

## FINAL WORD ↗ BY MARNI SOUPCOFF

# The Extra-Rational Horror of Self-Regulation

Everyone who's nervous about flying knows the old saw that the cab ride to the airport is far more dangerous than the dreaded flight. According to a 2015 release from the National Safety Council, an individual in the United States has a 1 in 114 lifetime chance of dying in a car accident as compared to a 1 in 9,821 chance of dying in an air or space transport incident.

The cab ride/flight line is an accurate summary of the relative risk. But in a way it misses the point. People are human and not Vulcan, and there's something far more terrifying about falling tens of thousands of feet than getting rear-ended on the highway, even if the end result is the same.

If I had to guess why we're now seeing so much handwringing about the regulatory failures of the Federal Aviation Administration, it would be this extra-rational horror of death via dramatic disaster. Unfortunately for us, the recent deadly crashes of two Boeing 737 MAX 8 jetliners in suspiciously similar circumstances provide tangible fodder for our alarm.

In the aftermath of the accidents, the chorus has been that these tragedies could have been avoided had an underfunded FAA not left Boeing to largely regulate itself in the safety analysis of its planes. It feels almost self-evident that allowing aircraft manufacturers to do their own safety certification tests would be inherently dangerous.

But like many things that feel self-evident, the actual evidence says otherwise.

To the extent de facto self-regulation in the aviation industry has become the norm, it has been extremely successful in keeping air travelers safe.

According to aviation consulting firm TO70, the fatal accident rate for big commercial passenger flights in 2018 was approximately one fatal accident for every 3 million flights. (This calculation includes the crash of the Lion Air Boeing 737 MAX 8 in October.) That is incredibly safe.

And really, it shouldn't seem counterintuitive that airline manufacturers' own experts do a good job of vetting their planes' airworthiness. The absolute last thing a company like Boeing wants is for one—let alone two—of its planes to go down in a catastrophic crash.

Even if we assign no heart or goodwill to an airplane manufacturer (and no one's been assigning much goodwill to Boeing after its chief executive blamed the pilots of the downed jets for not "completely" following procedure), there's no doubt that such

tragedies are very bad for business. So, whatever the motivation, the interests of manufacturers like Boeing are virtually perfectly aligned with the interests of a government regulator such as the FAA when it comes to wanting to prevent deadly accidents.

This is not a situation where the ill effects of a company's inadequate safety procedures won't make themselves known for years, and even then, in ways that will be difficult to connect to the company. (Think of the bewildered "Who me?" posture that worked for so long for asbestos and tobacco companies.) When a passenger jet plunges into the sea, people tend to notice. Immediately. And no one overlooks who made the plane. More than one crash can so damage an airplane manufacturer's reputation that it can't ever fully recover, even long after the problem has been fixed. This is what happened to the British de Havilland company after two of its Comet jetliners crashed back in the 1950s because of a manufacturing defect identified later in a thorough investigation.

None of this is to imply that the MAX 8 crashes were anything less than catastrophic or that Boeing shouldn't be held responsible for any and all ways it proves to have been negligent. Investigation of the exact reason the planes went down is crucial to ensuring the same mistake isn't made again. Plaintiffs' lawyers and tort law are helpful in this regard, too.

What's less useful is portraying the disasters as a sign that the FAA suffers from pervasive regulatory capture that is putting passengers at great risk, when there's just no proof this is the case.

As I mentioned, many people have an extra-rational horror of dying in a dramatic disaster, causing them to overestimate the risks of flying even when confronted with contradictory evidence. Many people also have an extrarational horror of privatization, causing them to overestimate the risks of an industry policed by anything but the most muscular of public regulators. Both tendencies are human and harmless, so long as we see them for what they are: tricks of the mind that shouldn't form the basis for public policy. R

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