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HEARING ON FAA REAUTHORIZATION

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The Transport Workers Union of America, AFL-CIO (TWU) on behalf of its 200,000 active and retired members in the transportation industry, including airline mechanics at American Airlines and American Eagle and flight attendants at Southwest Airlines, appreciates the opportunity to appear before this Committee.

In particular, I thank the Committee for its diligence in passing H.R. 2881, the FAA Reauthorization Bill, in the 110th Congress. We look forward in this 111th Congress to the successful passage in the House and Senate of a Reauthorization Bill that discontinues the double standard that is applied to aircraft maintenance at outsourced stations, as opposed to that performed at the carriers themselves. In addition, we hope to see the FAA put into place critical and timely provisions for flight attendants that will enable them to perform their duties safely.

Briefly, since I know that the AFA will speak specifically on flight attendant issues, we support occupational safety and health standards for flight attendants on board aircraft. We think they are long overdue.

Completing the study on flight attendant fatigue is another endeavor that will ensure that flight attendants will be able to perform their duties to the best of their ability.

Air carrier citizenship is an important protection that will help to ensure that during the foreign ownership discussions at the EU labor relations will be preserved, along with other operational matters such as marketing, branding, fleet compositions, pricing and route selection. All of these are important to workers of air carriers around the country with various airlines.

Specifically today I would like to speak on the issue of aircraft maintenance. We represent some 15,000 workers who fall within this category of interest.

There are four recommendations regarding aircraft maintenance that we see as necessary to ensure safe and secure air travel for the American public:

1. Require that all maintenance on aircraft used in domestic U.S. service be done in FAA-certified repair facilities.
2. Require, as a condition of Federal Aviation Administration (FAA) certification, that all repair stations meet the same standards. This would include, but not be limited to, drug and alcohol testing and Part 65 aircraft mechanic certification. Any requirement that is not imposed on foreign stations should be repealed as a requirement of U.S. stations.
3. Reconfigure FAA inspection and oversight to place the greatest scrutiny on those repair stations whose audits determine to pose the greatest risk to safety and security.
4. Require, as a condition of FAA-certification, that all repair stations be subject to unannounced FAA inspections. The FAA shall be prohibited from certifying any repair

station in a country that prohibits unannounced inspections and shall immediately revoke any existing certifications in such a country.

Aircraft Used in Domestic U.S. / In-House Work

There is no doubt maintenance work that is done in-house by U.S. carriers themselves is probably the safest, most secure type of maintenance done. This is so because the work is done under the direct control of the carriers' supervisors and there is an additional layer of supervisors and inspectors dedicated to compliance with FAA safety regulations.

Ironically, this work has received the greatest scrutiny and FAA oversight, but it poses the least risk because of the following factors:

1. The carriers have shouldered the responsibility to monitor themselves and are mindful of the in-house regulations that they are required to meet.
2. The Federal FAA regulations hold domestic station aircraft mechanics to a high standard, including having all aircraft mechanics being subject to random drug and alcohol testing, all aircraft mechanics passing criminal background checks and all aircraft mechanics being subject to unannounced inspections by FAA inspectors at any time and any place.

Additionally, mechanics who work on aircraft are usually certified under Part 65 and for those that sign-off on work done on the aircraft, this certification is required. If all of the aircraft flown in U.S. domestic service was "serviced" by a domestic aircraft mechanic, then the concern of the lack of oversight would be null.

However, as reported in the FAA's recent report AV-2008-090, "Air Carriers Outsourcing of Aircraft Maintenance" issued September 30, 2008, out of the nine air carriers that were reviewed (AirTran Airways, Alaska Airlines, America West Airlines-aka USAir, Continental Airlines, Delta Air Line, JetBlue Airways, Northwest Airlines, Southwest Airlines, and United Airlines), 71 % of their heavy airframe maintenance check work was outsourced to a repair station. Since 2003, this trend of sending aircraft maintenance work out of the in-house domestic stations has more than doubled in statistical data from 34% in 2003 to 71% in 2007.

