



A bold voice for transportation workers

IMPOSING MEANINGFUL SAFETY STANDARDS AT FOREIGN AIRCRAFT MAINTENANCE FACILITIES

In the wake of the Boeing 737 Max accidents, Congress and aviation safety officials rightly recognized that the Federal Aviation Administration (FAA) had ceded far too much of its own regulating authority to private interests. The reforms that are still being implemented by the Department of Transportation (DOT) and the FAA should ensure that proper regulatory authority is in place to greater improve aviation safety and prevent any future catastrophes and loss of life. This mindset, however, needs to extend to every aspect of aviation safety. For 20 years, TTD and its affiliated unions [have been calling](#) for greater oversight of FAA-certified foreign contract repair stations that perform work on U.S. aircraft. Despite several legislative victories that require the FAA to promulgate rules governing these foreign repair stations, we have yet to see meaningful progress or reforms to ensure that the work being done in these stations meets the standards that we set here at home. President Biden has publicly and definitively called for action on this issue and it is past time for Congress and the FAA to rectify this problem through both legislative and regulatory action.

First and foremost, the FAA needs to implement the laws overseeing foreign repair stations that have been passed by Congress. One of the most glaring and troubling loopholes in the regulation of aircraft maintenance is that workers at domestic facilities must undergo extensive drug and alcohol testing while foreign mechanics working on U.S. aircraft are exempt from this requirement. To address this core safety issue, the 2012 FAA Reauthorization bill directed the FAA, within one year, to issue a proposed rule requiring all repair station employees responsible for safety-sensitive maintenance on U.S. aircraft to be subject to an alcohol and controlled substance testing program. While the FAA issued an advance notice of proposed rulemaking (ANPRM) on drug and alcohol testing in 2014, no further action has occurred. In the 2016 FAA Extension Act, Congress once again required the FAA to issue a proposed drug and alcohol testing rule within 90 days of enactment, and a final rule within one year. Once again, those deadlines passed with no hint of action from the FAA.

We understand that some regulators are wary that issuing testing rules would infringe upon the sovereignty of other nations. Transportation labor categorically rejects this argument. This is not a matter of the U.S. arbitrarily imposing our own laws upon the people of a sovereign nation. Rather, we are simply setting a uniform safety standard that we impose here at home. If the operators of a foreign repair station wish to be certified by the United States and authorized to perform work on U.S. aircraft, then they must meet our safety standards. If they do not want to meet those standards, they should lose the opportunity to earn U.S. certification and business from U.S. air carriers. The United States has fitness tests for foreign air carriers who wish to operate in our market. There is simply no reason why we should not expect the same approach to safety from facilities that provide critical safety work on U.S. aircraft.

In addition to the drug and alcohol testing requirement, the 2016 FAA Extension Act included two other provisions designed to increase the oversight of foreign repair stations. One required the FAA to implement increased, risk-based safety oversight of foreign repair stations that have a demonstrated track record of doing poor work. In conjunction, the bill required airlines to share with the FAA data on the frequency and seriousness of corrective measures that need to be undertaken after work done at foreign repair stations. The bill also required the FAA to ensure, within 6 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.

Despite the missed deadlines on existing statutory requirements, Congress must pass additional legislation to ensure proper oversight of foreign repair stations. They can start by passing the Safe Aircraft Maintenance Standards Act, which has been introduced by House Transportation and Infrastructure Committee Chair Peter DeFazio. This important bill would make several reforms to further strengthen the oversight of foreign repair stations, and create real consequences if the FAA fails to act on existing or new statutory requirements. The legislation would eliminate one of the biggest barriers to proper safety oversight of foreign repair stations by requiring the annual FAA inspections of these stations to be unannounced. Under current law, FAA inspectors must give notification to foreign stations prior to conducting their safety inspections. This is simply nonsensical, and makes it nearly impossible for FAA inspectors to identify potential safety risks.

The bill would also improve transparency by requiring air carriers to submit monthly reports to the FAA detailing the maintenance that has been performed on their aircraft, as well as any malfunctions or poor maintenance that required corrective action. This will help regulators detect potential safety failures and take appropriate action to make sure that those stations that are performing poor work either improve their performance or lose their U.S. certification.

Finally, the bill would implement a moratorium on new foreign repair station certifications if a final drug and alcohol testing rule has not been implemented within one year of enactment of the bill. This same approach was utilized in 2008, when a moratorium on new certifications was imposed after TSA failed to meet a deadline to implement new security rules at foreign repair stations. As a result, the industry as a whole lobbied to have the security rule implemented in order to see the moratorium lifted. While the final security rule was flawed, it did show that these types of actions are necessary at times to get agencies to follow congressional mandates.

Transportation labor has been clear and consistent for decades with our demand to apply one level of safety and security for all facilities that perform maintenance on U.S. aircraft, whether domestically or abroad. So far, our calls have been met with missed deadlines and inaction. At a time when the consequences of poor oversight and degraded safety standards could not be clearer, the failure to act is simply unacceptable. We call on Congress to pass the Safe Aircraft Maintenance Standards Act, and on the FAA to implement the outstanding congressional mandates. Regulators must not wait for a catastrophic accident to be a catalyst for action.

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