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**STATEMENT OF TOM BRANTLEY
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**BEFORE THE HOUSE COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE**

**ON
CRITICAL LAPSES IN FAA SAFETY OVERSIGHT OF AIRLINES:
ABUSES OF REGULATORY "PARTNERSHIP PROGRAMS"**

APRIL 3, 2008

Chairman Oberstar, Ranking Member Mica and members of the committee, thank you for inviting PASS to testify on the critical lapses in FAA oversight of airlines and abuses of regulatory “partnership programs.” The Professional Aviation Safety Specialists, AFL-CIO (PASS) represents 11,000 Federal Aviation Administration (FAA) employees, including approximately 2,900 Flight Standards field aviation safety inspectors¹ located in 110 field offices in the United States as well as three international offices in Germany, the United Kingdom and Singapore. FAA safety inspectors are responsible for certification, education, oversight, surveillance and enforcement of the entire aviation system, including air operator and air carrier certificates, repair station certificates, aircraft airworthiness, pilots, mechanics, flight instructors and designees.

According to the FAA’s website, aviation safety inspectors are the “FAA’s on-site detectives.” These federal employees “develop, administer, investigate and enforce safety regulations and standards for the operation, maintenance and modification of all aircraft flying today.”² In addition to several other tasks, and depending on their field of concentration, FAA safety inspectors are responsible for regularly performing surveillance on aircraft operations and maintenance for air carriers. This includes inspecting air carriers, air carrier facilities and certificated repair stations performing maintenance work.

A 1996 act of Congress eliminated a portion of the FAA’s mandate that directed the agency to promote air travel.³ Although the written version of the FAA’s mandate now instructs the agency to focus on maintaining and enhancing safety, there remains pressure on inspectors to promote the aviation industry even if it is at the sacrifice of safety enforcement. In fact, PASS has learned of numerous instances in which, due to collaboration between the FAA and industry, FAA safety inspectors were prevented from moving forward with enforcement actions after identifying a violation of the Federal Aviation Regulations. As a result, the role of inspector as safety enforcer is becoming increasingly overshadowed and inspectors are being pressured by FAA management not to pursue enforcement actions or to severely censor their evaluations. In some cases, the FAA actually retaliated against inspectors who attempted to hold airlines accountable by bringing attention to safety-related issues. Until the FAA recognizes the flying public—not the airlines or other aviation businesses—as its customers, PASS does not believe that there can be meaningful change in the FAA’s approach to aviation safety.

FAA Culture Impedes Work of Safety Inspectors

FAA safety inspectors are specifically trained to assess the safe operations of air carriers and other certificate holders, and while a system of checks and balances is no doubt needed to ensure quality, ultimate trust should rest with the judgment and expertise of the inspector. Yet, obstacles are constantly being placed in the way of FAA safety inspectors, preventing them from performing their jobs. One recent high-profile example in which safety violations were detected at

¹ As of August 2007, the *FAA Administrator’s Fact Book* lists the number of Flight Standards inspectors as 3,376. However, this figure is somewhat misleading because it includes first-line field and office managers. The PASS figure only includes inspectors who actually perform inspection functions in the field.

² Federal Aviation Administration. *Aviation Safety Inspectors* [updated January 4, 2007; cited February 2008]. Available from www.faa.gov/about/office_org/headquarters_offices/ahr/jobs_careers/occupations/av_safety_insp.

³ Public Law 104-264, Section 401: Elimination of Dual Mandate.

an airline illustrates the FAA's cultural flaw all too clearly. In September 2007, the Inspector General (IG) released a report on an incident involving a safety inspector for Northwest Airlines who, after identifying safety problems with the airline, was prevented from further access to the carrier and reassigned to administrative duties. After a thorough investigation, the IG determined that many of the inspector's findings were legitimate and that the FAA appeared to focus on "discounting the validity of the complaints rather than determining whether there were conditions...that needed correction."⁴ The IG warned that a "potential negative consequence of FAA's handling of this safety recommendation is that other inspectors may be discouraged from bringing safety issues to FAA's attention."⁵ PASS fully concurs with the IG's assessment. In fact, many safety inspectors with whom we spoke were hesitant even to discuss similar situations with the union in preparation for this testimony for fear that their managers would find out and put them under investigation or otherwise "make work a nightmare."

