

**United States Senate**  
WASHINGTON, DC 20510

June 12, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Michael Whitaker  
Administrator  
Federal Aviation Administration

Dear Administrator Whitaker:

On January 5, 2024, the door panel of a Boeing 737 Max aircraft came off midflight on Alaska Airlines Flight 1282.<sup>1</sup> Fortunately, seven passengers and one flight attendant sustained only minor injuries as a result of the door panel flying off at 16,000 feet.<sup>2</sup> Had this happened at cruising altitude the results might have been catastrophic.<sup>3</sup> While the worst was avoided, this is yet another example of a safety failure at Boeing happening under the regulatory watch of the Federal Aviation Administration (FAA). The FAA must explain how this happened and what is being done to ensure that it does not place the lives of Americans at risk again.

Boeing has a history of aircraft disasters and following each disaster, questions remain as to the failures of FAA's oversight. In the wake of the 1996 TWA Flight 800 explosion, which involved a Boeing 747 and killed 230 people, the FAA scrambled to pass 40 new regulations, many of which were the direct result of the National Transportation Safety Board's (NTSB) recommendations.<sup>4</sup> In that matter, I also exposed the FBI's suppression of a different report that ran contrary to its theory that a missile or other attack caused the explosion.<sup>5</sup> More recently, the Boeing 737 Max aircraft, the same type of aircraft from the January 5 incident, was grounded by the FAA for 20 months, until November 2020, following two crashes within five months that killed 346 people due to what was later determined to be problems with the automated flight control feature.<sup>6</sup> Evidence showed that Boeing boosted the strength of this automated feature but

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<sup>1</sup> Jay Blackman and Phil Helsel, *Alaska Airline plane whose door panel blew off midair was scheduled for maintenance*, NBC News, (March 13, 2024), <https://www.nbcnews.com/news/us-news/alaska-airlines-plane-whose-door-panel-blew-midair-was-scheduled-maint-rcna143107>.

<sup>2</sup> *Id.*

<sup>3</sup> Stephen Stock, Amy Corral, Jose Sanchez, *Boeing's door plug installation process for the 737 Max 9 is "concerning," airline safety expert says*, CBS News, (January 11, 2024), <https://www.cbsnews.com/news/boeing-door-plug-installation-process-737-max-9-concerns-airline-safety-expert/>.

<sup>4</sup> ABC News, *FAA Wants Fuel Tanks Inspected* (July 17, 2000), <https://abcnews.go.com/US/story?id=96482&page=1>.

<sup>5</sup> R. Alonso-Zaldivar, *FBI Accused of Risking Safety in TWA 800 Case*, Los Angeles Times (May 11, 1999), <https://www.latimes.com/archives/la-xpm-1999-may-11-mn-36060-story.html>; Senate Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts Hearing, May 10, 1999, *Administrative Oversight of the Investigation of TWA Flight 800*, <https://www.govinfo.gov/content/pkg/CHRG-106shrg65055/html/CHRG-106shrg65055.htm>.

<sup>6</sup> Michael Laris, Lori Aratani, Ian Duncan, *FAA lifts ban on Boeing 737 Max after crashes in 2018 and 2019 grounded the jet*, The Washington Post, (November 18, 2020),

downplayed its significance and even removed information about it from the manual, among other practices that laid the groundwork for disaster.<sup>7</sup>

While Boeing's actions had deadly consequences, the FAA's oversight failures allowed for it to occur. One Congressional investigation found that the FAA provided "grossly insufficient oversight."<sup>8</sup> It further found that "the FAA's current oversight structure with respect to Boeing creates inherent conflicts of interest that have jeopardized the safety of the flying public."<sup>9</sup> It found several instances where Boeing employees, who were granted special permission to represent the interests of the FAA and to act on the agency's behalf in validating aircraft systems and design compliance with FAA requirements, failed to disclose important information to the FAA that could have enhanced the safety of the 737 Max.<sup>10</sup> In some cases these Boeing employees raised concerns internally, but not to the FAA.<sup>11</sup> Some of the concerns Boeing employees dismissed or failed to investigate were reportedly core contributing factors that led to the pair of 737 Max crashes.<sup>12</sup> Additionally, the investigation report states 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, resulting in compromises in independence and integrity in the FAA's oversight mission.<sup>13</sup> A separate 2020 Congressional investigation, that looked outside of the pair of 737 disasters, found that the "FAA repeatedly permitted Southwest Airlines to continue operating dozens of aircraft in an unknown airworthiness condition for several years" and that "Southwest Airlines successfully exerts improper influence on the FAA to gain favorable treatment related to regulatory compliance and

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[https://www.washingtonpost.com/local/trafficandcommuting/boeing-737-max-ungrounded/2020/11/18/c4d6c1a8-2902-11eb-8fa2-06e7cbb145c0\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/boeing-737-max-ungrounded/2020/11/18/c4d6c1a8-2902-11eb-8fa2-06e7cbb145c0_story.html).

