



Dates submitted to transition: 12/17/08

Stakeholder organization: Association of Flight Attendants – CWA, AFL-CIO

DOL Agency: OSHA

Purpose of meeting: Discussion of Flight Attendants concerns regarding OSHA

Date of meeting: 12/17/08 (telephone meeting)

Policy paper submitted: yes. (saved as: Association of Flight Attendants-CWA,AFL-CIO summary on FAA-OSHA jurisdiction)

Participants in meeting:

Transition: Emily Spieler

Association of Flight Attendants – CWA, AFL-CIO: Chris Witkowski, Director;
Dinkar Mokadam, Staff, Air Safety, Health & Security Department, Association
of Flight Attendants-CWA, AFL-CIO

Summary of document: Flight attendants encounter hazards working on-board commercial flights, causing injuries and illnesses at rates that exceed those experienced in most other sectors. On July 10, 1975, the Federal Aviation Administration (FAA) published a statement asserting exclusive jurisdiction over crewmember health and safety. Since that time, the FAA has declined to exercise this asserted authority. The Association of Flight Attendants filed a petition requesting the FAA to adopt selected OSHA regulations which was denied in 1997. In 2000, the FAA and OSHA entered into an MOU, agreeing to identify ways to apply OSHA requirements to airline cabin crew working conditions, resulting in a joint FAA/OSHA report but no action. Current status: No concrete steps have been taken to regulate health and safety for these workers. According to the summary document submitted, “The President-elect’s campaign, in response to a question from the Transportation Trades Department of the AFL-CIO, has stated that Mr. Obama supports OSHA protections for flight attendants.” The AFA is requesting immediate action to rescind the 1975 FAA notice, which will turn regulation over to OSHA.

Additional notes from meeting: The AFA has a firm demand for withdrawal of the 1975 FAA statement. (1) MOUs: There has not been any success in developing an MOU on health and safety. AFA feels that there is an institutional bias against health and safety at FAA. FAA argues that OSHA might have regulations that would adversely affect safety of aircraft. The MOU team looked at the OSHA areas of regulation, and could not find any conflict. Chris was on international group that looks at the issues, and there are ways to address the biohazard concerns (in terms of disinfecting chemicals). (2) Prior judicial challenges have failed. (3) Congressional committee has not intervened effectively, perhaps due to lobbying. (4) Air carriers have effectively lobbied FAA and Congress. (5) Passenger safety: FAA actions have focused on passenger safety and health (e.g. noise abatement on the ground, but not in the aircraft) but some significant passenger safety issues would be improved with worker health and safety intervention, including issues surrounding engine bleed air that comes into cabin; OSHA would require filter and this would benefit both workers and passengers. (6) FAA has claimed health and safety jurisdiction under Section 4(b)(1) of OSHA, but has not met its responsibility under the statutory terms. (7) AFA argues that OSHA jurisdiction would not displace FAA jurisdiction for aircraft safety.