

TESTIMONY OF
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ASSOCIATION OF FLIGHT ATTENDANTS –
CWA, AFL-CIO
BEFORE
THE SUBCOMMITTEE ON AVIATION OF THE
TRANSPORTATION AND INFRASTRUCTURE
COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
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Thank you, Chairman Costello for giving us the opportunity to testify today. My name is Patricia A. Friend and I am the International President of the Association of Flight Attendants – CWA (AFA-CWA), AFL-CIO. AFA-CWA represents over 55,000 flight attendants at 20 different airlines throughout the United States and is the world's largest flight attendant union. We appreciate having the opportunity to testify at today's hearing on Aviation Consumer Issues: Emergency Contingency Planning and Outlook for Summer Travel. As the front line employees responsible for the safety and security of the aircraft cabin along with the well being of the passengers under our care, we can provide a unique perspective on these issues. I am especially grateful for the Committee's recognition of the fact that it is the front line employees that can provide these helpful insights. I look forward to discussing our perspective on Emergency Contingency Planning as well as what we as front line airline employees expect for the summer travel season.

EMERGENCY CONTINGENCY PLANNING

The recent health emergency surrounding the spread of the H1N1 virus once again brought air travel and the spread of infectious diseases onboard the aircraft to the forefront of the government and the public's attention. Many of the issues, questions and concerns raised during this most recent public health emergency were similar to those raised during the SARS crisis of early 2003. Then, as now, AFA-CWA was very concerned with the well being of our members. The very nature of our jobs, in which flight attendants come in contact with hundreds and possibly thousands of individuals every day, travel to areas of disease outbreaks, and the enclosed environment of the aircraft cabin, certainly increases the likelihood of exposure to a potentially fatal disease.

We are also keenly aware of our role in the possible transmission of a disease during a public health emergency. Our interest is not only to protect our members from exposure but also to minimize the possibility of our members inadvertently spreading a disease during an outbreak.

In order to minimize the risk in both cases, AFA-CWA has in this most recent public health emergency and in previous ones, such as the SARS outbreak, called on the Federal Aviation Administration (FAA) to issue directions to the airlines that would minimize the risk of exposure by flight attendants. We strongly believe that we must be given the tools and ability to play our part in slowing or preventing the spread of a potentially fatal disease outbreak. Flight Attendants have a role to play in containing the spread of a disease in such an emergency and as workers in a high risk environment we are entitled to protections in our work place.

AFA-CWA sent a letter to the FAA on April 27th, 2009 in the early days of the H1N1 virus outbreak requesting that the FAA issue an emergency order to all U.S. carriers requiring them to take specific steps. AFA-CWA believes that the FAA Administrator has the ability to issue such an order under 49 U.S.C. 44701(a). Unfortunately, we have still not received a response from the FAA on our request. The steps requested were:

- 1) Require the airlines to provide flight attendants with non-latex gloves and masks that are determined appropriate protection by the Center for Disease Control (CDC) and the World Health Organization (WHO), at least on flights to, from, and within at-risk areas. Flight attendants who opt not to wear said masks and gloves must not be disciplined.
- 2) At the very least, require the airlines to permit flight attendants, working on flights as defined in #1 above, to wear their own masks and gloves without any discriminatory action being taken against them.
- 3) Require the airlines to use established methods to communicate the importance of thorough and regular hand washing, and not touching one's face, to flight attendants (e.g., via email, website, flyers, posters) and passengers (e.g. in-flight announcement).

- 4) Require the airlines to allow flight attendants with flu-like symptoms (including fever above 100.4 degrees F or 38.0 degrees C, cough, sore throat, body aches, headache, chills, or fatigue) to call in sick with no negative consequences, including such absence or absences from duty being counted against the number of total absences due to illness allowed by the company in any given period.
- 5) Require the airlines to develop, implement and enforce passenger-screening standards, as recommended by the WHO, CDC or the relevant national health officials.
- 6) Require the airlines to provide appropriate guidance to flight attendants in the event that a passenger exhibits symptoms during a flight.
- 7) Require that all U.S. airliners flying to and from Mexico have operative potable water systems, soap and sanitary towels in place for hand washing during flight operations.

