

Most importantly, if there was a question about the technical compliance with an AD, the carriers grounded the affected aircraft rather than take a chance that they were in non-compliance. This is certainly the right response to a potential safety risk.

While it is certainly not my intention to underplay the severity and egregious nature of what happened at Southwest Airlines, the initial findings of the special emphasis surveillance support what we all know to be true. By any standard, this is the safest period in the history of aviation. I say this every time I appear before you because I am extremely and extraordinarily proud of the hard work and dedication it took by the thousands of safety aviation professionals in both industry and the FAA to get us to this point.

It is not a miracle, it is not a coincidence, and it is not good luck. It is finding a way to identify and focus on risk in order to effectively address it before it can result in an accident. Clearly, the accident rate reflects that this is working.

One of the reasons we have been able to do what we have done so effectively is because of the important information we receive from the airlines, their employees and even their aircraft through voluntary reporting programs. Without these programs, we had access to such limited information, less than 5 percent of what we are receiving now. Identifying and responding to risk often involved using information we learned about as a result of an accident.

Because of these programs, we now have access to a great deal of information that we can analyze and evaluate to assist in identifying trends that point to the risk we need to stay ahead of. Again, the accident rate supports that using the information obtained through these programs is effective.

It is entirely appropriate for us to discuss how these programs are implemented and where the line should be drawn between getting the information and taking enforcement action. I am happy to talk about this today and at any time in the future, but it is my hope that as we assess what happened at Southwest Airlines or the value of reporting programs or the relationship between FAA and industry, we do not lose sight of the fact that the system is safe, and I will continue to work as hard as I can to keep it safe.

Mr. Chairman, I will be happy to answer your questions at this time.

Mr. OBERSTAR. Thank you very much.

Mr. Ballough.

Mr. BALLOUGH. Mr. Chairman, the FAA had one opening statement, and we stand ready to answer your questions.

Mr. OBERSTAR. Okay, neither you nor Mr. Stuckey has a comment. Thank you very much.

Well, very powerful testimony, Mr. Scovel, Mr. Bloch and a very interesting rebuttal, in a sense, response from Mr. Sabatini.

Mr. Scovel, you say corrective action is urgently needed, and then you set forth several specifics: an independent body to investigate inspector concerns; transfer supervisory inspectors, that is move them around within the system, so they don't get too comfortable.

The State Department does that with our overseas personnel. They get three years at one station. They are moved to another. The military does that. The Corps of Engineers does it with district

engineers, division engineers. It seems a pretty good practice, so people don't get too cozy and comfortable with those they are overseeing.

Revise the guidance. Now, what guidance are you referring to there? Is that the voluntary?

You address self-disclosure the next recommendation. Do you include that in your proposal to revise guidance?

Mr. SCOVEL. Your question doesn't refer to post-employment guidance, Mr. Chairman. You are talking about self-disclosure programs?

Mr. OBERSTAR. Revise guidance, this is your third recommendation.

Mr. SCOVEL. Yes.

Mr. OBERSTAR. Ensure that air carriers take corrective actions to address violations identified through self-disclosure.

Mr. SCOVEL. Right. Our understanding of the voluntary disclosure reporting program now is that it envisions the inspector or the PMI, who receives the self-disclosure, reviewing it, making sure that it contains the required elements first of all, that if there has been an overflight, that the offending action has ceased immediately.

Second, that there be a comprehensive corrective plan laid out, that there be an implementation timeline and that there be a follow-on audit planned.

At least in this case, in the Southwest case, it is clear that the PMI basically simply rubber-stamped what Southwest had submitted.

We would like to make clear by this recommendation that the PMI, the inspector and, if our other recommendation were to be accepted, for the second level approval authority, that they ensure that the air carriers take the corrective actions identified in that comprehensive corrective plan so that the basic underlying violations can be corrected.

Mr. OBERSTAR. That is a very helpful clarification.

Then track field office inspections and alert local regional headquarters office to overdue inspections. How would you envision setting up such a tracking system?

