



A bold voice for transportation workers

AVIATION SAFETY AND FAA WORKER PRIORITIES MUST BE IMPLEMENTED DELAYING FAA REAUTHORIZATION MANDATES UNACCEPTABLE

In the fall of last year, Congress achieved an increasingly rare feat: passage of a major, long-term reauthorization bill with overwhelming bipartisan majorities. The FAA Reauthorization Act of 2018 is a shining example of what can be accomplished when partisan bickering is set aside and lawmakers come together to advance policies that will benefit the American people. The bill made critical investments in the Federal Aviation Administration (FAA) and the National Airspace System (NAS), and included several provisions long fought for by TTD and its affiliates that will advance aviation safety and improve working conditions for employees. As a result, the bill was endorsed by transportation labor as well as much of industry, and was ultimately passed 398-23 in the House and 93-6 in the Senate and was signed into law on October 5, 2018.

Now, it is up to the Department of Transportation (DOT) and the FAA to implement key provisions of this legislation. The first year after enactment is crucial for ensuring that the benefits to both the aviation workforce and the traveling public are realized. Furthermore, we know that good legislative policy is only effective when the executive branch implements it correctly. In some cases, the DOT has already missed important deadlines to implement policy. In other cases, the coming months are vital to developing effective regulatory policy that adheres to the intent of the law.

One of the top legislative priorities for TTD and our flight attendant unions was a provision requiring a 10-hour minimum rest period for flight attendants between 14-hour duty periods. Congress agreed. Section 335 of the bill required the DOT to, within 30 days of enactment, modify the current rules governing flight attendant rest to mandate a 10-hour rest without exception. Yet, more than five months later, America's flight attendants have not been granted this common-sense safety protection because the FAA is stalling. What's more, the provision also required air carriers to submit to the FAA for approval a fatigue risk management plan within 90 days after enactment. There is no evidence these plans are being submitted or that the FAA is seeking to enforce this mandate. Forcing flight attendants to work under outdated rest rules that government funded studies tell us results in a fatigued workforce and lowers the bar on safety is simply unacceptable. Congress did its job in recognizing the problem of chronic fatigue among flight attendants and the FAA must implement a solution without further delay.

Similarly, Section 551 of the bill addresses the troubling rise in assaults directed at airline customer service agents (CSAs) at our nation's airports. No one should be physically or verbally assaulted just because they showed up to work and performed their job. The plan Congress mandated to mitigate these instances is simple: within 90 days, air carriers are to develop and submit to DOT for approval a plan detailing protocols for how to deal with violent or abusive incidents directed against CSAs. The provision also requires airlines to update their training procedures to reflect the

contents of their assault prevention and response plans. Once again, DOT has not enforced this provision, placing CSAs at continued risk of being assaulted simply for reporting to work and doing their job.

Another bipartisan provision that needs to be properly implemented is the requirement for secondary cockpit barriers. Section 336 of the bill requires the FAA to issue an order within one year to ensure that all newly manufactured aircraft delivered to passenger air carriers include these important security barriers. Already, efforts are underway to water down this mandate by claiming the provision should only apply to new models of aircraft that require a new type certificate. A “new type” standard would only cover aircraft that are not currently in production and require wholesale redesigns. This would delay application of this post-9/11 security requirement for decades. For this reason, Congress’ language is specific to exclude any mention of new type certificates or models and instead deliberately chose secondary barriers to apply to all newly manufactured passenger aircraft off the production line after the specified date in the law. Any FAA action that does not mandate secondary barriers on all newly manufactured aircraft within one year will undermine the purpose of the provision and jeopardize a key aviation security protocol.

The FAA bill also included numerous provisions designed to improve FAA operations and to support the frontline workforce that is critical to the agency’s mission. The FAA has already missed deadlines to establish a Safety Oversight and Certification Advisory Committee, revise its safety workforce training strategy, and to establish a centralized safety guidance database. On the staffing and training side, the FAA has failed to establish e-learning curricula for systems specialists and safety inspectors, as required by the bill. The agency has also failed to issue a report to improve air traffic control services in the New York City and Newark region, one of the most congested air traffic corridors in the world. These are just a handful of internal reforms mandated by the legislation that need to be implemented in a timely manner with close consultation with FAA employee unions.

The examples cited above are specific to the FAA Reauthorization signed into law last October, but the FAA is also long overdue in implementing policies that would maintain one level of safety and security for foreign and domestic aircraft repair stations. The FAA has still refused to implement a drug and alcohol testing program for foreign repair stations workers who perform safety-sensitive work on U.S. aircraft. This requirement has been in place since passage of the 2012 FAA Reauthorization and was further emphasized in the 2016 FAA Extension Act. That same 2016 bill also required the FAA to ensure, within six 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. If U.S. carriers want to outsource maintenance and repair work around the world, the FAA must ensure that foreign stations meet the same safety and security standards required of work done in this country. Congress has taken important steps to close these loopholes but those actions have no meaning until implemented by federal regulators.

Each of these provisions were passed by Congress and signed into law by the President because they would improve the U.S. aviation system, and the deadlines attached reflect the urgency lawmakers feel is needed to address these issues. This is the system in action. The fact that the

United States has the safest aviation system in the world is not a coincidence. High levels of safety and security in our aviation industry have been achieved through the careful implementation of rules, laws, and regulations mandated by the federal government – rules, laws, and regulations similar to those found in the FAA Reauthorization Act of 2018. By failing to implement safety mandates established by a bipartisan Congress in this legislation and beyond, the FAA and DOT are bucking the culture that has allowed our aviation industry to have an impeccable safety record.

Transportation labor stands ready to work with DOT and FAA to help implement these laws in a way that will maximize safety, security and efficiency of the National Airspace System. Frontline aviation workers and the traveling public have waited long enough. The time for action is now.

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