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FAA whistle-blower safety warnings found to have merit

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Tom Devine, legal director of the non-profit Government Accountability Project, tells CNN the FAA is a 'very sick agency.'

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A federal investigation into Federal Aviation Administration employee whistle-blower safety complaints has found more than two dozen to be on the mark, CNN has learned, potentially putting the public's safety at risk.

The federal Office of Special Counsel, which investigates allegations of reprisal against whistle-blowers, tells CNN it has made a "positive determination" that the FAA improperly responded to 27 current cases of FAA employee whistle-blowers warning of safety violations ranging from airline maintenance concerns to runway and air traffic control issues.

"It means that FAA is a very sick agency," said Tom Devine, legal director of the non-profit Government Accountability Project. "There's never been an agency that's had that large of a surge of whistle-blowers whose concerns were vindicated by the government's official whistle-blower protection office."

The Department of Transportation told CNN, "We acknowledge it's a large number of cases."

"We take whistle-blower complaints very seriously and we fully cooperate with all of the investigations," said FAA spokesperson Laura J. Brown.

Among the warnings found to have merit are those of FAA inspector Christopher Monteleon, who flagged safety problems at Colgan Air for several years before a Colgan plane crashed near Buffalo in February killing 50 people. He told CNN he's faced retaliation at the FAA for pointing out issues including faulty aircraft manuals and poor cockpit procedures he observed during in-flight aircraft testing.

"My supervisor called me into his office and said, 'Stop your investigation.' He said that these violations never occurred," said Monteleon.

But Monteleon continued raising safety concerns about the airline. Eventually he was demoted and put on leave of absence.

"I had my aviation inspector credentials taken from me," Monteleon told CNN. "It has just been humiliating. It's been awful."

The FAA says it does not believe any of Monteleon's reassignments were retaliatory, and cannot comment further because this is a personnel issue covered by privacy laws.

While the Office of Special Counsel has found merit in Monteleon's charges of safety violations, the Special Counsel continues to investigate his claim that he was the victim of retaliation for pressing his safety concerns.

Though passenger safety is at stake, the Office of Special Counsel found the FAA has repeatedly deferred to the airlines it regulates.

"That's shocking, and it's really unconscionable for a government agency that's supposed to be about safety, not about witch hunts for those who find safety lacking," said Mary Schiavo, inspector general of the Department of Transportation from 1990-1996, who is now an attorney representing families of accident victims.

What's going on at FAA? Critics say it's the culture.

In 2003, former FAA administrator Marion Blakey established a "Customer Service Initiative" that defined airlines as customers, rather than the flying public. The current Transportation Department inspector general Calvin Scovel, found, "FAA's definition of its customer has had a pervasively negative, although unintended, impact on its oversight program."

While there's no evidence of illegal dealings, the FAA has an active revolving door. Agency managers regularly go on to work in the aviation industry while industry executives take top spots at FAA.

-Former FAA administrator Marion Blakey is now president and CEO of the Aerospace Industries Association.

-Former FAA chief operating officer Russell Chew moved on to become president of Jet Blue Airways, where he just stepped down and took on the role of Senior Adviser for the company.

-FAA's chief operating officer of air traffic, Hank Krakowski, came from United Airlines where he held a number of senior management positions, including vice president of flight operations.

-Linda Daschle, wife of the former Senate Democratic leader, was the FAA's acting administrator, and then became a lobbyist representing the airline industry.

"There's a very cozy relationship between the lobbyists for the industry and the Department of Transportation and the FAA," said Schiavo.

As in all federal agencies, senior executives leaving the FAA are subject to a one-year "cooling off" period that forbids them from representing a client before the FAA.

The new transportation secretary Ray LaHood and FAA administrator Randy Babbitt, who took office June 1, say they will make sure whistle-blowers are heard.

"We will pay attention to any kind of complaint or accusation or any concern expressed by an employee of FAA. It's a new day at the FAA and at DOT," LaHood told CNN.

FAA last year established a Safety Issues Reporting System for employees to raise safety concerns. FAA also tracks employee hotline complaints in its General Counsel Office.

But, the agency has resisted calls to establish an independent office to investigate whistle-blower safety claims. The pending House bill to reauthorize FAA would require the agency to establish such an office. The Senate still has to write its version of the bill.

The Office of Special Counsel has referred all 27 cases to the transportation secretary who is investigating and must tell the Special Counsel what steps will be taken to fix the safety problems.