<sup>7</sup> Michael Laris, *Changes to flawed Boeing 737 Max were kept from pilots, DeFazio says*, The Washington Post (June 19, 2019), [https://www.washingtonpost.com/local/trafficandcommuting/changes-to-flawed-boeing-737-max-were-kept-from-pilots-defazio-says/2019/06/19/553522f0-92bc-11e9-aadb-74e6b2b46f6a\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/changes-to-flawed-boeing-737-max-were-kept-from-pilots-defazio-says/2019/06/19/553522f0-92bc-11e9-aadb-74e6b2b46f6a_story.html); House Committee on Transportation and Infrastructure, *Final Committee Report: Boeing 737 Max* (September, 2020) at 13, 20, <https://democrats-transportation.house.gov/imo/media/doc/2020.09.15%20FINAL%20737%20MAX%20Report%20for%20Public%20Release.pdf> (Investigation further showed that Boeing failed to disclose that an angle of attack alert (that signals to pilots a dangerous state in need of immediate pilot correction) was inoperable on most of the 737 fleet, and that Boeing concealed internal test data that showed it took a pilot 10 seconds to respond to uncommanded activation of the automated flight control feature - a condition the test pilot found to be catastrophic. Finally, the investigation found that Boeing failed to classify the automated flight control feature as a safety-critical system which would have invited greater scrutiny from the FAA during the certification process.); *see also* Senate Committee on Commerce, Science and Transportation, *Aviation Safety Oversight Committee Investigation Report* (December, 2020) at 39-40, <https://www.commerce.senate.gov/services/files/8F636324-2324-43B2-A178-F828B6E490E8>.

<sup>8</sup> House Committee on Transportation and Infrastructure, *Final Committee Report: Boeing 737 Max* (September, 2020) at 6, <https://democrats-transportation.house.gov/imo/media/doc/2020.09.15%20FINAL%20737%20MAX%20Report%20for%20Public%20Release.pdf>.

<sup>9</sup> *Id* at 14.

<sup>10</sup> *Id*.

<sup>11</sup> *Id*.

<sup>12</sup> *Id*.

<sup>13</sup> *Id*.

voluntary reporting programs.”<sup>14</sup> It further found that, “FAA management is reluctant in many cases to listen to inspectors and support requested compliance and enforcement actions.”<sup>15</sup> Clearly, the FAA had failed in its regulatory mission to ensure aircraft are safe.

After the pair of fatal 737 Max crashes, Boeing entered into a settlement with the U.S. Department of Justice (DOJ) to avoid criminal prosecution for misleading federal regulators who approved the plane.<sup>16</sup> The DOJ recently found that Boeing violated the terms of this Deferred Prosecution Agreement by failing to make promised changes to detect and prevent violations of federal anti-fraud laws.<sup>17</sup> The DOJ has given Boeing until June 13 to respond and is determining how it will proceed.<sup>18</sup>

As a result of the 737 disasters, and concern that the FAA was not providing independent and effective oversight, Congress passed the Aircraft Certification, Safety, and Accountability Act (ACSAA) of 2020.<sup>19</sup> The law contained a number of provisions including providing additional resources for the FAA, civil penalties for employees that interfere with oversight work or fail to disclose all safety-critical information, guardrails to prevent FAA managers from arbitrarily overruling their technical experts at the behest of the manufacturer, and giving the FAA more direct oversight over the certification process.<sup>20</sup> Despite these attempts to improve aviation safety, the January 5 incident occurred because of what appears to be a simple, yet blatant, aircraft repair oversight.

The NTSB issued a preliminary report detailing the events that led up to and occurred during the January 5 737 Max door panel or “door plug” in-flight blowout.<sup>21</sup> The report stated that four bolts intended to prevent door plug movement were missing and that recovered parts

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<sup>14</sup> Senate Committee on Commerce, Science and Transportation, *Aviation Safety Oversight Committee Investigation Report* (December, 2020) at 2, 13, <https://www.commerce.senate.gov/services/files/8F636324-2324-43B2-A178-F828B6E490E8>.

<sup>15</sup> *Id.* at 12.

<sup>16</sup> David Koenig and Alanna Durkin Richer, *Justice Department says Boeing violated deal that avoided prosecution after 737 Max crashes*, AP News (May 14, 2024), <https://apnews.com/article/boeing-justice-department-737-max-82145b25ed988cd8cae0bce3de79ce9d>; Leah Sarnoff and Alexander Mallin, *Boeing breached 2021 deferred prosecution agreement: DOJ*, ABC News (May 14, 2024), <https://abcnews.go.com/US/boeing-breached-2021-deferred-prosecution-agreement-doj/story?id=110237562>; see also Department of Justice Press Release, *Boeing Charged with 737 Max Fraud Conspiracy and Agrees to Pay over 2.5 Billion*, (DOJ, January 7, 2021), <https://www.justice.gov/opa/pr/boeing-charged-737-max-fraud-conspiracy-and-agrees-pay-over-25-billion>.

<sup>17</sup> David Koenig and Alanna Durkin Richer, *Justice Department says Boeing violated deal that avoided prosecution after 737 Max crashes*, AP News (May 14, 2024), <https://apnews.com/article/boeing-justice-department-737-max-82145b25ed988cd8cae0bce3de79ce9d>; Leah Sarnoff and Alexander Mallin, *Boeing breached 2021 deferred prosecution agreement: DOJ*, ABC News (May 14, 2024), <https://abcnews.go.com/US/boeing-breached-2021-deferred-prosecution-agreement-doj/story?id=110237562>.