Throughout the inspection process, inspectors face a barrage of obstacles that greatly interfere with their ability to issue an enforcement action against an air carrier. In general, if an inspector detects a possible violation while conducting an on-site inspection of an air carrier, he or she immediately notifies the operator and supervising inspector on location. The air carrier inspector then goes back to his or her office and enters information into the Air Transportation Oversight System (ATOS) database. General aviation inspectors enter information into a different database, the Program Tracking Reporting System (PTRS). In addition, the inspector may, as appropriate, open an additional record for tracking enforcement actions through the Enforcement Information System (EIS).

After entering all necessary information and researching the issue, and if approved to move forward, the inspector makes a recommendation to use administrative actions (such as warning notices, letters of correction or letters of investigation) or legal sanctions (such as fines or suspension or revocation of operating certificate). Unfortunately, seasoned safety inspectors report that filing an enforcement action against an airline is often futile because there is little chance the enforcement process will work as intended. If the many required steps are executed properly by the inspector, an enforcement action may not even leave the inspector's office if it is not moved forward by FAA management. A suspension or revocation action that is inactive for six months may be considered stale and dropped, voiding the hours of work the inspector has done on the issue. As described later in more detail, FAA management may also allow airlines to misuse FAA partnership programs in order to avoid incurring a penalty, a step that would stop the enforcement action process despite the many hours the inspector had devoted to responding to the safety violation.

Other issues faced by inspectors include being pressured to change actual inspection data in FAA databases, being reprimanded or removed from oversight responsibility of a certificate, being encouraged not to pursue enforcement actions or to amend a report to reflect better on the air carrier, and being forced to work around the FAA's preferential treatment of airlines. If those charged with inspecting the safety of the air carrier industry are not allowed to thoroughly examine

⁴ Department of Transportation Inspector General, *Actions Taken to Address Allegations of Unsafe Maintenance Practices at Northwest Airlines*, AV-2007-080 (Washington, D.C.: September 28, 2007), p. 7.

⁵ *Id.*

potential safety issues and fully report deficiencies, the FAA will fail in its mission of maintaining and enhancing aviation safety.

Pressure to Make Changes to Inspection Data

A particularly disturbing trend recently noted by FAA safety inspectors is management's tendency to urge or actually require inspectors to alter their information in FAA databases in order to diminish the seriousness of the inspectors' findings. For example, when an inspector enters his or her findings into the ATOS database, they are reviewed at various levels to ensure that it meets ATOS quality standards prior to the Data Collection Tool (DCT) being closed. Although the majority of data entered into ATOS by inspectors is provided by the airlines, inspectors are also responsible for entering any information gathered through their limited opportunities to visually inspect the aircraft or its components. Since ATOS makes air carrier risk assessments based on information inputted into the system, this makes the accuracy of data that much more significant.

With such importance placed on the information, it is particularly disturbing when management attempts to influence inspector entries into the system. Yet, this is exactly what is being done. Recently, two grievances were filed involving incidents in which inspectors working at the Northwest Airlines certificate management office (CMO) were forced to change information they had entered into the ATOS database by their front-line managers. According to FAA policy, when there is a difference of opinion concerning critical assessment data captured in an FAA database, all information is supposed to be elevated to the principal inspector so that he or she has the necessary data in order to assess the safety risk. In one instance, however, management demanded a more generic version of the data that did not reflect as negatively on the airline to replace the inspector's actual findings. In another case, an inspector, after documenting observations of noncompliance, was told to change responses in the ATOS database. When the inspector refused, believing that this would significantly affect the quality of the safety information, the inspector was admonished. A recent change to FAA policy will allow FAA managers access to the system and permit them to alter the data without forcing the inspector to make the changes. Management will be required to identify the author of the change and provide the reporting inspector with a copy of the change. Although this will certainly limit the demand placed on inspectors to conform to management pressure, this process still has the potential to impact the safety of the system.