Mr. SCOVEL. Let me begin to answer your question, sir, by noting what we found in the Southwest case.

Our written statement makes clear that as of the date of this oversight, this overflight that we are examining here today, March of 2007, there were 21 key ATOS inspections that were overdue. These were ATOS inspections that should have been completed by the Southwest CMO that had not been done. And, in fact, at the top of that list and most egregious is the fact that the AD compliance program for Southwest had not been inspected by FAA's CMO since 1999.

Now you well know that ATOS was first implemented in 1998. Southwest was one of the first 10 or so carriers initiated into ATOS. The following year, 1999, the CMO did review the carrier's AD compliance program, but it had not been reviewed since then.

It should have been reviewed at least a five-year interval, making 2004 the drop-dead date. Yet, here we are sitting last year, March, 2007, AD compliance program not done.

Our question was why didn't higher authorities in FAA know that?

The data is sitting right there. We found it within the last month or two, yet it was clear to us that no one was beating on the door of the CMO, asking why have you not done these 21 key inspections and particularly the AD compliance program inspection.

We think there has to be a way in this program to track, in the ATOS program, to track the progress of key inspections. When are they completed? Are they in danger of becoming overdue?

And when they do become overdue or even in a short period of time before that, put up a yellow flag, notify the CMO that they are in danger of crossing the trip wire. Then people, higher headquarters in FAA needs to get on the CMO's back and make sure that they follow through.

Mr. OBERSTAR. Now that makes very good sense, but I want to come back. Ten years ago, ATOS was initiated. I thought of it then as an adjunct, a supplement. It has become a replacement for the historic inspection procedure and process and has led to an over-reliance on an automated system with very little personnel input and hands-on management of the system. I think that has led to this easy, cozy relationship.

Mr. SCOVEL. Well, perhaps, Mr. Chairman. I can't speak to how ATOS was originally envisioned or I hesitate to use the word, sold, in 1998, but how it was explained to you and others who are interested.

But what has clearly happened with ATOS over the years is that it has evolved into a system for FAA, ideally in their view, to better target or better channel their limited inspector resources to areas of greatest risk. And that is we have identified that, as you well know, in our past work as an advantage we see to ATOS.

Given the fact that we do have limited inspector resources, how can they be best used? Well, we think they ought to be targeted on the highest risk areas.

How do I identify those risk areas? Through data, and that data is supposed to be collected through the ATOS program.

Mr. OBERSTAR. If the right data isn't put into the system, then it is not very useful.

Mr. Sabatini, you mentioned, without naming him, Mr. Gawadzinski was removed from his position. What you didn't say is he has been moved to another CMO at American, where he is doing paperwork at full salary. Is that an appropriate thing for him to do?

Mr. SABATINI. Well, sir, as you know.

Mr. OBERSTAR. I know he has employee rights, and I know he there is an entire procedure, but is this an appropriate place to put him after hearing what we heard this morning?

Mr. SABATINI. Well, Mr. Chairman, what we have done is put him in a position where he has absolutely no responsibility for safety decisions, and the investigation is not complete. We are waiting for the other agencies to complete their component.

And, I can assure you, Mr. Chairman, I consider what has happened here, egregious, and we will apply the full measure of the law when we have all the information that we need to take whatever action the law will allow. In the meantime, yes, sir, he is still

in the Dallas area, but he is not performing any function related to safety.

Mr. OBERSTAR. That is encouraging, but I think he ought to be taken out of a CMO and put some place else.

We heard from the whistleblowers this morning about your proposal to establish a hot line. They said, what good is a hot line going to do when we stood up, we put our names on or, in the case of Mr. Boutris, he put his name on reports time and time again, and nothing happened, and it went up the chain.

What good is going to be accomplished by another hot line?

Mr. SABATINI. This is more than just another hot line, Mr. Chairman, while it has certainly that as part of its component. What is absolutely essential is a clear communication I have already made with our management.

Number one, I will not tolerate a management or any manager who does not develop and encourage an atmosphere of a safety culture, and that is the ability to report concerns that one may have to his or her supervisor.

