



*A bold voice for transportation workers*

December 11, 2019

**Ensure One Level of Safety for All Air Operations**  
*Cosponsor the Safe Skies Act*

Dear Representative,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to cosponsor H.R. 5170, The Safe Skies Act, recently introduced by Reps. Salud Carbajal (D-CA), John Katko (R-NY), Matt Cartwright (D-PA), and Brian Fitzpatrick (R-PA). H.R. 5170 would close a dangerous aviation safety loophole by mandating that pilots that fly all-cargo aircraft are covered by the same flight duty and rest requirements that currently apply to commercial passenger pilots.

In response to a series of aviation disasters, including Colgan Air flight 3407, Congress passed the Airline Safety and FAA Extension Act in 2010. Among other safety improvements, the law required the DOT and FAA to implement new rules on airline pilot flight- and duty-time limitations and minimum rest requirements. In 2011, the agencies implemented new, science-based rules that increased the minimum rest hours required for pilots before flights and setting duty limits based on time of day, as well as the number of takeoffs and landings performed by a pilot during each duty period. This marked an important advancement in aviation safety, and helped address chronic fatigue of our nation's commercial passenger pilots.

Unfortunately, and illogically, 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. In the 2010 legislation, Congress mandated updated, science-based rules for **all** commercial pilots, passenger and cargo. In fact, the initial proposed rule did 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 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 lobbyists more interested in short-term profits than adhering to science-based safety standards.

**Transportation Trades Department, AFL-CIO**  
815 16<sup>th</sup> Street NW / 4<sup>th</sup> Floor / Washington DC 20006  
Tel: 202.628.9262 / Fax: 202.628.0391 / [www.ttd.org](http://www.ttd.org)  
Larry I. Willis, President / Greg Regan, Secretary-Treasurer



The cargo carve-out also ignores the broader safety threat to the aviation industry and the general public. All-cargo flights make up around seven percent of flights in the U.S. They share the same airspace as passenger flights, use the same airports, and fly 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. The all-cargo carrier major accident rate was seven times higher than the rate for passenger airlines over the past ten years. If passenger airlines experienced the same accident rate as all-cargo operations, we would have seen 110 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. Cosponsor the Safe Skies Act, and help ensure one level of safety for all airline operations.

Sincerely,



Larry I. Willis