<sup>18</sup> *Id.*

<sup>19</sup> Michael Laris and Lori Aratani, *Congress passes legislation to tighten FAA oversight after Boeing Max crashes*, The Washington Post (December 22, 2020), [https://www.washingtonpost.com/local/trafficandcommuting/congress-passes-legislation-to-tighten-faa-oversight-after-boeing-max-crashes/2020/12/22/23d9c88e-4489-11eb-a277-49a6d1f9dfff\\_story.html](https://www.washingtonpost.com/local/trafficandcommuting/congress-passes-legislation-to-tighten-faa-oversight-after-boeing-max-crashes/2020/12/22/23d9c88e-4489-11eb-a277-49a6d1f9dfff_story.html); Public Law 116-260, Div. V.

<sup>20</sup> *Id.*

<sup>21</sup> NTSB, *Aviation Investigation Preliminary Report of Accident Number DCA024MA063*, <https://www.nts.gov/investigations/Documents/DCA24MA063%20Preliminary%20report.pdf>.

demonstrate that the bolts were not present when the blowout occurred.<sup>22</sup> It further stated that the door plug had been installed prior to delivering the fuselage to Boeing at its Renton, Washington facility on August 31, 2023, and that there is no evidence that the door plug was opened after leaving the Boeing facility.<sup>23</sup> The NTSB Report demonstrates that repairs were conducted before leaving the facility to fix faulty rivets on the fuselage, that these repairs required the door plug to be removed, and that it appears the bolts were not reinstalled after removal.<sup>24</sup> As for the door plug removal and reinstallation itself, the report states that “the investigation continues to determine what manufacturing documents were used to authorize the opening and closing of the left...[door] plug during the rivet rework.”<sup>25</sup> This report raises questions as to how this oversight occurred and whether or not Americans flying on Boeing aircraft should have reason to be concerned.

Regulations require manufacturers to document all work performed and record details about who performed which steps and which inspectors approved the work performed.<sup>26</sup> Based on public reporting, the NTSB has failed to obtain documentation of the door plug opening and

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<sup>22</sup> *Id.* at 14-15. (“four bolts that prevent upward movement of the MED (mid exit door) plug were missing before the MED plug moved upwards off the stop pads.”); *see also* Stephen Stock, Amy Corral, Jose Sanchez, *Boeing’s door plug installation process for the 737 Max 9 is “concerning,” airline safety expert says*, CBS News (January 11, 2024), <https://www.cbsnews.com/news/boeing-door-plug-installation-process-737-max-9-concerns-airline-safety-expert/> (“Door plugs are commonly used on U.S. commercial carriers to seal up optional doors when airlines choose to carry fewer passenger seats than the aircraft can hold. The plugs are supposed to be held in place by secure bolts and stop fittings. The plugs are lighter than an emergency door, can’t be opened or closed, and don’t have to be maintained or have an escape slide attached.”); Marisa Garcia, *Four Missing Bolts Confound Alaska Airlines’ 737-9 MAX Investigation*, Forbes (February 7, 2024), <https://www.forbes.com/sites/marisagarcia/2024/02/07/four-missing-bolts-confound-alaska-airlines-737-9-max-investigation/?sh=59741ef68a47> (NTSB found damage on the recovered parts consistent with the door plug shifting upward, out, and back when the plug separated.).

<sup>23</sup> NTSB, *Aviation Investigation Preliminary Report of Accident Number DCA024MA063*, <https://www.nts.gov/investigations/Documents/DCA24MA063%20Preliminary%20report.pdf> at 6, 17-18.

<sup>24</sup> NTSB, *Aviation Investigation Preliminary Report of Accident Number DCA024MA063* at 15-16, <https://www.nts.gov/investigations/Documents/DCA24MA063%20Preliminary%20report.pdf> (The report states that the rivets were replaced, per documentation dated September 19, 2023. It further states that “to perform the replacement of the damaged rivets, access to the rivets required opening the left MED [door] plug. To open the MED plug, the two vertical movement arrestor bolts and two upper guide track bolts had to be removed.” Photos taken to document the damaged rivets seem to show the missing bolts were in place when the rivet fault was first documented.); Marisa Garcia, *NTSB Found More Boeing 737 MAX Door Plug Repairs, Chair Says*, Forbes (April 11, 2024), <https://www.forbes.com/sites/marisagarcia/2024/04/11/ntsb-chair-says-there-are-more-boeing-door-plug-repairs/?sh=39ce25ce3603>; Marisa Garcia, *Four Missing Bolts Confound Alaska Airlines’ 737-9 MAX Investigation*, Forbes (February 7, 2024), <https://www.forbes.com/sites/marisagarcia/2024/02/07/four-missing-bolts-confound-alaska-airlines-737-9-max-investigation/?sh=59741ef68a47>.

<sup>25</sup> NTSB, *Aviation Investigation Preliminary Report of Accident Number DCA024MA063*, <https://www.nts.gov/investigations/Documents/DCA24MA063%20Preliminary%20report.pdf> at 17; *see also* Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Hearing on Examining Boeing’s Broken Safety Culture: Firsthand Accounts* (April 17, 2024) at minute 45, <https://www.commerce.senate.gov/2024/3/national-transportation-safety-board-investigations-report>.

