



*A bold voice for transportation workers*

January 22, 2013

Mr. Gene Kirkendall  
Part 121 Air Carrier Operations Branch (AFS-220)  
Flight Standards Service  
Federal Aviation Administration  
800 Independence Avenue S.W.  
Washington, DC 20591

**RE: Policy Statement on Occupational Safety and Health Standards for Aircraft  
Cabin Crewmembers  
Docket No. FAA-2012-0953**

Dear Mr. Kirkendall:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to comment on the Federal Aviation Administration's (FAA) proposed policy statement on Occupational Safety and Health Standards for Aircraft Cabin Crewmembers and its implementation of Section 829 of the FAA Modernization and Reform Act of 2012. By way of background, TTD represents 31 affiliated unions in the transportation sector, including several unions whose members would be directly impacted by this policy statement.<sup>1</sup>

At the outset, TTD offers our strong support for this proposed policy statement and commends the FAA, along with the Occupational Safety and Health Administration (OSHA), for working to close a policy loophole that has denied flight attendants adequate occupational health and safety rules for far too long. As the agency is well aware, TTD and our affiliated unions representing flight attendants – the Association of Flight Attendants-CWA, the International Association of Machinists and the Transport Workers Union – have long argued that exempting this workforce from the rules promulgated pursuant to the Occupational Safety and Health Act of 1970 has been a critical mistake.

As the FAA correctly notes in its proposed policy statement, Section 4(b)(1) of the OSH Act does allow federal agencies other than OSHA to exercise their own authorities to regulate the conditions of specific classes of employees. But the decision by the FAA in 1975 to state that its regulatory framework fully occupies the field of occupational health and safety for flight attendants while working onboard aircraft in operation, thereby preempting OSHA, has left this workforce unprotected. Flight attendants, who play a critical role in aviation transportation and

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<sup>1</sup> Attached is a list of TTD's affiliated unions.

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer

ensure the safety of countless passengers each day, have too often been exposed to a harmful workplace environment that has resulted in injury rates far exceeding industry norms. In reality, the FAA has not adequately regulated occupational health and safety and going forward OSHA is significantly better positioned to meet this responsibility.

Recognizing this fact, Congress sought to close this regulatory loophole for flight attendants in the FAA Modernization and Reform Act of 2012 (P.L. 112-95). Section 829 of that law calls on the FAA to develop a policy on extending applicable OSHA standards to flight attendants. We commend the FAA for collaborating with OSHA to meet this congressional mandate.

We are specifically pleased that the FAA has replaced the 1975 policy statement with the one being proposed in this proceeding and that the “FAA has determined that its regulations do not completely encompass the safety and health aspects of the work environments of aircraft crewmembers while the aircraft is in operation...” We are also pleased that the FAA and OSHA, as directed by the FAA bill, have identified specific protections that can and should be applied to flight attendants without impacting other aspects of aviation safety or creating operational problems. The identification of these issues builds on the Memorandum of Understanding (MOU) entered into by the FAA and OSHA in 2000 and represents a modest and responsible implementation of Section 829. Indeed, the specific protections, summarized below, will address hazards faced by flight attendants on a daily basis.

### **Hazard Communication**

During normal working conditions and emergency situations, flight attendants may be exposed to chemicals that pose health and safety hazards, such as vapors from the aircraft’s fuel and chemicals found in cleaning solutions used inside the aircraft cabin. The application of OSHA’s Hazard Communication Standard would help protect flight attendants who come into contact with hazardous chemicals by ensuring that they have the information and training required to be knowledgeable about the dangers in their workplace and to protect themselves from exposure.

### **Bloodborne Pathogens**

As the frontline workers who closely interact with the flying public, crewmembers may put their own health at risk if they come into contact with the bodily fluids of passengers who have communicable diseases. The Bloodborne Pathogens Standard would help protect flight attendants who are subject to occupational exposure by providing them with training about bloodborne pathogens and appropriate protections and procedures.

### **Hearing Conservation**

Additionally, flight attendants often work in noisy conditions throughout flight on some aircraft, and on most aircraft, during takeoffs and landings and assisting passengers as they board and disembark. For the crewmembers subject to excessive noise levels, the Hearing Conservation Standard would ensure that regular noise exposure and audiometric testing are performed as necessary, that flight attendants have and wear hearing protection if needed, and that they are provided information and training on this hazard.

It is also relevant, and appropriate, that the proposed policy statement makes clear that OSHA will work to ensure that airlines will not be subject to multiple state health and safety rules. Given that airlines travel in multiple jurisdictions, this recognition in the policy statement is an important one that we support.

TTD appreciates the FAA's efforts to protect flight attendants from various hazards in their workplace by extending the specified OSHA standards to cabin crewmembers. We also appreciate that the FAA pursued a transparent process for this proceeding and provided all stakeholders ample time to review the proposed policy statement and provide comments.

We believe the FAA's proposed policy statement makes appropriate and needed changes that will finally bring safety and health standards to the aircraft cabin. We urge the timely implementation of the proposed policy statement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, looping flourish at the end.

Edward Wytkind  
President



# ***TTD MEMBER UNIONS***

***The following labor organizations are members of and represented by the TTD:***

*Air Line Pilots Association (ALPA)*  
*Amalgamated Transit Union (ATU)*  
*American Federation of State, County and Municipal Employees (AFSCME)*  
*American Federation of Teachers (AFT)*  
*Association of Flight Attendants-CWA (AFA-CWA)*  
*American Train Dispatchers Association (ATDA)*  
*Brotherhood of Railroad Signalmen (BRS)*  
*Communications Workers of America (CWA)*  
*International Association of Fire Fighters (IAFF)*  
*International Association of Machinists and Aerospace Workers (IAM)*  
*International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)*  
*International Brotherhood of Electrical Workers (IBEW)*  
*International Longshoremen's Association (ILA)*  
*International Longshore and Warehouse Union (ILWU)*  
*International Organization of Masters, Mates & Pilots, ILA (MM&P)*  
*International Union of Operating Engineers (IUOE)*  
*Laborers' International Union of North America (LIUNA)*  
*Marine Engineers' Beneficial Association (MEBA)*  
*National Air Traffic Controllers Association (NATCA)*  
*National Association of Letter Carriers (NALC)*  
*National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)*  
*National Federation of Public and Private Employees (NFOPAPE)*  
*Office and Professional Employees International Union (OPEIU)*  
*Professional Aviation Safety Specialists (PASS)*  
*Sailors' Union of the Pacific (SUP)*  
*Sheet Metal Workers International Association (SMWIA)*  
*Transportation · Communications International Union (TCU)*  
*Transport Workers Union of America (TWU)*  
*United Mine Workers of America (UMWA)*  
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,  
Allied Industrial and Service Workers International Union (USW)*  
*United Transportation Union (UTU)*