could suggest that it might be useful. In this case, the CAA is “gold plating” the already excessive EASA regulations.

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Photos: Balloons are not the same as airliners!