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**Analysis of Disclosures, Agency Investigation and Report, Whistleblower Comments, and
Comments of the Special Counsel**

Summary of OSC File No. DI-04-2465

The U.S. Department of Homeland Security is charged with ensuring that the nation's skies are safe for air travel and airport operations. Allegations describing deficiencies in security measures at airports are, thus, both serious and troubling. In this case, the whistleblower disclosed potential violations of law, rule or regulation, and a substantial and specific danger to public safety arising out of actions by employees at the U.S. Department of Homeland Security, Transportation Security Administration (TSA), Cherry Capital Airport, Traverse City, Michigan. The allegations were referred to the Secretary of Homeland Security and an investigation was conducted. The terminal building at issue in this case has since been closed. The airport began operating out of its new terminal on October 27, 2004. The agency did not substantiate the allegations.

The Whistleblower's Disclosures

The information was disclosed by Thomas Mair, former Supervisory Transportation Security Screener, who has consented to the release of his name. Mr. Mair worked at TSA from June 2002 until June 2004. During that time he investigated and reported threats to safety and security he observed while working at Cherry Capital Airport. He alleged that at least two doors to the terminal were left unlocked for part of the day and night. He contended these lapses compromised the airport's security and created a substantial and specific danger to public safety. He also disclosed that airport personnel were not trained for emergencies and that no drills were conducted to practice emergency procedures.

Mr. Mair explained that behind the airline check-in desks there is a tunnel for checked baggage. The checked baggage passes through the tunnel to the screening area. After the baggage is screened, it is passed to airline personnel for loading onto the aircraft through the ramp at the end of the tunnel. Mr. Mair reported that in the middle of the tunnel there is a door which is kept unlocked. He alleged that the door is unattended during the day and for up to eight hours at night. Thus, unauthorized individuals could access the tunnel and, through it, gain access to the airplanes or the airport.

Mr. Mair also reported that the failure of the emergency back-up lights in the tunnel did not work during a power outage. The failure of the emergency lighting system left the airport personnel in complete darkness in a vulnerable area. In addition, he alleged that there was a one-way revolving door from the sterile passenger area to another area of the airport which presented a security risk because the one-way mechanism had failed on more than one occasion. Mr. Mair stated that the reasons the door malfunctioned were unclear and that attempts to repair it had

been unsuccessful. He noted that the door was equipped with an alarm, but emphasized that it is not audible to the personnel at the closest checkpoint, approximately 100 yards away.

Finally, Mr. Mair advised that the personnel at Cherry Capital Airport had not been trained to respond to emergencies. Airport officials had not conducted any emergency drills or exercises. Mr. Mair noted that he is the only person who responded to a bomb threat at the facility and that he did so without any training. The only instructions available were listed on a call sheet. Mr. Mair stated that even after the bomb threat, no emergency training was provided.

The Report of the Department of Homeland Security

The Office of the Inspector General (OIG) was tasked with investigating Mr. Mair's allegations. OIG investigators interviewed individuals from several agencies including Federal Security Director (FSD) Alan Anderson, Aviation Security Inspectors (ASIs), TSA Screening Managers, the Assistant Federal Security Director (AFSD), an official from the Northwest Regional Airport Commission, the Assistant Airport Director, an official with Corporate Security Solutions, a TSA Training Officer, and various officials from the local Traverse City Police and Fire Department. While the investigation confirmed the existence of some security issues as identified by Mr. Mair, the report also describes actions taken to remedy those problems. The investigation did not substantiate the allegations.

Mr. Mair's allegations involved the old terminal building at Cherry Capital Airport which is no longer in use. As of October 27, 2004, airport operations are conducted out of the airport's new terminal. OIG officials surveyed the old terminal building during the course of their investigation on November 29, 2004. The report states that because the building is no longer used for aviation traffic, it was found locked.

FSD Anderson was interviewed about the door in the checked baggage tunnel that was alleged to be left regularly unlocked. FSD Anderson conceded that the door was, in fact, not locked as stated by Mr. Mair. He explained that access to the door from inside the tunnel was restricted by the locked doors in the terminal and that from the outside the door was in a restricted area identified as the secured Air Operations Area (AOA). He noted that TSA ASIs had surveyed the area for security issues. The report states that according to the TSA ASI survey, because Cherry Capital Airport is a category III airport boarding approximately 195,000 passengers per year, and access to the door in question from the exterior is controlled by the AOA perimeter fencing, FAA regulation allows the door to be unlocked.

Finally, an annual comprehensive inspection of the airport conducted September 15-19, 2003, determined that Cherry Capital Airport was in compliance with TSA security regulations, including regulations governing the AOA. Thus, while it is accurate that the door was unlocked, it was permissible due to its location within a secure area.

FSD Anderson also acknowledged that he was aware that the emergency back-up lights in the baggage-handling tunnel did not work during a power outage. According to the report, he stated that the AFSD requested repairs. The AFSD stated during his interview that over the past two years there were approximately five power outages at the old terminal and some of the

emergency lights malfunctioned. He reported those malfunctions to the Operations Office of the Northwest Regional Airport Commission (NRAC) which coordinated the repairs.

