

Press Statement from Families of the Fallen

for release November 25, 2011

Re: NTSB Forum on Public Aircraft: Ensuring Safety for Critical Missions
http://www.ntsb.gov/news/events/2011/public_aircraft/index.html

Ref: Crash During Takeoff of Carson Helicopters, Inc., Firefighting Helicopter
Under Contract to the U.S. Forest Service, Sikorsky S-61N, N612AZ
Near Weaverville, California
August 5, 2008

NTSB Number: AAR-10/06
NTIS Number: PB2010-910406

See NTSB summary of investigation at <http://www.ntsb.gov/investigations/summary/AAR1006.html> and full analysis at <http://www.ntsb.gov/doclib/reports/2010/AAR1006.pdf>

Ref. Full NTSB Accident Report: <http://dms.ntsb.gov/pubdms/search/hitlist.cfm?docketID=46774&CFID=92285&CFTOKEN=43151648>

Several families of the fallen firefighters on the “Iron 44” crash in 2008 have been meeting on a regular basis to discuss the NTSB investigation, its findings, and recommended safety changes. We applaud the thoroughness of the NTSB investigation team, as well as the recommended actions to help prevent further loss of life.

While some of the NTSB recommended actions have been implemented by the USFS and FAA, we are disappointed by several FAA responses. In particular, post-crash survival factors were identified that could be enacted, yet the FAA response indicates there is no need, or that the issue does not fall under their purview.

For example, on this relatively low-impact crash, the NTSB found that seating was dislodged, causing both blunt-force trauma and inability for passengers to escape. Combined with the unusual harness-latch systems unfamiliar to the passengers, and a post-crash fire, these factors contributed to the deaths of nine firefighters. The NTSB recommended changes to the seats, the harness systems, and fuel bladder safety systems. Yet the FAA response states that equipment was up to 1959 standards, there was no need to change, and deemed the matter closed. (See attached FAA response.)

After evaluating the cost to implement these simple safety measures, and comparing it to the unmeasurable loss of life, we expect that “common sense” would dictate action. If these safety measures are not under the FAA’s ability to enact, then something needs to change. Once again, we applaud the NTSB’s follow-up with the two-day forum scheduled for November 30 and December 1, 2011 in order to discuss this clear lack of oversight and responsibility.

There are other major unresolved issues surrounding the death of nine firefighters. In addition to the lack of oversight on public aircraft, and the inability to require current safety standards on older aircraft, there were issues with the NTSB investigation. Specifically, chain-of-evidence was a problem, as aircraft parts went missing. The NTSB has recognized its responsibility to make changes along these lines. However, we question the make-up of the investigation team itself.

From the beginning, the crash site was not treated as a potential crime scene. Local law enforcement had to defer to the authority of the NTSB. The NTSB did not follow normal law enforcement best practices regarding evidence handling, nor consider that potentially

liable parties were allowed full access to the investigation. We understand the need to have local “experts” involved as consultants, but in reading the NTSB investigation, both Carson Helicopters and Columbia Helicopters (and their attorneys) were intimately involved in the investigation process. Long before family members representing the fallen knew of the issues leading to the crash, the very same potentially liable corporations had access to the evidence, and were preparing their defense through legal representation. To our knowledge, the NTSB has not addressed this conflict of interest.

The leading cause of the crash was determined to be the weight of the aircraft. The NTSB found it was estimated to be grossly over the recommended weight limit, the major cause being falsified weight charts stemming from the contract bid to the USFS, as well as inaccurate weight charts for pilot use on board. The NTSB characterized the actions of Carson Helicopters and its responsible employees as “egregious” and in need of an investigation. Other evidence in the NTSB docket include reports of a company practice of knowingly lying about weights in order to obtain government contracts. Carson helicopters are now in use by the U.S. military, transporting supplies, and possibly troops, in Afghanistan (contracted to Presidential Airways Inc., a subsidiary of the company that was known as Blackwater Worldwide). We question why Carson still benefits from government contracts, even after the USFS cancelled contracts following the Iron 44 crash and documented weight discrepancies. See <http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20090219/BIZ/902190324>

On December 7th, 2011, it will be one year since a criminal investigation was recommended by the NTSB. Various family members of the fallen have contacted several government agencies seeking confirmation of an investigation, but they can neither confirm nor deny an active investigation is underway. We would like to see justice enacted on those responsible for the death of our loved-ones. The evidence seems clear that Steve Metheny and others at Carson Helicopters knowingly falsified weight documents which lead to multiple manslaughter, yet no charges have been filed. While we do not hold ourselves as judge and jury, we do have an expectation that a criminal investigation and resulting charges are filed in a quick and timely manner. We cannot understand how an investigation along these lines can take longer than the initial NTSB crash investigation itself. Even knowing a case number exists would benefit those seeking justice. To further the goal of safety on public flights, we think there needs to be a strong message of intolerance to those that would intentionally falsify documents. Oversight needs to be combined with substantial consequences for anyone that causes others to die due to their deceit.

As a nation, we have a duty to make our travelling as safe as possible, particularly in aviation, as failure has dire consequences. Flights are regulated for a reason, and the NTSB was formed to help us investigate and improve our safety standards. We think they have done their job well, including identifying the safety factors that need to improve, as well as identifying responsible parties. We all now have a responsibility to learn from these identified mistakes; a responsibility to use the latest in safety science where practical; and if proven, a responsibility to prosecute those found culpable.

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