



September 21, 2020

The Honorable Stephen M. Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, D.C. 20591

RE: Docket No. NPRM FAA–2020–0686; Product Identifier 2019–NM–035–AD; RIN 2120-AA64

Dear Administrator Dickson:

We write with serious concerns about the Federal Aviation Administration’s (FAA) proposed rulemaking for the return to service of the Boeing 737 MAX. The FAA must stand its ground for safety and reject pressure placed on the agency to speed along what should be an independent and transparent process. We have outstanding concerns about the transparency surrounding the FAA’s decision-making – giving us little faith that the agency’s proposed changes to the 737 MAX will ensure these planes are safe to carry passengers again. As a result, we request that the FAA make publically available all data or information used to justify its determinations – as well as any internal objections by FAA employees to the proposed changes – before returning the 737 MAX to service. Robust transparency is needed to ensure that independent experts and the public can review whether this aircraft is truly safe before it takes to the skies again.

On September 16, 2020, the House Committee on Transportation and Infrastructure released its final report on the two Boeing 737 MAX crashes, which led to the death of 346 people. The report raises several important issues that the FAA must take into account before allowing these planes back into the air. Specifically, the report highlights several instances of conflict between FAA’s leadership and its own internal experts and that “multiple career FAA officials have documented examples where FAA management overruled a determination of the FAA’s own technical experts at the behest of Boeing.”¹ As the FAA works towards returning the 737 MAX to service, we urge you to heed any safety concerns raised by your employees and give thoughtful consideration to the negative impacts of rushing these aircraft back into the sky. The FAA has demonstrated a disturbing pattern of deferral to Boeing in the past, and we feel strongly that the agency must fully disclose of all information related to its determinations moving forward.

¹U.S. Congress, House, Committee on Transportation and Infrastructure, *The Design, Development, & Certification of the BOEING 737 MAX*, 116th Cong., 2d sess., 2020, <https://transportation.house.gov/imo/media/doc/2020.09.15%20FINAL%20737%20MAX%20Report%20for%20Public%20Release.pdf>.

Additionally, we remain deeply concerned by the FAA’s failure to release documents related to the safety procedures, certification, and oversight standards for the Boeing 737 MAX. For example, our request for uncensored e-mails between Boeing and FAA employees – in addition to other relevant supplemental records – remains unanswered. We know this is a shared frustration as the recent House report highlights the FAA’s “inexplicably slow, seemingly incomplete”² process for responding to requests for information. The FAA’s proposed rulemaking on a return to service for the 737 MAX presents an opportunity to rebuild confidence in the agency’s commitment to transparency. We implore you to make publically available all relevant data and information used to justify the proposed changes before ungrounding these airplanes.

Thank you for your attention to this important request.

Sincerely,

/s/ Richard Blumenthal

RICHARD BLUMENTHAL
United States Senate

/s/ Edward J. Markey

EDWARD J. MARKEY
United States Senate

² *Ibid.*