FAA Management Too Lenient With Airlines Despite Inspector Findings

There are many examples in which FAA management has "looked the other way" rather than seriously contemplating the safety inspector's professional opinion and taking immediate steps to ensure that the airline was in compliance with FAA regulations. A particularly disturbing example involves an FAA safety inspector assigned to the United Airlines CMO who, in March 2007, discovered that the air carrier had extended the life limit on Boeing 777 Emergency Passenger Assist System (EPAS) batteries without approved data from the manufacturer or the FAA. The batteries perform a critical safety operation, providing the electrical charge needed to "blow" the door open and deploy the emergency slide in an emergency situation. The FAA-approved manufacturer's component maintenance manual specifies that these batteries have a three-year service life. The air carrier had changed their internal documents to allow batteries to

be used in service for 10 years. The FAA safety inspector also discovered that the EPAS batteries were being tested on a battery charger that had never been calibrated and traceable per the National Institute of Standards and Technology (as required by the battery manufacturer), and that the shop technician had never been properly trained on the charger. Instead of adhering to these regulations, the FAA allowed the air carrier to perform an in-house calibration and accepted the carrier's verbal assurances that the battery charger was "within tolerance."

An enforcement investigation report (EIR) was initiated by the safety inspector. In addition, since the air carrier had been using the EPAS batteries beyond their designed and approved service life, those parts were found to be suspected unapproved parts (SUP) and an SUP investigation report was initiated. The air carrier was notified of the situation and several meetings were held to address the underlying safety risk presented by having the same EPAS batteries installed throughout the United 777 fleet. However, these meetings resulted in no action to adequately mitigate the immediate and ongoing safety risk. The FAA safety inspector urged the air carrier to perform a simple test on the EPAS batteries before each flight that would at least indicate the possible performance of the batteries, but the FAA refused to exercise statutory authority in the interest of safety and compel the carrier to perform this test. In other words, the FAA allowed the air carrier to operate with batteries that were SUP, thus exposing passengers and air crew to significant risk. Despite further inquiries by the inspector, the FAA allowed United to continue to fly its 777 fleet and change the batteries on its own schedule. The EIR, which was completed by the FAA safety inspector with a proposed civil penalty of \$97,000 in March 2007, is currently at the regional legal office waiting for an attorney to be assigned. The FAA safety inspector has completed the SUP report, but the case has not been finalized.

Consider the following additional examples in which the "cozy" relationship between FAA management and industry is highlighted:

- In 2003, an inspector assigned to Continental Airlines discovered that over 4,000 life vests had not been overhauled by a certificated repair station in accordance with the component maintenance manual. The inspector's supervisor did not want to have the airline replace the life vests and, according to the inspector, went so far as to accuse the inspector of wanting to bankrupt the carrier. FAA management allowed the airline to continue operating with these "un-airworthy" life vests for several weeks. Only after the persistent efforts of the inspector did a higher level of management insist the life vests be replaced immediately.
- When an inspector detailed Northwest Airline's noncompliance with the FAA-approved reliability program in 2005, a supervisor initially refused to send the letter of investigation to the airline. In fact, the supervisor told the inspector that there were no safety issues involved and that the airline could submit a revision to its program. After a second nationally initiated Flight Standards investigation, the agency team required the CMO to send the letter to the airline. To date, the issue is still not resolved and two enforcement actions have been written against the airline regarding its noncompliance. According to the inspector, the FAA legal department has contacted the manager of the CMO and they are currently working the issue outside of the enforcement process.

- In October 2007, a safety inspector assigned to American Eagle in Fort Worth uncovered training and operational issues the inspector believed should be addressed by the agency. The inspector wrote 11 letters on issues ranging from handbook compliance to regulatory compliance and sent them to the principal inspector assigned to the American Eagle CMO operations unit, who then sent them on to the unit supervisor. In November 2007 and again in January 2008, the inspector asked the unit supervisor about the status of the letters. On both occasions, the unit supervisor, who is a former employee of the carrier, responded that sending all the letters at once would overwhelm the carrier. After details regarding this hearing were released, the inspector was informed that the unit supervisor had told the principal inspector to the carrier.
- In 2007, inspectors assigned to the Hawaiian Airlines certificate were advised that they could no longer perform inspections on aircraft in service when the flight turnaround time is only an hour and a half. When a plane is in service and sitting at the gate on the “ramp,” it is considered an excellent time to inspect the carrier to validate the airline’s assertion that the aircraft is ready for passenger-carrying service, especially since most of these aircraft will be flying over water for extended periods. An email from management emphasized that the airline had expressed concerns due to delays caused by these inspections and that “on-time performance is a high priority item for Hawaiian.” Inspectors have been directed not to conduct detailed inspections of an aircraft during “quick” turnaround in order for the inspectors to “be less apt to cause a disruption.” The email specifically states that this change in procedure is to enhance the working relationship between the FAA and the airline.