<sup>26</sup> Marisa Garcia, *Four Missing Bolts Confound Alaska Airlines’ 737-9 MAX Investigation*, Forbes (February 7, 2024), <https://www.forbes.com/sites/marisagarcia/2024/02/07/four-missing-bolts-confound-alaska-airlines-737-9-max-investigation/?sh=59741ef68a47> (Manufacturers must keep those records available for regulators to inspect as needed. Full traceability of work and parts is a primary tenant of aviation safety.).

reinstallation.<sup>27</sup> Boeing has said there was no documentation produced.<sup>28</sup> NTSB Chairwoman Jennifer Homendy provided the latest information, or lack thereof, in testimony before the Senate Commerce, Science, and Transportation Committee. She stated on April 10, 2024, “[t]he records don’t exist that we’re looking for, which is a, what we would call, an escape from normal process.”<sup>29</sup> In a March 6, 2024, hearing before the same Committee, Chairwoman Homendy stated, “[i]t is absurd that two months later we don’t have that,” referring to the lack of documentation and other information requested from Boeing.<sup>30</sup> The lack of paperwork that Boeing provided to the NTSB amounted to a “criminal cover-up,” according to a former Boeing manager who testified at a Senate committee hearing recently.<sup>31</sup> His written testimony states that “[r]ecords do exist documenting in detail the hectic work done on the Alaska Airlines airplane and Boeing’s corporate leaders know it too, because they fought to withhold these same damning records after the two Max crashes.”<sup>32</sup> Whether an “escape from normal process” or “criminal cover-up,” these oversight failures demand answers.

An additional report, involving bogus documentation, states that Boeing workers falsified inspection records on 787 planes by reporting certain aircraft inspections as complete when they were, in fact, not conducted.<sup>33</sup> The inspections were intended to confirm that the plane is properly grounded against electrical currents like a lightning strike.<sup>34</sup> Boeing brought the incident to the FAA’s attention and the FAA is evaluating.<sup>35</sup> This type of behavior cannot go unnoticed with proper controls in place.

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<sup>27</sup> Marisa Garcia, *NTSB Found More Boeing 737 MAX Door Plug Repairs, Chair Says*, Forbes (April 11, 2024), <https://www.forbes.com/sites/marisagarcia/2024/04/11/ntsb-chair-says-there-are-more-boeing-door-plug-repairs/?sh=39ce25ce3603>.

<sup>28</sup> *Id.*; See also Gregory Wallace and Pete Muntean, *NTSB rips Boeing for failing to produce key door plug documents*, CNN (March 6, 2024) <https://www.cnn.com/2024/03/06/business/ntsb-rips-boeing-for-failing-to-produce-key-door-plug-documents/index.html> (Boeing issued a statement: “With respect to documentation, if the door plug removal was undocumented there would be no documentation to share.”).

<sup>29</sup> Senate Commerce, Science, and Transportation Committee Hearing, Nomination Hearing (April 10, 2024), at minute 42, <https://www.commerce.senate.gov/2024/4/nomination-hearing>; *Id.*

<sup>30</sup> Senate Commerce, Science, and Transportation Committee Hearing, *National Transportation Safety Board Investigations* (March 6, 2024), at minutes 44-45, <https://www.commerce.senate.gov/2024/3/national-transportation-safety-board-investigations-report>; Marisa Garcia, *Boeing’s Baffling Admission Of Quality Meltdown in Reply To NTSB Chief*, Forbes (March 7, 2024) <https://www.forbes.com/sites/marisagarcia/2024/03/07/boeings-baffling-admission-of-quality-meltdown-in-reply-to-ntsb-chief/?sh=6e23515e300e>.

<sup>31</sup> Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Hearing on Examining Boeing’s Broken Safety Culture: Firsthand Accounts* (April 17, 2024), at minute 47, <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/examining-boeings-broken-safety-culture-firsthand-accounts/>; Chris Isidore and Gregory Wallace, *Boeing whistleblower: ‘They are putting out defective airplanes,’* CNN (April 17, 2024), <https://www.cnn.com/2024/04/17/business/boeing-whistleblower-safety-hearing/index.html>.

<sup>32</sup> Senate Committee on Homeland Security and Governmental Affairs, *Permanent Subcommittee on Investigations, Hearing on Examining Boeing’s Broken Safety Culture: Firsthand Accounts* (April 17, 2024), Witness Statement at page 4, <https://www.hsgac.senate.gov/wp-content/uploads/Pierson-Testimony-24.04.17.pdf>; Chris Isidore and Gregory Wallace, *Boeing whistleblower: ‘They are putting out defective airplanes,’* CNN (April 17, 2024), <https://www.cnn.com/2024/04/17/business/boeing-whistleblower-safety-hearing/index.html>.

