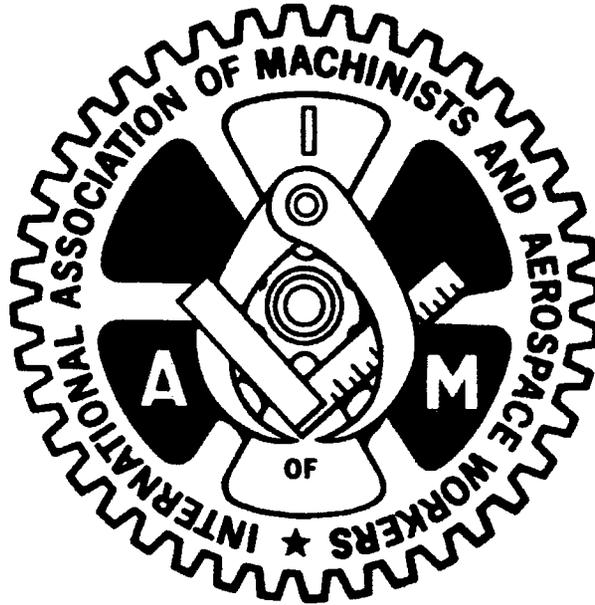


**U.S. House of Representatives  
The Committee on Transportation and Infrastructure**

**“A Review of Federal Aviation Administration  
Operational and Safety Programs”**

**March 22, 2007**



**Testimony of  
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Before the House Transportation & Infrastructure Committee**

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Thank you, Mr. Chairman, and members of this Committee for the opportunity to speak to you today. My name is Robert Roach, Jr., General Vice President of Transportation for the International Association of Machinists and Aerospace Workers (IAM). I am appearing at the request of International President R. Thomas Buffenbarger. The Machinists Union is the largest airline union in North America. We represent more than 100,000 U.S. airline workers in almost every classification, including Flight Attendants, Ramp Service workers, Mechanics and Public Contact employees. On behalf of the workers who ensure the United States has a safe, secure and reliable air transportation system, I am presenting to you today some of the concerns they hope will be addressed in the FAA reauthorization bill.

A major issue affecting airport workers that must be addressed is the National Mediation Board (NMB) and National Labor Relations Board (NLRB) playing political games with their livelihoods. The Railway Labor Act (NLRA) vests the NMB with the responsibility to investigate and conduct airline and railroad union representation elections. The NLRB has the same responsibility in virtually all other private sector industries.

Recently, however, the NMB has asserted jurisdiction over companies that are neither airlines nor railroads, and whose employees have worked and negotiated contracts under the jurisdiction of the NLRB for decades. The misapplication of the Railway Labor Act has left many workers without a union or a contract.

One of the most recent examples involves a unit of 120 employees located in Minneapolis, Minnesota. The IAM had represented these airport fuelers under the National Labor Relations Act since June 6, 1973. Although the employer had changed hands a few times over the years, the successor always recognized the union and bargained with us, including the current owner, Aircraft Services International Group (ASIG). However, when our contract expired on October 1, 2006, ASIG advised us that they would no longer bargain with us or recognize the IAM as the representative of these 120 employees because the NMB had taken the position that ASIG was covered by the Railway Labor Act. As a result, these 120 employees immediately lost a grievance procedure and the right to double time, which the IAM had negotiated for them, and all of their holidays, sick leave and vacation leave were lumped into something the company called "personal days." Also, at the time, the union had a number of outstanding grievances which had not yet been resolved including some terminations and some for lost pay. The NMB's improper action denied these workers their rights.

Additionally, in 1996 legislation was passed directly aimed at thwarting workers' ability to conduct local organizing drives. The term "express carrier" under the Railway Labor Act was inserted in the FAA reauthorization bill. This allows an entire package delivery company's workforce to come under the jurisdiction of the RLA regardless of

their relation to air transportation. This created a disparity that the resulted in the weakening of workers' opportunity to bargain for better wages, benefits and workplace improvements.

Many of these package delivery services may seem similar at first; however, there is growing disparity among the way these workers are treated among the largest delivery companies. Some provide their full and part-time workers with good wages, full benefits (including medical and dental plans), and paid vacation time. Others find ways to take the low road in the way they treat and classify their employees, including the growing use of independent contractors and staging anti-union campaigns. One reason for the disparity is the way the government classifies employers and thus their employees. When looking at the largest delivery companies each has workers doing virtually identical work, but some companies, like UPS, have workers who are governed under the National Labor Relations Act while workers at another company, like FedEx, are all under the Railway Labor Act. What is the difference? Under the National Labor Relations Act workers can act locally in seeking to organize and collectively bargain, whereas under the Railway Labor Act workers must organize nationally, an enormous challenge in the environment workers find themselves in today.

