

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Not For Release

DATE: January 14, 1980

WASHINGTON, D.C. 20591

IN REPLY
REFER TO: AAM-1

SUBJECT: Background information on Contract No. DOT-FA79WA-4335 with
Goddard and Associates

FROM: Federal Air Surgeon, AAM-1

TO: AGC-400
Attention: AGC-420



At the request of Mr. Richard Shultz (AGC-420), I am providing information concerning agency activities leading to the letting of this contract. This information comes from notes in my files and my recollection.

On May 21, 1979, I received a telephone call from Mr. Dick Stafford of FAA Office of Public Affairs advising me that the Deputy Administrator, Mr. Quentin Taylor, was scheduled to appear on the Panorama Television show on Wednesday, May 23, to talk about the age-60 rule. Pertinent events that preceded this scheduled TV appearance by Mr. Taylor included, 1. Hearings by the House Select Committee on Aging on March 21, 1979, and 2. The introduction of a number of bills relating to the age-60 rule between late March 1979 and early May 1979. The bill having the greatest number of sponsors was HR-3948, dated May 4, 1979, and submitted by Mr. Pepper, Chairman of the House Select Committee on Aging. In his telephone call, Mr. Stafford indicated that a briefing paper should be prepared in connection with Mr. Taylor's planned television appearance.

On May 21, 1979, I prepared a briefing paper for Mr. Taylor's use, entitled, "Emphasis Items--Pilot Age 60." I also arranged to brief Mr. Taylor orally. This briefing took place on May 22, 1979. At that briefing, in addition to summarizing the matters in the prepared briefing paper, I provided Mr. Taylor with a copy of recent court decisions relating to the age-60 rule and the agency's refusal to grant exemptions, information concerning the current position of the Air Transport Association regarding the age-60 rule and raised the question as to whether, in anticipation of hearings that might be held on bills that had been introduced, we should request an independent review of the whole age-60 matter. Mr. Taylor reacted favorably to this idea upon which I suggested that the person most suitable to conduct such a review would be Dr. James L. Goddard. I reviewed Dr. Goddard's background briefly with Mr. Taylor, calling attention to the fact that he was the first Civil Air Surgeon of the FAA at the time the age-60 rule was being deliberated and eventually became law. I also pointed out that Dr. Goddard had significant other experience, having been for some years the Director of the U.S. Public Health Service Center for Disease Control and, subsequently, the

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Commissioner of the Food and Drug Administration. I pointed out that Dr. Goddard's experience significantly included an aviation medicine background, knowledge of experts in a wide variety of medical disciplines that could be usefully brought to bear in such a review and background in Federal regulatory activities (FAA and FDA). Mr. Taylor agreed that I should explore the possibility of engaging Dr. Goddard's services. I indicated that I would check with Mr. Burt Randall, Acting Chief of Legislative Affairs (AGC-60), before contacting Dr. Goddard. Mr. Taylor agreed that this should be done.

I contacted Mr. Randall on May 22, 1979, and outlined the planned approach. He indicated he would talk to the Chief Counsel and then contact me. On May 23, Mr. Randall called to indicate that Mr. Onstad says: "It's o.k. to talk to Goddard."

I was able to talk to Dr. Goddard by telephone on May 24, 1979, at area code 203/322-9172. I outlined the tentative plan. He indicated that he was agreeable to setting up a task force for purpose of the review. He indicated he would also call me regarding a planned visit to explore the matter further after the first week in June. I advised Mr. Randall of this conversation. Between this time and June 11, 1979, when Dr. Goddard visited the Office of Aviation Medicine, Dr. Goddard called me on several occasions to share with me his suggestions concerning the names of members who might serve on his task force. I mentioned other names for his possible consideration but made it clear that he was free to choose his own group.

On May 25, 1979, Mr. Randall called to advise that the Chairman of the Aviation Subcommittee of the House Committee on Public Works and Transportation was considering holding hearings on the age-60 matter on June 27 and 28, 1979. Subsequently, on June 5, 1979, Mr. David Mahan, Special Assistant for Legislative Affairs (AOA-10), called to advise that the planned hearings for June 27 and 28 had been set back to mid July.

