

FAA Whistleblowers Alliance
June 3, 2009

United States Senate
Committee on Commerce, Science and Transportation

U.S. Senator John D. Rockefeller, IV
Committee Chairman
531 Hart Senate Office Building
Washington, DC 20510

U.S. Senator Kay Bailey Hutchison
Committee Ranking Member
284 Russell Senate Office Building
Washington, DC 20510

U.S. Senator Byron L. Dorgan
Subcommittee Chairman
322 Hart Senate Office Building
Washington, DC 20510

U.S. Senator Jim DeMint
Subcommittee Ranking Member
340 Russell Senate Office Building
Washington, DC 20510

RE: Whistleblowers Warned of Lax FAA Oversight That Led to Preventable Tragedies

Dear Chairpersons Rockefeller, Dorgan, Hutchison and DeMint:

The FAA Whistleblowers Alliance commends you on your examination of the FAA's oversight role and specifically the safety issues surrounding the crash of Colgan Flight 3407. Our Alliance is comprised of a cross section of professionals from the major FAA disciplines: Air Traffic, Flight Standards, Security and Aircraft Certification. We are current and former FAA employees that have extensive experience and have served in several different FAA regions and Headquarters.

This unique mixture of members and experiences give us an insider's perspective of serious failures within the FAA. This collective perspective inescapably leads us to conclude these failures are systemic; they run deep in the organization. Our perspective, plus the available evidence, reveals a directly resulting, clear and present danger to the public.

Your Committee's call for a hearing on June 10th to further investigate the causal factors of the Colgan Flight 3407 fatal crash and your May 18th letter to the DOT Inspector General requesting review of a number of safety areas are critically important. You have already identified "the FAA's oversight of industry compliance with relevant safety regulations" as a major area to be examined.

CAUSES: A Tradition of Collusion

The evidence of FAA oversight failure has been a constant and troubling concern in fatal air carrier accidents over the past several years. In fact, “lack of FAA oversight” has been determined by the NTSB to be a contributing factor in a number of fatal air carrier accidents.

A misguided and dangerous culture resides all the way to the top. There have also been numerous disclosures made by Air Traffic Controllers that revealed a pervasive danger to the public that have been investigated by the DOT Inspector General. These investigations have validated controllers safety concerns despite FAA denials. “Public Image” at all costs. Indeed.

The FAA has fostered an internal culture of non-accountability that continues to endanger the public. The consequence has been loss of life, as well as malicious attacks on its own employees after reporting safety violations that are discovered in the course of their duties. Overstatement? We respectfully ask you to please consider the following three examples exposed by Alliance members having first hand knowledge.

CONSEQUENCES: Hundreds of Needless Deaths

In addition to the recent Colgan tragedy (50 fatalities), members of our Alliance have made safety disclosures about a chain of “lack of FAA oversight” fatal accidents that includes the 2005, Chalk’s Ocean Airways Flight 101 (20 fatalities), and the 2000, Alaska Airlines Flight 261 (88 fatalities). Regrettably, for 158 families directly related, the pre-accident safety disclosures revealed by Aviation Safety Inspectors were ignored. Many, too many, such disclosures were suppressed by the FAA.

The recent crash of Colgan Airlines Flt. 3407, which is the current subject of investigation, the 2005 crash of Chalk’s Flt. 101 and the 2000 crash of Alaska Airlines Flt. 261 are all examples of likely preventable tragedies where members of our Alliance made safety disclosures well before these accidents occurred. In fact, safety disclosures about deficiencies in Colgan’s pilot training, and flight operations conducted by fatigued pilots exhibiting failure to maintain a sterile cockpit were reported by one of our members to the Office of Special Counsel months before the Buffalo, NY crash.

All three of these tragic examples exhibit an apparent “lack of FAA oversight” as a common denominator and strongly suggest a chronic FAA non-accountability.