The "express carrier" language in the Railway Labor Act needs to be modified to provide consistency in the industry. Those seeking to deny workers the ability to organize should not be permitted to use the "express carrier" provision of the Railway Labor Act to do so. It would be consistent to allow those workers who are directly involved with the air cargo portion of the company to be treated like

their counterparts in the passenger air transport business, and therefore under the jurisdiction of the Railway Labor Act. The remaining portion of the workforce would then fall under the jurisdiction of the National Labor Relations Act with their peers in the rest of the industry. This would level the playing field by putting fairness and consistency into the law. Workers can decide for themselves whether they want to collectively bargain or not. We should at least give them the opportunity to decide.

There are many other examples, but the issues are the same - the NMB and NLRB denying workers their legal right to unionize. The Railway Labor Act applies to airline and railroad workers only. Congress must stop the collusion between the NMB and NLRB that is denying workers their rights.

A major safety issue for flight attendants is fatigue. Currently, the FAA mandates flight attendants receive only 9 hours rest on layovers, or as little as 8 hours if there are irregular operations. Although well intentioned, this regulation does little to ensure public safety because the rest period includes time when flight attendants are required to perform other job-related duties.

For example, during the mandated crew rest flight attendants must wait for a shuttle to take them to their hotel, and then travel to their hotel, which in many cities is more than a 30 minute drive. Similarly, checking out of the hotel, being transported back to the airport and going through security all occur during the mandated rest period.

To prevent flight attendant fatigue, the mandatory rest period should be changed to require a period of rest EXCLUSIVE of any other job responsibilities or hotel transfer time. Flight attendants cannot ensure the safety of their passengers if they are fatigued. Rest means rest – period. While most Americans strive for an 8-hour work day and 16 hours free from work, flight attendants work 16-hour days with only 8 hours off.

The IAM's flight attendant collective bargaining agreements exceed the FAA's mandatory rest minimum, but not all flight attendants have the security of a collective bargaining agreement. Furthermore, the carriers can violate the collective bargaining agreement and reduce crew rest. Flight attendants can file grievances and receive a remedy at a later date, but that doesn't prevent them from being fatigued at the time the contract is violated. Flight attendant fatigue is a safety issue that needs to be better addressed by the Federal Air Regulations.

Another flight attendant issue is self-defense training. After 9-11, flight attendants and passengers, indeed the entire country, demanded better aircraft security. There are guns in the cockpit, but the flight attendants who are charged with guarding the other side of the cockpit door do not receive the proper training. The Machinists fought for mandatory flight attendant self-defense training, but the regulations called only for the Transportation Security Administration (TSA) to provide voluntary training. Ensuring cabin security cannot be voluntary. Flight attendant self-defense and terrorism training must be mandated by Congress and the time spent in training must be paid for by the airlines. You can't put a price on the safety of our skies, and making such an important program voluntary leaves flight attendants and passengers vulnerable.

Similarly, the lack of health and safety regulations for flight attendants at work is dangerous. Flight attendants are one of the few work groups in the country not protected by the Occupational Safety and Health Administration (OSHA). In 1975, the FAA claimed jurisdiction over workplace safety and health of flight crew members. The FAA, however, has done nothing to enforce safety and health standards for flight attendants. After complaints from the Machinists and other unions, the FAA and OSHA in August 2000 signed a Memorandum of Understanding to explore extending OSHA jurisdiction to cover seven flight attendant health and safety issues: whistle blower protections; recordkeeping; blood borne pathogens; noise; sanitation; hazard communication; anti-discrimination and access to employee exposure/medical records. In 2001, however, the new Bush Administration abruptly stopped their progress, leaving flight attendants the only airline workers without workplace safety and health protections.

Flight attendants must deal with old and poorly-maintained galley equipment, exposure to contaminants, poor ventilation, cuts and burns while preparing food, slick galley floors, heavy carry-on bags and are required to provide emergency medical treatment. Flight attendants have long been recognized as safety sensitive professionals, yet they are denied their own health and safety regulations. Extending OSHA coverage to flight attendants is long overdue.

Although in-flight safety and security is a paramount concern we all share, the integrity of the aircraft itself has been compromised by the rampant use of overseas maintenance repair facilities.

