



A bold voice for transportation workers

September 30, 2022

Acting Administrator Billy Nolen
Federal Aviation Administration
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Acting Administrator Nolen,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Aviation Administration's (FAA) request for comment on the Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airplanes in Part 121 Service. TTD consists of 37 unions in all modes of transportation, including those that represent flight, cabin crew, and ground personnel at airlines throughout the United States.¹ TTD, along with its affiliate unions, has long fought for so-called secondary barriers or Installed Physical Secondary Barriers (IPSB) on transport category aircraft. While we are pleased the FAA finally has initiated a Notice of Proposed Rulemaking (NPRM), the FAA should take further actions related to the scope of the rulemaking, compliance timeline, and application to foreign air carriers, among other important steps.

On September 11, 2001, every American learned that security gaps in our nation's aviation system enabled terrorists to use U.S. passenger aircraft to inflict massive harm, cost, and loss of innocent life on that fateful day. Frontline workers, including TTD-affiliated union members, learned this firsthand during their service as airline employees onboard the planes; firefighters, emergency first-responders, and transit workers on the ground; ferry workers who shepherded New Yorkers to safer ground; and countless others. In response, Congress, the FAA, and Transportation Security Administration (TSA) have earnestly attempted to close such security gaps through the fortification of the primary cockpit door; federalization and standardization of security screening; and employee training. However, the cockpit has remained insufficiently protected through the absence of a secondary barrier that would protect the flight deck during door transition periods.

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

Transportation Trades Department, AFL-CIO
815 Black Lives Matter Plaza, NW / 4th Floor / Washington DC 20006
Tel: 202.628.9262 / Fax: 202.628.0391 / www.ttd.org
Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



Most frustratingly, while Congress passed a statute requiring, at a *minimum*, the FAA to issue an *order* that all new aircraft for delivery to passenger air carriers have an IPSB *within one year* of the FAA Reauthorization Act of 2018, no meaningful action was taken to implement the rule until nearly four years post-enactment of the Saracini Aviation Safety Act of 2018 (i.e. Section 336 of P.L 115-254).

While TTD supports the NPRM, additional measures are necessary to ensure confidence and a reasonable level of safety. We offer the following comments to ensure maximum security benefit is provided through this rulemaking to ensure the safety of flight, protection of crew and passengers, and national security.

Proposed Compliance Time

The FAA should reduce the proposed compliance time in the NPRM from two years after the Final Rule to one year. The intent of the FAA Reauthorization Act of 2018 could not have been clearer: the FAA was to issue an order within one year of enactment without delay to ensure protection of the cockpit on all newly manufactured aircraft to be used in Part 121 service. Instead, despite congressional direction, implementation of the law may extend well beyond six years from the law's enactment. This is unacceptable.

A two-year compliance deadline is too lenient and unnecessarily long. Secondary barriers are well understood and in operation today, have been studied by the FAA and outside industry parties, and the major manufacturers of transport category have previously offered the barriers as standard equipment. Put simply, the technology and procedures required to manufacture and implement barriers in newly manufactured aircraft is available and manufacturers have had clear lead time to prepare for the equipment's installation.

Expand the Scope of the Rule to Cover Retrofitted Aircraft

While the *minimum* requirements of Section 336 apply to newly manufactured aircraft operating in Part 121 service, the agency has clear legal authority to require additional security enhancements beyond the provision through the agency's authority to promote safe flight of civil aircraft in commerce. As such, the agency should consider expanding the scope of the rule to cover the retrofitting of aircraft not covered by Section 336 while further applying the rule to Part 129 operations. When the agency promulgated rules related to the fortification of primary flight deck doors, the agency understood that uniformity in Part 121 operations was necessary for security purposes. Given the massive time lag for implementation from the law's effective date, closing this security loophole is necessary. Further, the agency has long understood that flight deck door security measures, when limited to domestic operations rather than foreign air carriers and operators, impose security concerns. In the agency's own words: "with part 121 flightdeck security

improved, the FAA [is] concerned that part 129 operations would be more attractive targets for terrorist actions if security was not similarly improved.”² We believe this wisdom holds true today and should guide the application of the rule.

Require Training for Flight Attendants

Additionally, any rule regarding IPSBs should address the needs of flight attendants who will be deploying these barriers. Flight attendants should be able to rely on safety and security training and procedures in the workplace, including self-defense training and training on deploying the specific IPSBs that are installed. These trainings should be mandatory as a reasonable minimum safeguard to protect flight attendants as well as pilots and passengers. Beyond training, it is also critical to consider that flight attendants currently may be required to come to work fatigued without adequate rest. In the event of a security situation, fatigue would reduce safety for everyone involved, and we urge the FAA to finalize the rule on Flight Attendant Rest expeditiously to ensure that flight attendants are best prepared to meet any situation. There are other rulemakings, such as drug and alcohol testing for maintenance employees located outside of the United States,³ among others, that should be finalized expeditiously to provide adequate safety along the full continuum of aviation operations.

We appreciate the opportunity to comment on this rule and look forward to working with the FAA in the future.

Sincerely,



Greg Regan
President

² Docket No. FAA-2001-11032. Amendment No. 25-106 and 121-288

³ RIN: 2120-AK09