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March 22, 2019

Mr. Daniel K. Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, D.C. 20591

Dear Acting Administrator Elwell:

In 2005, the FAA issued a final rule that effectively left the fox guarding the henhouse. It created the Organization Designation Authorization (ODA) program—a cost-cutting measure that allows aircraft manufacturers to choose their own employees to certify the design and airworthiness of their planes. At the time, your agency stated that the ODA is necessary “to provide more effective certification services to its customers.”¹ The ODA was supposed to make the safety certification process quicker and more cost-effective. You promised safety on the cheap. However, this system is neither safe nor cheap.

In fact, since the ODA went into effect, the FAA has had to ground two Boeing aircraft models: the 787 Dreamliner in 2013 and 737 MAX 8 and 9 in 2019. In the past five months alone, two MAX 8 tragedies have resulted in a combined loss of 346 lives, including eight U.S. citizens. Furthermore, Boeing is projected to lose between \$1 and \$5 billion due to the current grounding of Boeing 737 MAX aircraft. Deliveries of nearly 5,000 more of these planes are on hold and are reportedly worth over \$500 billion. Although Boeing never disclosed how much the grounding of the 787 Dreamliner cost, estimates were around \$500 million. Of course, the erosion of public trust is without a price tag. These numbers simply do not add up either in financial terms or in terms of the cost to human life.

These groundings and fatal crashes make one point abundantly clear: the system of airline self-regulation is broken and in need of serious reform.

I respectfully request that you provide information related to the concerns I have articulated above. In addition, please provide responses to the following questions:

¹ Establishment of Organization Designation Authorization Program; Final Rule, 70 Fed. Reg. 197, 59932 (October 13, 2005).

1. To what extent were delegated persons engaged in the approval of the Boeing 737 MAX aircraft? To what extent were delegated persons engaged in the ongoing review of the MAX aircraft from October 29, 2018 to present?
2. How many FAA employees do you need and at what cost to resume oversight of aviation activities and safety without delegation of safety oversight?
3. How many aviation-manufacturing projects are in process and at what stages of development that have been exempt from FAA oversight?
4. What steps is the FAA currently taking to address any lapses in safety oversight created by the ODA delegating oversight?
5. Please provide all communications between the FAA and Boeing relevant to the process of approving the Boeing MAX 8 and MAX 9 aircraft, as well as any related documentation.
6. While preserving the privacy of pilots, please provide all documentation of comments filed by pilots about the MAX aircraft, the determinations FAA made about the comments, and the incorporation of these comments into ongoing safety oversight of the MAX aircraft.

Thank you for your attention in this important matter. I respectfully request a response no later than April 5, 2019.

Sincerely,



Richard Blumenthal
United States Senate

CC: Robert L. Sumwalt, Chairman, National Transportation Safety Board