NATIONAL AIR DISASTER ALLIANCE / FOUNDATION

2020 Pennsylvania Ave. NW #315 – Washington DC 20006-1846
(888) 444 – 6232 – phone - (336) 643 – 1394 – fax

www.PlaneSafe.org

Mission: To raise the standard of Safety, Security and Survivability for aviation passengers and to Support victims' families.

Gail Dunham, Executive Director

Public Comments June 6, 2007 - U.S. House of Representatives Committee on Transportation & Infrastructure Re: NTSB "Most Wanted" Aviation Safety Improvements

Who We Are . . .

The *NATIONAL AIR DISASTER ALLIANCE/FOUNDATION (NADA/F)* incorporated in 1995 and **we represent family members from hundreds of aviation disasters**. For over ten years *NADA/F* has brought people together in many ways to accomplish our shared goals—air crash survivors, those impacted by air disasters, family members that lost loved ones recently and long ago, and aviation professionals. We connect through the internet, annual and regional meetings, memorial events and more. *NADA/F's* diverse membership works with the media, the aviation industry, government officials, non-profit organizations, and others who share a similar purpose.

FAA ARAC - *NADA/F* has been a member organization of the FAA ARAC (Aviation Rulemaking Advisory Committee) since 1999, including a seat on the ExComm (Executive Committee).

TSA ASAC – *NADA/F* is also a member of TSA Aviation Security Advisory Committee.

Often *NADA/F* is the only voice representing the traveling public. We welcome the opportunity to work with government and industry to promote the highest standards of aviation safety.

I am retired from the airlines, and many of our members are airline/industry employees and retirees. We all want the industry to survive and prosper, and we honor our loved ones with our work for the highest standards of aviation safety and security.

My family lost a loved one over 15 years ago in a preventable aviation disaster. It took 7 years to receive the true probable cause of the 737 disaster, and 10 years to finally receive the NTSB Revised Final Report. I wish the NTSB had not blamed the wind in 1992, and had moved forward with the 737 retrofits, then I would not be here today. Safety and security have become my life's work.

We recognize that millions of people fly and get where they are going everyday. We are in an unprecedented long period of aviation safety, because hundreds of aging aircraft were retired after 9/11, and the engineering has come a long way. However, in the U.S. we still average over one fatal air crash a day. It may be general aviation, air cargo, the 21 souls on board USAirways Commuter 5481, or 49 souls on Delta/Comair 5191, and every one of those passengers has family and friends that miss them greatly. Family members also know that aviation crashes are preventable disasters, and we want the NTSB and FAA to do more so that others do not walk in our shoes.

Assume the following about Aviation . . .

- ✓ Commercial Aviation has become Public Transportation.
- ✓ An airline ticket is a contract for transportation, and the public wants to arrive safely at their destination.
- ✓ Safety could be the best corporate investment.
- ✓ The cost of safety is nil compared to the cost of an aviation disaster.
- ✓ The cost of preventing a mega-million aviation disaster can be as low as $9.99. (ValuJet cost of caps for the oxygen canisters).
- ✓ Lives of airline passengers are in the hands of the employees, who deserve fair pay and benefits, and adequate rest time to do their job.
- ✓ Aviation technology has improved greatly.
- ✓ Excellent aviation technology exists that is not being used, and it should be utilized sooner rather than later to promote safe, secure air transportation.

History of the NTSB Most Wanted Safety List . . .

NADA/F is true to our Founding Goals and the NTSB Most Wanted was a cornerstone of our Founding Goals since 1995. We used to receive an NTSB Most Wanted annual status report from the NTSB, including references to why the recommendations were made and actual progress on the recommendations. Today the NTSB Most Wanted for Aviation looks like a list of five or six bumper sticker slogans, and the six 2007 recommendations have been listed much too long.

Congress did not give the NTSB the power to mandate safety recommendations, probably because they knew the recommendations would be based on NTSB intensive air crash investigations, NTSB and industry working together, with strong merit for their conclusions and recommendations. The responsibility to mandate the Most Wanted rests with the FAA, and sadly the FAA has veto power over the recommendations, regardless of their merit.

Today's NTSB Most Wanted has 110 pages of power point and more colorful photos, but far less progress and less substance. From 2001 to 2006 power point charts were updated, but final Most Wanted safety recommendations are similar. It is not enough to report the data on a crash. The steps toward the NTSB Most Wanted recommendations are:

- ✓ Thorough investigations,
- ✓ Findings,
- ✓ Probable causes,
- ✓ Accurate probable cause,
- ✓ Technical studies with government and industry,
- ✓ Recommendations to fix the fatal flaws,
- ✓ Monitor the progress of those safety and security recommendations, and if the work is not done,
- ✓ **FAA mandate OR LEGISLATION to get the work done**.

In 2004 there was a major change in the Most Wanted List when the NTSB (Ellen Engleman-Connors) and FAA organized a SWAT team program, and many recommendations were just deleted.

