



U.S. Office of Special Counsel  
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## **DEPARTMENT OF TRANSPORTATION REPORT SUBSTANTIATES ALLEGATIONS OF FAA OVERSIGHT FAILURES**

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### **FOR IMMEDIATE RELEASE**

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WASHINGTON, DC/July 22, 2010—Today, the U.S. Office of Special Counsel (OSC) transmitted to the President and Congress a Department of Transportation (DOT) report responding to a whistleblower's allegations that the Federal Aviation Administration (FAA) failed to provide effective oversight of Northwest Airlines and to address Northwest's systemic non-compliance with FAA Airworthiness Directives (ADs). ADs are rules that FAA issues to address an unsafe condition that exists in an aircraft product or is likely to exist or develop in other products of the same type design. Northwest Airlines recently merged with Delta Airlines.

The whistleblower, Mr. Mark Lund, an Aviation Safety Inspector and Partial Program Manager assigned to the former Northwest Certificate Management Office (CMO), in Bloomington, Minnesota, alleged that audits of Northwest's AD compliance conducted in 2008 revealed that the carrier did not have adequate policies and procedures in place to ensure current or future AD compliance, and that the status of Northwest's compliance with more than 1,000 ADs was unknown. He further asserted the audit findings demonstrated that FAA failed to provide adequate oversight of Northwest's AD compliance program by accepting voluntary disclosures of non-compliance in contravention of FAA policy, declining to pursue legal enforcement actions with civil penalties, and issuing letters of correction without requiring Northwest to implement comprehensive corrective action to address the deficiencies.

The report submitted to OSC by Secretary of Transportation Ray LaHood substantiated Mr. Lund's allegations that the Northwest CMO failed to provide effective oversight of Northwest's AD process, resulting in the carrier's continued systemic AD non-compliance. The investigation revealed that, despite Northwest's history of AD non-compliance for more than a decade and current trends reflecting an increase in incidents of non-compliance, FAA inspectors continued to work collaboratively with Northwest to resolve deficiencies, allowing the carrier to submit numerous voluntary disclosures of non-compliance, and closing enforcement cases primarily by issuing letters of correction rather than seeking civil penalties. The report found that these actions

were "not adequate," and in many instances were contrary to FAA guidance. The report further concluded that, given that AD non-compliance issues were continuing, the status of Northwest's compliance with more than 1,000 ADs was unknown.

In response to the findings and recommendations, FAA Administrator J. Randolph Babbitt established an Internal Assistance Capability (IAC) review team to oversee the implementation of the reviews and audits recommended. While several of the reviews were completed, the recommended safety attribute inspection was delayed until July 2010, due to the merger of NWA and Delta Airlines. In addition, FAA proposed disciplinary action against two NWA CMO managers.

OSC determined that the agency's report contains all of the information required by statute and the findings appear reasonable.

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*The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates a secure channel for disclosures of whistleblower complaints. Its 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 has jurisdiction over the Hatch Act. For more information please visit our web site at [www.osc.gov](http://www.osc.gov) or call 1 (800) 872-9855.*