Penalties Against Airlines for Safety Violations Often Reduced

Even if an enforcement action initiated by an FAA safety inspector makes it through all the procedural steps and results in a civil penalty, a process that can take up to several years, these fines or penalties are often dramatically reduced. Inspectors inform PASS that the FAA has reduced penalties for violations of Federal Aviation Regulations to a point where they are no longer a deterrent. In its eagerness to work in “partnership” with the aviation industry, the FAA has all but abandoned its enforcement responsibilities. A 2005 report by the Government Accountability Office (GAO) validated the concerns of FAA safety inspectors. The report highlighted that from FY 1993 through 2003, there was a “52 percent reduction in the civil monetary penalties assessed from a total of \$334 million to \$162 million.”⁶ Furthermore, inspectors have told PASS, and the GAO report has confirmed, that the lessening of penalties for present violations has severely reduced the prevention of future violations. In other words, if punishment for violating safety regulations is not appropriately strict, penalizing an airline will have little or no impact on future actions.

One case involving an FAA safety inspector working for the United Airlines CMO illustrates this prevalent practice of reducing the amount of civil penalties assessed on an airline found to be in violation. In 2003, the inspector discovered a significant problem with improper accomplishment of work under an FAA Airworthiness Directive on the United Boeing 777 aircraft. The AD required that “each back-up generator must be serviced by different individuals before any

⁶ Government Accountability Office, *Aviation Safety: FAA’s Safety Oversight System Is Effective but Could Benefit from Better Evaluation of Its Programs’ Performance*, GAO-06-266T (Washington, D.C.: November 17, 2005), p. 12.

subsequent flight.” The inspector found that the air carrier had been systematically performing dual servicing contrary to the AD for years. As a result, an EIR was filed. The EIR sanctioning guidelines provided for a recommended civil penalty of \$500,000, but the office manager would not endorse the EIR with that proposed amount. The office manager eventually approved the EIR with a proposed civil penalty of \$195,000. The informal hearing regarding the case was held in December 2007, and the proposed sanction after the hearing was \$32,000. The final amount appears to be a civil penalty of \$28,000. In addition, while gathering records for the EIR, the inspector discovered falsification of records. Despite the efforts of the inspector, there was never any consequence to the falsification issue.

FAA Allowing Airlines to Misuse FAA Partnership Programs

FAA management has allowed the culture at the agency to devolve into one in which satisfying airlines has been given preference over aviation safety. In fact, FAA management is allowing airlines to use FAA safety programs to avoid enforcement action. In 2005, the GAO forewarned of potential problems with these practices, specifically stating that the FAA “does not evaluate the effects of its industry partnership and enforcement programs to determine if stated program goals, such as deterrence of future violations, are being achieved.”⁷ Since the time of that report, little has changed to improve upon the procedures, which has resulted in significant misuse of these partnership and enforcement programs. There are two programs in particular that the FAA has allowed to be manipulated in order to benefit the airlines and allow them to escape possible penalization for safety-related problems. Not only does this reduce the essential aviation safety inspector role to a mere nuisance, diminishing their credibility with the airline they are charged with overseeing, it forces inspectors to work in an environment where their expert warnings are often ignored or severely downgraded—a dangerously negligent approach to aviation safety.

