

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

November 24, 2009

The Honorable Deborah A. P. Hersman
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594-2000

Dear Ms. Hersman:

We write to express our concern about the National Transportation Safety Board's (NTSB) investigation of the tragic "Iron 44" helicopter crash on August 5, 2008. Seven firefighters and one pilot who perished in the crash were from Congressman Walden's district. Nothing can be done to bring these brave men back, but they and their families deserve a thorough and transparent investigation by the NTSB.

A September 2009 NTSB report on its administrative investigation of the disappearance of several key pieces of the helicopter suggests that the NTSB rejected the possibility that the fuel control units (FCUs) played any role in the crash one day into the investigation without any detailed testing of the FCUs. Several other incidents in which the FCUs are thought to have played a role have led Federal Aviation Administration field investigators to investigate the FCUs as a potential safety-of-flight issue. In this case, the NTSB's rejection of the design and maintenance of the FCUs as a possible cause, without substantive explanation, has led some to question the adequacy of the NTSB investigation. These issues need to be fully explored in this investigation before any other accidents occur.

The report downplays the significance of several missing FCU component parts on the grounds that "they were not thought to be central to the accident because the theory about their effect on the fuel control unit's normal operation had been discounted by the end of the day on August 14th" (Report, p. 11). The report goes on to conclude that "the lack of access to the missing fuel control units have not prevented the team from making analytical determinations related to the accident engines and fuel control units" (Report, p. 11). These conclusions do not provide the basis for the NTSB's conclusions that the missing parts are unnecessary to the accident investigation.

We request that NTSB provide us with a briefing by December 14 on the accident investigation and any conclusions the NTSB has reached about possible causes of the accident, including the role that FCUs may have played. Specifically, please be prepared to address

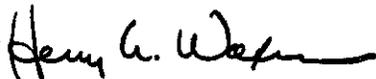
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allegations that the accident investigators used extrapolated data gathered from weather stations located miles away from the accident site, instead of actual temperature and wind data from the accident, which could substantially impact the outcome of the investigation. We also would like to know the NTSB's response to reports that the investigators have refused offers of a fully witnessed and documented flight test to determine engine performance under accident conditions.

The NTSB may ultimately determine that the FCUs did not play a role in the "Iron 44" accident, but a thorough investigation should address the significance of all possible sources of evidence. The public deserves an exhaustive NTSB investigation that considers every possible cause of the accident.

Please have a member of your staff contact Jennifer Owens or David Leviss, with the Committee staff, at (202) 226-2424, or Alan Slobodin, with the Minority Committee staff, at (202) 225-3641, if you have any questions and to schedule a briefing.

Sincerely,



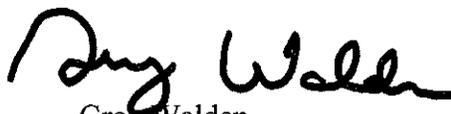
Henry A. Waxman
Chairman



Bart Stupak
Chairman
Subcommittee on Oversight and
Investigations



Joe Barton
Ranking Member



Greg Walden
Ranking Member
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