Thus, the FAA must increase its oversight of monitoring aircraft maintenance to ensure that safety measures are being satisfied in the ever growing and changing industry. This means that the safety layers that have been placed on the in-house domestic stations should at the least be the same safety layers that are placed on all repair stations, foreign included. The trend of sending aircraft maintenance out to stations who receive less safety scrutiny than that of in-house domestic stations should not be allowed without at least matching the same safety

criteria and scrutiny. Otherwise, the appearance is that the FAA and air carriers are merely gambling on the safety of the U.S. traveling public.

Foreign Aircraft Repair Stations

The standard for domestic in-house aircraft mechanics mandates certification, additional layers of security, and drug and alcohol testing. However, the norm for foreign aircraft mechanics is exempt of safety and security requirements of the same type.

Irresponsible regulatory changes in 1988 have allowed the FAA to certify foreign aircraft repair stations to work on U.S. aircraft not engaged in international travel and to do so under different standards than that applied to domestic stations. The concerns stemming from the aftermath of September 11, 2001, with the safety and security of U.S. flagged aircraft, demands that we take seriously the lack of oversight of aircraft maintenance being performed outside the reach of domestic in-house stations, which is being performed without having the same rigorous and demanding standards applied.

Drug and Alcohol Testing Standard

Most, except for a handful of foreign aircraft repair stations, do not require personnel who work on aircraft destined for U.S. domestic air service to pass a drug and alcohol test. The U.S. Congress determined that drug and alcohol impairment is an unacceptable risk for airline passengers. Additionally, the Supreme Court upheld the requirement on the grounds of safety for "safety-sensitive personnel". Airline mechanics have been deemed as "safety-sensitive personnel". The question begs, if mechanics doing in-house repair work are deemed "safety-sensitive personnel," why are those that work on aircraft destined for U.S. domestic air service carrying U.S. passengers not deemed the same as "safety-sensitive personnel" that should also be monitored for the safety of our flying public?

Presently, in-house air carrier mechanics are held to the highest safety standards and receive the majority of FAA inspection oversight. However, foreign aircraft repair station air carrier mechanics are less scrutinized, held to a lower standard, and receive almost no FAA inspection oversight. It is our belief that at least the same safety guidelines should be followed at foreign aircraft repair stations and domestic in-house repair stations.

The suggestion is not that foreign countries must adapt and change their laws to institute wide-spread drug and alcohol testing and criminal background checks. However, to achieve the highest level of safety and security, and to ensure that we are meeting the safety standards that the U.S. flying public believes that they are receiving, the federal government-Congress must require those that work on U.S. flag flying aircraft to meet the same safety and security standards that the FAA imposes on U.S. domestic stations.

Food, prescribed drugs, and even automobiles imported into the U.S. are required to meet the safety standards that the U.S. government has put in place. U.S. safety standards, no matter the safety standard of the product in the country of origin, must be met to ensure that products will not harm or cause any potential danger to the American Public. We must insist that the rules and standards apply broadly, as opposed to the narrow rules and standards that apply today. The standards of aircraft mechanic certification, criminal background checks, inspecting of repair stations, as well as drug and alcohol testing should be seriously examined and applied equally across the board in foreign stations, just as they are in in-house domestic stations so that the potential of danger and risk is minimized.

Certification Standard

Obtaining a Part 65 mechanic's license is a time consuming and demanding process. The FAA requires mechanics who perform a number of jobs on U.S. aircraft to go through it. But, what is the requirement at foreign stations? There is no such requirement. Nor, is there anything comparable to the requirement. In fact, as long as there is one person at the station who can read the repair manual, the rest of the mechanics don't have to, as long as that one mechanic can and will sign off on the work of the others. This is an unequal standard, unsafe, and indeed a gamble.

Security Standard

Since the horrific events of September 11, 2001, layer upon layer of security has been deemed the norm of protecting yet another attack. Additional layers of protections and restrictions were imposed on domestic aircraft mechanics and other airline workers. These rules were put into place because policymakers believed that it was important to maintain security.

Limiting and controlling access areas to aircraft, imposing criminal background checks, and checking terrorist watch lists are all rules that were imposed on aircraft mechanics working domestically in the U.S. by Congress and the Transportation Security Administration (TSA). Rules were also issued that would revoke airman certificates, which include a Part 65 mechanic certification of any individual determined by the TSA to pose a threat to aviation security.