In August **2005 the recommendation for mandatory child restraint seats for children under age two was deleted by the FAA and NTSB**. This was an outrageous deliberate mistake. The FAA at the Technical Center in NJ had completed the tests and had recommended a TSO in 2000. The excellent engineers worked through survivability and different types of child restraint seats to accommodate different aircraft and children's weight and size. Sadly, after 2001, the TSO recommendation languished on a bureaucrat desk and did not move forward.

There are excellent studies, investigations, reports and more, but now it seems the NTSB Most Wanted produces Press Releases with "feel good" resolutions, but fewer accomplishments.

The NTSB Most Wanted List began over 15 years ago, and the format has evolved the following ways:

- ✓ Summary of safety recommendations for all forms of transportation, to now listed individually by Aviation, Rail, Pipeline, Highway, Marine and Intermodal
- ✓ Specific recommendations such as "Aviation-Require Restraint Systems for Children under age 2" to very general recommendation such as "Improve Child Occupant Protection in vehicles and airplanes," and
- ✓ Most Important – from an annual detailed technical summary to decades old "sound bites."

NADA/F has watched the NTSB Most Wanted since 1997, and it appears that it has procedurally evolved from a technical engineering approach to fix the fatal flaws to power point one-liners. Science was and still is the answer.

The FAA MAC . . . One important change in the last ten years was the creation of the FAA MAC (Management Advisory Council), which is private meetings of aviation management with the FAA Administrator, and little to no public records of those meetings. The MAC appears less advisory and results imply it is a council with power over FAA personnel and dictates yes or no to much needed safety recommendations. This may be a Conflict of Interest because the traveling public is not represented on the FAA MAC. **If the FAA MAC is going to continue to be the powerful decision-maker than at least have their meetings open to the media and the public**.

Importance of the NTSB Most Wanted Safety List . . .

Required child restraint systems for children under age 2 . . ..

Attached GAO summary shows the need for required child restraint seats in flight for children under the age of 2 since 1972 (35 years ago). Child seats have been mandatory in cars for over 25 years. The FAA erred badly when they deleted required child safety seats from the NTSB Most Wanted in 2005. The FAA produced a brochure that the public knows nothing about, that states children under the age of two should be in a restraint. Individuals may purchase their own child safety seat for flying, but adults do not bring their own seats or seatbelts.

May 1995 - FAA produced a Report to Congress on Child Restraint Systems . . .
Major Flaw in the Report . . . For 12 years the FAA refers to one flawed conclusion in this report. The FAA states that if the airlines require that people purchase a seat for a child under the age of two that people will drive because it is less expensive. This is not true. People purchase airline seats for their children over the age of two. Airlines today also offer the infant ½ price reserved seats. With record airline capacity vacant seats are not there, and a lap baby can become a flying missile with turbulence or if a pilot needs to take an evasive maneuver.

MOST Important Fact . . . Babies died because they did not have the safety of a required child restraint seat. A baby on a commercial flight should never be less safe than the coffee pot! Our *NADA/F* members will meet you and other decision-makers to move this forward.

PLEASE. We need Congress to mandate Required Child Restraint devices for all children on commercial aircraft. This is mandatory on military flights and the traveling public deserves this same level of safety.

The SIX NTSB Aviation "Most Wanted" for 2007 . . .

1. Reduce Dangers in Icing Conditions – What has been done since AAEagle 4184, Halloween 1994? The Circuit City corporate crash February 2005 was another wake-up call that we need more than promises to "study freezing rain and large water droplets."

2. Eliminate Flammable Fuel/Air Vapor in Fuel Tanks - There are documents from over 25 years ago recognizing the need to prevent these disasters. Attached is a two page summary of *NADA/F* work to promote inerting, known technology to eliminate fuel tank explosions such as TWA 800. Inerting is lowering the oxygen content with nitrogen to prevent explosions. *NADA/F* was a member organization of the second FTIHWG (Fuel Tank Inerting Harmonization Working Group) in year 2000, and the only organization to Dissent. We stated that it was not "too expensive" to fix, and the excellent staff at the FAA technical center in New Jersey, working with Boeing, developed light weight affordable inerting technology in 2003, yet it is still not in commercial aircraft.

Recent conversations with Boeing encouraged me that Boeing will have inerting in all commercial aircraft coming off the assembly line, but perhaps not until 2008 or later. The NTSB and FAA have a responsibility and legal authority to mandate inerting sooner rather than later. NTSB Most Wanted shows this yellow and progressing slowly – 11 years after TWA 800 and still no inerting is too slow.

The NTSB has built a very nice museum around the TWA 800 wreckage, however, I will tell you this, more than a museum, family members want to know that known technology is in aircraft and at work today to ensure that another fuel tank explosion does not occur.