Voluntary Disclosure Reporting Program (VDRP)

The FAA’s Voluntary Disclosure Reporting Program (VDRP) allows certificate holders operating under Title 14 of the Code of Federal Regulations to disclose voluntarily to the FAA apparent violations of certain regulations. As a result of airlines self disclosing a violation and presenting a plan for a “comprehensive fix” of the problem, entities will merely receive a letter of correction instead of a civil penalty. According to the FAA, this policy is intended to “encourage compliance with FAA regulations, foster safe operating practices, and promote the development of internal evaluation programs.”⁸ However, in order for the VDRP to operate successfully, several steps must be rigorously enforced by the FAA, but this is often not the case. At a minimum, emphasis should be placed on the importance of the air carrier to “promptly” disclose the violation upon detection. According to the order, “In evaluating whether an apparent violation is covered by this policy, the responsible inspector will ensure...[the entity] has notified the FAA of the apparent violation *immediately* after detecting it *before* the agency has learned of it by other means”⁹ (emphasis added). Furthermore, aside from specific exceptions, FAA policy states that the FAA “will not forgo legal enforcement action if [the entity] informs

⁷ Id., p. 20.

⁸ FAA Order 8900.1 – *Flight Standards Information Management System (FSIMS)*, Volume 11: Flight Standards Programs, Chapter 1: Voluntary Disclosure Reporting Program.

⁹ Id.

the FAA of the apparent violation during, or in anticipation of, an FAA investigation/inspection or in association with an accident or incident.”¹⁰

The policy makes it clear that once an FAA safety inspector finds a safety violation, that discovery should result in an enforcement action—the airline is not supposed to be given a chance to self disclose at that point. If an inspector finds an apparent violation, it should be considered a significant event and should be treated accordingly. The important and safety-critical work of FAA safety inspectors must be taken seriously and their findings must be given proper attention and merit.

Regardless of the explicit directions in the FAA policy, the intense focus of FAA managers on maintaining a positive relationship with the airlines is resulting in serious abuse of the VDRP. PASS has learned of many cases in which inspectors find a safety violation but are being directed by their front-line managers to hold off on moving forward to allow the airline to self disclose the item. For example, in 2006, an FAA safety inspector working on the certificate of a major air carrier in the Southern region¹¹ discovered problems when reviewing modifications made to a Boeing 737. The inspector discovered that the problems applied to several aircraft and promptly notified the principal inspectors and operator. When following up on the incident the next week, the inspector discovered that the airline had been allowed to self disclose the problem despite the FAA safety inspector discovering the problem first. According to inspectors in the field, this abuse of the self-disclosure process occurs much too frequently, negating the purpose and intent of the program and raising the chance that safety risks will not be captured appropriately.

If an airline is allowed to self disclose after the problem has been found by an FAA safety inspector, that means either that the airline had knowingly been operating with a problem or the airline did not have appropriate staff with sufficient expertise to identify the problem. Regardless of the reasons, with the option to self disclose and avoid fines available to airlines, when an inspector finds a problem, the response should not be for the FAA to give the airline an out. Airlines are businesses with a focus on profit and, while safety is no doubt a priority, there must be government surveillance and accountability to ensure that profit does not overshadow the safe operation of the carrier.

Due to the prevalence of the misuse of the VDRP, PASS believes it is critical that the FAA reiterate the rules of the program in detailed correspondence to local FAA management and airlines participating in the program. Furthermore, while the FAA launched a VDRP database several months ago, PASS is concerned that this information is not being monitored on a regional or national level to identify trends that may impact several airlines. If this analysis is not being performed, PASS suggests that the FAA take action to ensure that the VDRP database is examined on an ongoing basis in order to identify and address widespread risks as well as determine whether the program is achieving the desired results.

¹⁰ Id.

¹¹ Due to fear of retaliation, the inspector would not permit PASS to disclose the identity of the air carrier.

Customer Service Initiative (CSI)

In 2002, the FAA unveiled its Customer Service Initiative (CSI) program in order to allow certificate holders to “request reconsideration of a decision made by an Aviation Safety office.”¹² The guidance on the initiative reads similar to what one may expect to encounter in any service-based industry where the emphasis is on satisfying the customer. In PASS’s view, however, the FAA should be focused on protecting aviation safety and treating the flying public as the most important customer rather than satisfying the aviation industry. The CSI allows the airlines the right to ask for review on any inspector’s decision made in the regulatory or certification process. While it is no doubt important for an air carrier to have a method of reporting an inspector believed to be acting inappropriately, the FAA is permitting air carriers to use the CSI to remove an inspector simply for doing his or her job. In essence, the CSI program finds the inspector guilty without a trial, granting the airlines an almost effortless way to clean the slate, as well as sending a disturbing message to any other inspector assigned to the carrier that if they attempt to hold the carrier responsible, they may be removed from the assignment or face other repercussions.

