

U.S. Senator Maria Cantwell
Commerce Committee Hearing on the National Transportation
Safety Board Investigations Report

Witness: NTSB Chair Jennifer Homendy

March 6th, 2024

Sen. Cantwell Opening Remarks

[\[AUDIO\]](#) [\[VIDEO\]](#)

Sen. Cantwell: Good morning. The Committee on Commerce, Science and Transportation will come to order. Today, we're having a hearing on the National Transportation Safety Board investigations and reports. I welcome the Chair Safety Board Director, Jennifer Homendy. Thank you so much for being here.

The NTSB is the nation's safety watchdog – ensuring that safety is the top priority for the transportation industry and the U.S. Department of Transportation.

Through its impartial investigations into transportation accidents the Board makes recommendations that have transformed transportation safety.

NTSB's recommendations prompted action to require railroads to use positive train control, passengers to use seat belts, and commercial airlines to have well-rested crews.

However, the need to improve safety is ongoing. For instance:

- Runway near misses and close calls in our aviation sector are far too frequent and we simply must do better.
- The East Palestine derailment and inspections that have been less than lacking on the requirements to make sure that we really are looking out for these longer trains and tech improvements. And that is just frustrating given last Saturday's Norfolk Southern derailment in Pennsylvania when three trains collided.
- And we're seeing a crisis on our nation's roadways. In 2021, the latest data that we have, fatalities were the highest since 2005. In my home state, fatalities have increased 40 percent since the pandemic, and 70 percent in the last decade.

So, while all of that is enough to think about, we are urgently in need of an NTSB that is operating at full strength – with investigators that will use that expertise to help us plan for improved safety.

That is why this Committee has passed out our aviation bill with the reauthorization of the NTSB. And I want to thank you for your hard work in eliminating backlogs that we have seen at the NTSB, but clearly you need more investigators on the job to help. The FAA Senate bill, advanced by the Committee, also requires the FAA to finalize their 25-hour cockpit recording rule. Also, flight data recorders and improve with aviation safety inspectors from the FAA. I think these are important reforms that will be critical to the NTSB. And that's why we are working hard with our House colleagues to finalize a House bill and send it to the president's desk.

But obviously, the safety concerns of the flying public is probably the main focus of this morning's hearing. Serious questions remain unanswered about the door plug accident on Alaska Airlines flight 1282. We need to be satisfied that manufacturers have strong quality controls and FAA oversight is robust.

The FAA and manufacturers, in my opinion, should listen to machinists and professional engineers who are asking for a stronger safety culture to improve certification and production quality. And we need to do everything to make sure they are not intimidated on the job to just keep the line moving.

Members have been briefed about the accident and this Committee will continue to do its oversight role.

On February 6, 2024, the NTSB released its preliminary report regarding the flight 1282. I appreciate its prompt investigation of the accident and its preliminary findings. The Committee continues to be concerned about the deficiencies in safety culture. I think probably also, articulated or illuminated by the individual report that was required by our ACSAA bill and was delivered just a few weeks ago.

The report implies that the Boeing facilities have significant, now I'm saying your report to be clear, implies that Boeing facilities may have significant deficiencies in record keeping and the investigation continues to determine what manufacturer documentations were used to authorize the opening and closing of the left mid-exit door plug during rework. In particular, we want to know about the disclosure of records that may show why or how it was improperly installed and what caused the accident 1282. Which raises questions that we'll ask in the Q&A period, whether the documents even exist.

These are important issues that we need to get to the bottom of. There are lots of people in the Northwest, not just those who work at Boeing, but those who are involved in an aviation culture around our state. We want to get this right. So I'll look forward to asking questions about this.

We also, in my opinion, need to continue the final report on the East Palestine that was helped informed by Senators Brown and Vance's Railway Safety Act. We need to include speeding up the phase out of legacy tank cars that carry flammable liquids, requiring railroads to provide states with information about the hazardous materials, and we need to pass the Senate bill that highlights many of these things.

I look forward to hearing more about the status of these investigations and what else we can do to make sure that the NTSB is fully operational and capable of doing this investigative job.

Q&A Portion

[\[AUDIO\]](#) [\[VIDEO\]](#)

Sen. Cantwell: Following on, the expert review panel found that Boeing employees are still afraid to speak up and report safety issues. There is a way for employees to speak directly to the FAA, is there a way for people to speak directly to NTSB to aid in this investigation?

Chair Homendy: Yes, in fact, I received a whistleblower report myself. Anonymously, we received some information that I made sure our team has, it also went to our team. So, we do have a couple of ways. The best way is for people to reach out to us at the website of witness@ntsb.gov. And we'll make sure to follow up on that information.

Sen. Cantwell: Were you able to get from the company what specific procedures that they have for identifying, storing, protecting, retrieving, and retaining quality records? Were they forthcoming on that?

Chair Homendy: We have not received that information.

Sen. Cantwell: Does the fact that Boeing has not produced these documents or that NTSB investigators have not been able to retrieve them indicate that they do not exist or ever existed?

Chair Homendy: They may not. There are two options. Either they exist, and we don't have them, or they do not exist, which raises two very different questions -- several different questions depending on which one is the right answer.

Sen. Cantwell: If you don't have that documentation, what does it say about the quality assurance program?

Chair Homendy: We know they have a -- we have been told, let me back up on that. We have been informed that they have a procedure to maintain documents on when work is performed, including when door plugs are open, closed or removed. We have not been able to verify that. And without that information that raises concerns about quality assurance, quality management, safety management systems within Boeing.

Sen. Cantwell: So that's why I asked that first question about procedures for identifying, storing, and protecting. Everybody knows out at Boeing that the workers think that the plane will fly when the paperwork weighs more than the plane. That is their way of saying a lot of paperwork exists. People know that you don't move the line without paperwork. That's just part of the process.

