



# Behind the Crash: Working Effectively with the NTSB, FAA, Unions, Media, Families, Employees, Who Does What!

20<sup>TH</sup> ANNIVERSARY

## 2025 Aviation Symposium

February 4-6, 2025

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# NTSB Investigation

- NTSB Investigates all major aviation accidents and many incidents
  - NTSB does not assign blame or find fault
  - Sole purpose is to make transportation safer by conducting independent accident investigations
  - Issue reports with a finding of the “Probable Cause” of the accident
  - Make safety recommendations
  - NTSB also has a role in assisting victims of transportation accidents and their families

# The Party System

- The Office of General Counsel is authorized to issue subpoenas
- NTSB Invites companies and organizations to become parties to the investigation
- Leverages technical expertise
- Each Party must sign a Certification of Party Representative
- Excluded from Party System are: “any person who also represents claimants or insurers,” and any person who occupies a “legal position” § 831.11(a)(3)
- The investigator-in-charge (IIC) and the Office of General Counsel work with insurance personnel and attorneys consistent with investigative needs to:
  - Release wreckage, if possible, with approval of the owner
  - Provide factual information given to family and press

# NTSB Investigation – Party Participation

- The NTSB will likely ask for technical assistance from “party representatives” including the airline, pilot union, and manufacturers of the aircraft, engine or components
- Selection of the Airline party participant is very important and should be highly qualified with technical expertise
- Keep a log of all documents and physical evidence made available to the NTSB
- Retain copies of all submitted documents
- Identify proprietary or trade secret information and protect it from FOIA disclosure
- Participate fully in the investigation



# FAA Investigation/Activities

- After an accident, the FAA may be working the issue in parallel with NTSB in the short term to determine if any remedial measures should be taken
- May conduct audits of airline or manufacturer operations
- FAA ordered stand downs, emergency inspections, increased surveillance
- In addition to improving safety, FAA may look to assign blame through civil penalty/certificate actions

# Media and Messaging

- Media attention on any aviation accident or incident is intense and immediate
- Coverage by 24-hour media outlets
- Viral videos of incident will circulate on social media
- “Aviation Experts” opining on the cause of an accident based on little or no information
- Media strategy must be established well in advance of an accident
- “Canned” media responses that can be tweaked for use on short notice
- Be ready to leverage the Airline’s social media infrastructure

# Media and Messaging

- Media strategy must be flexible and anticipate issues with:
  - Managing public perception
  - Dealing with public statements made by passengers or family members
  - Creating consistent corporate messaging
  - Ensuring NTSB rules are complied with regarding public statements related to the cause of the accident
  - Reassuring shareholders

# Internal Messaging and Coordination

- There must be coordination between HR, Legal, Management departments to ensure consistency and accuracy of information
- Make information and services available to help employees cope with the emotional stain of death or injury to coworkers
- Some critical communications related to the accident should have limited distribution:
  - Controlling loose talk that might become discoverable in litigation
  - Involving in-house and outside counsel to preserve privilege
  - Coordinating response to FAA/NTSB investigators
  - Employees having discussions with people outside the company or on social media



# Families and Passengers

- Work with insurers to develop a plan to manage liability
- Early victim compensation payments?
- Voluntary payments for family/victim immediate expenses and needs
- Coordinate with NTSB on their family assistance efforts

# Preplanning and Homework are the Key to Success

- Have an accident plan that is more than just a box ticking exercise that gathers dust on the shelf
- Each department that has a role in response should tabletop or drill periodically to ensure continuity of information and practices considering new hires and retirements
- Coordinated table-top exercises between stakeholders
- Take advantage of resources and expertise of brokers and insurers
- Calander review of pre-planned messaging to make it reflects the current media environment
- Ensure recordkeeping systems are accurate and up to date

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# Thank You

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