



November 30, 2023

Testimony of

**Gary Peterson, Executive Director
Transport Workers Union of America**

Before the

**Subcommittee on Aviation
Committee on Transportation and Infrastructure
United States House of Representatives**

Hearing on

Turbulence Ahead: Consequences of Delaying a Long-Term FAA Bill

Chairman Graves, Ranking Member Cohen, and members of the House Subcommittee on Aviation, thank you very much for holding this hearing on the importance of reauthorizing the Federal Aviation Administration (FAA). Airline workers generate 5% of our nation's economy and ensure that our airspace remains the safest form of transportation in the world. It is critical that Congress reauthorize the FAA immediately to enable these workers to continue their essential work.

My name is Gary Peterson, and I am the Executive Director of the Transport Workers Union of America (TWU). The TWU represents more than 155,000 members across the country. We are the largest union in the U.S. airline industry and I am here today representing airline mechanics, flight attendants, ramp workers, dispatchers, fleet service workers, pilot simulator instructors, meteorologists, and others who safely enable people and packages to move around the world. I

appreciate the opportunity to address this committee today and to share our concerns about several ongoing issues which threaten the safety and security of our airspace – all of which are directly addressed as part of the FAA reauthorization legislation which advanced unanimously from this committee and was overwhelmingly approved by the full House.

The TWU applauds the diligent and collaborative efforts from this committee to draft and pass H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act. We worked closely with you and your staff on a full, five-year reauthorization of the FAA that acknowledges the roles our members play to make our airspace safe and allow for a well-functioning air transportation system. We, alongside dozens of other national organizations, have enthusiastically endorsed that legislation because it takes bold, intentional action to address the current problems in our air system and sets out a clear path to grow good, union jobs in the industry going forward. It is a great piece of legislation that we believe should be enacted into law immediately.

The FAA is currently running on a short-term extension that expires on New Year's Eve – just four weeks away. Every day that the FAA continues to maintain the status quo is another day that our members, the rest of the aviation workforce, and the traveling public are forced to continue to deal with a litany of problems, not because the problems are intractable but due to the Senate's inaction. We join the House in calling on the Senate to fulfill its duty in passing an FAA reauthorization bill – ideally, a bill substantially similar to H.R. 3935.

H.R. 3935 includes a number of historic provisions which the TWU has been advocating for over decades.

H.R. 3935 will return airline maintenance jobs to the U.S.

Every Congress since 1986 has introduced legislation to address the threat of offshoring aircraft maintenance. Air carriers have increasingly moved heavy maintenance work out of the country, choosing to have their aircraft maintained, repaired, and overhauled at any of the almost 1,000 FAA-certified repair stations abroad instead of at one of the nearly 4,000 such stations here at home. Alarming, the Chinese Communist Party is the principal beneficiary of the FAA's certification, employing more than 7% of the global workforce repairing, maintaining, and overhauling U.S. aircraft.

Current government practice incentivizes airlines to move this work out of the U.S. Despite issuing identical certificates with the same set of privileges to all of the repair stations it oversees globally, the FAA does not hold repair stations outside of the country to the same safety standards as those in the U.S. The result is significant cost-savings on compliance and risk when the work is done abroad, effectively directing the airlines to offshore thousands of jobs going back decades.

While the FAA nominally requires that all repair stations, regardless of location, maintain aircraft to the same standard, foreign repair stations do not have to comply with several requirements to which U.S.-based maintenance facilities are held, including:

- Mandatory security background checks for workers;

- Risk-based safety and security evaluations for facilities;
- Employee drug and alcohol testing;
- Unannounced FAA inspections; and
- FAA certification standards for maintenance technicians and support personnel

TWU members and others in the aviation workforce have seen firsthand the consequences of the lack of evenhanded regulations. Their discoveries include:

- Critical engine components held together with tape and wire;
- Parts on the aircraft exterior doors installed incorrectly, resulting in mid-flight cabin depressurization;
- Aircraft covered with flammable paint; and
- Drugs hidden behind panels in aircraft wheel wells, avionics bays, cargo compartments and lavatory walls

H.R. 3935 would close these loopholes, raising the level of safety in our airspace and returning good mechanic jobs to the U.S. Every day that goes by under the current non-enforcement regime is pushing more work out of the country. Completing work on H.R. 3935 would immediately return some of these jobs and begin a long-term process to restore U.S. leadership to aircraft maintenance. The TWU appreciates Representatives Marc Molinaro and Julia Brownley for leading the fight on the House side to return these jobs in the 118th Congress.