At Dr. Goddard's visit to the Office of Aviation Medicine on June 11, 1979, attendees, in addition to me, were Dr. Douglas Busby, Deputy Federal Air Surgeon; Dr. Jon Jordan, Chief, Aeromedical Standards Division; and Dr. William Hark, AAM-530. At the meeting with Dr. Goddard, the background and events relating to the age-60 rule were discussed. These discussions included the regulatory history (including actions on petitions for exemption) court cases and results of court reviews, and recent activities in the Congress. Dr. Goddard was also made aware of the nature of reviews made and in process within the Office of Aviation Medicine relating to the age-60 matter.

Following Dr. Goddard's visit, it was determined that a work statement relating to an age-60 review would be developed. Responsibility for this was assigned to Dr. William Hark. Dr. Hark prepared a statement of work dated June 29, 1979.

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On July 2, 1979, I met with the Deputy Administrator, Mr. Taylor, to discuss preparations for the upcoming hearings by the Aviation Subcommittee of the House Public Works and Transportation Committee. At that meeting Mr. Taylor indicated that we should try to have the contract with Goddard signed before the hearings convened. I indicated that discussions between a staff member of the Office of Aviation Medicine and contracting personnel in the Logistics Service had established that regular contracting procedures would take as much as 3 to 4 months for a contract to be let. I asked Mr. Taylor's permission to talk to the Director of Logistics Service concerning the possibility of proceeding to let a sole source contract with Goddard and Associates. He gave me approval to do so.

On July 3, 1979, I met with Mr. Richard Frakes, Director of the Logistics Service, concerning this matter. He indicated that he felt this was an appropriate matter to be handled under a sole source contract and indicated that he would identify some member of his service to provide the Office of Aviation Medicine with specifications regarding the content of a sole source statement.

On July 3, 1979, I reported the status of actions leading to a contract to Mr. David Mahan (AOA-10). He indicated at that time that he would talk to Mr. Taylor concerning the proposed study.

On July 5, 1979, I met with Mr. Earl Davis and Mr. James Chestnut of the Logistics Service to discuss what was needed to develop a purchase request for a contract with Goddard and Associates. Mr. Earl Davis was identified as the contact person within the Logistics Service, and Mrs. Patricia Myers and Dr. William Hark were identified to represent the Office of Aviation Medicine in this effort.

On July 6, 1979, I advised Mr. Taylor of actions taken to date and he directed me to proceed in the direction already established. Mr. Taylor indicated that he had had some informal conversations with representatives of the law firm of Haley, Bader and Potts, concerning the planned review and reported that they "think this is a good idea." Mr. Taylor also indicated that he thought a part of the review by the Goddard group should be a public hearing. At this conversation, I also advised Mr. Taylor that Mr. Mahan had indicated on July 3, 1979, that he was going to share with Mr. Taylor his views regarding timing of the contract effort in relation to scheduled hearings.

On a number of occasions between his June 11 meeting with us and his visit to FAA on July 16, 1979, Dr. Goddard called me concerning his progress in obtaining members for his task force and in connection with plans for the initial meeting of the group. Specifically, on July 6, 1979, Dr. Goddard announced that he would like to hold the first meeting of the group in Washington on August 31 and September 1, 1979, and asked that I arrange for meeting space. In addition, he asked that I be prepared to make a presentation to the group concerning the background regarding the age-60 rule and events subsequent to its adoption.

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I indicated I would be prepared to do this. He asked that someone be identified, also, to review the nature of FAA airman medical standards and certification procedures. Dr. Jon Jordan was identified for that presentation. He also asked for my assistance in obtaining someone to present information concerning accident experience, as related to age (NTSB), and a person to speak on the loss of license insurance experience as it related to age. Dr. Goddard indicated that he would make contact with the National Institutes of Aging to obtain information concerning the status of current research on physiological aging. In the same conversation, Dr. Goddard gave the projected dates for future meetings as well. It was also agreed that certain materials that the Office of Aviation Medicine had accumulated over the years pertinent to a review of the age-60 rule would be assembled and sent to each of the persons in his group. It was on this date that he advised that Dr. Robert Bruce had agreed to serve the group. He also indicated that Dr. Menduke and Dr. Boshes had agreed to serve. He was in the process of attempting to contact Dr. Henry Blackburn, Dr. James Birren, and Mr. "Red" Stubben.

