

that led me to wonder if, in fact, some of his purported support might have some legs.

For example, I do know that Mr. Gawadzinski and Mr. Ballough were engaged in some sort of assessment of the staffing of my office, and I found that out as the second hand, and I always wondered why Mr. Ballough didn't afford me the courtesy of letting me know that that was happening.

On another instance, we were attending, excuse me, a conference at Southwest Airlines headquarters where Mr. Sabatini was speaking, and our management team from the office was invited, and we sat at separate tables. Mr. Sabatini and his entourage sat at one table, and we sat at another one. And, Mr. Gawadzinski abandoned our group and went over and sat with Mr. Sabatini and his entourage for the duration of the conference.

And, of course, that was not lost on our management team or Southwest Airlines for that matter and probably gave him a good deal of imprimatur in terms of his success in thwarting what we were doing.

Mr. MORAN. The effect this appearance of this relationship had, what is the consequence of that appearance?

People believed that there was a relationship that may affect their jobs if they crossed?

Mr. MILLS. Absolutely and, of course, for Southwest Airlines, that gave him a certain degree of appearance of influence that he might not ordinarily have had.

For my office, the people in my office who reported to him, it certainly elevated his stature in their eyes and made life a lot more difficult for me.

Mr. MORAN. Did he do things that would merit his termination and, if so, why was he not terminated?

Mr. MILLS. On at least five occasions, I sent to the regional office, and I have records of it, instances of misdeed that he was doing that certainly warranted an investigation, and it was not until I reported the Southwest overflight of the AD, that investigation actually occurred to my knowledge.

Mr. MORAN. Mr. Mills, thank you very much.

Mr. Chairman, thank you for allowing me the time.

Mr. OBERSTAR. Mr. Carney, the gentleman from Pennsylvania.

Mr. CARNEY. Thank you, Mr. Chairman.

We just came off of our votes and I was down on the floor, speaking with a number my colleagues, and they really had question as to why all of a sudden American and Delta and United pulled significant chunks of their fleet down for inspections all at once. We hear about the creep in the system, and certainly I have to echo Mr. DeFazio's concerns about this.

I would like your assessment on why this is going on now, suddenly, Mr. Peters.

Mr. PETERS. Like I spoke about earlier, ATOS is generic and it was designed to be generic for all 121 carriers. I believe the FAA ensured that all 121 carriers would fall under the ATOS oversight program sometime in 2007 or early 2008.

In doing so, the baseline inspections that were required by ATOS in the early days, the baseline requirement for inspections was a little bit higher, and I don't know the numbers exactly. But if we

are to base our oversight system on data alone and then we have reduced the requirement for the data, the data points being inspections, how can we say that we have raised the bar?

I mean it seems like we are complacent with the fact that we are at the safest time ever. If we are not looking enough, which is evident by last week's groundings, how can we say we are safer or we have raised the bar?

I mean it is pretty obvious to know that these generic requirements, they do apply to small carriers and they do apply to large carriers, and ATOS brings a lot of good questions and discoveries when doing these inspections. There really is. There are some really great tools.

However, I don't believe it has been properly executed for carriers like the larger carriers where you have got several fleet types, engine types and several different types of operations. You can't look at that and use those baseline data points that you would for a smaller operation that might fly domestically.

Our guidance is it is almost like an assumption that we should automatically increase our surveillance activity based on the number of aircraft that we have, and we do have risk indicators, but the risk indicators only raise it to a level of high which is still a baseline requirement of two inspections per year.

Had we been doing more, I think we would have found the problems that we found last week throughout the past history and several years prior. But this basically happened all at once where we were going to look at them all, and I think it is evident that our oversight, at least of the AD management, which was the only one that we looked at last week, is inadequate.

Mr. CARNEY. I am trying to get a sense then. Do you think that this is coincidental with the announcement of today's hearing or did today's hearing startle enough folks to say maybe we ought to take a look at our airplanes?

Mr. PETERS. I think we looked at it after the media coverage. The FAA decided to reassure the public that we didn't have a problem. Unfortunately, with all the groundings, it had a negative effect.

Mr. CARNEY. Yes, it did, absolutely.

This is for all of you. Do you believe that the regional management team was trying to play down the seriousness of any of these issues?

Mr. Mills?

Mr. MILLS. Without question. The phone that I got just prior to my dismissal couldn't have been more cryptic. When the staffer says, under his breath almost, Mr. McGarry wants to keep this very quiet and very low key, what else could that mean? I was dismissed five days later.

Mr. NACCACHE. I was his assistant, and I agree with that.

Mr. CARNEY. Anyone else?

Okay. Mr. Cotti, you state in your testimony that Mr. Gawadzinski "often took positions and made decisions that defied FAA logic." Could you please elaborate?

Mr. COTTI. Sure. For that entire two-year period, issues would pop up such as the application of our enforcement policies, things like how we managed our inspection oversight program, that he ex-

pressed positions or made decisions that just made no sense in the context of the issue or how it was governed by our guidance.

Things like the aviation safety program information where mechanics can disclose to the agency that they have done something wrong and if it fits certain criteria, in the interest of safety, the FAA accepts that information.

He took a position—where de-identified information, information where the mechanic's name had been removed and the core safety information remained—he took the position that that information went into a black hole where no one outside of this very small event review committee, which is made up of the airline management, the labor group and the FAA, that the information could not be shared in any way outside of that group.

And when the manager, Mr. Mills, attempted to rectify that situation so that that data could be used for the purpose with which it was intended, he was very resistant to that.

Mr. CARNEY. Did they defy the law, never mind FAA logic? I know you are not a lawyer, but I am asking.

Mr. COTTI. Right. I don't know that it violates any sort of law. I mean each situation would be looked at differently, but certainly it was contrary to our policies and, as I expressed earlier, it just didn't make any sense. Why would you tightly guard and prevent that information from being disseminated to appropriate folks when that was the whole purpose of gathering that data?

Mr. CARNEY. Thank you, Mr. Chair. I am a little over my time. Thank you.

Mr. OBERSTAR. That is quite all right.

Ms. Hirono.

Well, first, Mrs. Capito, do you have any?

All right. The gentlewoman from Hawaii, Ms. Hirono.

Ms. HIRONO. Thank you, Mr. Chairman.

I think what really is described here is the too close relationship, of course, between the regulators and the regulated with people who come from the private sector, i.e., working for airlines, moving into the FAA as employees and vice-versa, not to say that that in and of itself is a problem.

I realize that the Chair has said that maybe one of the ways that we can prevent too cozy a relationship is to rotate the assignments. Do any of the panelists have any other suggestions on how we can prevent the too cozy relationships from arising?

Mr. MILLS. I think perhaps Mr. Sabatini has a good idea in having some mechanism through which lower level managers can have a voice unfettered by a dysfunctional superior. I am not sure how that would work, but it seems to me that newspapers have ombudsmen. I can't say the word, ombudsmen.

Ms. HIRONO. Ombudsmen.

Mr. MILLS. And there are many entities out there where you have a no-fault avenue to take your concerns.

In the case of the Southwest region, it was unwritten but understood policy that we would never go outside the chain of command without some serious repercussions. And, at the point where I was, I wasn't sure who was connected to what, concerning Mr. Gawadzinski. So I was very careful in whom I should speak to and