

Ten years later, ValuJet Flight 592's legacy demands reforms

Gabe Bruno, Special to the Orlando Sentinel | MAY 10, 2006

On May 11, 1996, ValuJet Flight 592 crashed into the Florida's Everglades, killing all 110 passengers on board. The tragedy demanded a dramatic shift in the Federal Aviation Administration's approach to air safety. But a decade later the legacy of Flight 592 is increasingly clear: After initial soul searching, the FAA has relaxed air safety oversight, not strengthened it, and harshly retaliated against internal dissent.

The National Transportation Safety Board's 1997 ValuJet accident report found that the FAA's lax safety oversight of the rapid-growth, low-cost airline contributed to the crash. The FAA's own "90-Day Safety Review" concluded that the agency was unprepared. The embarrassing findings cost FAA Administrator David Hinson his job.

The agency should have implemented the ambitious recommendations. Instead, behind public window dressing, senior FAA managers worked feverishly to avoid disrupting business as usual and future accountability by harassing those who took their duties seriously.

When the FAA transferred the oversight responsibility of ValuJet from Atlanta to Orlando for its merger with AirTran Airways, I became the FAA official primarily responsible for preventing the tragedy's recurrence. A key responsibility was correcting fraudulent certifications of airline mechanics, after a FAA contractor certified thousands based only on paper exams -- like giving a drivers license without a road test. The contractor was eventually convicted for selling certifications without even issuing the paper test.

When I instituted a complete re-examination program with hands-on, practical testing, 75 percent failed. The FAA responded by canceling the retesting program prematurely. Ten years after ValuJet, the FAA has not retested the mechanics -- many of whom work for major airlines -- for hands-on competence.

I also oversaw the subsequent merger of ValuJet and AirTran and attempted to implement necessary oversight to prevent the same conditions behind the 1996 tragedy. The FAA responded to my requests for help by opening a retaliatory "security investigation" and issuing a barrage of cheap shots that ultimately forced my retirement after 30 years of previously unblemished, outstanding government service.

This type of harassment has been the rule, not the exception. DOT Inspector General Mary Schiavo lost her job and was ridiculed after tracking responsibility for repetitive FAA failures. FAA Inspector Mary Rose Diefenderfer also lost her job for pursuing the truth after the crash of Alaska Airlines Flight 261.

Retaliation also threatens air security. Bogdan Dzakovic, an FAA "Red Team" leader, was breaching airline security 90 percent of the time in his mock terrorist actions. Before 9-11, he repeatedly warned we were sitting ducks for hijackers. After 9-11, he was grounded and reduced to duties like stapling the training materials for his replacements.

I had another problem in common with other FAA whistleblowers -- the absence of credible legal rights. At least on paper, we should have been able to defend ourselves with the Whistleblower Protection Act. But that law has become an efficient mechanism to enforce silence by rubberstamping retaliation -- in 119 of the last 120 decisions at the court with monopoly appellate review. Legislation to restore credible rights has unanimously passed House and Senate committees in the last two Congresses, but has been killed in the back rooms as congressional leaders bow to Justice Department opposition and refuse to schedule an up or down vote.

The FAA insists the past five years were the safest in U.S. aviation history, thanks to the Air Transportation Oversight System program it created after ValuJet. FAA Associate Administrator Nicholas Sabatini has committed millions of taxpayer dollars to the program, but agency staffers believe the program is de facto deregulation that turns highly skilled government inspectors into data-entry clerks, exiling them from critical hands-on oversight.

Ironically, we should thank the industry for current air-safety levels. Carriers learned after Flight 592 that crashes are bad for business. But how long can we rely on industry alone? The taxpayers deserve and need more than an honor system. As gasoline prices rise and bankruptcy looms, carriers' safety efforts may be compromised for the very reason they've been so commendable: an increasingly bleak bottom line.

From the buzz within the agency, inspectors are fed up and eager to make a difference. But they are haunted by stories of whistleblowers whose disclosures amounted to professional suicide. Agency veterans call the FAA the "Tombstone Agency" for its reactive approach to airline safety. Ten years after ValuJet, the victims' memory still demands honest reform. That will not occur without a public that demands action for a genuine Whistleblower Protection Act. It is unrealistic to expect government workers to defend the public when they cannot defend themselves.

Copied 11/21/2016 from:
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