H.R. 3935 will help protect workers from assault

For customer-facing airline workers, violent, unruly passengers have become all too common, threatening worker safety. Videos and stories of airline workers being physically or verbally assaulted for doing their jobs have become a regular feature in the media, with many more incidents going undocumented. While the number of formally reported cases of unruly passengers has gone down since its peak in calendar year 2021, when commercial air travel picked up significantly after its COVID-induced nadir, the number of cases is still well above pre-COVID levels; so far in 2023, the FAA has received 1,820 reports of unruly passengers; in 2019, the agency received 1,161 reports. This issue is not going away on its own.

In light of these troubling trends, aviation workers have proposed a number of solutions, including a no-fly list and mandatory crew self-defense training. H.R. 3935 takes meaningful steps to end the threat of assault on airline workers, including updates to employer assault prevention and response plans. Although the bill could take stronger action to prevent these assaults, we have no doubt that the provisions of this bill will reduce the number and severity of assaults in our air system. Workers will see none of the benefit of these changes, however, until these provisions are enacted into law.

H.R. 3935 will prevent ramp worker deaths

Earlier this year, the TWU mourned the tragic loss of one of our members: Michal Ingraham, a 37-year-old man of faith who worked at Austin-Bergstrom International Airport. Michal was performing his duties safely when his service vehicle malfunctioned, slamming on the gas,

jumping its brakes, and crushing Michal into a concrete column of the jet bridge. His body was pinned for several hours. Powerless to do anything, his coworkers had to continue working scheduled flights at other gates and had to see this gruesome scene. Just last month, an airport employee was struck by a fuel truck and pronounced dead at the scene. Two other ramp workers have also died recently after being ingested by jet engines. All of their deaths are tragedies that we all mourn.

Ramp workers are often invisible to the public; their work is performed under the wing and in secure areas of the airport out of view from travelers. As a result, it has been far too long since the rules keeping these workers safe have been reviewed and updated. H.R. 3935 mandates the agency to issue a Call-to-Action safety review of ramp worker safety, bringing together stakeholders with the goal of assessing deficiencies in FAA policies, training programs, and safety markings. A delay in getting this bill passed risks unnecessarily endangering the lives of ground workers across the country who rely on the adequacy of their employers' training programs.

H.R. 3935 will end unsafe dispatching practices

Qualified, well-trained, and highly focused aircraft dispatchers play a key role in ensuring the safety of our air traffic system, as evidenced by their bringing every plane in the national airspace to an emergency landing in mere hours following the terrorist attacks on 9/11. Concerningly, as employers across industries began to implement work-from-home policies in response to the spread of COVID, the FAA authorized two airlines – Republic Airways and SkyWest – to allow their dispatchers to maintain operational control of flights from mobile workstations – that is, away from secure facilities in the airline's operations center. While the FAA originally allowed only 20 percent of dispatchers during any shift to dispatch remotely, months later it increased the authorization to 60 percent, all without any conditions or assurances that this change in a tried-and-true system of work would meet FAA standards. Dispatching from home raises significant safety concerns, ranging from outside distractions, lack of random and reasonable-suspicion drug and alcohol testing to data overloading home networks.

H.R. 3935 explicitly prohibits air carriers from dispatching aircraft from any location that is not a designated dispatch or flight following center, putting an end to FAA's troubling and continuing authorization of dispatching from home. Today, under the short-term extension, air carriers can – and undoubtedly will – continue to take advantage of the status quo and allow their dispatchers to maintain operational control in less secure environments.

H.R. 3935 will clean up cabin air

The quality of cabin air circulated inflight has long been of concern for TWU members. To create breathable air 40,000 feet above sea level, aircraft pull air from the surrounding atmosphere, heat it over the engines, compress it, and circulate it into the cabin – a process known as bleed air. When the mechanical pieces of this process malfunction, contaminants can be introduced, pumping toxic air into the cabin for passengers and crewmembers to breathe. Despite this alarming reality, the FAA requires shockingly minimal training, reporting, or correcting of these incidents.