<sup>33</sup> Kris Van Cleave, *FAA investigates Boeing for falsified records on some 787 Dreamliners*, CBS News (May 7, 2024), <https://www.cbsnews.com/news/boeing-787-dreamliners-faa-falsified-records/>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*



As a result of the January door-plug blowout incident, the FAA conducted a 6-week 737 Max jet manufacturing process audit of Boeing and its supplier Spirit AeroSystems.<sup>36</sup> A presentation of the audit provided by the FAA revealed dozens of problems throughout the manufacturing process and multiple instances of failure to comply with quality-control requirements.<sup>37</sup> Specifically, in its product audits, which investigate the production process, Boeing passed 56 audits, failed 33, and demonstrated 97 instances of noncompliance.<sup>38</sup> The report noted that Boeing failed the audit addressing the door plug itself.<sup>39</sup> According to the FAA presentation, many of problems were for failure to follow “an approved manufacturing process, procedure or instruction,” while others dealt with quality-control documentation.<sup>40</sup> The audit of Spirit AeroSystems also found that a hotel key card and Dawn dish soap were used in the door plug installation process, which were flagged as problematic.<sup>41</sup> Boeing stated that it approved them for use.<sup>42</sup> The FAA, however, stated that it could not comment because the audit was part of the continuing investigation.<sup>43</sup>

The FAA is authorized to delegate some of its regulatory oversight functions to non-FAA employees and it does so through its Organization Designation Authorization (ODA) program.<sup>44</sup> ODA holders, including Boeing, are often large aviation companies that are “authorized to conduct the types of FAA functions which they would normally seek from the FAA...[f]or example, aircraft manufactures may be authorized to approve design changes in their products and repair stations may be authorized to approve repair and alteration data.”<sup>45</sup> In order to provide another layer of independent review, Section 103 of ACSAA instructs the FAA to convene an Expert Panel to review the safety management practices of holders of an ODA for the design and production of transport airplanes, and make recommendations to the FAA to

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<sup>36</sup> Mark Walker, F.A.A. *Audit of Boeing’s 737 Max Production Found Dozens of Issues*, New York Times (March 11, 2024), <https://www.nytimes.com/2024/03/11/us/politics/faa-audit-boeing-737-max.html>.

<sup>37</sup> *Id.* (The FAA provided a slideshow presentation of its findings to date but said that it could not release specifics about the audit because of its active investigation.).

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Mark Walker, *Dish Soap to Help Build Planes? Boeing Signs Off on Supplier’s Method*, New York Times (April 11, 2024), <https://www.nytimes.com/2024/04/11/us/politics/spirit-aerosystems-boeing-737-max.html>. (According to a document describing some of the audit’s findings, FAA employees observed Spirit mechanics using a hotel key card to check a door seal, which was “not identified/documented/called-out in the production order” and using Dawn dish soap “as lubricant in the fit-up process.” The also saw the door seal get cleaned with a wet cheesecloth to remove the soap and debris, and found the instructions were “vague and unclear on what specifications/actions are to be followed or recorded by the mechanic.”).

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> FAA, *Delegated Organizations*, [https://www.faa.gov/other\\_visit/aviation\\_industry/designees\\_delegations/delegated\\_organizations](https://www.faa.gov/other_visit/aviation_industry/designees_delegations/delegated_organizations).

<sup>45</sup> *Id.*, See also FAA, *Types of Organizational Designation Authorizations*, [https://www.faa.gov/other\\_visit/aviation\\_industry/designees\\_delegations/delegated\\_organizations/types#mra](https://www.faa.gov/other_visit/aviation_industry/designees_delegations/delegated_organizations/types#mra) (Boeing is a holder of multiple categories of ODA, pertaining to aircraft development, production, and use, including Type Certification ODA, Production Certification ODA, and Major Repair, Alteration, and Airworthiness ODA.); FAA, *FAA ODA DIRECTORY* (Updated May 29, 2024), [https://www.faa.gov/sites/faa.gov/files/ODA\\_Directory\\_508\\_240529.pdf](https://www.faa.gov/sites/faa.gov/files/ODA_Directory_508_240529.pdf).

address deficiencies.<sup>46</sup> An Expert Panel conducted a review of Boeing and the FAA released the report on February 26, 2024.<sup>47</sup> It addressed three primary topics at Boeing: the safety culture, the safety management systems, and the ODA program.<sup>48</sup> The findings in the report are disturbing.

With regard to safety culture, the report states that there is a “disconnect between Boeing’s senior management and other members of the organization on safety culture.”<sup>49</sup> It found “a lack of awareness of safety-related metrics at all levels of the organization,” and “inadequate and confusing implementation of the...components of a positive safety culture.”<sup>50</sup>

With regard to Boeing’s Safety Management System (SMS) it found that “many Boeing employees did not demonstrate knowledge of Boeing’s SMS efforts, nor its purpose or procedures.”<sup>51</sup> The report also states that dozens of Boeing SMS documents and presentations it reviewed were “written in a format that focused on complying with the appropriate [International Civil Aviation Organization] ICAO or FAA SMS requirements...[h]owever [the documents] do not effectively result in understanding by the average employee of their role in Boeing’s SMS.”<sup>52</sup> The report states that “the Expert Panel is concerned with the FAA’s ability to effectively oversee expanding SMS regulations with respect to Boeing’s implementation...”<sup>53</sup> Section 102 of ACSAA directed the FAA to create a rule that requires aircraft manufacturers to implement a SMS consistent with ICAO standards, and that the FAA implement a system of surveillance to ensure that manufacturers continue to meet SMS requirements.<sup>54</sup> On April 22, 2024, the FAA announced its final rule to satisfy this mandate and as well as account for input from the NTSB and other aviation rulemaking committees.<sup>55</sup>

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<sup>46</sup> Aircraft Certification, Safety, and Accountability Act, Pub. L. 116-260, Div. V, Section 103; Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024) at 4, [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf).

