As you learned last week, Southwest has now removed the MAX out of their schedule until at least September. With the confusing information coming from the FAA, national and geopolitics, and Boeing's continued missteps, there is no accurate estimate of when the MAX will return to service. Present projections range from September to December. Certification flights on the new MCAS flight control logic (remember, MCAS is not a system) will continue in the next few weeks and decisions on what form of training will be required have not been made. For the latest on the FAA's stance, please see the following link: https://www.businessinsider.com/boeing-737-max-return-by-december-faa-official-2019-6

Boeing seems to receive more bad news with every passing week and still needs to learn how to rebuild trust as well as the airplane. Boeing failed to disclose MCAS initially, failed to build in redundancy, and failed to notify the FAA of issues related to MCAS in a timely manner. In March, they expectedly but reprehensibly, asked to have the venue switched from the United States District Court for the Northern District of Illinois to Indonesia in order to settle the Lion Air Flight 610 accident for minimal amounts. If Boeing's tactic succeeds, the cases for the families become nearly worthless and a similar strategy might be attempted for the Ethiopian accident as well.

While there are still questions and issues with each respective airline's management, training, and flight crews, Boeing still has substantial responsibility and liability and will undoubtedly face many legal issues, civilly, and perhaps criminally, in the United States federal court system. A requested change of venue only exacerbates and continues to harm Boeing's image and trustworthiness in the eyes of the public and Congress. For more information on this aspect of the accidents, please see the following links: https://www.insurancejournal.com/news/international/2019/05/01/525260.htm and https://www.bloomberg.com/news/articles/2019-05-01/boeing-pushing-to-move-crash-lawsuit-from-hometown-to-indonesia

SWAPA is continuing to cooperate with the United Sates Justice Department's Criminal Division in their subpoena of our records and information regarding the MAX. This and other SWAPA expenses relating to the MAX, as well as the loss of flying to our members is very expensive. SWAPA will be seeking compensation and reimbursement from Boeing for every dollar legally available to be challenged when the MAX issues are resolved.

Besides correcting their obvious mistakes, there are many things Boeing should do to gain the trust of the Pilots who fly the MAX. As the 737 has been modified and evolved, and stage length increased, there have been very little to no advancements for UV protection, enhanced window sun shades, reduction of flight deck noise, or flight deck crew seats and jumpseat ergonomics, health, safety and comfort. On the 737, pilots have basically been an afterthought as evidenced from the non-disclosure of MCAS to the aforementioned issues.

While there is ample information from the Lion Air accident, Ethiopian Flight 302 is an entirely different story. There is little hope of getting more cooperation, data, or information from that crash, except for perhaps a sanitized final accident report, which will probably not have the cockpit voice recorder (CVR) data or much else. The Ethiopian government and Ethiopian Airlines possess the data and information that is needed to answer the many remaining questions and provide a complete report. The preliminary report can be found here: Ethiopian Airlines Flight 302 preliminary accident report.

As a member of the International Civil Aviation Organization (ICAO), Ethiopia is also technically required to comply with the Accident Investigation Section and Annex 13 - Aircraft Accident and Incident Investigation of the ICAO policies. However, in actuality, ICAO has very little enforcement
Some of the questions and issues that still need to be answered and explored are:

1. Details of training and information Ethiopian Airlines received from Boeing and others on how to train their crews and what was directed to be trained
2. Syllabus, format, and details of ground, simulator, and flight training that Ethiopian Airlines previously used and now uses to train their crews
3. Details of their Safety Management System (SMS)
4. What training and or information was given to Ethiopian flight crews regarding MCAS after the Lion Air accident
5. Their procedures for unreliable airspeed and stick shaker
6. Their auto-throttle procedures
7. Their flight mode selection criteria and training
8. Their autopilot engagement criteria
9. Their runaway stabilizer procedures
10. Their airspeed overspeed recognition training and procedures
11. Their extended envelope training and unusual attitude recovery training

Ethiopian Airlines depends on some of its revenue from being a member of the Star Alliance and the government of Ethiopia considers the airline important for the stability of the country. Also, Boeing is highly involved in ab initio pilot training programs and training overseas. In fact, in a CNBC interview that appeared on Monday, June 17, the Boeing CEO highlighted the pilot supply/demand issue in an effort to shore up future sales and profit from future flight training. The link to that story can be found here: https://www.cnbc.com/2019/06/17/boeing-ceo-says-global-pilot-shortage-is-one-of-the-biggest-challenges.html

For more information on the Ab Initio flight training program Boeing is offering, click here: https://www.thebalancecareers.com/boeing-announces-ab-initio-flight-training-program-282861

These issues taken together may present a conflict of interest, thereby further complicating a full, complete, and impartial investigation and may affect safety in the future. SWAPA will continue to lobby for one level of safety, qualifications, and training for flight crews worldwide, while requesting the FAA to use its position in ICAO to do the same.

A Congressional hearing is being held today, June 19, on the MAX. This hearing may be viewed by clicking on this link: https://transportation.house.gov/committee-activity/hearings/the-subcommittee-on-aviation-hearing-on-status-of-the-boeing-737-max-stakeholder-perspectives

In the future, Congress must address their 2004 decision where they mandated the FAA have authority to expand the role of aircraft manufacturers via an "Organization Designation Authorization" (ODA), delegating much of the FAA's regulatory oversight to the very companies it oversees. In effect, Congress created much of the current ODA problem by reducing the FAA's budget to conduct oversight internally and effectively. Any solution should provide a safeguard to prevent another flawed certification.

Part 25 of the Federal Aviation Regulations that address certification regulations and requirements may need to be examined. Although legally required by current Part 25 standards, there will invariably be a discussion of whether MCAS should have practically been required to be added to the MAX, and/or should the MAX have been a separate type rating to begin with. How type ratings should be promulgated and regulated in the future is already being discussed. SWAPA has been asked to comment on several proposed bills that address some of these issues, which are making their way through Congressional offices and committees.

As the MCAS problems are corrected, there are still issues with the new LEAP 1-B engines regarding coking, where residual fuel remains in the fuel nozzles after shutdown. This issue must be fully understood. SWAPA has specifically asked both Boeing and Southwest maintenance management whether the cool-down procedures for the LEAP engines is a contributing factor with coking. The answer remains no.

In closing, remember that both accidents, despite being compounded by an ill-designed and faulty MCAS flight logic, began with an erroneous stick shaker and unreliable airspeed indications. Once the flaps were retracted, and the erroneous MCAS activation occurred, runaway stabilizer conditions began to occur. We have had a checklist for airspeed unreliable and runaway stabilizer at our disposal for many years. SWAPA is adamant that the runaway stabilizer checklist must again be a memory item and that Southwest develop formal and well laid out procedures for erroneous stick shaker activation.
SWAPA pilots proved during SWA flights 1380 and 3472 that two fully trained and qualified pilots are essential to safely recovering a malfunctioning aircraft. As the most experienced 737 operators in the world, our obligation is to continue to mandate the very best training and qualifications for all. There must only be one level of safety. For lives lost and families destroyed, this is the very least we can do to prevent another tragedy from happening again. Safety isn't just about being safe today, it is about being safer in the future.

Leading forward,

Jon