

ments, I came up with numerous issues that placed regulatory compliance in question.

After completing my research, I drafted 11 letters detailing handbooks, compliance issues, procedural problems and training issues. The drafts were forwarded to the principal inspector so that he could put them into formal FAA letter format. The principal inspector forwarded those letters to the unit supervisor. And in November of 2007 and again in January of 2008, I asked the unit supervisor about the status of the letters in the presence of the principal inspector and the assistant unit manager. On both occasions, the unit supervisor, who I have been told used to work for American Eagle, responded that we cannot send all those letters to American Eagle, as it "will overwhelm them."

However, after details of this hearing were released, I was notified last week by the principal inspector that the unit supervisor has now told him, get those letters out of this office. It took over four months for anything to happen with these letters. I am confident that nothing would have happened if not for this hearing.

Due to the extended delay in sending out the letters, several of the compliance issues I discovered remain unaddressed or undocumented. I was forced to attempt to do work-arounds on many of the issues. This has not damaged my credibility with the air carrier, but it is not the best way to address situations so important to public safety.

As I previously stated, I retired at the end of last month. I would have worked longer, but I could not do so under the current conditions that prevail at the FAA. Inspectors in large offices are confined by all these get out of jail free programs, and FAA's management's refusal to hold airlines accountable.

Again, I thank the Committee for holding these hearings and investigating these serious issues. As an experienced FAA inspector, I believe nothing should ever be more important than the agency's safety mission. Thank you.

Mr. OBERSTAR. Thank you very much, Mr. Andrews. I greatly appreciate your testimony. It raises issues that I will come back to in a moment.

Mr. Thrash?

Mr. THRASH. I have heard Sam Rayburn's name only once today, so I would like to hear it again. I would like to thank the people from Tennessee for sending Sam Houston down to what we can now say is Texas, and that is where I came from, through Houston, via Lufkin, Houston, up here.

So they sent us both, Sam Rayburn and Sam Houston. So if there is any Tennessee people out there, I want to thank you very much. And I hope we can invoke their spirit in your hearts to have the strength to follow through on some of the facts of the matter that you have heard today.

I look around here and some of the people that I wanted to talk to are gone. That is Mr. Stuckey, Mr. Sabatini and Mr. Ballough. By the way, my name is Phil Thrash, and I have about 40 years operational aviation experience, military, part 121 Frontier Airlines. I was in the FAA unit that oversaw Continental Airlines for 20 years. My last 10 years I served as an FG-1825, that is an aviation safety inspector, air carrier operations. My job description was

the aircrew program manager over the Continental Airlines Certificate Management Group in Houston, Texas.

We do, did, when I left, have a functional CMO. My beef is not with the airlines, but it is with FAA higher level management. I put my family in the back of any of those airlines right now, because that was my job, to ensure that their manuals and training programs complied with the orders of the FAA and the regulations. My executive summary, which you have, Continental Airlines contract mechanic was killed during ground operations January 16th at El Paso, Texas. This was a fatal aircraft accident and the flight crews' actions were accepted into FAA's ASAP program during the week following the accident. The week following the accident.

As the FAA's Boeing 737 aircrew program manager in the Continental Airlines Certificate Management Office, I sent a February 14th, 2006 e-mail to my professional disagreement with the ASAP's decision to Administrator Blakey. On February 27th I was interviewed by Assistant Manager of the FAA's American Airlines CMO, Mr. Don Klos, regarding my e-mail concerns at the request of Mr. Thomas Stuckey, who has departed. We know who he is.

During the interview, Mr. Klos stated the previous week that he had visited Thomas Stuckey and indicated that Administrator Blakey and FAA's Associate Administrator, Mr. Sabatini, who was also a part of these proceedings, told Mr. Stuckey to investigate how the El Paso matter had gotten accepted into ASAP. Mr. Klos stated during this February 27th, 2006 interview that he and Thomas Stuckey agreed that the accident should not have been accepted into ASAP, but that "Washington FAA" would have the final call.

I advised Mr. Klos that the Continental CMO certificate manager, Bernie Mullins, and Principal Operations Inspector, John Merrifield, had stated in previous meetings with me that ASAP had not provided any precursors to the El Paso accident. The horse was already out of the barn. There was no quid pro quo. That is what ASAP is based on, you get amnesty, you give something. There was no quid pro quo.

A December 17th, 2001 memo by AFS-1 Director of Flight Standards Service, Mr. Ballough, might be the key that Mr. Scovel can use in your wisely-directed order to him to inspect this ASAP program. This is a key memo, because it gives the ASAP FAA event review committee member total autonomy in his or her decision to accept or reject the crew member's ASAP report. This event review committee is made up of three people: two Continental people, usually a senior management captain and usually a union representative. The FAA event representative ASAP in our Continental Certificate Management Office was a retired was a retired Continental Airlines pilot.

After the El Paso accident occurred, another Continental Boeing 737 safety-related incident occurred, which was accepted into ASAP. The Continental manager then, Bernie Mullins, removed this ASAP representative from the ASAP program. During this FAA ASAP representative's tenure from 2001 to 2006, I was never contacted regarding any ASAP reports. The manager, POIs and APMs could not access APM's data repository to gather risk indicators, accident precursors on which to focus our limited inspector re-

sources. From the summer of 2006 until my retirement, I conducted two enforcement investigative reports regarding FAR violations and four reexaminations of airmen under 47 U.S. Code, that is the Aviation Code, 44709 paragraph, which was after this former ASAP representative, the ex-Continental Airlines captain, was removed from his ASAP position and was replaced with the aviation safety inspector, who was rated on the 737.

