

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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July 23, 2008

The Honorable Robert Sturgell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

Dear Mr. Sturgell,

Over the past months, the country has witnessed a string of airline safety system failures involving the Federal Aviation Administration (FAA). The result of failures at major airlines to implement Airworthiness Directives properly has led to the cancellation of thousands of flights stranding hundreds of thousands of people. More disturbing than the groundings by American and Delta Airlines, was the revelation that Southwest Airlines failure to carry out required stress fracture inspections was effectively covered up by FAA managers. Economists could probably estimate the cost of the cancelled flights to the airlines and the economy.¹ What we can't calculate is the loss of credibility for the FAA, the airlines and air safety in general.²

The Inspector General of the Department of Transportation concluded, based on examining these events that FAA managers in the air safety oversight program had become too lenient and collaborative with the airlines they were to oversee. The Inspector General said, "It appears that FAA management fostered a culture whereby air carriers were considered the primary customers of its oversight mission instead of the flying public."³ Such an approach compromises safety in the air for the public, which is the core mission of your safety program.

¹ Suzanne Marta, "Final Cost of American Airlines' Lost Flights Still Up in the Air," Dallas Morning News, April 13, 2008. Marta notes that one airline expert predicts that American would lose \$250 million in direct and indirect costs due to the grounding. However, the costs for some 300,000 passengers who lost their flights were not calculated. Figures for Delta were not included in the story.

² Del Quentin Wilber, "Airline Safety Alarms Unheeded," The Washington Post, April 4, 2008. Del Quentin Wilber, "More Step Up to Complain About FAA," The Washington Post, May 31, 2008.

³ Department of Transportation Inspector General Report, "Review of FAA's Safety Oversight of Airlines and Use of Regulatory Partnership Programs," Report Number: AV-2008-057, June 30, 2008, p. 5.

If not for a handful of whistleblowers willing to risk their careers and step forward to tell what they knew, something far worse than cancelled flights might have occurred. In the case of Southwest Airlines, 46 planes were flown for nine months in violation of Airworthiness Directive 2004-18-06 (AD). This AD directs that Boeing 737's be inspected for fuselage cracks. Such cracks could lead to fuselage separation and rapid aircraft depressurization—potentially causing a catastrophic loss. During the nine months those planes remained in service some six million passengers flew on them. Once Southwest finally inspected the planes, they found fuselage cracks in five of the planes.⁴

The Inspector General at the Department of Transportation had several very solid recommendations for reforming the air safety system you manage. You have apparently been unwilling to implement recommendations designed to break the cozy relationships that form between supervisory personnel and the airlines they oversee or to take steps to better protect whistleblowers. However, I have another suggestion for how you might build in line-employee reporting into your safety management system: ask them.

The National Aeronautics and Space Administration (NASA) launched a program in 2000, the National Aviation Operational Monitoring System (NAOMS), to survey commercial pilots, private pilots, flight crew, ground crew and air traffic employees. This survey was to ask regularly all kinds of people who make up the air safety system about their experiences with air safety. It would be easy enough to add FAA inspectors or others to such a system. Through this ongoing survey, we would get real time reports from the actual participants in the air safety system of emerging problems and issues.

Unfortunately, NAOMS was never fully deployed. NASA operated this survey for three years, deploying it first to commercial pilots, and then expanding it to include private pilots. NASA prepared to extend the survey further to include the insights of air traffic controllers. NASA went so far as to run focus groups of controllers to develop test questions. Just before extending the survey to FAA employees, NASA decided to ramp the entire program down and stop it. These decisions came in the wake of meetings with FAA managerial staff in 2003. The Subcommittee has been told by participants in these meetings that the FAA did not support NAOMS.

As recent events demonstrate, your system is deeply flawed. I strongly recommend that you discuss with NASA relaunching the NAOMS survey in its fullest form to include a survey of your inspections staff. The American public deserves as many sources of information on safety in the skies as we can reliably provide. No one knows more about unsafe conditions as they emerge than the people who are on the front lines of air safety: pilots, flight crews, ground crew, and FAA controllers and safety staff.

⁴ IG Report, p. 3.

In addition to encouraging you to support a full relaunch of a robust NAOMS survey, the Subcommittee desires to understand better the role of the FAA in stopping NAOMS in the first place. If the NASA project had gone forward, that system would now be operational and, through ground crew responses, might have identified the service issues that grounded three airline fleets in the course of three months in a timely fashion so that the costly disruptions of the Spring could have been avoided. To assist us in this work, we ask that you provide the Subcommittee with all records (as defined in the attachment) from January 1, 2002 through December 31, 2004 related to the NAOMS program.

Please provide these records to the Subcommittee by August 1, 2008. Contact Dan Pearson (202-225-4494) or Edith Holleman (202-225-8459) of the Subcommittee staff to arrange for delivery of these materials.

Sincerely,



BRAD MILLER
Chairman
Subcommittee on Investigations
and Oversight

Cc: The Honorable F. James Sensenbrenner
Ranking Member
Subcommittee on Investigations and Oversight

Attachment

ATTACHMENT

1. The term "records" is to be construed in the broadest sense and shall mean any written or graphic material, however produced or reproduced, of any kind or description, consisting of the original and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) and drafts and both sides thereof, whether printed or recorded electronically or magnetically or stored in any type of data bank, including, but not limited to, the following: correspondence, memoranda, records, summaries of personal conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, statistical statements, drafts, contracts, agreements, purchase orders, invoices, confirmations, telegraphs, telexes, agendas, books, notes, pamphlets, periodicals, reports, studies, evaluations, opinions, logs, diaries, desk calendars, appointment books, tape recordings, video recordings, e-mails, voice mails, computer tapes, or other computer stored matter, magnetic tapes, microfilm, microfiche, punch cards, all other records kept by electronic, photographic, or mechanical means, charts, photographs, notebooks, drawings, plans, inter-office communications, intra-office and intra-departmental communications, transcripts, checks and canceled checks, bank statements, ledgers, books, records or statements of accounts, and papers and things similar to any of the foregoing, however denominated.
2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.