The report states that the NRAC official stated that he repaired the lights within two days of being notified of the problem. The lights reportedly functioned properly after the installation of new batteries. The NRAC official provided the sales invoices for the batteries and demonstrated that all lights were functioning.

The third allegation dealt with the malfunctioning of a revolving door from the unsecure to the secure area of the terminal and with the inaudibility of its alarm. During his interview, FSD Anderson confirmed that the door had been breached by several teenagers on February 8, 2004. In response to the breach, the teenagers were re-screened and a contract security guard was placed at the door.

According to the report, because of the breach, a comprehensive review of the door was undertaken resulting in some design modifications. The modifications were made including upgrading the door's hardware. The repairs took approximately three days to complete; a security guard was stationed at the door until the redesign and repairs were completed on February 10, 2004. The AFSD reported that he personally monitored the repair process and participated in the testing of the door upon repair. According to the report, the Assistant Airport Director inspected the door on November 30, 2004 and found it to be working correctly. He also provided OIG investigators with copies of the invoices for repairs completed on February 10, 2004 and January 28, 2004. Finally, an official from Corporate Security Solutions provided copies of activity reports which verified that the company had posted a security guard at the door from February 8, 2004 through February 10, 2004.

The report states that on a separate occasion another TSA employee found the door in constant revolution and reported the malfunction to the AFSD. No breach could be confirmed. The TSA employee also recalled that the door was fixed the same day. He stated this incident could have occurred in January. The report suggests that the January receipts noted above are for the repair of this problem.

FSD Anderson also acknowledged that he had received complaints about the inaudibility of the door's alarm. In response to those complaints, the alarm was relocated near the main TSA checkpoint. In its new location, the alarm could be heard in the passenger screening and gate areas.

The final allegation the investigation reviewed was that the personnel at Cherry Capital had not received training in emergency procedures and that no training drills or exercises were conducted. According to FSD Anderson, each screener receives a minimum of three hours of training per week. This training includes normal screening procedures as well as emergency response procedures. In addition, the facility has an Emergency Operations Plan and a copy is kept at the main screening checkpoint for use by the screeners. FSD Anderson contends that screeners are familiar with the Emergency Operation Plan because parts of it are incorporated into their regular training. He also reported that four emergency response exercises were

conducted during 2003 and 2004. He described these exercises as large-scale events conducted in cooperation with local, state and federal agencies in addition to airport and airline personnel.

TSA's weekly training program was confirmed by another TSA manager who explained that the training is done through the TSA Online Learning Center. It includes scenario-based practical exercises conducted at screening checkpoints. In addition, employees are required to read a briefing book which contains standard operating procedures and is used by managers to update procedures for screeners.

A Training Officer interviewed confirmed the minimum training requirement and stated that Supervisors are directed to conduct training scenarios with and audits of screeners.¹ She presented information showing that Mr. Mair had completed approximately 71 training sessions from December 2003 through April 2004.

OIG investigators also interviewed local officials regarding the training exercises. Officials from the Traverse County Emergency Management Department, Fire Department and Police Department confirmed their participation in a large-scale exercise entitled Man Portable Air Defense System (MANPADS) conducted in 2004. They also participated in a large-scale disaster drill which included a hijacking scenario in September 2004. The Police and Fire officials also confirmed that they have participated in a number of meetings with TSA officials at the airport to establish policies and procedures for aviation security matters and local response to such situations. The Police Chief noted that refinement of the policies continues.

Finally, OIG investigators reviewed the bomb threat incident. Mr. Mair stated that he was unaware of a bomb threat until the canine explosives team arrived. After speaking with the canine handler, Mr. Mair learned that the threat had been communicated the day before. He reportedly believed that the response to the threat should have been planned and communicated in advance.

According to the report, the Station Manager for Northwest Airlines contacted the Grand Traverse County Sheriff's Department to request a bomb sweep because threatening statements had been made to a pilot. FSD Anderson acknowledged that the Station Manager's failure to notify TSA officials at the airport of this request was a procedural problem. After this incident, the AFSD spoke with the Station Manager regarding his failure to notify TSA officials. The report states that the AFSD's admonition is included in the incident report. FSD Anderson explained that this incident occurred shortly after TSA's coverage of the airport began. He clarified that since then, communication among the entities involved in the operation of the airport has improved. Thus, the investigation revealed that TSA officials agreed with Mr. Mair that the threat should have been communicated to TSA officials earlier.

¹ The Screener Supervisors conduct the audits by standing a short distance away from the checkpoint and observing the screeners perform their duties. The report notes that another TSA ASI performs audits by using personnel from other government agencies to test screeners by attempting to hide weapons through the checkpoint.

Conclusion

Based on the representations made in the agency report and as stated above, I have determined that the agency report contains all of the information required by statute and that its findings appear to be reasonable.