So, the question is, are you looking at those procedures, and you're saying they're not forthcoming, even on the procedures?

Chair Homendy: That's correct. But we are looking at those procedures, we go very in depth and very broad. We'll look at the procedures, policies. We will also look at other work that was done around the same time or within the last several years to see if there are concerns with other work or records that may be missing.

So we go in depth, and we are also going in depth on safety culture, safety promotion, safety management as a whole.

Sen. Cantwell: Okay, and so is the FAA in there? [Are] aviation safety investigators helpful in this or not helpful?

Chair Homendy: FAA has been very cooperative and very helpful to us in the investigation, and we appreciate them. They've been a partner throughout this from the very beginning,

Sen. Cantwell: I'm saying do any of their aviation inspectors on site have data or information about what processes and procedures may have existed or didn't exist?

Chair Homendy: That is something that I would like to follow up with our team and get back to you on.

Sen. Cantwell: Okay. And then back to this point, every shift is documented, you know the workers that were involved in this particular area, you can get their names, you can ask for interviews with those individuals. And you're saying that that hasn't happened?

Chair Homendy: Correct. We have gone through emails, we've gone through texts, we've looked at pictures to begin to get a picture of the date in mid-September, the two dates in mid-September that we believe the work occurred.

We haven't received that information directly from Boeing.

We also believe we know what shift it occurred on. But we still know there is one team, one team that deals with the doors, of 25 people. Why we don't have those names today, two months later, is really disappointing.

Sen. Cantwell: Well, it's beyond disappointing. We have an entire economy that depends on people getting this right. And I thought that the CEO said that they would cooperate to the fullest. So, it seems like this information is now stymieing your investigation, and it seems that it's knowable, and that you should at least be able to talk to the individuals there.

Do you have any concerns, there was a report about there could be an additional [investigations], because there was a consent decree that was about to expire, that any kind of other investigation by Department of Justice would impact your investigation?

Jennifer Homendy: I do have concerns, our attorneys also have concerns. Only from the aspect, we don't want to tell any other agency what they should or should not do.

Where it becomes a concern for us - we'll get the information at some point. Where it becomes a concern for us is when employees and others don't feel safe to speak to us. And so they begin -

Sen. Cantwell: Well, that is occurring now. And so, what do we need to do to make sure that people feel safe and secure?

That's part of the expert report. It's part of why we passed ACSAA, to make sure there was no retaliation. What else can we do?

And we can't have a viewpoint that, I just had to keep the line moving. That's not the viewpoint we want. We want employees who are saying, I have a concern about this, to be listened to, and to be backed up by those FAA ASIs. That's what we want.

And so, in this case, we want to understand whether that kind of retaliation still exists, and what we can do to make sure that these people feel free to speak to you, and to others who are investigating.

Jennifer Homendy: I completely agree with that.

The aviation industry is so safe because we do encourage, the industry has encouraged, anonymous reporting, and through anonymous reporting addressed risk proactively and encouraged employees to speak up. That's how we have addressed safety and gotten to our excellent gold standard safety record we are in today in the aviation industry. Without that there is a significant concern.

I am aware of the concerns with Boeing, which is why we are delving into safety culture and safety management.

Sen. Cantwell: And have you discussed this, because I know that the FAA administrator just had a five-hour meeting with them last week, do you think this was part of the discussion?

Jennifer Homendy: With FAA?

Sen. Cantwell: Yes.

Jennifer Homendy: I imagine so.

Sen. Cantwell: Okay.

Sen. Cantwell Closing Remarks

[\[AUDIO\]](#) [\[VIDEO\]](#)

Sen. Cantwell: As I mentioned, we're running out of time just because we have two votes back-to-back.

But I did want to submit some questions to for the record. I'm going to submit some things on East Palestine that I'd like answered.

I also want to note that it's the 25th anniversary of Olympic pipeline explosion in Bellingham, Washington, which killed three children under the age of 19. The company's negligence was so severe that multiple company executives were sent to jail, and the judge in the case decried the lack of effective federal oversight. So, I'm going to submit questions about the lack of investigation [into] the Keystone Pipeline.

But what resources would help the board be more effective in being a pipeline safety watchdog? When do you deploy for pipeline incidents? And what pipeline safety would you recommend to Congress that we also do to enhance? So just for the record that we have that.

I want to say that I also am going to send a letter to Boeing and the various manufacturers saying, we need this information immediately as it relates to this investigation. Also, to send that to the FAA, we're not sure why that hasn't happened.

But one of the reasons we wanted to have you here today is that people need to listen to the NTSB. So often, you have done the painstaking work to actually get the data and information, and then the consequence is, people don't listen to it.

And so we are trying to do everything we can, as we did in ACSAA, to ask for a trend report. Part of the trend report was to bolster the NTSB's recommendations, and to say, listen to them and monitor the trends.

Your appearance here before the committee led to a conference the FAA was holding where you had already said that we needed to do something about near-miss technology at airports. And yet, it wasn't being listened to. And the fact that we had you here that day, again, making people listen to that voice resulted in the FAA, and then the acting administrator at that point in time putting out a directive.

So, we're doing everything we can. We need to get this right. I think showing their support for your investigation could be so helpful. People shouldn't forget, they're also the largest exporter of our

country, aviation. And so we want to get this right. They're also a big key component of our DOD system. We need to get this right. So, we need to help with the investigation so we can find out what in our system needs to be improved.

I don't think it will be a surprise to say that a true safety management system needs to be implemented.

So with that, I see my colleague here, I'm going to ask that the hearing records remain open for two weeks and any senators submit questions for the record, and then at the conclusion of Senator Markey's questioning that we be adjourned and he can gavel us out. Thank you so much.