Testimony of

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Regarding

# Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory "Partnership Programs"

Before the U.S House of Representatives
Committee on Transportation and Infrastructure

April 3, 2008

My name is Terry D. Lambert. I have been an Aviation Safety Inspector with the Federal Aviation Administration since February 1998. I have been assigned as Manager of the Safety Analysis and Evaluation Branch (ASW-290) since April 1, 2007.

The ASW-290 Branch performs analysis of safety related data and provides timely reporting to the Division Management Team (DMT). Additionally, the ASW-290 Branch serves as the focal point for field office evaluations and other special investigations and studies as needed.

In early May 2007, I was assigned as a technical expert to assist the Civil Aviation Security Division, ASW-700, conduct an investigation into an anonymous hotline complaint concerning Douglas Gawadzinski, Supervisory Principal Maintenance Inspector (SPMI) for the Southwest Certificate Management Office (SW CMO). The anonymous complaint alleged in March 2007, Southwest Airlines (SWA) inspected forty-nine aircraft for cracks in their fuselage. The complaint alleged that six aircraft had cracks in their fuselage; however, the aircraft remained in revenue service. The complaint also alleged Doug Gawadzinski was aware of the fuselage cracks and he did not ground the aircraft.

During the same period of time, I was also assigned the following:

- To review Bufford Eatmon's report dated December 6, 2005, where SWA was sent Letters of Concern (LOC) versus Letters of Investigation (LOI).
- To review SWA's Self-disclosure for AD 2004 -18-06.

- To review Kermin Teppin and Skip Whitrock's review of AD 2004-18-06.
- To review memo sent from Inspector Bobby Boutris to Manager Michael Mills.
- To conduct an Office Technical Evaluation of the SW CMO.

While assisting ASW-700 conduct interviews, during the security investigation, the following was uncovered:

- March 14, 2007, SWA determined they may not have been in compliance with Airworthiness Directive (AD) 2004-18-06.
- Paul Comeau, Regulatory Compliance Manager, SWA, called Doug Gawadzinski on March 15, 2007, regarding a concern that SWA had a possible non-compliance of AD 2004-18-06 on over 100 aircraft.
- SWA submitted a Voluntary Disclosure (VDRP) on March 19, 2007, on the AD 2004-18-06 issue.
- AD 2004-18-06 requires inspections of areas that are known to be subject to fatigue cracks in the upper and lower panels of the fuselage.
- SWA created Engineering Authorization (EA) 1-A53-7446 on March 14, 2007, to accomplish the non-destructive testing (NDT) and the detail visual inspection (DVI), as required by AD 2004-18-06.
- If AD 2003-14-06 had been previously terminated, only the DVI was required by AD 2004-18-06.
- SWA created EA 1-A53-7450 on March 16, 2007, to accomplish the DVI on those aircraft that did not need the NDT inspection.
- Larry Collamore, Partial Program Manager (PPM), in his statement on June 7, 2007, stated Doug Gawadzinski had cut him out of the

loop regarding AD 2004-18-2006. Larry Collamore stated he wished he had been kept in the loop because he would have advised Doug Gawadzinski to ground the aircraft. Larry Collamore stated FAA policy directs inspectors to ground aircraft that fall into the over-flight status.

- During Larry Collamore's second interview on September 24, 2007, he stated that Doug Gawadzinski told him about the AD 2004-18-06 issues on March 19, 2007. Doug Gawadzinski said SWA had just called to report it was possible 112 aircraft had over flown AD 2004-18-06.
- During Larry Collamore's second interview he stated he received a call from Paul Comeau shortly after the conversation with Doug Gawadzinski, and the same information was presented.
- During Larry Collamore's second interview he stated that after the conversation with Paul Comeau he had a conversation with Mijid Karim, Structure Engineer for SWA. Mijid Karim told Larry Collamore until the records personnel did their research, he would not know how the over flight occurred.
- Larry Collamore told Paul Comeau and Mijid Karim to keep him in the loop.
- According to Larry Collamore's statement in the second interview, he did not receive instructions from Doug Gawadzinski and went about his business.
- Larry Collamore stated he never asked Doug Gawadzinski further questions about the over-flight.
- On the Voluntary Disclosure submitted by SWA, they stated the

non-compliance ceased after detection. The investigation revealed this was not the case. SWA continued to operate the suspect aircraft in revenue service while the inspections were being accomplished.

