

Karen P. Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: OSC File Number DI-08-2854

October 25, 2010

Dear Ms. Gorman:

I am in receipt of your letter dated October 21, 2010, including an attached memorandum from the Department of Transportation Inspector General, dated October 18, 2010. I have reviewed the referenced memorandum and have the following response:

- 1. OSC request:** We note that the report failed to identify any individual employee at the CMO level or higher, specifically, FAA Principal Inspectors, responsible for the CMO failures. We request clarification as to whether any individual at FAA or DOT has been held accountable for the failures, and if so, who and how; and if not, why not.

My response: The OIG response does at least acknowledge that there were oversight failures at the AMR-CMO. It also acknowledges that the Principal Inspectors were aware of the issues identified in their report. They state that the primary cause was two fold. First, we considered the air carrier to be our customer, and second, that we worked collaboratively with the air carrier to resolve deficiencies. I agree that to consider the airline our "customer" was wrong. Our congressional mandate is to regulate air transportation in the best interest of the nation, it does not say in the best interest of the airline's bottom line. This is a two sided coin. The airlines provide a vital service to our nation. It is in the best interest of the nation for all airlines to survive, which means they must make a profit. While I hope we all understand this, it does not mean that in making that profit, it is acceptable to violate federal safety regulations or place the public at risk. I believe this second part is something the FAA has lost sight of. While we no longer speak of the airline as our customer, our actual practices do not appear to have changed any.

Considering the second acknowledgement of the OIG, that Inspectors were encouraged and in fact did work collaboratively with the airline, I would agree completely. What I disagree with is that this is considered to be a cause, in part, to why the lapses in oversight happened. The use of the word "collaboration" is probably a poor choice given the historical use of it. Regardless if you call it collaboration, cooperation, communication, or simply working together to achieve a goal, no one can dispute the value of this approach. For this approach to be effective however, both the regulator and the airline must sincerely share a mutual desire that all aircraft operated are safe and in compliance with federal regulations. If either party is not genuine in this, this approach

simply does not work. I believe the lapses in oversight occurred due to FAA culture that states to collaborate (communicate), but when that does not achieve compliance, go no further. When we choose to go no further, we become advisors and cease being regulators and the public pays the price.

The OIG included five bullets of changes that have been made, indicating that these changes have or will fix the problem. I will not speak of my opinion on the factuality of these items, but will say I hope you will look deeper and ask what has been the effectiveness of these changes in addressing the problem. From my perspective, I do not see that these actions have made any difference in the way we do business.

2. **OSC Request:** We note that the corrective actions contemplate that the CMO, itself found to be responsible for the failures, is charged with completing the corrective actions. We request clarification regarding whether any other FAA office or individual outside the CMO level has been charged with oversight in connection with the proposed corrective actions. Is there any plan for any audit or oversight of the CMO in connection with the corrective actions?

My response: In considering the FAA response, as relayed through the OIG, I can not say that these anticipated corrective actions will or will not have any positive effect. However, something that is clearly missing from all of the FAA responses (that I have seen) is what they would have expected from the CMO when these events took place. If there is no standard of conduct established, then nothing meaningful will be determined or assured, regardless of how many audits are accomplished. The FAA appears to refuse to speak to their culture, and if that culture is acceptable or if it needs to be changed. By not speaking to this issue, is the FAA saying that there are no cultural problems? I believe the lack of oversight by the CMO to be related to a far greater extent to FAA culture, rather than a failure of a few individuals or one office. It does not matter which FAA group conducts the audits, if the current culture is used as the standard of acceptable action, they will find that everything is OK, even if no real changes have been made. If we want things to be different in the future, we must change what we have been doing in the past. I believe the real question that should be asked of the FAA is if they want things to be different.

Thank you for allowing me to comment on this latest of documents regarding my disclosure.

Sincerely,

A handwritten signature in cursive script that reads "Andy Blosser".

Andy Blosser