



A bold voice for transportation workers

FAIR REST RULES FOR CARGO PILOTS

On February 12, 2009, Colgan Air flight 3407 crashed into a suburban neighborhood in Western NY, killing all 49 people on board and one person on the ground. An investigation by the National Transportation Safety Board (NTSB) later revealed that pilot fatigue likely played an important role in inhibiting the pilots' ability to respond to the adverse conditions that night. By government regulatory standards, the response to this disaster was swift. In 2010, Congress passed the Airline Safety and FAA Extension Act, and in 2011, the DOT and the FAA implemented new rules on airline pilot flight- and duty-time limitations and minimum rest requirements. These science-based rules marked a major step forward in making air travel safer by, among other things, increasing the minimum rest hours required for pilots before flights and setting flight duty limits based on time of day, as well as the number of takeoffs and landings performed by a pilot during each duty period. These reforms helped address the chronic fatigue that plagues our nation's pilots.

That is the good news. The bad news is that the final regulation completely exempted cargo pilots, leaving a vital segment of the U.S. pilot population without the benefit of these safety rules and vulnerable to un-safe hours of service. It is past time for Congress to close this loophole by passing the Safe Skies Act. This legislation has been introduced by Senator Amy Klobuchar (D-MN), with House companion legislation pending, and would mandate that flight duty and rest requirements that currently apply to commercial passenger operations apply equally to all-cargo operations.

The logic behind exempting cargo pilots from fatigue regulations was puzzling to say the least. In the 2010 legislation, Congress mandated updated, science-based rules for all commercial pilots, passenger and cargo. In fact, the initial proposed rule intended to do just that, stating, "The FAA has decided against proposing special rules for all-cargo operations because there are no physiological differences between pilots who fly cargo planes and pilots who fly passenger planes." This line of thinking is consistent with a science-based regulation aimed at preventing fatigue-related accidents. However, the final rule abandoned that consistent approach at the eleventh hour under pressure from cargo airlines and their corporate lobbyists. Instead, they relied on a faulty cost-benefit analysis that by its very design put corporate profits over safety.

The cargo carve-out also ignores the broader safety threat to the aviation industry and the general public. All-cargo flights make up around 7 percent of flights in the U.S. They share the same airspace as passenger flights and fly into and out of the same airports and over the same communities. Moreover, cargo operations often take place at night and in the early morning, which has proven to increase the risk of fatigue. Air cargo does not operate in a bubble, and a safety risk to one aspect of U.S. aviation is a safety risk to the entire system.

Aviation safety data clearly shows the need to close this loophole. According to the Commercial Aviation Safety Team (CAST), the all-cargo carrier major accident rate was seven times higher than the rate for passenger airlines over the past five years. This continues a trend of a growing divergence between passenger and cargo accident rates. If passenger airlines experienced the same accident rate as all-cargo operations, we would have seen 277 major passenger accidents in the past ten years. Thankfully this is not the case, and in no small part because of strong regulations governing flight duty, and rest requirements. And, while fatigue is certainly not the only cause of accidents, it is often a major contributor and one that we have a proven method for addressing.

In August 2013, UPS flight 1354 crashed short of the runway in Birmingham, AL, killing both pilots. The NTSB determined that fatigue was a direct contributor to that accident. It is a heartbreaking tragedy. However, we are also fortunate that it was not worse. No other aircraft were involved, and, unlike the Colgan accident, the aircraft did not crash in a residential area. If either of those were the case, the loss would have been staggering. Unfortunately, that type of result is not far-fetched. This must be an instance where our government takes action to prevent a catastrophic event before it happens, rather than after the fact.

The solution is simple. The stakes are too high. Congress must pass the Safe Skies Act, and ensure one level of safety for all airline operations.

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