ONGOING VULNERABILITY: Lack of Accountability for Business as Usual

The search for probable cause and regulatory compliance pertaining to the Colgan tragedy will be of limited effectiveness and of questionable validity if deeply imbedded,

root-cause deficiencies within the FAA are not fully exposed and immediately and forcefully corrected by those with direct oversight responsibility.

Congress and the public that it serves were afforded a rare glimpse into the FAA toxic culture during last April's House and Senate hearings on Southwest Airlines maintenance difficulties and the FAA's deficient oversight. Again, because of the safety disclosures of one of our members, the House Committee on Transportation and Infrastructure caught and cited three high ranking FAA officials, Nicholas Sabatini, James Ballough and Thomas Stuckey for giving "misleading testimony" when they were questioned about FAA internal actions.

This arrogant display before Congress and the reported subsequent derision of Congress within the FAA inner sanctum at 800 Independence Avenue, are the epitome of an agency intent on preserving its self-serving power structure at the expense of public safety.

The fact that Sabatini has been allowed to retire, and Ballough and Stuckey have reportedly been allowed to go into taxpayer funded "organizational hiding" should not be construed as evidence that the problems are solved. As you know, Congress has had to include language in the FAA Reauthorization of 2009, HR 915, § 332, to modify the FAA "Customer Service Initiative" that was implemented by Sabatini in 2003. This 2003 initiative was used to sidestep Congressional intent to provide the highest level of safety oversight for the public. It is requiring Congressional action to correct this FAA induced safety deficiency since the FAA has refused to do so voluntarily. The FAA power structure in place now continues Sabatini's disservice to the public and the easily identified benefactors have merely played organizational musical chairs.

As you search for answers to the Colgan tragedy, keep in mind the FAA institutional attitudes. The deficiencies identified in training programs and the lack of effective FAA oversight of these programs are the easy causal factors to identify. If your search stops there nothing of any consequence will be fixed. Your challenge is to dig deep and address the root cause of accountability deficiencies. Who is accountable for maintaining an environment that has created a danger to the public? You will have to look behind the FAA logo and identify those that have violated the public trust. They have no place in a safety agency. This systemic violation of the public trust is why the FAA Whistleblower Alliance exists today.

POTENTIAL: New Directions

A new FAA Administrator has been confirmed. Mr. Babbitt is an extremely well qualified aviation expert. Those who want to have the public trust restored will have the opportunity to observe his expertise. However, those in the FAA who want to maintain the status quo will most assuredly meet Mr. Babbitt's efforts with vigorous resistance.

We remain available to support your efforts in any way your committee deems appropriate. We can provide critically relevant testimony to your inquiry or provide a briefing before the forum. We are requesting that you include this letter in the Congressional Record. Please contact Gabe Bruno of the FAA Whistleblowers Alliance at 407-977-1505, or GBruno3@cfl.rr.com, if we can be of any help.

Sincerely,*

Bobby Boutris, Flight Standards Inspector

Gabe Bruno, retired Manager, Flight Standards Service

Ricky Chitwood, Flight Standards Inspector

Mary Rose Diefenderfer, former Flight Standards Inspector

Bogdan Dzakovic, former Special Agent/Air Marshal Service, now TSA

Kim Farrington, former Flight Standards Inspector

Cheryl Henderson, Flight Standards Inspector

Ed Jeszka, retired Flight Standards Inspector

Shawn Malekpour, Program Manager, Aircraft Certification

Geoff Weiss, Air Traffic Controller

Anne Whiteman, Supervisor, Air Traffic Control

Richard Wyeroski, former Flight Standards Inspector

*Some of our members wish to keep their names confidential, due to fear of continued retaliation, therefore have not signed this letter.
[Any listed affiliation with the FAA or any other federal agency is listed only for identification purposes. We are speaking in our capacity as citizens and as part of the FAA Whistleblowers Alliance, and not on behalf of the FAA or any federal agency.]