AFA-CWA strongly believes that steps like those outlined above must be a required action, not a recommended action of the carriers. It has long been our experience that unless the airlines are mandated to take specific actions, most will not take the necessary steps. In far too many cases, airline management appears less concerned with minimizing the risk of exposure to potentially dangerous illnesses than in minimizing the perception and appearance of a possible threat to health. We are clearly sympathetic to efforts to reduce the economic impact of unnecessary “panic” during a public health emergency. But we believe basic steps such as those outlined in our letter to the FAA are fundamental and necessary steps to protect the health of our members, airline passengers and the general public. Not taking such steps to reduce the spread of a disease poses a much greater long-term economic impact.

Unfortunately, many of these basic steps were not taken during the recent outbreak of H1N1 and carriers adopted a variety of patchwork policies to minimize exposure and risk. Most of the carriers represented by AFA-CWA took very minimal steps and focused on reducing the “anxiety” of the traveling public rather than taking the simple, but necessary, steps to prevent the exposure to and transmission of the H1N1 virus.

AFA-CWA leaders at twenty (20) carriers, representing major, regional and charter airlines, reported a variety of responses by airline management to the recent H1N1 outbreak. Most of these AFA-CWA carriers operate flights to and from Mexico.

As the crisis spread, the AFA-CWA International office in Washington, DC conducted a survey of each of the twenty (20) AFA-CWA represented airlines in an effort to measure the response of airline management to the H1N1 outbreak. The survey included the following questions:

- 1) Has your management relaxed sick leave policies during the current H1N1 Flu pandemic? For example if a flight attendant was suffering from flu like symptoms could they be assured that a sick call would not be counted against their dependability record?
- 2) Has your management taken your recommendations for the use of non-latex gloves and/or protective facemasks?
- 3) Does your management have a policy of leniency and/or flexibility for pregnant and immune compromised flight attendants to avoid flying into high risk areas?

The survey confirmed our concern that a patchwork of polices at each carrier would emerge and an effective industry-wide common sense response to this outbreak was severely lacking.

The overwhelming majority of carriers refused to relax sick call discipline rules during this time period. If a flight attendant called in sick no consideration was given to whether their illness was related to the H1N1 outbreak – meaning they had flu-like symptoms. And management would use that sick call against the flight attendant in the attendance discipline process at that carrier.

During an outbreak, government officials encouraged employees with flu-like symptoms to remain at home and avoid potentially spreading the virus. This common sense policy was largely ignored by airline management and the risks of exposure to fellow flight attendants and the hundreds of passengers a flight attendant may serve during a typical work day were risks that management knowingly encouraged by not relaxing sick call discipline procedures.

Most carriers provided latex or non-latex gloves for use by flight attendants during a flight. But many carriers placed conditions on the utilization of gloves to those flights where a passenger was suspected of exhibiting flu-like symptoms. This case-by-case utilization rule is not the type of system-wide response needed during health emergencies.

The vast majority of carriers would not agree to the use of facemasks during flight. Carriers that provisioned face masks placed onerous conditions on the use of these safety devices. Airline management's inherent view of flight attendants as marketing tools and extensions of airline advertising images reigned over concern for their employees and passengers alike. In an opposite response, one Asian carrier required facemasks for their flight attendants on certain flights into and out of H1N1 outbreak areas and insisted that the use of facemasks by flight attendants would generate a sense of security for their passengers.

Reasonable accommodations were severely lacking during this H1N1 crisis for pregnant or immune compromised flight attendants. There were few provisions allowing them to reschedule work assignments into outbreak zones or countries.

Only three (3) carriers made any significant effort to accommodate at-risk employees and re-schedule them for flights to non affected regions. Pregnant or immune system compromised flight attendants were forced to either work flights to outbreak areas or countries or to call in sick and subject themselves to possible disciplinary measures.

While the majority of carriers represented by AFA-CWA took little action on our recommended plan, some carriers did react in a common-sense manner taking every precaution to ensure that our members and their passengers were protected from exposure to the virus. Because of this variety of responses and level of action taken by the various U.S. airlines, we believe that it is the responsibility of the FAA to issue mandatory guidelines on actions that must be taken by airlines in a public health emergency. The health of flight attendants, passengers and the traveling public should not be subjected to the marketing concerns of airline management.

The lack of concrete actions taken by the FAA, once again, in this recent public health emergency continues to demonstrate to us that the FAA has once again forgotten that they no longer have a dual mandate. Their focus needs to be exclusively on protecting those that work onboard the aircraft and the millions of airline passengers rather than inconveniencing airline management or acting as the U.S. aviation tourism board.

In order to minimize the threat posed by a public health emergency, several permanent steps must be taken by the government to mitigate that threat. As well, we believe that several additional measures should be taken immediately and enforced by the FAA in cases of a public health emergency. First, in terms of permanent steps that can be taken to mitigate the threat posed by a potential public health crisis AFA-CWA believes it is necessary for OSHA like or basic OSHA workplace safety and health protections to be applied to the aircraft cabin workplace. Currently, no basic health and safety protections are afforded to flight attendants – who call the aircraft cabin their workplace.

We believe that implementation of even the most basic health protections such as sanitation standards and protections against blood borne pathogens would go a long ways toward making the aircraft cabin a much healthier environment not only for flight attendants, but passengers as well.

For example, such standards would require that an adequate supply of non-latex gloves be available on all flights and the routine use of those gloves for the collection of trash, and other duties. Some airline management have prevented the use of gloves and only in the face of an emerging public health emergency have they reluctantly allowed for the use of gloves, fearing that flight attendants wearing gloves may create a sense of “panic” or fear. Unfortunately, many airline management teams still hold the outdated view that flight attendants are primarily a marketing tool rather than our federally mandated role as inflight safety and security professionals. The routine use of the gloves is necessary to protect the health of flight attendants as well and passengers will no doubt become acclimated to seeing flight attendants taking this most basic of health protections on a daily basis.

Another permanent step that can be taken immediately relates to the aircraft’s onboard water supply. It has been documented extensively and is simply matter of common sense that frequently washing one’s hands greatly reduces the likelihood of contracting and spreading an illness. Unfortunately, it is not all that uncommon for a lavatory on a flight to be inoperable, thereby preventing flight attendants and passengers from washing their hands effectively. Also, often the sink in the galley, which is primarily designed for liquid disposal, will be inoperable preventing the ability to wash hands before handling of food or even on a routine basis. This is completely unacceptable and AFA-CWA has advocated that at a minimum each class of service in the aircraft cabin must have at least one operational lavatory for an aircraft to be allowed to operate.

In addition, even when the lavatories are functioning and running water is available on the aircraft to wash hands the water onboard may contain high levels of bacteria and other contaminants due to infrequent cleaning of water tanks, replacement of water, contamination from other sources and lack of monitoring the water quality. AFA-CWA has been working with the industry and regulators for several years to promote rigorous aircraft water quality standards to ensure that the water is safe and not a cause of infections. In 2007, the EPA announced proposed regulations on aircraft drinking water. AFA-CWA, Members of Congress and others expressed great concern with the inadequacy of these proposed regulations and to date, the final rule has not yet been issued.

It is important that the EPA issue a decent rule that will address a number of issues, among them disallowing the use of contaminated water for hand washing which is currently allowed by the EPA. As well, we believe that aircraft for both international and domestic flights must contain adequate supplies of alcohol based gel, per recommendations of the CDC, to help reduce the spread of disease and infections.

Next month, the World Health Organization (WHO) is publishing the 3rd Edition of its Guide to Hygiene and Sanitation in Aviation. This updated Guide has been written with the support and collaboration of a wide range of international aviation industry organizations and regulatory authorities, including AFA-CWA, the US Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA), the International Air Transport Association (IATA) and the Air Transport Association of America (ATA), the International Civil Aviation Organization (ICAO) among others. The Guide provides uniform guidelines for the development, management and maintenance of airline and airport hygiene and sanitation systems. **AFA-CWA recommends that US regulators require that all US airline and airport operators adopt the measures contained within this consensus Guide.** This will ensure that high standards of hygiene and sanitation are met industry-wide, and risks to the health of the public and airline crews are minimized, particularly during health emergencies such as the H1N1 outbreak.

These are some of the permanent steps that we believe should be taken immediately to help reduce the likelihood of illness and the spread of communicable diseases onboard the aircraft. In addition, there are actions that should be taken in the case of a declaration of a public health emergency. The FAA should outline these steps and actions and require these measures to be taken as soon as a public health emergency has been declared.

First among them is requiring that all aircraft be supplied with breathing masks that are determined appropriate protection by the CDC or WHO, at least on flights to, from, and within at-risk areas. As soon as a public health emergency has been declared, the FAA should direct air carriers to stock aircraft with these masks and have them on hand. They should also ensure that carriers do not discipline flight attendants for wearing the masks.

The FAA should also require that the airlines allow flight attendants with flu-like symptoms to call in sick with no negative consequences, including such absence or absences from duty being counted against the number of total illness allowed by the company in any given period. Currently, flight attendants are severely limited in the number of sick calls that they are allowed to make in a given year. As well, if too many sick calls are accumulated in a given year, the company may discipline a flight attendant or even terminate them. In the case of a public health emergency, flight attendants who are exhibiting symptoms of infection should not feel obligated to go to work because of draconian company dependability policies.

As well, the FAA should direct airlines to take steps to allow for pregnant or immune system compromised flight attendants the ability to change their scheduled trips if they involve flights to areas of the disease outbreak. As these individuals would be at the greatest risk in contraction of the illness or risking their pregnancy, we feel that it is important that steps be taken to reduce their risk of exposure, by allowing them to either drop those scheduled trips or making arrangements to work on trips that do not take them to these high risk areas.

OUTLOOK FOR SUMMER TRAVEL

AFA-CWA is grateful for the attention this subcommittee and the full committee have devoted to the performance, or lack thereof, of our nation's aviation industry particularly during high traffic months of operation. Your work in the 110th Congress and this 111th Congress has rightfully placed this issue front and center for all stakeholders.

I sit her today with decades of experience working in this industry. And as much as I would love to say that there is a magic wand to wave and make the summer travel season flawless, unfortunately we all know that's impossible. We know that load factors will increase and that none of us can control Mother Nature and the inevitable summer storms. These all mean that delays will happen. But steps can most definitely be taken to reduce those delays and minimize the impact.

Vacation travel, especially during the summer months, is intended to provide a gateway for millions of airline passengers to enjoy a well-earned getaway, but instead turns into extended taxi-way and runway delays, canceled flights and detoured vacation plans. For business passengers, summer aviation travel often results in canceled or delayed meetings and added expense during a time that every business trip must count.

Voluntary measures by airlines and attempts to enact so-called Passenger Bill of Rights legislation are simply band-aid approaches to a much larger systemic problem that is indeed a serious flaw in our nation's aviation industry.

The last eight years has been a wasteland of debate about the future of the aviation industry. Leadership was severely lacking from an administration far too focused on patchwork fixes to our aging air traffic control system and under funded levels of airport infrastructure investments.

Mr. Chairman, under your leadership and the leadership of the full committee, we have a FAA Reauthorization bill that firmly provides the path for achieving a 21st Century aviation system in this country that serves the needs of AFA-CWA members, communities, airlines and the millions of passengers who fly each and every day.

Passenger Bill of Rights legislation is meaningless and frankly unenforceable without first addressing our nations out dated air traffic control infrastructure. It is astounding to myself as well as the 55,000 AFA-CWA members that our air traffic control computer systems are so outdated that those systems only approximate where an aircraft is located, especially in congested air space.

The solution, which is often referred to as “Next Gen” needs to be re-branded as “Now Gen” as this work must be done as quickly and safely as possible. Without a clean sweep of retiring aged systems and swift installation of the latest air traffic technology, aircraft delays because of weather systems or other impediments will not be improved.

Any Passenger Bill of Rights, no matter how well intended, will not solve the complex air traffic control system problems.

This Committee has done its job for the American people by passing the FAA Reauthorization legislation and frankly that should be our focus. Summer travel experiences for flight crews and passengers will only be improved if we focus first on rebuilding our nations air traffic control infrastructure.

And, Mr. Chairman, we must address the urgent needs of the union men and women who staff our air traffic control system each and every day. Again, this committee has shown leadership in resolving that issue and I commend you for that leadership.

The temptation to enact or entertain Passenger Bill of Rights rules is understandable. Each summer, and during other events in the year, we hear the horror stories from passengers stranded onboard aircraft for endless hours and at times deprived of basic necessities. We get it Mr. Chairman, because we are there too.

But our sympathy for the enactment of a Passenger Bill of Rights is tempered by what we know will occur if such legislation is enacted. The nation's flight attendants will become trapped between federal mandates and management's inability or unwillingness to take the necessary steps to implement and enforce the Bill of Rights.

The nation's flight attendants will be put in a no win situation when Passenger Bill of Rights mandates are not followed. Management is not in the cabin having to explain violations, we are. Airport authorities are not onboard to explain why gate space or facilities are not available and extended taxiway waits are occurring. Flight attendants are left as the enforcers of federal mandates over which we have no control.

The best solution for flight attendants, passengers and the aviation industry is to pass the FAA Reauthorization legislation now and get to work fixing the real problems this beleaguered industry faces.

In the interim, AFA-CWA believes that the aviation industry can work to make summer travel more accommodating for flight attendants and passengers alike by addressing a critical issue that is often experienced during summer travel.

Cabin temperature standards are long overdue for this industry. In 2007, AFA-CWA conducted an extensive survey, using scientific systems to measure temperatures onboard certain flights operated in and out of cities with extreme heat and humidity temperatures and levels.

Using the National Oceanic and Atmospheric Administration's (NOAA) heat index table as a reasonable means for establishing temperature comfort levels in aircraft cabin, the AFA-CWA Air Safety Health and Security Department (ASHS) and flight attendants began measuring onboard temperatures with scientific devices. A shocking eighty-(80) percent of sampled flights were operating in the caution to danger zone areas for human health as described by NOAA standards.

The cure for this health issue is not complex Mr. Chairman. Adequate fixed or remote air conditioning systems require maintenance and replacement from time to time but are relatively inexpensive investments. Airline management and airport authorities must be directed to work together to ensure that each passenger bridge has a working air conditioning system that can supply cool air sufficiently to any size aircraft parked at a gate and that aircraft parked on the ramp, or not affixed to a passenger bridge, are provided cool air via air conditioning carts that are mobile and can be used on all aircraft types.

Airline pilots, at the urging of airline management, turn off aircraft engines to save fuel. However, it's the aircraft engines that provide the power to maintain and regulate the aircraft's interior temperature.

This solution seems reasonable, rational and affordable, yet each summer our members complain of aircraft cabin temperatures that exceed safe and comfortable levels.

This is a common sense fix that can be done immediately and will not only improve the experience for the traveling public, but the overall working conditions of flight attendants.

I again want to thank the Committee for giving AFA-CWA the opportunity to provide our perspective on these two important issues. As the front line employees in this industry with a day-to-day understanding of steps that can be taken to reduce the risks associated with a public health emergency and the feasibility of real steps to make the travelling experience better, we add a unique perspective to these issues. We look forward to continue working with this Committee to find ways to enact these improvements. Thank you for your time and I look forward to answering any of your questions.