Testimony of Paul E. Cotti

My name is Paul Eugene Cotti, and I am currently an airworthiness unit supervisor in the FAA's AMR Certificates Management Office (AMR CMO). I have been in the FAA Flight Standards Service for nearly 18 years. Of the 14 years that I served as a field inspector, four were as a Principal Inspector. I have an unblemished Flight Standards Service record, and have been selected three times for regional "Field Inspector of the Year" awards. I have also received over 40 other high performance-related recognitions during my FAA career. My work experiences prior to the FAA include a variety of aviation maintenance-related positions in commercial aviation and the Department of Defense. I care very deeply about the safety of the flying public, and for FAA success in achieving the objectives of its critical mission. I derive no pleasure or personal satisfaction from providing this testimony, but am hopeful that it is useful in preventing any repeat of the circumstances and conditions which I must describe below.

I served as the Geographic Unit supervisor in the Southwest Airlines Certificate Management Office (Southwest Airlines CMO) from March 2005, until an administrative reassignment to my current office in May 2007. During that entire period, the Southwest Airlines CMO management team was often divided on matters relating to the office's management and oversight of the Southwest Airlines Company operating certificate. This division can be summarized as being between management officials that insisted on adherence to the stated and implied intent of the policies and procedures contained in FAA orders, and those that insisted on exercising degrees of latitude and discretion that often fell well outside of the parameters established by those orders.

Those that insisted on adherence to FAA orders included the office manager, the assistant manager, and me. We worked diligently to identify and correct office deficiencies because it was a basic expectation of our positions, and because we recognized that doing so was most likely to foster an orderly environment under which the FAA's safety objectives and a level regulatory playing field could be achieved. However, under the banner of "collaboration" with the airline, the latter group, whose most prominent member was the Supervisory Principal Maintenance Inspector (PMI), did so in a manner that was often contrary to FAA orders, and at times openly hostile to the concepts and requirements of transparency and accountability.

When properly engaged in, FAA collaboration with airlines can be an effective method for reducing risks and improving safety. However, collaboration in this particular case lost its FAA definition when it was engaged in an environment in which regulatory compliance could be delayed, or gained only through “deals” which under the best of circumstances only provided to the traveling public that which it is already entitled on a continual basis. It is unfortunate that the resistant group was not as committed to collaboration with the office manager as it apparently was to the airline. Had they done so, the events and conditions that ultimately resulted in these hearings would not have occurred.

As stated, the most prominent and consistent member of the resistant group was the office’s PMI. Rather than clearly and dutifully articulating FAA positions and expectations to the airline and his work unit, I believe that the PMI often rendered decisions and opinions which defied the logic expressed in FAA policies and guidance. Of particular concern was the manner in which investigation of potential regulatory violations were handled. By virtue of his important position, his erroneous decisions and opinions were unfortunately afforded a significant degree of legitimacy by the airline and those FAA employees that were on the PMI’s side of the office divide.

This created a distinct contrast between the PMI on one hand, and the office management and other personnel that insisted on following FAA orders on the other. In my view this had a detrimental impact on how the airline perceived the hazards and risks that were discovered and presented to them by the FAA personnel that were following FAA orders. Over time and for various reasons, the PMI’s resistance to transparency and accountability was also adopted by a number of inspectors in the office as well. This further exacerbated divisions in the office, and had a very detrimental impact on the office’s productivity and effectiveness.

It is important to know that the expectation to follow the FAA’s national orders was specifically expressed and elaborated on by the regional Division Manager at every management conference attended by the Southwest Airlines CMO management team during the above period. In light of their obligations and such frequent admonitions from their chain of command, I am at a loss to understand how the PMI or the resistant group could have possibly justified their actions; or why those types of actions went uncorrected for over two years.

Although the office’s Geographic Unit provided operations and airworthiness inspection services to the principal inspectors, it was deliberately designed by the FAA as a separate work unit, with a line of responsibility and authority that was direct to the office manager. This design constituted a control to ensure that from a supervisory standpoint, the Geographic Unit was independent of the PMI and the other two principal inspectors.

The PMI, and at times the Principal Avionics Inspector, were openly adverse to this organizational design; most notably for me when I insisted that the unit's inspectors follow national orders with respect to appropriate investigation and enforcement of the regulatory violations that they discovered during the course of their work. Under conditions of shared FAA values and practices, the Geographic Unit's service to the principal inspectors, and the Principal Inspectors' acceptance of those services, should have been seamless and without friction.

However, because of the PMI's divergent values and practices, regulatory violation findings by the Geographic Unit were often met with active or passive resistance from the PMI, and efforts to address safety findings were consequently delayed, disjointed, or less than fully successful. This occurred even after the manager reiterated and reaffirmed the role of the Geographic Unit in a number of office management meetings, and in clarifying revisions to the office's Quality Procedures Manual. On more than one occasion the PMI or one of his direct reports improperly contacted Geographic Unit inspectors to undermine my insistent position with regards to regulatory enforcement, in order to affect an outcome that was outside of the FAA's clearly stated enforcement orders and enforcement decision-making processes.