The number of certified foreign repair stations has increased more than 300 percent since federal regulations were significantly loosened in 1988. A July 2003 Inspector General Report highlighted the weak oversight of aircraft maintenance performed overseas by third-party contractors. In response to that report, Congress directed the FAA to submit a plan by March 12, 2004 to ensure that foreign repair stations working on U.S. aircraft are subject to the same level of safety and oversight as required here at home.

In November 2005, the Aviation Subcommittee of the Senate Commerce, Science and Transportation Committee held a hearing about maintenance outsourcing, and at that hearing I testified that the FAA had not yet submitted a plan as Congress directed. It is now 2007 and, Mr. Chairman, we are still waiting for the FAA to submit a viable plan. More than three years have passed since Congress' deadline, and the American public is still waiting for the FAA to develop a plan to ensure the proper maintenance of our aircraft at overseas facilities.

While we are waiting for the FAA to develop a plan, FAA field inspectors are as frustrated as I am. Our mechanics have found aircraft that return from overseas flights departed with obvious mechanical problems. When they tell FAA inspectors, the inspectors complain that their hands are tied. Budget constraints limit their ability to inspect overseas maintenance operations, and when they do they have to give advance notice of the inspections, making them worthless. The FAA inspectors complain to us, and I am bringing their, and our, concerns to you.

Furthermore, having U.S. aircraft repaired overseas opens up this country to a great security risk. 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. for domestic service. These stations should be immediately closed down until security audits of those stations can be conducted and security vulnerabilities addressed.

There should be one standard for safety, security and FAA oversight at all aircraft repair facilities working on U.S. aircraft, regardless of where they are located. This must include equivalent standards for criminal background checks, drug and alcohol testing of workers as well as tightening the security of repair facilities.

The FAA does not have sufficient funding to hire an adequate number of inspectors to ensure aviation maintenance safety, at home or abroad. Even the recent hiring of 100 FAA inspectors does little to improve oversight. An immediate increase in FAA inspectors, along with the resources they need, is necessary to safeguard the U.S. aviation industry.

As we strive to protect our aircraft, we cannot forget the safety of airport ground workers. Airports are inherently dangerous places to work, and airlines' pressure to cut costs has degraded safety even more in recent years. Releasing aircraft brakes before the aircraft and surrounding areas are secure is a problem, as are the hazardous conditions of some airport's deicing procedures. Improper training of ground workers has led to ground accidents, some resulting in death. Airport ramp areas are unforgiving environments to work in. Worker safety cannot be compromised by on-time goals or budget constraints. I

know this is an issue important to this Committee's Aviation Sub Committee. The Machinists Union is working with the General Accountability Office to investigate airport ramp safety issues, and I thank you for the opportunity.

Finally, I want to address two related issues, foreign ownership and control of U.S. airlines, and allowing foreign airlines to fly point-point between U.S. cities, known as cabotage. Either would lead to massive job loss.

The U.S. aviation industry is critical to our nation's economy and any move that subjects it to unfair foreign competition should be rejected. Indeed, U.S. airlines directly employ almost 700,000 workers and the overall commercial aviation industry contributes about \$250 billion to the U.S. GDP. When employment in aviation related firms such as airports, aircraft manufacturing, and suppliers are added to jobs in sectors which indirectly benefit from commercial aviation, such as hotel, car rentals, and tourism, the workforce impact of commercial aviation totals more than 11 million Americans. This means that every airline worker translates into an additional 16 jobs in our economy.

Despite the damage a policy change could have on the U.S. airline industry, the Bush Administration continues to raise the subject. At a time when our economy - and particularly the U.S. airline industry - is struggling to recover, our government should not take action that threatens American companies and their workers. Similarly, increased foreign investment in, and control of, U.S. airlines must not be allowed. Congress last

year soundly rejected the Bush Administration's plan to allow for foreign control, and that position should not change.

Since 9-11, airline workers have sacrificed their wages, pensions, work rules and, for far too many, their jobs in order to rescue the airline industry. Industry conditions have imposed great burdens on workers as carriers compete to reduce costs. Such an extraordinary focus on the bottom line demands greater, not less, government oversight, and proper FAA funding is a must. No group is more interested in airline safety than IAM members. Congress must ensure that an FAA bill is good for workers, passengers and the entire aviation system. The Machinists Union urges the Committee to take appropriate action to protect our skies, and we stand willing to work with the Committee to reach that goal.

Thank you for the opportunity to speak here today. I look forward to your questions.