When an airline that is facing fines or other penalties complains about an inspector’s performance, that testimony should not necessarily be taken over the word of the professional and trained aviation safety inspector. Yet, PASS is aware of many incidents in which FAA management has allowed an air carrier to exploit the CSI process after an inspector attempted to hold the airline accountable. In some cases, air carriers have even requested that their certificate be transferred to another Flight Standards District Office (FSDO). Consider the following examples:

- In 2005, an inspector working at the Northwest Airlines CMO in Minnesota detected a problem with the airline’s use of temporary workers who were not properly trained and familiar with the airline’s maintenance operation. The inspector repeatedly related concerns that the airline’s use of temporary workers who were not competent or properly trained could jeopardize the continued operation of the airline. In response to these findings, the airline contacted the FAA manager at the CMO and accused the inspector of harassment. Without conducting a proper investigation, the FAA removed the inspector from the certificate. When the agency refused to address the system issues regarding the use of temporary maintenance workers, the inspector was forced to file a safety recommendation. This safety recommendation was ignored, compelling the inspector to elevate the issue to Congress and the Inspector General due to serious safety concerns regarding the operation of the airline.
- In 2005, a major helicopter company performing an external lift operation in the FAA field office district of Fort Worth, Texas, was found in noncompliance with the company’s FAA-approved altitude restrictions and congested area limitations. The reporting inspector had proposed severe sanctions against the pilot and operator, and a letter was sent to the operator detailing the proposed civil penalties. The operator complained about the sanctions and the enforcement actions were dismissed. Furthermore, inspectors in Fort Worth were prohibited from performing any future surveillance on the operator when it operates in their district.

¹² Federal Aviation Administration. *Customer Service Appeals & Petitions* [updated August 3, 2005; cited February 2008]. Available from www.faa.gov/about/office_org/field_offices/fsdo/cs_initiative.

- In April 2006, an inspector in Reno was conducting a routine inspection of a repair station, Rebuilt Aircraft, and noticed that the repair station was not following the manual correctly, using the correct work orders, tracking the shelf life of supplies with expiration dates and other discrepancies. The inspector processed an enforcement action and recommended a sanction of \$23,100. As is often the case, the FAA attorney negotiated the penalty with the repair station and the case was settled with a \$500 fine, much lower than the original penalty proposed by the inspector. Following this case, the owner of the repair station complained about the inspector and wanted the inspector removed from the certificate. Despite the inspector having worked with the certificate since June 2003, to appease the owner, FAA management decided to remove the inspector from that certificate.
- The industry has also become adept at using the CSI process to move certificates to different FSDOs. For instance, inspectors working in the Minneapolis FSDO were holding Champion Airlines strictly accountable to follow the certification process. The airline complained to the FAA and the certificate was moved to the Northwest Airlines CMO in 2005. In addition, when the O'Hare FSDO discovered several safety-related issues with Midwest Airlines, the certificate was transferred to Milwaukee in 2005.

Due to the repeated misuse of the CSI program, PASS recommends that there be an independent review of the program in order to ensure that it is being used properly and achieving intended results.

FAA Must Ensure Adequate Inspector Staffing

PASS is extremely concerned about staffing of the FAA safety inspector workforce. There is no FAA program or initiative that can replace the skills and expertise of aviation safety inspectors. Insufficient inspector staffing combined with the evolving aviation industry places an incredible workload on the inspector workforce, which has already resulted in missed or cancelled inspections due to lack of staffing. With the increased outsourcing of maintenance work in this country and abroad, growing number of aging aircraft, the emergence of new trends in aviation and the expansion of the FAA's designee programs—all of which require additional inspector oversight—it is imperative that there are enough inspectors in place to monitor the safety of the system.