<sup>47</sup> FAA, *Press Release: Review of Panel’s Final Report on Organization Designation Authorizations (ODA) for the Design and Production of Airplanes* (February 26, 2024), <https://www.faa.gov/newsroom/review-panels-final-report-organization-designation-authorizations-oda-design-and>; Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024), [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf).

<sup>48</sup> *Id.* at 4.

<sup>49</sup> *Id.*, see also CNBC, *Panel finds safety ‘disconnect’ between Boeing management and employees* (February 26, 2024), <https://www.cnbc.com/2024/02/26/panel-finds-safety-disconnect-between-boeing-management-employees-.html>.

<sup>50</sup> *Id.* at 4-5.

<sup>51</sup> *Id.* at 33.

<sup>52</sup> Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024), [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf) at 24.

<sup>53</sup> *Id.* at 36, 29-30 (ACSAA Section 102 of requires the FAA to develop an SMS standard for aviation. The FAA published a Notice of Proposed Rulemaking for Safety Management Systems in January, 2023 and a final rule is expected in the near future.).

<sup>54</sup> Public Law 116-260, Div. V, Title I, Section 102 (Aircraft manufacturers are defined as those who hold both a type certificate and production certificate, among other requirements).

<sup>55</sup> FAA, *FAA Requires Aviation Organizations to Detect, Address Safety Risks Early*, April 22, 2024, <https://www.faa.gov/newsroom/faq-requires-aviation-organizations-detect-address-safety-risks-early>; FAA, *Final Rule Notification*, [https://www.faa.gov/newsroom/sms\\_final\\_rule.pdf](https://www.faa.gov/newsroom/sms_final_rule.pdf); See also 88 FR 1932, Notice of Proposed

With regard to ODA, the report found that, despite Boeing's restructured management of its ODA unit, it "still allows opportunities for retaliation to occur, particularly with regards to salary and furlough ranking...[and t]his influences the ability of UMs [Unit Members - individuals who perform the FAA's ODA mission at Boeing] to execute their delegated functions effectively."<sup>56</sup> The report also states that during the Panel's interviews with FAA personnel "instances were described where Boeing...had agreements with FAA management personnel that overruled the OMT [Organization Management Team - FAA employees responsible for oversight of the ODA holder] and UM decision without their consultation."<sup>57</sup> This report shows a failure to establish a true safety-first culture, an ineffective SMS, and continued improper influence within Boeing's ODA program.

On February 28, 2024, it was announced that the FAA told Boeing that it expects Boeing to provide it with a comprehensive action plan within 90 days that will incorporate the results of the six-week audit and the Expert Panel report.<sup>58</sup> Notably, the Expert Panel report also provides a number of recommendations to the FAA itself.

A culture of transparency in aircraft safety must include space for whistleblowers to be heard without fear of retaliation. Unfortunately, reports and recent testimony call this into question at Boeing. A former Boeing employee and whistleblower, who raised safety concerns about Boeing aircraft assembled in South Carolina, was recently found dead from suicide.<sup>59</sup> The quality control manager, and 30-year Boeing veteran, had raised concerns about substandard parts being deliberately installed and procedures, intended to track components through the factory, being ignored in favor of production pace leading to defective components going missing.<sup>60</sup> His concerns paralleled those of the FAA's after its audit of Boeing. You said, "it's really important in a factory that you have a way of tracking tools effectively so that you have the right tool and you know you didn't leave it behind. So it's really plant floor hygiene, if you will, and a variety of issues of that nature."<sup>61</sup> The January 5 incident highlights the impact that a few missing bolts can have and the FAA cannot be content to lay blame at the feet of Boeing.

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Rulemaking, January 11, 2023 Effective Date, <https://www.federalregister.gov/documents/2023/01/30/2023-01788/safety-management-systems>.

<sup>56</sup> Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024), [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf), at 5.

<sup>57</sup> *Id.* at 38.

<sup>58</sup> FAA Statement, *Updates on Boeing 737-9 MAX Aircraft* (February 28, 2024), <https://www.faa.gov/newsroom/updates-boeing-737-9-max-aircraft>.

<sup>59</sup> Theo Leggett, *Boeing whistleblower John Barnett found dead in US*, BBC News (March 11, 2024), <https://www.bbc.com/news/business-68534703>.

<sup>60</sup> *Id.*

<sup>61</sup> Mark Walker, F.A.A. *Audit of Boeing's 737 Max Production Found Dozens of Issues*, New York Times (March 11, 2024), <https://www.nytimes.com/2024/03/11/us/politics/faa-audit-boeing-737-max.html>.