Yet no entity of the U.S. government, the FAA, TSA, or any other agency requires any type of background check for workers at foreign repair stations who repair or maintain U.S. aircraft. At least at domestic contract repair stations, Part 65 mechanics are covered by the TSA/FAA rule. While in theory the TSA/FAA rule applies to Part 65 mechanics located overseas, foreign stations are allowed to work on U.S. aircraft without having any certified mechanics; as such, from a practical standpoint, this rule does not apply to foreign stations.

Loose or nonexistent security at foreign aviation facilities provides a window of opportunity for terrorists with designs on U.S. air travel. From a security standpoint, it is not hard to imagine how certified foreign aircraft repair stations, working on U.S. aircraft, could provide terrorists with an opportunity to sabotage U.S. aircraft or components that will eventually re-enter the U.S.

Standard of Oversight and Inspection

The standard of scrutiny of oversight and inspection of foreign repair stations is not only inadequate, it is somewhat non-existent.

A 2003 report by the department of Transportation Inspector General found that though foreign repair stations were widely used by U.S. carriers, some FAA-certified foreign repair stations are not inspected at all by FAA inspectors because civil aviation authorities review these facilities on behalf of the FAA. The consequence of such is that sufficient data to determine what was inspected is lacking.

Foreign repair stations that the FAA inspected fare about the same. One reason is that the law only requires a recertification inspection every two years. Since 1988, when the rules were loosened, there were only 200 such stations; as of September 30, 2008, there were 709 such stations. With this rapidly increasing amount of stations, oversight has not kept pace with the amount of FAA inspectors needed to inspect them.

Since U.S. policy requires the FAA to give advance notice to a country of any inspection of FAA-certified aircraft repair stations sited in their country, no such real oversight by the FAA is maintained.

Therefore, whether it is because: 1) civil aviation authorities review foreign repair stations instead of FAA inspectors or 2) there are too many foreign repair stations for the relatively few FAA International Field Officers to maintain a consistent inspection standard or 3) that foreign repair stations are not subjected to the same unannounced visits which ensure around the clock adherence to the standards. As a result, no true oversight and inspection exists for the majority of foreign repair stations or mechanics.

The Gap must be closed. The U.S. government must “mind the gap” and close loopholes that continue to jeopardize the safety of those that depend on the industry. This lack of oversight has consequences.

Background on TWU and Aircraft Maintenance

In 1989, the TWU testified against the FAA's rule change. Unfortunately, we were right in predicting that the elimination of limits on movement of maintenance would result in the outsourcing and loss of tens of thousands of jobs to overseas facilities. And, we were also right in predicting that the FAA would not have the capacity to give proper oversight on the work and that the work and workers who performed it would not be subject to the same regulatory requirements the US mechanics function under. We were labeled "exaggerators".

The work that TWU managed to secure at American happens not to be the norm. In "Air Carriers Outsourcing of Aircraft Maintenance", the FAA report of September 30, 2008, American Airlines, which was the largest U.S. air carrier, "was not included in outsourcing data since it retained its heavy maintenance as opposed to making a significant shift to outsourcing". Using American in the data would have skewed the results.

The 18 heavy checks performed at American are all done in house at bases in Tulsa, and Alliance Fort Worth and until recently, Kansas City. Being the only major carrier that still does the majority of its own maintenance, at a time when other carriers are outsourcing their maintenance, has its issues.

American is competing in an industrial environment where some carriers are more interested in saving a dollar. Where other carriers have lessened their cost and outsourced their work, American continues, at a cost, to keep U.S. citizens employed, working under the strictest scrutiny to ensure safety and security.

Just days ago the Congress, to which this committee is a party, passed an economic stimulus package that would put some people back to work. I suggest to this body to help keep the airline industry afloat and 1) keep it safe and secure by encouraging more air carriers to ensure safety by establishing the same rules and scrutiny on foreign maintenance bases as we have here in the states. This will lower the demand of shopping for the lowest bidder to do the important safety sensitive work on U.S. aircraft outside of the U.S. and, 2) it will keep U.S. air carrier mechanics working.

The alternative of double standards, strict scrutiny where already layers of protection are applied vs. the lack of oversight where layers of protection are absent, is merely a roadmap for disaster. That is disastrous for the American flying public as well as disastrous for the integrity of the American worker.

Thank you for the opportunity to testify before you today. I am available to answer questions that you may pose regarding my testimony today.