When gasified, engine oil, hydraulic fluid, fuel, and other aircraft fluids become potent nerve agents that can cause respiratory, neurological, and psychiatric symptoms, as well as cancer. These nerve agents can be absorbed both by inhalation and contact with skin. Repeated or prolonged exposure to these agents – such as that endured by flight attendants – can have devastating health effects. We have documented cases of TWU flight attendants who have suffered both severe and career-ending disabilities due to this chemical exposure.

Passengers, too, are at equal risk of the negative health effects from the fumes caused by bleed air. Because these fumes can smell like dirty socks or other everyday items, travelers may not recognize the health threat as it is happening. In fact, some passengers mistake the symptoms of toxic fume exposure for jet lag.

H.R. 3935 requires the FAA to create a system for inflight crew and mechanics to report fume events on board commercial aircraft while safeguarding submitting parties' information should an air carrier request details on a reported fume event. Additionally, the bill mandates a study of the occurrence of fume events and subsequent issuance of recommendations to improve cabin air quality. As a direct consequence of unnecessary delay in the long-term reauthorization of the FAA, however, inflight crew and the flying public will continue to deal with fume events and the lingering health effects.

H.R. 3935 supports the next generation of good aviation jobs

The TWU believes that advanced air mobility (AAM) has the potential to create a new mode of transportation. Such an innovation, however, must be carefully reviewed and overseen by regulators in order to ensure both that it will be safe and it will benefit our economy through the creation of good jobs. Regulators must hold new entrants in the national airspace system to the same level of safety that we expect from existing stakeholders and ensure that workers are prioritized in the development and implementation of policies affecting AAM. The TWU strongly believes the maintenance and dispatching standards that govern commercial airlines should be applied to AAM operators. Additionally, regulators must contend with how AAM comports with existing labor standards at legacy transit modes – chiefly, public transportation and commuter rail lines – in communities where this new technology seeks to penetrate the market.

The TWU applauds the House for the thoughtful approach to AAM. This language stands in stark contrast to Senate proposals that would empower new entrants at the expense of safety and workers. H.R. 3935 will not be the last piece of legislation Congress considers on AAM, but it is the appropriate legislation that workers need now to prepare for the next generation of flight. We will continue to advocate for robust regulatory guardrails that guarantee the nation's continued leadership in aviation and protect jobs and hard-fought labor standards.

H.R. 3935 reestablishes the clear right of states and localities to establish labor standards

In states and localities across the country, air carriers are actively fighting to exclude their workers from labor laws. These laws governing minimum wage rates, meal and rest breaks, family and medical leave have long been understood to be state issues. Airlines have invented an

anti-worker argument that has been rejected by nearly every court where it has been raised. As a result, they turned to Congress to attempt to overturn half a century of precedent. H.R. 3935 firmly rejects this effort and solidifies the right of airline workers to benefit from state and local labor laws.

Exempting airline workers from state and local labor laws would significantly dampen efforts to recruit new mechanics, dispatchers, ramp workers, and flight attendants who would not be able to rely on the benefits that are enshrined in state and local statute for workers in every other industry. In many localities, were the airlines' proposal enacted into law, airline work would instantly become sub-minimum wage work. It would instantly cause a mass exodus of workers moving to every other job in an area that guaranteed health care, sick leave, and other state-level benefits. Rejecting this proposal has not only saved the current generation of airline workers from poverty, but has also ensured that there will be a next generation of airline workers.

Airline workers need H.R. 3935 enacted into law now

We know the solutions to the well-documented problems affecting aircraft mechanics, ground workers, flight attendants, customer service agents, dispatchers, and other airline employees. In many cases, we have known these solutions for years. H.R. 3935 is a bold piece of legislation that enacts these solutions. A fully reauthorized FAA with the powers, authorities, and direction included in H.R. 3935, will provide certainty to the industry, equip the agency with the policy tools necessary to ensure the safety and economic well-being of our air system, and prepare airline workers for the next generation of American leadership in the aviation industry.

Short-term extensions are anathema to all of these goals. While it may be politically expedient to continue to extend the FAA's existing authority, neither airline employees nor the traveling public stand to gain from the status quo. Once again, the TWU greatly appreciates the House of Representatives for its diligent work in passing an FAA bill earlier this year. We join you in calling on the Senate to finish its work and get a bill – ideally H.R. 3935 – to the President's desk.

Thank you for the opportunity to testify before the subcommittee on these important issues. The TWU looks forward to continuing to work with the committee to advance policies that will improve workers' safety and well-being in the airline industry and beyond.