In another recent example, an employee turned whistleblower stated that Boeing took shortcuts to speed up production of Boeing's 787 and 777 aircraft.<sup>62</sup> He stated that he witnessed employees jumping on pieces of the 777 aircraft to get them to align.<sup>63</sup> Boeing had previously suspended deliveries of the 787 for nearly two years until August 2022 because of incorrect spacing on portions of the fuselage.<sup>64</sup> The whistleblower also stated that Boeing retaliated against him after he voiced his concerns.<sup>65</sup> At a recent Permanent Subcommittee on Investigations hearing, he testified, "I was ignored. I was told not to create delays. I was told, frankly, to shut up...[w]hen I bring something to my boss...to say...we have problems with this, and he prevents me from even documenting and prevents me from even sending the information to...the subject matter experts, to me that's a problem...a quality manager telling you not to write your concerns and not to send it to the...subject matter expert...that's concerning."<sup>66</sup> In written testimony he further stated, "[s]ince my whistleblower complaint has become public, I have spoken to several Boeing engineers who told me they share my concerns, but no one is willing to voice them because they fear reprisals from Boeing."<sup>67</sup> In a briefing prior to the Permanent Subcommittee on Investigations hearing, Boeing stated that it has encouraged employees to bring forward safety concerns and since the January Alaska Airlines incident they have been doing so in much greater numbers.<sup>68</sup>

In a separate instance, a whistleblower and former quality inspector at Boeing supplier Spirit AeroSystems, recently passed away after battling a fast-spreading infection.<sup>69</sup> He had raised concerns about misdrilled holes on a section of the 737 Max that is necessary to maintain cabin pressure during the flight.<sup>70</sup> The whistleblower, who was laid off and ultimately fired, also claimed that he was retaliated against for raising these concerns.<sup>71</sup>

In yet another report, on April 23, 2024, the FAA said it is investigating an aerospace employee union's claim that Boeing retaliated against two employees who, in 2022, insisted

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<sup>62</sup> Leslie Josephs, *Boeing defends 787 Dreamliner safety after whistleblower alleged structural flaws*, CNBC (April 15, 2024) <https://www.cnbc.com/2024/04/15/boeing-defends-787-dreamliner-safety-after-whistleblower-claims.html>.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Hearing on Examining Boeing's Broken Safety Culture: Firsthand Accounts* (April 17, 2024), at minute 41, 1hr 28 minutes, <https://www.hsgac.senate.gov/subcommittees/investigations/hearings/examining-boeings-broken-safety-culture-firsthand-accounts/>; Chris Isidore and Gregory Wallace, *Boeing whistleblower: 'They are putting out defective airplanes'*, CNN (April 17, 2024), <https://www.cnn.com/2024/04/17/business/boeing-whistleblower-safety-hearing/index.html>.

<sup>67</sup> Senate Committee on Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *Hearing on Examining Boeing's Broken Safety Culture: Firsthand Accounts, Written Witness Testimony* (April 17, 2024) at 10, <https://www.hsgac.senate.gov/wp-content/uploads/Salehpour-Testimony-24.04.17.pdf>.

<sup>68</sup> Chris Isidore and Gregory Wallace, *Boeing whistleblower: 'They are putting out defective airplanes'*, CNN (April 17, 2024), <https://www.cnn.com/2024/04/17/business/boeing-whistleblower-safety-hearing/index.html>.

<sup>69</sup> Michael Kaplan, *Whistleblower at key Boeing supplier dies after sudden illness*, CBS News (May 2, 2024), <https://www.cbsnews.com/news/joshua-dean-boeing-whistleblower-dies-sudden-illness/>.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

Boeing re-evaluate prior engineering work on 777 and 787 jets.<sup>72</sup> The report states that the two unidentified engineers were representatives of the FAA through its delegated oversight authority.<sup>73</sup> The union filed an unfair labor practice complaint, saying the two engineers received identical negative evaluations after the incident.<sup>74</sup> These reports illustrate that those performing the FAA's regulatory function under the ODA program can also be targets of retaliation.

Whistleblowers play a crucial role in protecting the general public by ensuring that aircraft are built in a safe manner. These examples represent a disturbing pattern of brave whistleblowers facing retaliation rather than being praised for pointing out potentially deadly flaws.

Whistleblowers are needed when an organization does not allow for safety concerns to be addressed. The Expert Panel report describes a flawed system for reporting aviation safety concerns.<sup>75</sup> It found that managers who are authorized to promote and discipline employees might also be tasked with conducting investigations in the SMS framework affecting those same employees.<sup>76</sup> This arrangement could lead to a manager investigating a report within their own reporting chain, "potentially compromising Boeing's commitment to a non-retaliatory and impartial environment."<sup>77</sup> The report also stated that it "could not identify a consistent and clear safety reporting channel or process...nor a successful process in which the employee is informed of the outcome of the report."<sup>78</sup> Per its website, in 2019, Boeing established "a confidential reporting channel called Speak Up for employees to voice their concerns about product quality and safety and offer ideas for how to improve."<sup>79</sup> The Expert Panel report, however, found that employees did not understand how to utilize reporting systems including Speak Up, preferred to avoid reporting systems (and instead favored reporting issues to their manager), and have distrust in the anonymity of the Speak Up program.<sup>80</sup> These findings demonstrate that Boeing has yet to establish an effective process whereby employees can feel comfortable to raise safety concerns and have them addressed.