Making this situation even worse is the fact that nearly half of the inspector workforce will be eligible to retire in the next five years and many areas are already severely understaffed. The lack of an adequate workforce means it is more critical to ensure proper identification of airline safety violations and adequate follow-up. Despite this disturbing situation, in its FY 2009 budget request, the FAA has not requested any funding to hire additional Flight Standards aviation safety inspectors. However, in its version of FAA reauthorization, the House has directed the FAA to increase the number of aviation safety inspectors and has allocated specific funding to increase safety critical staffing through 2011. PASS appreciates the efforts of this committee and its recognition of the severity of the inspector staffing crisis.

Conclusion and Recommendations

The FAA has not only promoted an internal culture where safety is given second billing, but it has manipulated every aspect of the enforcement process in order to encourage and maintain a positive relationship between the agency and the airlines. Safety inspectors are on the frontline protecting this country's aviation system and trust should no doubt be placed in their professionalism and expertise. Punishing safety inspectors for discovering violations or impeding them from making safety of the system their priority should not be tolerated.

In its report on the incident at Northwest Airlines, the IG concluded that in order to maintain its focus on aviation safety, the "FAA needs better procedures for responding to and resolving safety complaints identified by inspectors."¹³ On September 25, 2007, the FAA responded by concurring with IG recommendations and agreeing to "establish a new internal review capability that would allow it to perform independent assessments of safety allegations."¹⁴ The FAA indicated that this capability would be fully implemented by September 30, 2008. Although this is a positive step forward that PASS hopes will address the seriousness of this situation, PASS remains skeptical of the agency's true motives since it has excluded PASS from involvement in the design of the new review system. In order to ensure accountability at every level, PASS must have an active role in the development and implementation of any review system created to respond and resolve safety complaints identified by FAA safety inspectors.

In the wake of Southwest Airlines' noncompliance disclosure, the FAA has issued Notice N8900.36 directing a two-phased audit of Part 121 air carrier compliance with Airworthiness Directives (AD). In phase 1 of the audit, which was due March 28, inspectors sampled 10 ADs for each of the air carriers' fleets. Phase 2 of the audit, which is due June 30, will sample additional ADs to total 10 percent of the ADs applicable to the air carriers' fleets. Unfortunately, while the original notice instructed inspectors to perform a visual inspection of the aircraft along with verification of records, the FAA released a broadcast message that the FAA inspectors need only perform a records check. In other words, the aircraft and/or its components are not required to be inspected.

Without FAA surveillance of an aircraft, the aircraft's physical AD compliance status is unknown despite what the records may indicate. Quite simply, paperwork alone is not an indication of safety. PASS has serious concerns as to the validity of any results collected through this directive and whether a records check on so small a sampling of aircraft will render meaningful results or assurance of compliance.

The Southwest Airlines noncompliance with ADs brings up another area of concern. FAA management continues to present the safety value of ATOS and its method of data collection and ability to identify risks. Southwest Airlines is an ATOS carrier and has been since the inception of ATOS in 1998. How effective is the FAA's ATOS process in identifying and managing risk if Southwest Airlines was able to become so lax in its AD compliance? The answer to this question is clear: ATOS is not working as intended because it has not been properly resourced and

¹³ Department of Transportation Inspector General, *Actions Taken to Address Allegations of Unsafe Maintenance Practices at Northwest Airlines*, AV-2007-080 (Washington, D.C.: September 28, 2007), p. 3.

¹⁴ *Id.*, p. 8.

supported by the FAA. The FAA cannot rely on incomplete data, the majority of which is provided by the airline, and limited visual inspections to determine risk. A data-driven system is never a substitute for physical inspections performed by FAA safety inspectors.

There is no doubt that the relationship between the FAA and the airline industry needs to be revamped in order to ensure safety issues are given appropriate attention. PASS agrees with the concept of rotating managers in order to prevent these types of “cozy” relationships from developing. Those with the ultimate responsibility for oversight of FAA safety inspectors and the carrier should be the group that is rotated among facilities. As such, PASS recommends that a plan be executed to rotate all first- and second-level managers on a regular basis. This rotation will help to discourage management from becoming too closely connected with the airlines.

The FAA’s most important customers are the flying public, not the airlines, and its most critical role is to protect the safety of these customers. Safety is always the primary focus of the FAA safety inspector workforce—their contributions and the safety of the aviation system should never be anything but the agency’s top priority.