

Senator Maria Cantwell

Floor Statement on Dickson FAA Nomination

July 23, 2019

CANTWELL: Madam President, I rise today to speak in opposition to the nomination of Stephen Dickson to be the next administrator of the FAA. I have said that it is very important that, in this day and age, when it comes to aviation, safety must always be our top priority. We've considered Mr. Dickson's nomination, his record, an ongoing case of whistleblower retaliation, and given all of that, it is clear to me he is not the right person for the safety culture that we need today at the FAA. It is distressing to me that Mr. Dickson advanced out of committee on just a party line vote. We've never had a partisan vote on an FAA nominee in the past, and I believe that we should have found consensus on a nominee for the FAA, given all of the concerns the public has about flying safety.

The reason why I oppose Mr. Dickson is when I understood, after the hearing, first officer Karlene Petitt, who has a Ph.D. in aviation safety and is an experienced pilot over 40 years, happens to be one of my constituents, but at a hearing basically understood that no one was holding Mr. Dickson accountable for actions that he took against her at Delta Air Lines. Back in 2010 she was a pilot on an A330 flight and she had seen a crash of an A330 plane, tragically an Air France plane in the Atlantic Ocean. She had also heard comments from those in the Delta executive team that if you have a concern about safety, say something. So she thought she was doing just that. As part of what she thought was important information following these A330 incidents, she said she had concern about pilot training when it came to potential automation and failures of making sure that they were giving enough rest time to pilots. She observed that there were issues she thought were putting both her and passengers at risk.

So what did she do? She did what all employees – we hope – would do. She informed her superiors and suggested possible solutions. She was persistent and wanted to make sure that these recommendations were met with by the leadership of the organization, Mr. Dickson, and his second in command, Jim Graham. And some of the concerns she raised about inadequate pilot training and not enough pilot rest were things that you thought would have maybe gotten her recognized for the great contribution to a safety culture that is so necessary today in an age of more and more automation. Whether you're talking about an automobile or an airplane, it's essential that automation and training go hand in hand.

But, instead of Officer Petitt getting the attention she deserved, instead the company sent her for a mandatory psychiatric evaluation. Can you imagine, as a whistleblower, bringing up concerns, and as a pilot flying for many years, and instead of being paid attention to, be sent for a psychiatric evaluation? Just a few months later, after First Officer Petitt continued to try to raise her concerns, that's exactly what happened. Delta and Mr. Dickson removed her from duty and required her to undergo a mental health evaluation and forced her to protect her career and her reputation.

The psychiatrist that Mr. Dickson's team hand-picked to examine Ms. Petitt also has his own problems of serious red flags and a retaliatory threat. For example, the doctor cited that just because Officer Petitt had three kids, a job, and helped her husband with his career, she must be manic. I don't know about you, Madam Chair, but to me it just sounds like being an American woman today – juggling many things. The psychiatrist even had the nerve to insist to ask when the first officer was breast-pumping milk for her children. That's the kind of questions that the officer had to answer?

Well, the good news for us is that there are laws on the books that protect people in these kinds of incidents, when they're whistleblowers and they've been retaliated against later. A panel of eight doctors from the Mayo Clinic and an independent doctor all came to the opposite conclusion than this psychiatrist – that first officer Petitt had no mental issues and she should continue to fly as she had done for many years.

It's very unfortunate that this situation arose, but it was more unfortunate that Mr. Dickson was not even candid about it when his nomination came before the committee. It is standard operating procedure in the United States Senate to ask nominees the question: have you or any business that you've been associated with, or nonprofit, been involved as a party in an administrative agency, criminal or civil litigation? Why do we want to know that? We want to know that because we want any kind of derogatory information about a nominee that we are about to entrust the public confidence through the United States Senate to know if there have been any issues about whether that trust has been misplaced. But instead of answering that question, he did not bring up this incident at Delta.

Now, I don't know of any nominee before the Commerce Committee that failed to disclose this kind of information that then moved forward after it was brought up. That's right. The only reason why we knew about this incident is not because of his requirement to disclose it and his failure to disclose it. It's because when we had a hearing and everybody heard all this glowing information, this whistleblower, who had this incident, came forward to explain to members of the committee that this is exactly what had happened to her in her career as she tried to raise these important issues. When we asked Mr. Dickson for further information about this lawsuit and why he didn't disclose it, he went on to minimize his involvement, saying that it amounted to essentially one meeting with the pilot. However, a review of written records, emails, deposition materials and others – it shows that Mr. Dickson was more involved than just one meeting.

Madam President, we all want our officials to show the commitment to safety in establishing rules and cultures that protect the flying public. That is one reason why Captain Sullenberger has come out against this nominee, because he knows that when it comes to creating a safety culture, it has to start at the top, and we have to listen to people like the pilots who are showing concerns today about the Boeing 737 MAX. And we should listen to them and to IGs – the inspector generals – on what types of processes we should be putting in place to resolve the challenges we face as we do want to integrate more automation. Automation can help us make things safer, but automation without the pilot training, without the integration, without a culture that rewards people for bringing up these issues to try to resolve them instead of almost red-coding them as a response, is not what we need to be doing.

A 2016 report by the Department of Transportation inspector general highlights the essential role of the FAA in oversight to reduce hazards and the increasing reliance on flight deck automation. The FAA estimates that automation is used 90 percent of the time in flight, and yet according to the inspector general report, the FAA did not have a process to ensure that airline pilots are properly trained to use and monitor automation systems while maintaining proficiency in manual flight operations. The report recommended that the FAA provide guidance in defining standards that airlines can use to train and evaluate pilots in the use of automation. It also recommended the standards to be established to determine whether pilots were receiving that efficient training to develop those skills while flying.

These are the very matters that First Officer Petitt had focused on when making her observations and suggested changes in safety. And they are just as critical today as they were for the A330. We are going to live in an era of increasing automation and we have work to do. I guarantee you we're going to

continue to play a role on this in the Commerce Committee in making sure that the IG, inspector general's, criticisms of the FAA when it comes to these issues are addressed.

Someone who takes safety seriously and listens to the pilots is what we need on the front line. I know that these issues are weighing on the American public, the very questions that Dr. Petitt asked. And I am sure, with the right amount of engineering and cooperation, we can get them right. But Mr. Dickson has doubled down. He basically said he had no regrets about how we handled the situation. When we came back at him about the fact that the information wasn't submitted, he basically said he had no regrets, no regrets about trying to end a 40-year career of a whistleblower.

So Madam President, I find this very challenging. I want the FAA to move forward with confidence that we are going to create the safety culture necessary for today's environment. I know that Captain Sullenberger said it best: "This nominee, while an executive at Delta Air Lines, either caused or allowed a whistleblower who had valid safety concerns to be retaliated against. I strongly oppose the nomination. The decision the next FAA administrator will make will determine how safe every airline passenger and crew will be."

I know it's hard for people in busy, busy jobs to slow down and listen to whistleblowers, but I guarantee you they have helped us many times solve many problems. So I ask my colleagues to turn down this nomination today and to help us create an environment where whistleblowers will be listened to.

I thank the president and yield the floor.