



*A bold voice for transportation workers*

August 24, 2012

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

I am writing in regard to a letter sent to you earlier this week by several aviation industry associations urging timely completion of a final rule on aircraft repair station security. While we agree that action on new security rules governing contract repair stations is long overdue, we want to reiterate our position that before any final rule is issued, the proposal must be strengthened to ensure adequate security of contract maintenance work performed on U.S. aircraft.

We are concerned that the industry groups asking for swift completion of a final rule are not motivated by the need to enhance the security of contract repair stations, but rather by the desire to remove the current moratorium on the U.S. government's certification of additional foreign repair stations. The letter itself makes no mention of the need to improve contract maintenance security. In fact, the Aeronautical Repair Station Association has been quite clear in its comments in this docket and elsewhere that it does not see the need for security rules at contract repair stations. Instead, the industry lobby seeks a final rule simply to lift the statutory ban on certifying additional foreign repair stations. Putting aside the industry's predictable claim that the moratorium on new foreign repair stations is having a detrimental impact on U.S.-based companies, we submit that the security of U.S. air travel must drive the final decision regarding both the content and timing of this rulemaking.

As we stated in our 2010 comments on TSA's Notice of Proposed Rulemaking (NPRM), we commend the Obama Administration for moving to address the long-ignored congressional mandate that security rules be established for foreign and domestic aircraft repair stations. As you know, this mandate languished for a number of years in the Bush Administration. We agree with TSA's assessment, noted in the NPRM, that as the agency "tightens security in other areas of aviation, repair stations increasingly may become attractive targets for terrorist organizations attempting to evade aviation security protections currently in place." With this in mind, we are disappointed that several aspects of the NPRM did not go far enough to ensure the security of contract repair stations, especially those located overseas that perform maintenance on U.S. aircraft.

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



We will not repeat in detail the comments we filed in 2010, but will highlight several points. First, there is nothing in the proposed rule that requires stations to determine if a worker is a security threat; instead, stations are only required to “verify background information through confirmation of prior employment ...” (Section 1554.103(a) (6)). This is in stark contrast to the extensive criminal background checks and threat assessments imposed on in-house U.S. carrier mechanics. We note that a major motive behind the congressional action that gave rise to this rulemaking was the elimination of this double standard. We also expressed a concern that security plans submitted by contract repair stations would not be approved or even filed with TSA. This problem is compounded by the fact that the mandates of the security plan appear ambiguous and will change based on the perceived risk of each repair facility. Baseline security standards and rules must be followed by each repair station and TSA must more fully articulate these standards in a final rule. Finally, we noted that TSA must have the ability to conduct unannounced inspections to ensure compliance with security rules in place and that the NPRM offered a conflicting statement on whether and how inspections would occur. The absence of unannounced inspections at foreign stations would again create a double standard with domestic facilities. More to the point, unannounced inspections make good sense as part of a comprehensive aviation security oversight program and should be mandated in the final rule.

We were also disappointed that the NPRM did not extend drug and alcohol testing requirements, currently in place for mechanics at domestic stations, to those workers at foreign stations that perform maintenance on U.S. aircraft. While the recently passed FAA Reauthorization Act of 2012 seeks to close this loophole, this mandate has yet to be implemented. We urge TSA to work with the FAA in ensuring that the agency requires one level of safety and security at all aircraft repair stations that work on U.S. aircraft. Establishing comparable drug testing standards between domestic and foreign aircraft maintenance and repair facilities is an integral part of achieving this goal.

It is clear that TSA’s proposed rule on contract repair stations needs to be improved and strengthened before it is finalized. We agree that DHS and TSA should move forward with a final rule but not for the reasons we know are motivating elements of the aviation industry. It is our sincere hope that your agency will consider and incorporate the recommendations embodied in our formal comments before you finalize a new rule. We also want to express our opposition to any attempts to remove the current moratorium before a final security rule is issued.

We know you share our goal of ensuring the highest security standards in air travel and look forward to working with you toward that end.

Sincerely,



Edward Wytkind  
President