On July 13, 1979, Dr. Goddard, in a telephone conversation, indicated he would visit the Office of Aviation Medicine on July 16 for the purpose of completing work leading to the letting of a contract. He also reported the membership of his group, now consisting of the following: Dr. Winter, Dr. Boshes, Dr. Kannel (in place of Dr. Blackburn, who could not join), Dr. Botwinick, Dr. Menduke, Dr. Bruce. He is still trying to contact Mr. Stubben and Dr. Brody of the National Institutes of Aging.

Dr. Goddard visited the Office of Aviation Medicine on July 16, 1979, at which time he presented me a copy of a tentative agenda for the meeting to be held July 31 and August 1. (Note that this is a change from the dates previously discussed--August 31 and September 1.) On July 16, 1979, a contract was signed by Dr. Goddard and the FAA contracting officer. The composition of the group assembled to assist him in the desired review to meet the specifications of the contract was firmed up on July 16.

On July 20, 1979, Mr. Fred Farrar of the Office of Public Affairs called concerning the Goddard contract and actions to issue a news release. Dr. Reighard indicated that there had been no intention to issue a news release, to his knowledge. Dr. Reighard referred Mr. Farrar to Mr. Taylor. Mr. Farrar called later on the same day and indicated that a news release was to be prepared and issued and asked Dr. Reighard's assistance in its preparation.

On July 25, 1979, Dr. Reubin Andress of the National Institutes on Aging called to indicate he and several persons from the Gerontology Research Center in Baltimore would meet with the Goddard group on Wednesday, August 1.

Subsequent to the telephone conversation of July 6 between Dr. Goddard and me concerning persons who might be invited to make presentations

to his group, I contacted the NTSB (Mr. Gerald Bruggink) and was assured that someone would be able to meet with the Goddard group to talk about accidents and age. I also made efforts to obtain someone with knowledge concerning loss of license insurance experience for pilots after Dr. Goddard advised me that Dr. Robert Riordan, the Medical Advisor to the Aviation Insurance Agency in Atlanta, was unable to meet. Persons I contacted for the purpose of acquiring this information and a presentation to the Goddard group included: Mr. Wally Remdt of Toplis, Harding, Wagner and Glidden, the insurance adjustment firm for airline pilot loss of license insurance; Dr. Robert Wick, who along with Dr. Charles Billings and Dr. Linton Kulak had done a study of loss of license experience several years previously. I also contacted Dr. Billings. Neither Dr. Billings nor Dr. Wick was able to be present at the planned meeting. However, Dr. Linton Kulak, the senior author of the study, was available and agreed to make a presentation to the group.

A press release was issued by the FAA on July 27, 1979. It improperly stated in its opening sentence that "The Federal Aviation Administration has impaneled a group of medical experts to make an impartial reassessment of its controversial 'Age 60 Rule'." (Emphasis added.)

On August 1, 1979, Mr. Roland Eckert, Special Counsel to the Administrator, called me to advise that there was to be a meeting with the Administrator on Friday, August 3, 1979, on the Goddard study. This was later changed to the afternoon of Thursday, August 2.

At the August 2 meeting, Mr. Bond, the Administrator, made it clear that he was unhappy with the selection of Dr. Goddard to perform the study. It appeared that Mr. Bond's concern had to do with the fact that Dr. Goddard was the Civil Air Surgeon at the time the rule was adopted. Persons who also attended this meeting were: the Deputy Administrator, the Chief Counsel, Mr. Randall, Mr. Mahan, and Mr. Eckert. Several members of the group repeatedly referred to Dr. Goddard as the person who initiated the agency rule, despite the fact that the group had been told that work on the notice of proposed rule-making had begun several months before Dr. Goddard had become the Civil Air Surgeon and was issued approximately a month before his announced selection. It was never clear to me why the Administrator had developed a concern at this time in a matter which was initiated at the direction of the Deputy Administrator on May 22, 1979. At this meeting various alternative strategies concerning the handling of the Goddard study were discussed. Among the alternatives considered was cancellation of the Goddard contract. Mr. Mahan was instructed to talk with and obtain the views of the staff of the Aviation Subcommittee of the House Public Works and Transportation Committee.