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<sup>72</sup> David Sharpardson, *FAA probes union claims Boeing retaliated against two engineers in 2022*, Reuters (April 23, 2024), <https://www.reuters.com/business/aerospace-defense/faa-probes-union-claims-boeing-retaliated-against-two-engineers-2022-2024-04-23/>.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> ACSAA Section 102 states that the SMS regulations issued by the FAA require the SMS to include a "confidential employee reporting system through which employees can report hazards...concerns...and incidents" and the reporting system "shall include provisions for reporting, without concern for reprisal...in a manner consistent with confidential employee reporting systems administered" by the FAA. Public Law 116-260, Div. V, Title I, Section 102.

<sup>76</sup> Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024) at 32, [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> Boeing, *Safety Management System*, <https://www.boeing.com/safety#sms> (Accessed 4/30/24).

<sup>80</sup> Expert Panel Convened by FAA, *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report* (February 26, 2024) at 32-33, [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf).

Boeing is given great responsibility to build the planes that Americans rely on every day and the FAA is entrusted to ensure they do it safely. Boeing's track record, as well as recent reports, demonstrate that aircraft safety has not been the paramount concern and the FAA has provided insufficient oversight to ensure that it is.

In order to conduct independent Congressional oversight and to give the American people answers they deserve, provide a response to the following questions no later than June 27, 2024.

1. Were the employees who conducted the work to open and/or reinstall the door plug Boeing employees or Boeing contractors working for Boeing? If the latter, identify their employer, and describe the nature of Boeing's relationship to these employees in terms of direction, control, and oversight of their work on the aircraft. Provide all records.<sup>81</sup>
2. Can you certify that all Boeing 737 Max aircraft that are built or serviced at Boeing facilities, or facilities that they exercise control over through practice, policy or procedure, have now had their door plugs inspected for defective or missing parts? If not, why not?
3. Has documentation of the removal/reinstallation of the door plug from Alaska Airlines Flight 1282 been located and provided to the FAA? If so, provide it. If not, why not?
4. Does documentation of door plug installation and any removal/reinstallation exist for all other 737 Max aircraft in production or in service? Provide a full assessment of documentation for all 737 Max aircraft. Do FAA regulations or policies require Boeing and other aircraft manufactures to keep records of door plug removal/reinstallation on an aircraft that is being manufactured? If not, why not?
5. Are there rules or regulations in place to ensure that door plug installations and door plug removal/reinstallation are reviewed for quality control? Describe the policies or procedures and provide all records.
6. Has the January 5 incident resulted in any changes to rules or regulations specific to door plug removal and re-installation to ensure that it does not happen again? If so, explain and provide all records. If not, why not?

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<sup>81</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

7. Was Boeing's SMS program in compliance with FAA rules and regulations at the time of the January 5 incident? Describe the nature and extent of FAA's review of Boeing's SMS within the last two years.
8. Does the FAA SMS rule, issued pursuant to Section 102 of ACSAA, address the repair oversight that appears to have caused the January 5 incident? How so? If not, why not?
9. Has this incident resulted in any other changes to FAA regulations or policy designed to improve aircraft safety? If so, explain and provide all records.
10. If an individual involved in the production of an aircraft finds a safety concern, under what circumstances must the production of that aircraft stop until the issue is resolved? Under what circumstances may production continue?
11. In order for a certificate of airworthiness to be issued for an aircraft, must documentation of the door plug reinstallation exist? Must this documentation be verified as sufficient prior to issuance of the certificate of airworthiness?
12. Has the FAA issued any civil penalties or taken any other action against Boeing as a result of the January 5 incident?
13. Provide the FAA's whistleblower policies, guidance, and similar documents related to aviation employees who contact the aircraft manufacturers, the FAA, and third parties. Has this changed as a result of ACSAA requirements? If so, please explain.
14. Describe the steps the FAA has taken to ensure that employees of aircraft manufacturers (or employees of their contractors, subcontractors, or suppliers) who raise aviation safety concerns to their employer, or who raise concerns to the FAA, are protected. Has this changed as a result of ACSAA? Have there been any additional steps taken with regard to those working under the authority of the FAA's ODA program? If so, please explain.
15. Is Boeing's whistleblower reporting procedure compliant with FAA rules and regulations?
16. Do you agree with the Expert Panel's recommendations addressed to the FAA and agree to implement them?<sup>82</sup> If not, why not?

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<sup>82</sup> Expert Panel Convened by FAA, Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report (February 26, 2024), [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf) at 31-40.

17. Explain how you plan to implement the Expert Panel's Recommendations. Enumerate your responses to coincide with the recommendation numbers in the Report and provide timelines and benchmarks.
18. Provide a copy of Boeing's action plan that you asked them to provide to you within 90 days of your request on February 28, 2024.
19. Provide the full audit report of Boeing and its supplier Spirit AeroSystems that the FAA conducted after the January 5 incident.
20. When did the FAA last conduct an audit of this nature at these facilities? How could so many problems have gone undetected by the FAA for so long?

Thank you for your prompt attention to this matter. Should you have any questions, please contact my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget