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BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE – SUBCOMMITTEE ON AVIATION

ON THE
FAA REAUTHORIZATION ACT OF 2009

FEBRUARY 11, 2009

Chairman Costello, Congressman Petri and members of the subcommittee, thank you for inviting PASS to testify today on the reauthorization of the Federal Aviation Administration (FAA). The Professional Aviation Safety Specialists, AFL-CIO (PASS) represents approximately 11,000 FAA and Department of Defense employees in five separate bargaining units throughout the United States and in several foreign countries. PASS members include Technical Operations employees (systems specialists, electronics technicians and computer specialists) who install, maintain, repair and certify the radar, navigation, communication and environmental systems making up the air traffic control system; Flight Standards and manufacturing aviation safety inspectors responsible for inspecting and certifying every aspect of the commercial and general aviation industries; flight inspection pilots, mission specialists and procedures development specialists in Aviation System Standards; and administrative employees in the FAA's Civil Aviation Registry.

Congress has an opportunity to enact meaningful FAA reauthorization legislation to modernize and improve the efficiency of the FAA and protect and enhance the safety of this country's aviation system. PASS appreciates the opportunity to present our views on issues vital to aviation safety, including technician and inspector staffing, FAA modernization, and aviation safety oversight. In addition, PASS is hopeful that FAA reauthorization legislation will assist in improving labor-management relations at the FAA by repairing the contract negotiations impasse process within the agency, which will help improve productivity and ensure that the FAA has the very best men and women working together to protect the safety of the aviation system.

Contract Negotiations

Over the past several years, labor-management relations within the FAA have been in a state of serious disrepair. By taking advantage of the ambiguities in current law covering FAA labor negotiations, the FAA has consistently refused to bargain in good faith with PASS and other FAA unions. This has resulted in low employee morale, difficult working conditions and overwhelming tension between labor and management—all of which threatens the productivity of FAA employees and the efficiency of the aviation system. Ensuring a fair contract negotiations process at the FAA is of utmost importance to PASS.

The history leading to the current state of contract negotiations between the FAA and its unions starts with the FY 1996 Department of Transportation Appropriations Act, which exempted the FAA from most of the federal personnel system under Title 5 of the U.S. Code and ordered the agency to develop its own personnel system. The FAA Reauthorization Act of 1996 established a new process for resolving certain bargaining impasses that were related to the new personnel system, but provisions of the legislation did not clearly define the types of disputes covered under the new process. The FAA interpreted the provision to mean that it had authority to impose contract terms unilaterally without the agreement of employees' representatives or ratification by the employees themselves. According to this interpretation, if the FAA declares that contract negotiations are at impasse, the administrator can send the matter to Congress. If Congress does not act on the contract within 60 days, the FAA's contract offer will be automatically imposed on employees. Under these conditions, FAA employees have been stripped of the right to participate in fair contract negotiations and, since the FAA can impose its will simply by waiting 60 days, real collective bargaining is nonexistent.

The status of contract negotiations between PASS and the FAA are reflective of the serious problems with the agency's interpretation of the process. Contract negotiations are at impasse with four of PASS's five bargaining units, representing 3,500 employees in the Flight Standards, Aviation System Standards, Aviation Registry and Manufacturing Inspector District Office bargaining units. Negotiations over new contracts for these employees have been at impasse for *over six years*. In PASS's fifth and largest bargaining unit, Technical Operations, the FAA showed little interest in reaching a mutual agreement with PASS. As a result, when the agency's final proposal was submitted for a vote, it was rejected by 98 percent of the employees. It is unclear when the negotiations process will begin again due to pending legal proceedings initiated and unnecessarily prolonged by the FAA.

It is obvious that major changes are needed in the contracts negotiations process at the FAA. It is clear that this committee agrees as language was included in the version of FAA reauthorization legislation passed by the House in 2007 (H.R. 2881) to rectify the problems with the bargaining process. The legislation clarifies that the Federal Service Impasses Panel (FSIP) has jurisdiction over the FAA and that binding arbitration before an impartial board of experienced arbitrators is the preferred method of resolving bargaining impasses such as those currently facing PASS and other FAA unions. PASS appreciates the efforts of this committee to ensure a fair collective bargaining process at the FAA and hopes that identical language will be included in this year's version of the bill.

ATO Technical Operations Workforce

Staffing and Training

The largest PASS bargaining unit is the Air Traffic Organization (ATO) Technical Operations unit, consisting of technical employees who install, maintain, repair and certify the radar, navigation and communication systems making up the air traffic control system. Insufficient technical staffing continues to be a major problem at numerous facilities throughout the country, and an increasing attrition rate in these safety-sensitive positions is worsening the critical staffing crisis. The FAA has fallen below 6,100 technicians, which was the figure previously agreed upon by PASS and the FAA as being the *minimum* number of technicians needed to maintain the system safely. In fact, some facilities are staffed at less than half of what the facility's workload generates. As a result of the understaffing, the FAA is employing a new maintenance philosophy where periodic maintenance and certification of National Airspace System (NAS) systems and equipment are significantly reduced. In other words, instead of hiring additional employees, the FAA is changing its maintenance approach, claiming a move toward efficiency. PASS believes this change will place aviation safety at risk and is merely an attempt to mitigate the impacts of inadequate staffing.

The chronic understaffing of the FAA's technical workforce makes daily operations difficult at facilities nationwide and results in more unplanned outages and a dramatic increase in restoration times. In testimony, the Government Accountability Office (GAO) focused on the duration of unscheduled outages, citing an increase from an average of 21 hours in 2001 to about 40 hours in 2006 as a potential sign that "maintenance and troubleshooting activities are requiring more

effort and longer periods of time."[1] Furthermore, the understaffing is exacerbated by the agency's inability to accurately determine the right number of employees and job skills needed to safely and efficiently maintain the NAS. Currently, the FAA does not have a staffing standard or model that can accurately determine the number of trained FAA technicians needed to meet the agency's mission "to provide the safest, most efficient aerospace system in the world." In today's changing aviation environment, it is critical that there is a staffing standard in place for the FAA technical workforce and that the FAA is required to abide by that standard and ensure that it has an adequate number of professionally trained technical employees.

It is clear that the state of technician staffing needs immediate attention in terms of the number of employees and the level of training. PASS supports language included in the 2007 House-passed FAA reauthorization bill that would require the comptroller general to study the training of technicians and the National Academy of Sciences to issue a report on the staffing methods used by the FAA to ensure adequate technician staffing. In order to ensure the proper representation of the technician workforce, PASS believes language must be included in this year's bill and suggests adding language directing the Academy to consult with the exclusive bargaining representative of these employees.

Involvement in FAA Modernization

The FAA has introduced a plan to modernize the NAS through development and deployment of the Next Generation Air Transportation System (NextGen). Although the FAA estimates a target date of 2025 to realize the full benefits of NextGen, it is starting to execute ideas and plans related to NextGen. As the FAA continues on this path, it is critical that the men and women responsible for maintaining, certifying and protecting this country's aviation system be meaningfully involved at every point in the process.

Prior to 2003, PASS worked closely with the FAA in its efforts to modernize the NAS. Involving the employees who use and operate the systems in the development of those systems greatly improves the final product and inevitably saves the agency money. Yet, in approximately 2003, the FAA began to systematically eliminate PASS's participation.

At a 2007 hearing before the House Subcommittee on Space and Aeronautics, the GAO emphasized the important role stakeholders, such as FAA technicians, should play in "planning for and deploying the new technology" that will be "important to the success of NextGen."[2] The GAO continued by stating that input from current technicians "who will maintain NextGen equipment is important when considering human factors and safety issues. Our work on past air traffic control modernization projects has shown that a lack of stakeholder or expert involvement early and throughout a project can lead to costly increases and delays."[3] Yet, the FAA has favored an approach in which it ignores these recommendations and develops these systems in a

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[1] Government Accountability Office, *Next Generation Air Transportation System: Progress and Challenges in Planning and Implementing the Transformation of the National Airspace System*, GAO-07-649T (Washington, D.C.: March 22, 2007), pp. 10–11.
[2] Government Accountability Office, *Joint Planning and Development Office: Progress and Key Issues in Planning the Transition to the Next Generation Air Transportation System*, GAO-07-693T (Washington, D.C.: March 29, 2007), p. 19.
[3] Id.

vacuum in which no critical views are permitted. Along with the incredible technical expertise that PASS members offer the FAA, they also provide an independent view of the FAA's program management.

FAA technicians have the expertise and field experience needed to identify problems before the systems are deployed, and the FAA needs this expertise in order to field systems that are cost effective and safely meet the operational requirements of the NAS. PASS appreciates the efforts of this committee to address this issue by including language in the 2007 House-passed FAA reauthorization bill requiring the FAA to collaborate with its unions in the planning, development and deployment of air traffic control modernization projects. PASS proposes that language be included in this year's version of the FAA reauthorization bill in order to ensure the safe and efficient modernization of the NAS.

Certification

Certification is the process in which a certificated FAA technician checks and tests systems or pieces of equipment on a periodic basis in order to ensure that the systems or equipment can be safely returned to service and not negatively impact any aspect of the NAS. According to a 1991 memo from the FAA's general law branch, certification is an "inherently governmental function which cannot be performed by a contractor."[4] The FAA's certification process has been successful for decades and is a key element in maintaining the safest and most efficient air transportation in the world.

Regardless of the success of this system, the FAA is increasingly moving toward what it terms "Reliability Centered Maintenance (RCM)." While the FAA refers to it as an "event-based" concept, it can best be described as a "fix-on-fail" concept. Under the agency's plan, specific guidelines to determine if certification is required will be replaced with guidelines to determine if it will be "cost effective" to certify the system. NAS systems will only have certification parameters checked when commissioning a new system, following some aircraft accidents and before restoration of a failed system to service.

The RCM concept is a move away from a proactive maintenance philosophy toward a reactive one, and the effects of this approach will be far-reaching if fully implemented. To reduce periodic maintenance and certification so severely will dramatically affect the aviation industry and the safety of the NAS. Among the major consequences are more unplanned outages and longer recovery time when equipment fails. Rather than conduct preventative maintenance checks of the equipment, the FAA will wait until the equipment fails. Planned system down time will be replaced by unplanned system down time, which can be longer and more disruptive. If certification parameters are only checked after a hard failure, most intermittent or soft problems will not be found. For example, a degraded radio coverage area, necessary only when pilots need to fly around storms, will not be identified until the pilot loses communications during a storm. Clearly, this poses a serious threat to the safety of the flying public and the sanctity of the NAS.

[4] Manager, General Law Branch, AGC-110, memorandum to Manager, Maintenance Engineering Division, ASM-100, "Contractor Certification of Navigational Systems in National Airspace System (NAS)," June 18, 1991.

While these efforts severely weaken an important part of the FAA's ability to ensure the safety and integrity of the NAS, the agency's most recent act seeks to all but eliminate certification. For decades, the criteria in place for determining which NAS systems and services require certification stated, "FAA NAS systems, subsystems, and services directly affecting the flying public shall be certified."[5] However, in an update to the order, effective October 1, 2007, the agency "clarified" the text to read, "*FAA owned* NAS systems, subsystems, and services directly affecting the flying public shall be certified" (emphasis added).[6] In other words, the FAA has not only re-interpreted the criteria to allow certain systems and services to be deployed without requiring certification but actually *prohibits* full and appropriate certification of all systems it does not own. Without certification performed by FAA employees, the agency will have to rely on an outside vendor to report problems or difficulties—there will be no internal FAA quality checks as there are today.

PASS believes this drastic change to the certification program is an extremely risky endeavor with the potential to threaten the safety of NAS modernization. For instance, Automatic Dependent Surveillance–Broadcast (ADS-B) is a digital alternative to radar that allows aircraft to transmit their exact position, direction of flight and speed to ground stations and other aircraft. The system has been deemed "the future of air traffic control"[7] by the FAA and is expected to be the basis of NextGen. However, since the FAA will not own the ADS-B hardware, software or infrastructure, the system will not be properly certified by FAA employees. Instead, the FAA will entrust responsibility for the safe operation of ADS-B entirely to private contractors. The Department of Transportation Inspector General (IG) has expressed concern that as a result the FAA "could find itself in a situation where it knows very little about the system that is expected to be the foundation of NextGen" and encouraged the agency to "take steps to ensure it effectively addresses this risk."[8] It must be emphasized that this interpretation of the agency's certification criteria would apply not only to ADS-B but also to any system that is not owned by the FAA—any future contract awarded by the FAA would be barred from the FAA certification program.

While the FAA transitions to NextGen, it is critical that new and current systems are properly maintained and certified. Toward this effort, the FAA must ensure that products and systems obtained through a third party are held to the same certification standards as FAA systems and equipment. As such, PASS proposes that language be added to the FAA reauthorization legislation making it clear that the FAA will make no distinction between public or privately owned equipment, systems or services used in the NAS when determining certification requirements.

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[5] FAA Order 6000.15E – *General Maintenance Handbook for National Airspace System (NAS) Facilities.*
[6] FAA Order 6000.15E – *General Maintenance Handbook for National Airspace System (NAS) Facilities,* draft dated February 13, 2007, effective October 1, 2007.
[7] Federal Aviation Administration, "Fact Sheet: Automatic Dependent Surveillance–Broadcast (ADS-B)," June 21, 2007.
[8] Department of Transportation Inspector General, *Challenges Facing the Implementation of FAA's Automatic Dependent Surveillance–Broadcast Program*, CC-2007-100 (Washington, D.C.: October 17, 2007), pp. 2–3.

Consolidation and Realignment of FAA Facilities

The 2007 House-passed FAA reauthorization bill includes language that would establish a process and include employee input when deciding whether to consolidate or realign facilities, including regional offices. PASS has serious reservations regarding the FAA's consolidation and realignment of facilities and believes that it is imperative that all stakeholders are consulted in order to ensure the safety of the system. The GAO has expressed concern with the FAA's process, stating that "any such consolidations must be handled through a process that solicits and considers stakeholder input throughout, and fully considers the safety implications of any proposed facility closures or consolidations."[9]

While the FAA emphasizes the money-saving aspects of consolidation, all aspects of the process and impacts of any actions must be considered prior to making a decision. For instance, in some cases, the consolidation of a facility does not necessarily mean the consolidation or relocation of the associated work. In these instances, consolidation may mean only increasing the distance between employees and the work as equipment and systems are maintained by employees located at other facilities. Furthermore, the understaffing of the technician workforce makes this situation even more dangerous and a lack of proper staffing at consolidated facilities would place even more stress on the aviation system.

Clearly, FAA technicians represented by PASS would have a unique view into the impact of any closures or consolidations. In order to preserve a primary focus on safety, it is imperative that stakeholders are involved in every aspect of the consolidation process. PASS appreciates the efforts of this committee to support a process where any decisions on closing or consolidating FAA facilities are made only through consultation with stakeholders, including PASS, and with safety of the aviation system as the primary goal. It is critical that language be included in this year's version of the FAA reauthorization bill in order to protect the overall safety of the system.

Aviation System Standards (AVN) Workforce

The 2007 House-passed FAA reauthorization bill contains language that would require the IG to review third-party approach procedures development. Flight procedures and flight inspection employees in Aviation System Standards (AVN) are charged with developing, evaluating, certifying by flight inspection and maintaining the 16,000 instrument flight landing and takeoff procedures for every major and municipal instrument-capable airport across the country. The development, flight inspection and maintenance of flight procedures involves strict compliance with a complex series of computations, measurements and modeling standards.

Current administration directives provide for third-party development of special-use operational and approach procedures. In addition to third-parties, this work, as well as public-use procedures work, is currently performed by a highly trained and specialized FAA workforce, but the agency is moving toward contracting out this inherently governmental work. With a limited oversight workforce as well as the disorganized state of flight procedures development directives, it would

[9] Government Accountability Office, *Next Generation Air Transportation System: Progress and Challenges in Planning and Implementing the Transformation of the National Airspace System*, GAO-07-649T (Washington, D.C.: March 22, 2007), p. 12.

be impossible for the FAA to ensure that it can effectively regulate, supervise or review the work of third parties, or even guarantee the safety of the procedures and processes used by independent entities.

PASS appreciates the efforts of this committee to ensure the review of third-party approach procedures development and hopes comparable language is included in this year's version of the FAA reauthorization bill. In addition, PASS proposes specifically ensuring the review of public-use procedures processes. As opposed to special-use procedures, which do not have to be fully integrated into the NAS, public-use procedures are completely integrated into the system and protected by controlled airspace. PASS believes this safety-critical work to be inherently governmental and is concerned that the FAA has not established sufficient mechanisms and staffing to provide safety oversight of any third party involved in developing any public-use procedure. Furthermore, PASS believes the FAA should not be able to establish additional agreements with or delegate authority to a third party for the development of public-use flight procedures before the IG has submitted assessments and the agency has complied with the IG's recommendations.

Aviation Safety Inspector Workforce

Staffing

PASS represents approximately 2,900 Flight Standards field aviation safety inspectors and 150 Manufacturing Inspection District Office (MIDO) aviation safety inspectors who are responsible for certification, education, oversight, surveillance and enforcement of the entire aviation system. PASS is extremely concerned about staffing of the FAA inspector workforce. Inspector staffing levels are not adequate to meet growing industry demands and ensure the safety of the aviation system, and nearly half of FAA inspectors are eligible to retire over the next several years. Insufficient inspector staffing combined with the evolving aviation industry places an incredible workload on the inspector workforce, which has already resulted in missed or cancelled inspections due to lack of staffing. With the increased outsourcing of maintenance work in this country and abroad, growing number of aging aircraft, the emergence of new trends in aviation (such as very light jets, unmanned aircraft and regional carriers), the increasing number of aviation manufacturers and the expansion of the FAA's designee programs—all of which require additional inspector oversight—it is imperative that there are enough inspectors in place to monitor the safety of the system.

PASS appreciates the efforts of this committee to address the inspector staffing situation by including language in the 2007 House-passed FAA reauthorization bill directing the FAA to increase the number of inspectors and authorizing specific funding to increase safety-critical staffing. Furthermore, PASS is encouraged to note language that specifically instructs the agency to include PASS in the development of the inspector staffing model. Without a doubt, the state of the inspector workforce must be closely monitored as the aviation industry continues to evolve. As such, PASS believes that similar language must be included in this year's version of the FAA reauthorization bill.

Aviation Safety Oversight

Following last year's Southwest incident, the results of an audit released by the IG and information revealed during hearings before Congress, the House of Representatives passed legislation (H.R. 6493) focused on improving and increasing FAA safety oversight. PASS believes similar language should be included in this year's FAA reauthorization bill in order to ensure proper and safe oversight of the aviation industry. Specifically, PASS believes the following elements should be included in the legislation:

Modification of Customer Service Initiative (CSI): The advertised intent of the CSI was to allow certificate holders to request reconsideration of a decision made by an aviation safety inspector. Within this document as well as other statements of policy, the FAA refers to air carriers or other entities regulated by the agency as "customers." In PASS's view, the FAA should be focused on protecting aviation safety and treating the flying public as the most important customer. Therefore, PASS suggests including language in the FAA reauthorization bill modifying the CSI program in order to make clear that the flying public are the customers. In addition, PASS requests that language be added to establish a workgroup, which includes the exclusive collective bargaining representative of aviation safety inspectors, to review the CSI and make any necessary changes in order to ensure that it is being used appropriately.

Post-Employment Restrictions for Flight Standards Inspectors: PASS fully supports the establishment of a two-year cooling-off period for FAA inspectors or persons responsible for FAA inspectors before that individual can act as an agent or representative before the FAA of a certificate holder that they oversaw during their service with the FAA. In other lines of business, it has been proven that this type of respite is useful in preventing the formation of questionable relationships that favor one party over another. With regard to the FAA, these types of relationships can have a critical impact on the safety of the aviation system. As such, PASS believes including this directive in the FAA reauthorization bill would greatly benefit the oversight process.

Assignment of Principal Supervisory Inspectors: Principal supervisory inspectors directly interact with the air carrier and have the ability to assign work to aviation safety inspectors and the ultimate authority to make safety-critical decisions. It has been shown that the development of overly "cozy" relationships between the FAA and airlines can result in a breakdown of safety oversight. In fact, in its report, the IG specifically stated that supervisory inspectors should be rotated to ensure reliable air carrier oversight.[10] PASS believes language should be included in the FAA reauthorization legislation that would require the FAA to rotate supervisory principal inspectors between FAA airline oversight offices every five years.

Headquarters Review of Air Transportation Oversight System (ATOS): ATOS was developed in 1998 as a "system safety" approach to oversight of the air carrier industry aimed at ensuring airlines comply with FAA safety requirements to control risk and prevent accidents. While prioritizing workload based on levels of risk and attempting to manage that workload through automated tasks are valid concepts, there are several problems with ATOS that prevent

[10] Department of Transportation Inspector General, *Review of FAA's Safety Oversight of Airlines and Use of Regulatory Partnership Programs*, AV-2008-057 (Washington, D.C.: June 30, 2008), p. 5.

the agency from benefiting from the system. PASS believes that implementing monthly reviews of the database by a team of employees who use the database will enhance the quality of statistical information generated and the overall use of the system. PASS supports the inclusion of such language in the FAA reauthorization bill as well as language ensuring that the exclusive bargaining representative of aviation safety inspectors is a member of any such review team.

Improved Voluntary Disclosure Reporting System: The Voluntary Disclosure Reporting Program (VDRP) allows certificate holders operating under Title 14 of the Code of Federal Regulations to disclose voluntarily to the FAA apparent violations of certain regulations. According to the FAA, this policy is intended to encourage compliance with FAA regulations; however, in order for the VDRP to operate successfully, several steps must be rigorously enforced by the FAA. The Southwest incident and other examinations into the process have revealed serious flaws within the system. In order to improve the VDRP system, PASS believes language should be included in the FAA reauthorization bill requiring a supervisor to review and approve all voluntary self-disclosures received by air carriers following the initial inspector paper review. In addition, PASS suggests Certificate Management Offices be required to report quarterly findings to their respective regional division managers. PASS also believes language should be included to clarify that during the verification and evaluation of the report, it is confirmed that the violation has not been previously reported by an inspector or self-disclosed by the carrier.

National Review Team: PASS supports the inclusion of language in the FAA reauthorization bill establishing a National Review Team that will report directly to the associate administrator and will be comprised of current or former principal inspectors who will perform periodic and unannounced audits of air carrier operations, maintenance practices and procedures to evaluate air carrier oversight. In addition, PASS recommends that all principal inspectors are identified as prospective members of the National Review Team.

Oversight of Foreign Repair Stations

FAA aviation safety inspectors responsible for overseeing the certification of and the work performed at foreign repair stations have serious concerns regarding the oversight of these facilities. Whereas much of this work was once done at the air carrier's facility, according to the IG, major air carriers outsourced an average of 64 percent of their maintenance expenses in 2007, compared to 37 percent in 1996. [11] For the most recent report, the IG reviewed nine major air carriers. These carriers sent 71 percent of their heavy airframe maintenance checks—including performing complete teardowns of aircraft—to repair stations in 2007, up from 34 percent in 2003. Foreign repair stations performed 27 percent of outsourced heavy maintenance checks for these nine air carriers in 2007, up from 21 percent in 2003. [12]

Many inspectors say that they are not confident with the level of oversight of foreign repair stations and that serious safety issues are not being addressed. The regulations governing foreign repair stations have also been called into question. For example, as opposed to domestic airline

[11] Department of Transportation Inspector General, *Air Carriers' Outsourcing of Aircraft Maintenance*, AV-2008-090 (Washington, D.C.: September 30, 2008), p. 1.
[12] Id.

or repair station employees, workers at contract foreign repair stations are not required to pass drug and alcohol tests. There also continues to be major concerns regarding security at these facilities, with many of the repair stations lacking any security standards. If a foreign repair station wants to work on U.S.-registered aircraft or any aircraft that operate in this country, those repair stations should be required to meet the same safety standards as domestic repair stations.

Another concern is that the FAA continues to expand the use of bilateral agreements with foreign countries to oversee repair of U.S. carriers. The Bilateral Aviation Safety Agreement (BASA) with Maintenance Implementation Procedures (MIPs) allows foreign authorities to provide oversight of the work performed at repair facilities without any involvement from FAA inspectors. This eliminates the need for the inspector to travel to the repair station at all and entrusts responsibility entirely to a foreign entity. According to the IG, however, foreign authorities do not provide the FAA with sufficient information on what was inspected, the problems discovered and how these problems were addressed. The IG cited an example in which FAA inspectors for one air carrier had not visited a major foreign engine repair facility even though the repair station had performed maintenance on 39 (74 percent) of the 53 engines repaired for the air carrier. Furthermore, FAA inspectors had not conducted any spot inspections of this facility in five years. [13]

In order to ensure that the work performed at foreign repair stations meets FAA and air carrier standards, PASS believes that all certificated foreign repair stations should be inspected at least twice a year by an FAA inspector and all workers working on U.S. aircraft should be drug and alcohol tested. PASS appreciates that language regarding foreign repair stations was included in the 2007 House-passed FAA reauthorization bill. The union believes that this language must be included in this year's version of the bill in order to ensure the safety of the work performed at foreign repair stations.

Use of Non-Certificated Repair Facilities

With airlines increasing their use of outsourced maintenance work, there has been a significant increase in the use of non-certificated repair stations. "Non-certificated" means that the repair facility does not possess a certificate issued by the FAA to operate under Federal Aviation Regulation Part 145 and is therefore not subject to direct FAA oversight. A certificated repair station meets the standards as outlined in the Federal Aviation Regulation and is therefore subject to direct FAA oversight to ensure that it continues to meet those same standards. The differences in regulatory requirements and standards at the two facilities are extremely troubling. For example, in an FAA-certificated repair station, it is required that there be designated supervisors and inspectors and a training program. These items are not required at non-certificated repair facilities.

Effective oversight of non-certificated repair facilities gained attention in the aftermath of the January 2003 Air Midwest crash in Charlotte, N.C. The National Transportation Safety Board determined that incorrect rigging of the elevator system by a contractor contributed to the

[13] Department of Transportation Inspector General, *Aviation Safety: FAA's Oversight of Outsourced Maintenance Facilities*, CC-2007-035 (Washington, D.C.: March 29, 2007), p. 9.

accident and pointed to "lack of oversight" by Air Midwest and the FAA.[14] The airline contracted out the work to an FAA-certificated repair station, which then subcontracted to a non-certificated repair facility. Under federal regulations, the airline is ultimately responsible for ensuring that the work is performed in accordance with FAA standards and requirements.

According to the IG, the FAA does not know how many non-certificated maintenance facilities air carriers currently use, but the IG identified "over 1,400 non-certificated repair facilities performing maintenance and more than 100 of these facilities were located in foreign countries."[15] The IG also discovered that there are no limitations to the amount of maintenance work non-certificated facilities can provide, and that these facilities are performing far more work than minor services, including much of the same type of work FAA-certificated repair stations perform, such as repairing parts used to measure airspeed, removing and replacing jet engines, and replacing flight control motors. Some of these non-certificated facilities are even performing critical preventative maintenance.

Despite the fact that these facilities are performing safety-critical work, FAA oversight is practically nonexistent. In other words, these facilities are performing work pivotal to aviation safety with no guarantee that it is being done in line with FAA and air carrier standards. It is obvious that there must be changes made regarding air carriers' use of non-certificated repair facilities. As was done in the 2007 House-passed FAA reauthorization bill, PASS is in full support of including language in this year's version of FAA reauthorization requiring that within three years all air carrier maintenance work (substantial, regularly scheduled or required inspection items) only be performed by an FAA-certificated repair station.

Conclusion

PASS is looking forward to working with this committee to ensure the safe and efficient modernization of this country's aviation system. The work of the highly trained and skilled employees represented by PASS is essential to protecting aviation safety and fulfilling the agency's mission. PASS and the bargaining unit employees we represent are hopeful that this committee will enact significant legislation that will promote positive labor-management relations, protect the work performed by FAA employees and ensure that safety of the aviation system is always the top priority.

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[14] National Transportation Safety Board, *Loss of Pitch Control During Takeoff, Air Midwest Flight 5481, Raytheon (Beechcraft) 1900D, N233YV, Charlotte, North Carolina, January 8, 2003,* Aircraft Accident Report NTSB/AAR-04/01 (Washington, D.C.: 2004), p. x.

[15] Department of Transportation Inspector General, *Aviation Safety: FAA's Oversight of Outsourced Maintenance Facilities*, CC-2007-035 (Washington, D.C.: March 29, 2007), p.13.