On August 6, 1979, Mr. Taylor, Deputy Administrator, called to advise that "the Goddard effort should remain viable."

On August 7, 1979, Mr. Mahan called to suggest that the Goddard report, when completed, be presented to the National Institutes of Health for their review and critique. He indicated that Mr. Taylor thinks "This is an excellent idea."

On August 15, 1979, a meeting was held in Administrator Bond's office with Dr. Robert Butler, Director of the National Institute on Aging. With him were Dr. Robert Ringler, Deputy Director, and Dr. Carol Ludwig. FAA personnel at the meeting were Administrator Bond, Special Counsel to the Administrator Mr. Roland Eckert and Dr. Reighard. This meeting followed a telephone call from Dr. Butler to Mr. Bond on August 8 suggesting that they meet. It should be noted that this was one day after a letter from the Chairman of the Select Committee on Aging to the Director of the National Institute on Aging calling his attention to the provisions of bill HR-3948 which would call for a study by the National Institute on Aging of the age-60 matter. Among the numerous matters discussed at the August 15 NIA/FAA meeting was the Goddard study. Administrator Bond asked that the National Institute on Aging commence their own review and study of the age-60 matter now, with funds which FAA would provide. The NIA Director declined, saying in essence, that in the absence of a legislative requirement he could not initiate such a review. When asked if the NIA would review and critique the results of the Goddard study, it was my understanding that their response was in the affirmative. However, several days later on checking with the Deputy Director of NIA, he indicated he thought "Dr. Butler would be rather negative." This was interpreted to mean that the Director of the NIA did not wish to become involved in this matter until and unless there was a legislative mandate to become involved.

On August 16, 1979, Mr. Eckert asked Dr. Reighard to attempt to find some recognized and authoritative group to review the Goddard report when available. He specifically mentioned the possibility that the American Medical Association might review the report. Contacts with the American Medical Association on that date revealed that the machinery for conducting such reviews involved a lengthy and detailed process, consuming as much as a year's time. It was subsequently determined (on August 21, 1979) that the Institute of Medicine of the National Academy of Sciences would be able to conduct a timely review. This was made known to Mr. Eckert and Mr. Mahan on September 5, 1979. (Vacation time for Eckert and I in the time intervening between August 21 and September 5) On September 5, Mr. Eckert indicated he would think about the Institute of Medicine review and call me.

On September 6, 1979, Mr. Eckert called me and indicated he wished a purchase request prepared by the afternoon of that day, covering a sole source contract with the National Academy of Sciences Institute of Medicine, to review the Goddard contract. He instructed me to contact Mr. Dick Smith of the Chief Counsel's office, who would handle the matter of assistance by the Logistics Service. A completed purchase request was delivered to Dick Smith at 5 p.m. on September 6, 1979.

On September 12, 1979, Mr. James Chestnut of the Logistics Service called Mrs. Irene Barnett, Chief of the Office of Aviation Medicine Program Operations Division, to advise that he had received a call from Dick Smith of the Chief Counsel's office with regard to the National Academy of Sciences purchase request. Mr. Smith had talked to Mr. Eckert on September 11 and was advised that the purchase request was to be returned to the Office of Aviation Medicine and that "everything has been taken care of." It was reported by Mr. Chestnut that it was assumed that a decision had been made that a review of the type described in the purchase request was not necessary. On September 13, 1979, Mr. Mahan called me to advise that "we should proceed with the Goddard review as we are now going."

On September 13, 1979, I called Mr. Eckert concerning the Goddard review. He advised that "events have overtaken the need for National Academy of Sciences effort to review the Goddard review."

The preceding is the essence of the handling of the Goddard study and contract. The Goddard study is proceeding in accordance with the terms of the contract at this time. At the request of Mr. Michael Pangia, AGC-400, Dr. Goddard was called on December 19, 1979, (by Dr. Hark) to request that Dr. Goddard not send any report to the FAA before February 1, 1980. Subsequently, a letter to the same effect, prepared by AGC-400, for my signature, was sent to Dr. Goddard.


H. L. REICHARD M.D.