



A bold voice for transportation workers

November 12 2019

Robert C. Carty
Deputy Executive Director, Flight Standards
Federal Aviation Administration
800 Independence Ave., S.W.
Washington, DC 20591

**RE: Flight Attendant Duty Period Limitations and Rest Requirements
Docket No. FAA-2019-0770, Notice No. 19-10**

Dear Mr. Carty:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the Federal Aviation Administration's (FAA) Advance Notice of Proposed Rulemaking (ANPRM) concerning Flight Attendant Duty Period Limitations and Rest Requirements. By way of background, TTD consists of 33 affiliate unions, including unions representing flight attendants, and unions whose members work cooperatively with flight attendants to maintain safety aboard commercial aircraft.¹ In responding to this notice, TTD strongly endorses the comments filed by the Association of Flight Attendants-CWA, the International Association of Machinists and Aerospace Workers, and the Transport Workers Union.

FAA's ANPRM comes in response to statutory mandates contained in Section 335(a) of the FAA Reauthorization Act of 2018. Section 335(a) requires that FAA modify its existing rule on flight attendant duty period limitations to require that a flight attendant scheduled to a duty period of 14 hours or less is given a scheduled rest period of at least 10 consecutive hours and that the rest period is not reduced under any circumstances. The mandate, passed with bipartisan support, does not provide for exceptions, exemptions, or carve-outs of any kind and makes explicit Congress' intent.

The clarity of the legislative mandate is incongruent with FAA's actions in this docket. While it may be acceptable for FAA to provide carriers a reasonable implementation period, the agency's decision to embark on a lengthy regulatory process, much less one involving an ANPRM necessitated by neither

¹ Attached is a list of TTD's 33 affiliated unions.

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statute nor common sense is of serious concern. The direction given to the agency by Congress does not require deliberation and public input to shape a future proposed regulation. Therefore, we call on FAA to dispense with its ANPRM and move immediately to promulgate an Interim Final Rule that will hasten the implementation of this critical safety mandate.

Congress required expeditious action by the agency because the current working conditions of our nation's flight attendants demand it. As our affiliate unions discuss at greater length in their submissions, fatigue among flight attendants increases risks to the safety and security of commercial operations. Flight attendants are asked to perform critical duties to keep passengers safe over the course of standard operations and in the event of emergencies. Following 9/11, flight attendants were given additional responsibilities to detect, and if needed, thwart, suspicious and dangerous activity by passengers. Completing these tasks under ideal conditions can be difficult. Continuing to demand that flight attendants do so while overly fatigued invites unnecessary dangers to the aviation system. Flight attendants should not be forced to wait untold months, if not years, for these key workplace safety improvements promised by Congress to be completed by an uncooperative FAA.

We note that the ANPRM asks extensive questions on the cost of implementing the regulation. While the agency may have cost-benefit mandates to comply with, the result of these calculations is immaterial to the production of a final rule on flight attendant rest as Congress did not predicate the promulgation of the rule on the results of such an analysis. We are concerned that FAA's line of questioning on implementation costs is an effort by the agency to create justification for further analysis and delay when none is otherwise needed or required. FAA must not create artificial impediments to the promulgation of this urgently needed regulatory change.

In as much as FAA receives and analyzes data in response to its economic impact questions, it must consider current realities in the aviation sector. As discussed in greater depth by our affiliates, current scheduling, operations and training practices, combined with the fact that a number of U.S. carriers currently do, or plan to, operate with 10-hour rest periods, means that costs incurred by carriers are likely to be tempered. We express extreme skepticism that any honest calculation would result in a determination that the rule would qualify as an economically significant rule, as defined by Executive Order 12866. Once again, even if FAA determines that the rule does qualify as economically significant, that determination should have no impact on expeditiously publishing a final rule.

TTD calls on FAA to proceed immediately with an Interim Final Rule to implement the flight attendant duty period and rest requirements mandated by the 2018 Act. By taking aggressive action to apply these fatigue protections, FAA can swiftly improve safety and security in the aviation system. We look forward to continuing to work with FAA to reduce fatigue among the aviation workforce.

Sincerely,



Larry I. Willis
President



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TTD MEMBER UNIONS

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal, Air, Rail and Transportation Workers (SMART)
SMART-Transportation Division
Transportation Communications Union/ IAM (TCU)
Transport Workers Union of America (TWU)
UNITE HERE!
United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)

These 33 labor organizations are members of and represented by the TTD

