

**MEMO**

Date: December 12, 2008

To: Ms. Emily Spielers, Obama Transition Team, OSHA Review

From: Mr. Chris Witkowski, Association of Flight Attendants-CWA, AFL-CIO, cwitkowski@afanet.org

“[W]e have little confidence that, after 26 years, industry standards will be issued in the near future to address occupational hazards faced by flight attendants without legislative intervention or clear direction from the Administration.”

April 16, 2002 Letter from Kenneth M. Mead, Inspector General, U.S. Department of Transportation, to Representative Peter A. DeFazio

Flight attendants encounter numerous hazards working on-board commercial flights, including but not limited to turbulence, severe air pressure changes, unwieldy service carts, broken luggage bins, balky exit doors and door handles, toxic chemicals mixed with air that is bled from the engines into the passenger cabin, unruly passengers, communicable diseases, and emergency evacuations. These hazards cause flight attendants to suffer injuries and illnesses at rates far in excess of those experienced by workers in almost every other industry sector. The Association of Flight Attendants-CWA, AFL-CIO (AFA) conducted an analysis of injury/illness data available from the U.S. Bureau of Labor Statistics (BLS). This study revealed rates of injuries and illnesses among flight attendants several times that of workers in other industries. As a typical example, for the year 1998, rates of injuries and illnesses resulting in days away from work for flight attendants was 7.9 incidents per 100 workers, a rate significantly higher than that for workers in all private industry (2.0 per 100) or even construction workers (3.3 per 100).

On July 10, 1975, the Federal Aviation Administration (FAA) published a statement in the Federal Register (40 Fed. Reg. 29114, 1975) asserting complete and exclusive jurisdiction over crewmember health and safety on “civil aircraft in operation . . . from the time it is first boarded by a crewmember, preparatory to a flight, to the time the last crewmember leaves the aircraft after completion of that flight, . . . even if the engines are shut down.” Since 1975, the FAA has repeatedly declined to exercise this asserted authority. Following years of inaction, AFA filed a petition on May 8, 1990 requesting the FAA adopt selected OSHA regulations and apply them to crewmembers working in the airline industry. Almost seven years after AFA filed its petition for rulemaking, the FAA responded on June 6, 1997, denying the petition in the form of a one page letter (attached).

On August 7, 2000, after increased pressure from AFA, the FAA and OSHA entered into a Memorandum of Understanding (MOU), the purpose of which was “to enhance safety and health in the aviation industry.” In the MOU, FAA and OSHA agreed to identify ways to apply OSHA requirements to airline cabin crew working conditions. An initial burst of activity resulted in a December 2000 joint FAA/OSHA report, followed by months of inaction. Finally, the Office of the Inspector General (OIG) for the Department of Transportation (DOT) issued a report (Further Delays in Implementing Occupational Safety and Health Standards for Flight Attendants Are Likely, Report Number AV-2001-102, September 26, 2001) that concluded, “[U]nless FAA and OSHA resume working together, we have no confidence that industry standards will be issued in the near future to address occupational hazards.”

To date, the FAA and OSHA have taken no concrete steps to regulate the workplace health and safety conditions of flight attendants. 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. Therefore, AFA requests immediate action under the incoming Obama Administration to rescind the 1975 FAA notice asserting exclusive jurisdiction over crewmember health and safety. This will turn regulation of aircraft cabin occupational health and safety over to OSHA, with FAA intervention required as necessary if it is concluded that a proposed OSHA regulation would negatively affect aviation safety.





U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave. S.W.
Washington, DC 20591

June 6, 1997

Ms. Patricia Friend
National President
Association of Flight Attendants
1625 Massachusetts Avenue NW.
Washington, DC 20036

Dear Ms. Friend:

This is in further response to Ms. Susan Bianchi-Sand's May 8, 1990, letter on behalf of the Association of Flight Attendants (AFA) in which AFA petitioned the Federal Aviation Administration (FAA) to amend part 121 and part 135 of Title 14, Code of Federal Regulations. The change requested would adopt the statutory protections of the Occupational Safety and Health Act and its existing and proposed standards for airline crewmembers.

The FAA has determined that the issues identified in your petition may have merit but do not address an immediate safety concern. Because of budgetary constraints, and the need to meet the demands of a changing aviation industry and a complex air transportation system, the FAA finds that it must dedicate its rulemaking resources to the most pressing problems and issues associated with safety. For these reasons, we are unable to consider your petition for rulemaking; therefore, it is denied.

Accordingly, Docket No. 26232 is being closed. Your comments and arguments for rule change will be placed in a data base, which will be examined when future rulemaking is considered.

Sincerely,

/s/ Ida Klepper
Acting Director, Office of Rulemaking