- SWA used EA 1-A53-7446 and EA 1-A53-7450 to inspect 25 aircraft from March 15, 2007, (day after discovery) through March 18, 2007, (date before VDRP submittal).
- From March 19, 2007, (date of disclosure) through March 23, 2007, (date all inspections were accomplished), 25 more aircraft were inspected for a total of 50.
- During the last part of May 2007, ASW-290, at the direction of ASW-200, requested that Robert Carroll, Acting SPMI, conduct an investigation into AD 2004-18-06 over-flight issues to ensure all affected aircraft were in compliance with the required inspections. Robert Carroll had Inspector Matt Crabtree, from the SWA CMO, develop the report. The report was completed on June 1, 2007. ASW-290 used that report to develop a spreadsheet showing when the AD 2004-18-06 inspections were accomplished, which EA was used, number flights each aircraft flew in revenue service from March 14, 2007, until accomplishment of the AD inspection, and the aircraft where cracks were discovered. The date of March 14, 2007, was used to calculate total flights because SWA stated in the VDRP that March 14, 2007, was the day of discovery and SWA developed an EA on the same date. Using that methodology, review of the flight logs indicated that SWA flew 1241 flights after the detection of the non-compliance issue, and cracks were found on six of the aircraft inspected.

The information developed about AD 2004-18-06, by ASW-290, was given to the DMT and ASW-230. An enforcement case was opened on the issue.

ASW-290's review of the Bufford Eatmon report, dated December 6, 2005, where LOC's versus LOI's were being sent to SWA was under question. The following was revealed:

- At the request of ASW-200, Inspector Bufford Eatmon reviewed 29 LOC's Doug Gawadzinski had sent to SWA in lieu of LOI's.
- Bufford Eatmon stated 20 of the letters were appropriate and five of the letters should have been sent out as LOI's.
- When interviewed by security on June 13, 2007, Bufford Eatmon stated Doug Gawadzinski ignored FAA guidance in his chosen actions, and guidance would have certainly dictated a more severe action be taken against SWA.

Bufford Eatmon's statement was included in the Report of Investigation.

ASW-290's review of SWA's Self-disclosure of AD 2004 -18-06 and Kermit Teppin and Skip Whitrock's report of AD 2004-18-06 discovered the following information:

- Kermit Teppin and Skip Whitrock's report only reviewed the records of two aircraft.
- The VDRP submitted by SWA did not meet the 72-hour time requirements, as required by AC 00-58. Therefore, the VDRP should not have been accepted.
- SWA did not identify the affected aircraft in the VDRP.

- Doug Gawadzinski received the initial notification, and accepted it on March 19, 2007.
- Doug Gawadzinski received the written report on April 5, 2007, and accepted it on April 10, 2007.
- Doug Gawadzinski signed off the Surveillance section of the VDRP on March 10, 2007. During the interview, Doug Gawadzinski stated he did not have any follow-up surveillance accomplished.
- Doug Gawadzinski closed the VDRP on April 10, 2007.
- There was no other review of the VDRP.

This information was provided to the DMT.

ASW-290's review of the memo sent from Inspector Bobby Boutris to Manager Michael Mills revealed the following:

- This memo was received by Ron McGarry the first part of May 2007.
- The review revealed that Bobby Boutris' memo indicates Doug Gawadzinski insisted inspectors not send LOI's, instead Doug Gawadzinski would rather deal with the carrier off the record or send an LOC.
- The ASW-290 review summarized that Doug Gawadzinski had chosen to take his own path rather than follow policy.

A summary of the ASW-290 review was given to the DMT.

ASW-290 conducted a Technical Evaluation of the SWA CMO from April 9, 2007 through April 12, 2007. A team of five Managers/Supervisors and the Regional Operations Research Analysis, under the control of Team Leader

Kermit Teppen, Assistant Manager AMR CMO, conducted the evaluations. During the evaluation, 45 areas were identified as deficient. The most egregious concerns are as follows:

- The evaluation determined that the office file system was not in accordance with guidance, and was not being maintained properly.
- No formal documentation was being maintained for approval or rejections.
- Airworthiness had 20 Safety Attribute Inspection's that had not been accomplished within the last five years.
- Airworthiness had four Element Performance Inspection's overdue.
- Operations had one Element Performance Inspection overdue.
- No approval data was maintained for the B737-300/500 MSG-2 or MSG-3 Continuous Aircraft Maintenance Program.
- No approval data was maintained for the B737-700 MSG-2 or MSG-3 Continuous Aircraft Maintenance Program.

This Report was given to the DMT.

End of Testimony