

Inspectors Say F.A.A. Ignored Violations



Brendan Smialowski for The New York Times

Inspectors being sworn in at Thursday's hearing on the Federal Aviation Administration's oversight of airline safety.

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Published: April 4, 2008

WASHINGTON — The Federal Aviation Administration may know considerably less about the state of airline safety than it claims, a parade of witnesses and lawmakers said at a Congressional hearing on Thursday.



Nicholas A. Sabatini of the F.A.A. testifying on Thursday.

Three [F.A.A.](#) inspectors testified that their agency had allowed [Southwest Airlines](#) to fly uninspected planes, and that the airline had continued to fly the planes even after it later found cracks in some of them.

The inspectors said that when they complained, their bosses threatened their jobs and discouraged them from pursuing safety problems.

One was removed from his job as an office manager and another was encouraged to apply for a transfer. A third, Charalambe Boutris, was temporarily removed from his role overseeing Southwest after complaints from the airline.

Beyond the problems at Southwest, the hearing focused more broadly on the quality of the government's oversight. Southwest and other airlines have suspended hundreds of recent flights, seriously disrupting travel, while undertaking inspections that critics say were long overdue.

Representative James L. Oberstar, Democrat of Minnesota who is chairman of the House Transportation and Infrastructure Committee, asked how the F.A.A. could claim to have made progress on safety when it allowed more than 1,000 flights using planes with cracks in the skin.

"You're looking at safety as a system, and the system itself has cracks," he said. The F.A.A. now refers to airlines as its customers, he said.

"We can't have a situation in which the customer calls the F.A.A. to complain about their service person, Mr. Boutris, to get him removed," said Mr. Oberstar.

Nicholas A. Sabatini, associate administrator for safety at the F.A.A., said it was egregious that a manager had allowed Southwest planes to fly when they did not meet inspection requirements. He also said that "changes will be made as a result of what we have learned."

Southwest acknowledged errors but maintains it did nothing unsafe. Herbert D. Kelleher, executive chairman of the company, said before the hearing began that "regulatory noncompliance and being unsafe are two different things."

He testified that Southwest had replaced portions of the older planes' skins to avoid having to reinspect so frequently, but had apparently forgotten a small area that had not been replaced and still needed inspection. A central issue at the hearing was whether the safety of airline passengers was being served by an F.A.A. policy that allows airlines to avoid penalties by voluntarily disclosing their violations when they discover a problem. Mr. Boutris said the practice had become a "get-out-of-jail-free card."

Calvin L. Scovel 3d, the inspector general of the Transportation Department, said that voluntary disclosures had led to forgiveness but not to investigations of the causes, which were essential to prevent repeats.

Mr. Scovel also testified that the F.A.A. had been unable to keep up with the inspections it scheduled. He said that the F.A.A. had not audited Southwest's system for compliance with the inspection requirements, known as airworthiness directives, since 1999. When Southwest said in March that it had a problem, the F.A.A. was overdue on 21 inspections, 5 of them overdue by 8 years, he said.

Witnesses differed on the effectiveness of a telephone hotline that the F.A.A. is proposing to add, to be used by its employees who find problems. Mr. Scovel said that Mr. Boutris, the safety inspector who was central to the discovery of the Southwest problem, was suspended for five months by the F.A.A. on the basis of an anonymous complaint made on a safety hotline by someone at Southwest Airlines.

But other aviation experts praised the system. William R. Voss, president and chief executive of the Flight Safety Foundation, said in an e-mail message that the voluntary disclosure system allowed “vital safety information to flow between the airlines and the regulator.”

“These systems were abused in one F.A.A. office,” he said. “That has to be fixed, but a wall must not be built between the F.A.A. and airlines that stops the flow of information. This would set aviation safety back 20 years.”

Mr. Sabatini repeatedly cited statistics showing progress in aviation safety, saying the rate of fatal accidents had dropped by more than 60 percent in the 10 years ended Sept. 30, 2007.

One committee member, Eddie Bernice Johnson, a Texas Democrat, asked Mr. Sabatini if the manager who had told Southwest to keep flying was still being paid. “Yes, ma’am,” he replied.

“What do you have to do to get fired, then?” she asked.

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