During this tenure, from 2001 to 2006, this former ASAP person, the Continental Airlines representative, was not qualified on any of Continental's all-Boeing fleet.

AFS-2, FAA Deputy Director of Flight Standards Service, John Allen, wrote an FAA memo dated April 28th to Administrator Blakey as FAA's Flight Standards official position to my February 14th, 2006 e-mail. Allen's memo appears to obfuscate the facts that happened at El Paso to cover up these facts to support that FAA's highest level management in the FAA's Flight Standards Service, AFS-1's, Mr. Ballough, who is not here now, and AFS-2's decision to sustain this matter acceptance into ASAP. This memo is in the written testimony. It contains fictionalizations, false statements, innuendoes and unfounded conclusions. I recommend your questions to me in that regard.

If Mr. Allen's official memo of record was an intentional obfuscation of facts, he may be in violation of Federal laws. If Mr. Allen's official record contains unintentional mistakes and misstatements of facts, he might be seen as incompetent. I don't know if the Secretary of Transportation is still Ms. Peters or not, she is? Well, I think she might need to know about that as well.

On September 21st, 2006, Mr. Ballough, that is Mr. Allen's boss, Mr. Ballough, AFS-1, the Director of Flight Standards Service, sent an official letter of response to the Honorable Texas Senators Kay Bailey Hutchison and Jon Cornyn to close out their Congressional inquiries into the El Paso ASAP matter. Mr. Ballough included Allen's aforementioned memo to corroborate the FAA's Flight Standards official position on the acceptance of the El Paso ASAP matter, a fatal aircraft accident, into ASAP.

If Ballough intentionally forwarded to United States Senators known fictionalizations, false statements, inaccuracies and obfuscation of facts, he may have violated some Federal laws. If unintentional, his competency might be in question. I was unable to accomplish my duties as aircrew program manager, which is on the front of 110(a), based on the FAA Act of 1958, to sustain Flight Standards' mission statement to provide accident-free operations to the traveling public.

Due to the policies and decisions made by James Ballough, AFS-1, FAA Director of Flight Standards Service James Allen, and AFS-2, FAA Deputy Director of Flight Standards Service, Mr. Ballough, Mr. Allen, they sustained the acceptance of that fatal accident into FAA's voluntary disclosure program known as ASAP.

The DOT OIG has had my file since October of 2006. It is very comforting to hear you give them guidance and orders to look into the ASAP matters. I think Mr. Scovel will be on target in that regard.

I think the Achilles heel is the 2001 memo, which we can share with Mr. Scovel. Twice I made myself available to discuss the mat-

ter with Administrator Blakey, Sabatini, Ballough and Allen, which did not happen.

Mr. Nicholas Sabatini signed Regulation 14, CFR Part 193, under provisions of 49 U.S.C. 40123, to essentially prohibit the release of ASAP and other certain FAA-approved voluntary disclosure information on January 26th, 2005. The regulation essentially protects ASAP, which is a non-regulatory, voluntary program, created by an advisory circular, which supplants Federal Aviation regulations in this particular case, from the public's rights and the freedom for information regarding their safety.

Mr. OBERSTAR. Thank you. Very precise, very specific references. I appreciate that very much.

Mr. McNease.

Mr. MCNEASE. First of all, I would like to thank you for inviting me here today. Before I get into my statement, FedEx, where I was located, FedEx Certificate, the last guy on the seniority list is called the caboose. And I am the caboose here. I am not going to talk about ASAP, I don't need to do that, talk very little about ATOS. I can, because I have had the opportunity to listen to all of the testimony, there are a couple of items before I get into my statement that I would like to mention.

Mr. DeFazio, and well, let me wait and maybe he will come back and I will mention that. ATOS is now being mandated to all 135 operators and all 141 operators. It is going to be an impossible situation. There is not going to be any way for that to work. In the general aviation part of it, if you have one inspector, you can have 10 certificates, how is he going to do the work that it takes a fleet of people to do in the current situation with ATOS. So mandating the new, the operators, 135 and 141, to go to ATOS, is again going to be a real problem, I believe.

Just a little bit of background about myself, and I wasn't going to tell you all this stuff, but I need to, I have received numerous awards from the FAA. I was nominated as inspector of the year for the Southern region in 2005. I received a letter of commendation from Admiral Bussey many years ago. I graduated first in my military flight school class. I flew 173 combat missions.

I was appointed as the chairman of the Government Safety Inspector Working Group for the International Society of Air Safety Inspectors. I am a member of the Royal Aeronautical Society. I have been a test pilot. I currently hold an airline transport certificate with more than 16,500 hours and 40 years. I have 23 type ratings. I have pilots certificates from Switzerland, Italy, Indonesia, Costa Rica, Saudi Arabia, Malawi and Hungary.

I was also an undercover pilot for the DEA and Customs. Currently, I am the Director of Safety, Security and Regulatory Compliance for an air carrier in China.

Now I am going to read my statement, if you don't mind. I have spent 14 years of my life working for the U.S. Government; 10 of those with the FAA. During my last assignment with the FAA as an inspector on the Federal Express certificate, I found an issue with FedEx that has implications not with just FedEx, but throughout the industry.

Due to the loss of retirement benefits and large cuts in pilot salaries, many pilots are supplementing their income by flying for com-