2. Stop Runway Incursions/Ground Collisions of Aircraft – The worst aviation disaster in the U.S. in 2006 was Delta/Comair 5191 crash, a result of unsafe runway conditions that had been ignored, an under-staffed air traffic control tower and other factors that could have prevented this deadly awful crash.

At the *NADA/F* Annual Meeting February 2007 our members agreed that the understaffing and fatigue in the air traffic control towers today is a most serious threat to aviation safety today.

4. Improve Audio and Data Recorders - the "Black Box". NTSB recommendations for upgraded flight data and voice recorders have been delayed by the FAA for decades. The flight data and voice recorders are the most important tools in air crash investigation. Yes we need expanded parameters, expanded recording time, periodic inspections and more. It is cost effective and good science for the government to mandate the best technology to do the job. In the event of an air disaster people may suspect a terrorist attack, and we will need quick answers.

We request that Congress respond with legislation mandating dual flight data and voice recorders, including a deployable recorder in the rear to better insure that the "Black Box" survives and have a rapid response for the cause of the disaster. Military has had deployable recorders for years, and the government, the public, and investigators will benefit from having state-of-the-art "Black Box" equipment.

5. Human Fatigue . . . The work/rest rules are worse than ever--lost with huge cuts in pay, benefits and lost pensions. American 1420 in Little Rock AR, 8 years ago, June 1, 1999 was the result of a 14.5 hour work day.

6. ***Crew Resource Management . . .*** Recommends more crew training, which has also been greatly reduced.

Recommendations from air crash family members . . .
The FAA responds faster to legislative recommendations, and the time has come for legislation on some of these issues. As shown above, we are asking Congress to mandate:
- ✓ **Required Child Restraint Seats for children under the age of two**, and
- ✓ **Updated Flight Recorders – dual data and voice recorders, with a deployable recorder in the rear.**

Congress now needs to mandate Public Hearings for all commercial, air cargo and jet aircraft disasters in the U.S. The NTSB is not even having a Public Hearing for the Delta/Comair 5191 crash, the worst aviation disaster in 2006. The NTSB "meetings" where government people read industry reports are looking more like a lecture than a true investigative report. Family members want the truth and a Public Hearing is a much needed time for questions, answers and testimony under oath. Since the NTSB has abandoned Public Hearings we ask Congress to mandate Public Hearings.

Money, how to pay for recommendations . . .
Stop the diversion of transportation funds. Passenger Tickets include many taxes and fees, and government can mandate 100% of those funds should be used for aviation safety and security.

Stop any diversion of the Aviation Trust Fund (from the 7.5% domestic airline ticket tax) to general funds for the Iraq War. 9/11 was the worst aviation disaster in history and we should honor the 3,000+ people who died by at least using Aviation Trust Fund for aviation safety and security, and not war in a foreign land. Do not automatically approve higher PFC's (Passenger Facility Charges) until you are assured the funds are going for aviation.

Aviation is public transportation, and everyone who works for the airlines must give their all..
Management is giving themselves outrageous bonuses, golden parachutes, sheltering their huge pensions and stock options, while airline employees have suffered terribly with cuts in pay and benefits, and loss of pensions. The industry is able to fund the recommendations above, but we need your help.

Congress should mandate that airline executive pension plans are part of their airline pension fund for all employees, and everyone is on equal footing to put the company first. Aviation is public transportation. The elitist management perks must end. Management takes the stock down and now gives themselves bonuses when it goes up. The money should be reinvested in the airline. Curb the generous stock options that dilute the value of the airline for all shareholders. This recommendation will produce hundreds of millions of dollars to benefit aviation.

NO cost. Pass full whistleblower protection laws to allow employees to report unsafe situations.

No Cost. Legislation to Require an Annual Safety Meeting with FAA, NTSB, and *NADA/F* members at the table to publicly review the NTSB Most Wanted list and progress of the recommendations. NTSB has asked family members for help, but hard to help when we are excluded from the process. Our members understand the complexity of the technical recommendations, and we all benefit from public participation.

Establish a timeline for the Annual Safety Meeting. Possibly require the NTSB to approve their Most Wanted List by May 1st of each year, or an annual date of their choice, followed by FAA response within 90 days, and the Annual Public Safety Meeting about August 1st each year, including FAA, NTSB, and *NADA/F.*

Thank you on behalf of our thousands of members worldwide for the opportunity to speak today and for holding Public Hearings. There are many serious issues to discuss, but our following requests reflect updating and improving the NTSB Most Wanted List process and accomplishments.
- ✓ **Safe flight for children under the age of two.**
- ✓ **Upgraded recorders.**
- ✓ **Public Hearings to best pursue the truth.**
- ✓ **Allocate aviation money to serve the industry and the airlines.**
- ✓ **Whistleblower protection.**
- ✓ **Require an Annual Safety Meeting with FAA, NTSB and *NADA/F* to ensure public participation in the on-going pursuit of aviation safety and security.**

Gail A. Dunham