TTD

A bold voice for transportation workers

STRENGTHENING SECURITY, SAFETY, AND OVERSIGHT OF CONTRACT REPAIR STATIONS

The domestic aircraft maintenance industry has seen a scourge of outsourcing in recent decades, with work consistently being moved from in-house maintenance operations to contract repair stations both in the U.S. and overseas. This has presented a number of challenges from a job creation, safety, and security standpoint. In response, TTD and its affiliates have consistently fought for policies that would create one standard of safety and security for maintenance and repair work being done on U.S. aircraft. These policies would help create a more level playing field for U.S. mechanics while also ensuring the highest level of safety and security in the U.S. aviation industry.

Unfortunately, despite several legislative victories over the past decade, meaningful reforms have been stunted by a series of missed deadlines and watered down regulations. At a time when discourse across the political spectrum has reliably centered on job creation and national security, it would seem unthinkable that we have failed to establish one high standard of safety and security for aircraft repair work. Yet here we are. Transportation labor calls on Congress to correct this problem by requiring the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA) to implement previously passed legislative mandates, and to strengthen weaknesses in existing rules.

In 2003, as part of the VISION 100 Act, Congress required TSA to issue new repair station security rules within 18 months. In what has now become a familiar routine, TSA failed to meet this deadline. In response, TTD worked to secure language in the 2007 9/11 Commission Act that required TSA to finalize new security rules within one year, otherwise the FAA would be prevented from certifying any new foreign repair stations. Predictably, this deadline was also missed, and in August of 2008 a moratorium on the certification of any new foreign repair stations was implemented.

The moratorium on new certifications persisted until January 2014, when TSA finally approved a final rule on aircraft repair station security. Unfortunately, the long delay did not allow for the development of a better product, as the final rule was watered down and inadequate. Specifically, the rule did nothing to ensure adequate background checks of contract repair station employees working at foreign stations. The final rule also did require, as originally proposed, a requirement that FAA-certified foreign repair stations adopt and implement a security program to help control access to repair station facilities. Finally, the rule did not adequately address the security audits of contract repair stations required by law.

One of the most glaring and troubling loopholes in the regulation of aircraft maintenance is that workers at domestic facilities must undergo extensive drug and alcohol testing while foreign mechanics working on U.S. aircraft are exempt from this requirement. To address this core safety issue, the 2012 FAA Reauthorization bill directed the FAA, within one year, to issue a proposed rule requiring all repair station employees responsible for safety-sensitive maintenance on U.S. aircraft to be subject to an alcohol and controlled substance testing program. While the FAA has issued an advance notice of proposed rulemaking (ANPRM) on drug and alcohol testing in 2014, no further action has occurred. In the 2016 FAA Extension Act, Congress once again required the FAA to issue a proposed drug and alcohol testing rule within 90 days of enactment, and a final rule with one year. Once again those deadlines have come and gone with no hint of action from the FAA.

In addition to the drug and alcohol testing requirement, the 2016 FAA Extension Act included two other provisions designed to increase the oversight of foreign repair stations. One required the FAA to implement increased, risk-based safety oversight of foreign repair stations that have a demonstrated track record of doing poor work. In conjunction, the bill required airlines to share with the FAA data on the frequency and seriousness of corrective measures that need to be undertaken after work done at foreign repair stations. The bill also required the FAA to ensure, within 6 months, that each foreign repair station employee who performs safety-sensitive work has undergone a pre-employment background investigation sufficient to determine that the individual is not a threat to aviation safety. To date, none of these requirements have been met.

It is past time for this cycle of unmet deadlines and watered down rules to end. First and foremost, Congress must implement consequences for these missed deadlines, and the model should be the statutory moratorium on new certifications until outstanding rules and programs are finalized. These include the drug and alcohol testing rules, the risk-based oversight and data collection, and the background investigations for safety-sensitive workers. Each of these are long overdue, and it is both reasonable and appropriate for Congress to cease the further expansion of foreign repair station certifications until these basic safety and security measures are in place.

Second, Congressional committees, including the House Transportation and Infrastructure Committee, the House Homeland Security Committee and the Senate Commerce Committee, should initiate oversight activities on foreign repair stations. The purpose of this oversight should be multi-fold. It should be used to require FAA and TSA to report on the status of outstanding repair station rules and programs. Oversight hearings and other activities should also study the effects that rampant outsourcing has had on the domestic aircraft maintenance workforce. With the FAA and TSA's blatant inaction and disregard for Congressional mandates, it is clear that passing laws is not sufficient when it comes to regulating aircraft maintenance. Congress needs to hold these agencies accountable through diligent oversight.

Finally, Congress must pass legislation to further close safety and security loopholes for foreign repair stations. For example, the 2012 FAA Reauthorization mandated that each foreign repair station be inspected by the FAA at least once a year. While this is a step in the right direction, inspections at foreign stations must still be announced and notice must be provided to the host country – contrary to the surprise visits correctly imposed on domestic stations. Congress should close this basic safety loophole and mandate the use of unannounced inspections at both foreign

and U.S. stations. Congress must also resist efforts to allow foreign countries, instead of the FAA, to perform the minimum inspections required of U.S. certificated stations. If foreign stations and their governments do not wish to be subject to these requirements, they should not be allowed to work on U.S. aircraft.

Transportation labor has been consistent with its demand that there be one level of safety and security for all repair stations that perform work on U.S. aircraft. Yet our pursuit of this goal has been routinely undermined by missed deadlines, poor oversight, and watered down regulations. In the meantime, the amount of maintenance work performed overseas continues to increase unabated. In an era defined by security threats and job loss, Congress and the administration owe it to aircraft workers and the flying public to commit to the highest levels of safety and security in the aviation industry both here and overseas.

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