

May 16, 2016

The Honorable Anthony Foxx  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

**RE: DOT-OST-2013-0204-0223**

Dear Secretary Foxx:

The undersigned labor organizations wish to associate with and support the comments filed by the Air Line Pilots Association, the Association of Flight Attendants-CWA, the International Association of Machinists and Aerospace Workers, the Transport Workers Union, the Transportation Trades Department, AFL-CIO (TTD), and the European Cockpit Association in response to the pending application of Norwegian Air International (NAI) for a foreign air carrier permit from our government. Those comments make a clear and persuasive case for why the Department of Transportation (DOT) should reverse its April 15<sup>th</sup> Show Cause Order and deny NAI's attempt to launch new air service into the United States.

We add our voices as unions that represent workers across several sectors of the economy, both private and public sector. Over the last several decades we have seen first-hand how ill-conceived trade agreements have decimated the middle class by pushing jobs overseas, depressing wages and undermining collective bargaining and labor standards. These impacts have been most felt in industries that previously formed the backbone of our economy and our middle class. Now, unless DOT reverses course the agency is poised to open the door for the same destructive forces to enter the U.S. aviation industry by sanctioning NAI's plan to launch a flag-of-convenience airline. The Show Cause Order also raises serious doubts about the ability or willingness of our government to enforce important labor protections embodied in our international trade agreements.

TTD and the aviation unions have made a clear case for denial of NAI's application.

NAI's business plan violates the plain meaning and intent of the labor article (Article 17 *bis*) of the U.S.-EU Air Transport Agreement (ATA) negotiated by this administration in 2010. The company's plan is to shop the globe for cheap labor and lax employment laws – a clear attempt to “forum shop” in violation of the ATA labor provisions that bar new air services that “undermine labour standards or the labour-related rights and principles contained in the Parties’ respective laws.” Specifically, NAI's plan includes hiring flight crews through a Singaporean or Thai employment agency, basing them in Bangkok, and evading its collective bargaining obligations in Norway where its parent company employees are based.

When the administration negotiated Article 17 *bis* into the ATA – the first-ever labor protections included in the core of an air services trade agreement – the intent was to have the U.S and EU embrace high labor standards and avoid operating schemes that game our trade rules and place those airlines that play by the rules at a competitive disadvantage. If the DOT’s Show Cause Order stands, our government will be rendering these important employee protections toothless and unenforceable – effectively writing them out of the agreement that they negotiated.

For decades the labor movement has mobilized in favor of fair trade policies that benefit working people here in America rather than solely advance the interests of global corporations. The NAI case is especially important because at its core the decision of whether to approve this airline’s application for an operating permit is about whether our trade rules, especially those explicitly designed to protect the jobs and rights of American workers, will be enforced. It is unacceptable for our DOT to declare that the labor provisions in the ATA are not a basis for denial of NAI’s or any foreign airline’s application for a foreign air carrier permit. That conclusion leaves virtually every airline employee in this country vulnerable to the ravages of unfair trade.

The Show Cause Order, unless reversed, sends a clear message that this administration either cannot or will not enforce the trade provisions it negotiates. This is a damaging precedent to set and reinforces our view that the benefits touted by those who advocate expansive free trade policies are reserved for those with global business interest but have little to do with creating and protecting jobs here at home. If the Show Cause Order is not reversed the NAI case will be yet another example of failed trade policy due to toothless enforcement of the labor protections negotiated into trade agreements.

We stand united with our brothers and sisters in the airline industry, and urge DOT to reverse the Show Cause Order and deny the NAI application. Granting this application would have far reaching negative effects on the airline industry and its employees, and would send the wrong message to working people about the enforceability of labor protections in trade agreements.

Sincerely,

Amalgamated Transit Union

American Federation of Government Employees

American Federation of State, County, and Municipal Employees

American Train Dispatchers Association

Brotherhood of Railroad Signalmen

International Brotherhood of Boilermaker, Iron Ship Builders, Blacksmiths, Forgers and Helpers

International Brotherhood of Electrical Workers

International Longshoremen's Association

International Organization of Master, Mates & Pilots, ILA

International Union of Operating Engineers

Laborers' International Union of North America

Marine Engineers' Beneficial Association

National Air Traffic Controllers Association

National Association of Letter Carriers

Professional Aviation Safety Specialists

Sailors' Union of the Pacific

Transportation Communications Union/IAM

UNITE HERE!

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

**CERTIFICATE OF SERVICE**

I certify that I have, on this 16<sup>th</sup> day of May, 2016, served the foregoing letter by causing a copy to be sent by electronic mail or fax as identified below:

Amb. Anne Anderson  
norma.ces@dfa.ie  
kathryn.thomson@dot.gov  
brian.hedberg@dot.gov  
don.horn@dot.gov  
Violeta.Bulc@ec.europa.eu  
romanow@pillsburylaw.com  
peter.nelson@pillsburylaw.com  
steve.morrissey@united.com  
dan.weiss@united.com  
howard.kass@usairways.com  
robert.wirick@aa.com  
sschembs@cwa-union.org  
john.hanlon@elfaa.com  
dberg@airlines.org  
jcasey@airlines.org  
kglatz@airlines.org  
clytle@portoakland.com  
kgeorge@broward.org  
efisaacson@jamhoff.com  
chris.walker@delta.com  
alex.krulic@delta.com

michael.whitaker@faa.gov  
john.allen@faa.gov  
EngleTS@state.gov  
NewsomeRC@state.gov  
ejames@jamhoff.com  
eugene.alford@trade.gov  
david.batchelor@sesarju.eu  
ottar.ostnes@sd.dep.no  
robert.finamore@dot.gov  
nssparks@fedex.com  
vegard.einan@parat.com  
thore.selstad.halvorsen@parat.com  
minister@dtas.ie  
HYu@swapa.org  
Alan.Gibbons@dfa.ie  
rita.aldwell@iaa.ie



\_\_\_\_\_  
Larry Willis