The PMI was also openly critical of my efforts to improve the deficient safety inspection and enforcement performance of a number of Geographic Unit employees, most notably a remotely-sited inspector in Houston that was responsible for geographic oversight of the airline's Houston maintenance base. I concluded by his behaviors that the PMI was threatened by inspection and enforcement outcomes which he personally could not influence and control, regardless of the fact that those outcomes would fully conform to FAA policies.

As I previously stated, the office manager was fully supportive and expectant that the office management team and all of their direct reports adhere to FAA orders, which are soundly designed and vetted to ensure uniform nationwide application. He and the office assistant manager made numerous attempts, and employed a wide range of methods to establish a single office expectation that appropriately harmonized and focused the efforts of all the office's work units. As stated above, they were often actively or passively resisted by the PMI and those that resided on the PMI's side of the office divide.

On quite a few occasions, knowledgeable and responsible inspectors in the office brought disconcerting airline events or circumstances to the manager's attention; apparently because they were unable to garner the level of acknowledgement and support from the PMI that was necessary for addressing those matters as required. A number of those events and circumstances were especially alarming because they represented precursors for aviation accidents.

Due to the demands of the manager's position, he often tasked the assistant manager and me with conducting internal office reviews in order to validate the inspectors' concerns, and to establish whether various FAA orders and processes were being properly and consistently administered by office personnel. Our reviews were objectively conducted and the results dutifully reported back to the manager. More often than not, the results of those reviews were unsatisfactory; particularly so with regards to the PMI and his staff. It is my understanding that the manager consequently attempted to improve the PMI's performance, and that he communicated these efforts and his validated concerns to his superior at the FAA Southwest Regional office.

The findings of our inquiries further exposed the scope and nature of the divide in the office, and also resulted in further discoveries that certain investigative, enforcement, and airline safety oversight-related processes were being mismanaged. Examples included failures to take required enforcement action in response to the discovery of regulatory violations; concerns with how Aviation Safety Action Programs (ASAP) were being administered; efforts by the PMI and his ASAP representatives to prevent dissemination of de-identified ASAP information to the manager, who was responsible to approving continuation of that program; misapplication of the Air Transportation Oversight System (ATOS) surveillance process; the manner in which Southwest Airlines maintenance time limitations were approved and documented; and overall office performance and adherence to its quality management system and processes. When these matters were brought to his attention by the manager, assistant manager, other inspectors, and I, the PMI was hostile, close-minded, and resistant to efforts to professionally discuss and take actions appropriate to those concerns.

The most glaring example of the PMI and the resistant group's failure to follow FAA orders involves the manner in which it responded to the voluntary disclosure from the airline that it had grossly over flown Airworthiness Directive (AD) 2004-18-06, which the FAA ordered to detect conditions which could have resulted in sudden fracture and failure of the skin panels of the fuselage, and consequent rapid decompression of the airplane. The prohibition against passenger flights on aircraft for which mandatory airworthiness determinations may not have been accomplished, should have been immediately and specifically conveyed to the airline by the PMI, and enforced as necessary. Such an FAA response should be clear to any journeyman FAA inspector and a natural reflex for someone in the critical position of Principal Maintenance Inspector. In my view, his "collaborative" approach to safety oversight prioritized his personal relationship with airline officials above his obligations to the public, his subordinates, and the FAA.

The FAA's voluntary disclosure and aviation safety action programs can be beneficial to the traveling public and to airlines and individuals that fundamentally commit to all of the requirements of those programs. However, the effectiveness and long term legitimacy of these programs is completely dependent on the constant vigilance of its FAA practitioners and overseers in order to detect and ensure that abuses do not occur, and that all program-related decisions are based upon sound understandings of responsibilities and the proper exercise of authorities. That did not occur in this case.

Throughout the above period, I communicated my concerns through appropriate channels, and maintained the expectation and faith that FAA machinery would engage, and appropriately correct the PMI and those that were driving the office divide by their resistance to authority and accountability. However, I was flabbergasted and shocked in January 2007 when a regional office-mandated management team building exercise in late 2006 resulted in a requirement that each management team member sign a agreement to professionally cooperate with each other on office matters. I interpreted this to mean that the real source and scope of serious differences on safety and regulatory compliance-related matters was not being acknowledged, and that the conflict in the office was being completely misunderstood by the regional office as being no more than a clash of personalities and equally valid opinions.

My observations concerning events and conditions within the Southwest Airlines CMO ended with my transfer to the AMR CMO in May 2007. I accepted the explanation that was provided at the time that my reassignment was based on an agency need to fill a critical vacancy in that office.

I trust that my testimony and responses to any questions or other requests are helpful to this honorable Committee and its processes. Whatever the outcome of the Committee hearings, I am hopeful that the outstanding service and everyday commitment to aviation safety by so many in the Flight Standards Service is not forgotten by those that we every day strive to faithfully serve.

Paul E. Cotti