Secondly, if there is a professional difference, and this process does not exist today, there will be a rigorous and disciplined process subject to scrutiny by myself, personally, as well as my other leadership people in the management chain. It will require that if there is a professional difference, that that professional difference be documented and a control number assigned to it and, if it is not resolved at that level, it will move to the next level.

It will have total transparency, and I will expect my service directors, as well as division managers and headquarters people, as well as regional people and field office management level people to review on a periodic basis the results of these controlled items.

And, if someone still feels that there is reason to not use that system, then I don't want them to just use the regular safety administrator's hot line but one that clearly comes to my attention, and I will pay attention. I can assure you, Mr. Chairman, that it will be subject to my review.

And I want to know if someone still feels that they cannot report to their supervisor. It will speak volumes if they have to choose to go around it.

Mr. OBERSTAR. That is very strong talk, and I appreciate hearing it. I want to propose to you, not propose but to tell you that I will institute a periodic review, say every six weeks, with Mr. Petri, Mr. Costello, Mr. Mica and myself and have you come in and your staff and review with us what you have done.

Secondly, I want to point out a shortcoming of these hotlines. You may recall the hard landing several years ago of an air carrier flying from Tulsa to Kansas City and landed in a rainstorm, landed at Tulsa, a hard landing in a rainstorm.

A ramp check was undertaken. They found no problems, but the ramp check was done by a maintenance crew not of the airline that had the hard landing and they were inspecting by a different standard.

The aircraft went on to Kansas City. A flight attendant on board that aircraft knew that this aircraft was damaged. It was vibrating in a way that she knew there was something serious wrong.

She called the FAA in Chicago which was their next stop. When that aircraft landed in Chicago, an inspector jumped on the aircraft, looked at it and found a six-foot crack and grounded the aircraft.

The next day that flight attendant was removed from duty by the airline. They knew who did it.

Don't let something like that happen to your hotline.

Now you say the low accident rate reflects success of our work, but how can the program be called a success when 1,400 flights occurred with cracks in the hull of those aircraft? That is reducing the margin of safety.

If you are looking at safety as a system, the system itself has cracks and they need to be fixed. I believe you have the public spirit to do that, but you are going to have to stand up to superiors as well just as those whistleblowers did this morning, stood up to their superiors at great risk, being removed from position, shifted out of duty, subjected to harassment.

We can't have a situation in which the customer calls the FAA, complaining about their service person, Mr. Boutris, to get him removed. That is intolerable, and I charge you with the responsibility to make sure that never happens again.

Mr. SABATINI. I accept that responsibility, Mr. Chairman, and I can assure you that I welcome review by this Committee any time—three weeks, six weeks, any time. I will deliver to you changes that will be made as a result of what we have learned as a result of this.

And let me for a moment address what I believe happened. What we have in place, because one of the witnesses said that I referred to a human risk that we identified. I would like to explain. We have processes in place to address how airlines are operated. We have a mirror image template so that inspectors can use it for the oversight. Those are processes.

What I feel is one of the risks that have been identified is a failure on the part of the human in terms of integrity. Humans are very much a part of everything we do, and we are putting in place a process that assures that if someone fails that integrity test I will find out about it and I will take swift and summary action, I can assure you, Mr. Chairman.

Mr. OBERSTAR. Thank you. We will hold you to that.

Mr. Petri?

Mr. PETRI. Thank you very much, Mr. Chairman. I would like to begin by asking Inspector General Scovel if he has any reactions or comments on the catalog of initiatives that Mr. Sabatini has mentioned in his testimony here today as a result of reviewing this whole situation.

Mr. SCOVEL. Thank you, Mr. Petri. Yes, I would, and I would like to address primarily what may be called the newest hot line or the newest communication channel. I don't want to denigrate it. I don't believe it would be prudent for me to preliminarily at this point, without data, cast doubt on any new communication channel. To the extent that it may help, even if only marginally, as Inspector General I would favor it; however, it begs the question, How will complaints similar to those raised by the panel this morning be investigated.