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Special Counsel Calls for Stronger DOT Oversight of Airline Safety

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In a letter sent today to the White House and Congress, Special Counsel Carolyn Lerner urged stronger oversight of air safety by the Department of Transportation's Federal Aviation Administration (FAA). Lerner cited an ongoing series of troubling safety disclosures by air traffic controllers and other FAA employees, as well as sharply critical findings by FAA's own internal watchdog unit. The Department of Transportation (DOT) has repeatedly delayed acting on these whistleblower alerts and failed to take timely corrective action.

Lerner's letter presents statutorily mandated reports on the seven most recent FAA whistleblower disclosures made to the U.S. Office of Special Counsel (OSC), and how DOT responded to them. OSC referred these disclosures to DOT, which then was required to investigate the charges and issue reports detailing its findings. These cases include:

- Emergency service helicopters used by first responders nationwide were incorrectly retrofitted for night vision goggles, posing a potential threat to pilots' ability to read instruments;
- Air traffic controllers in the greater New York airspace slept in the control room, left their shifts early, used personal electronic devices while on the job and used dangerously imprecise language when directing aircraft, resulting in a near-crash;
- Aircraft were cleared to depart New Jersey's Teterboro Airport without proper wake turbulence separation from heavy jet aircraft on final approach to Newark Liberty International Airport;
- Insufficient oversight of Delta's inspection and maintenance program, specifically that maintenance specifications were not in compliance with airworthiness directives regarding the fuel tank system and the electrical wiring interconnection system;
- Unauthorized aircraft frequently entered U.S. airspace near San Juan, Puerto Rico;
- Inconsistent rules for operations on parallel runways result in operational errors and deviations because controllers are unable to simultaneously observe rules for missed approaches while maintaining appropriate separation from parallel runways; and
- Faulty wind instruments are being relied upon at the Detroit Metropolitan Airport, among other concerns.

FAA has one of the highest rates of whistleblower filings per employee of any executive branch agency: OSC received 178 whistleblower disclosures from FAA employees since FY 2007, 89 of which related to aviation safety. OSC referred 44 of those to DOT for investigation. DOT ultimately substantiated all but five of those referrals -- 89 percent -- in whole or in part. In four of the seven cases presented today, the whistleblower had to make repeat disclosures with OSC because the FAA took inadequate steps to correct the concern or failed to implement any corrective action.

"The public properly expects zero tolerance for unnecessary risks," Lerner said. "Preventive measures could be far more effective if the Department of Transportation listened to its own employees' alarm bells and acted on them promptly."

OSC is an independent investigative and prosecutorial agency whose primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also operates as a secure channel for whistleblower disclosures and enforces the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act. For more information, go to www.osc.gov.