



PROFESSIONAL AVIATION SAFETY SPECIALISTS

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**STATEMENT OF MICHAEL PERRONE
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BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE – SUBCOMMITTEE ON AVIATION
ON
STATE OF AVIATION SAFETY
JULY 17, 2019**

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, thank you for inviting me to testify on behalf of the Professional Aviation Safety Specialists, AFL-CIO (PASS) to discuss the state of aviation safety in the United States.

PASS represents approximately 11,000 Federal Aviation Administration (FAA) and Department of Defense employees throughout the United States. PASS-represented employees in the FAA install, maintain, support and certify air traffic control and national defense equipment, inspect and oversee the commercial and general aviation industries, develop flight procedures, and perform quality analyses of complex aviation systems used in air traffic control and national defense in the United States and abroad. PASS members work to ensure the safety and efficiency of the aviation system that transports over 800 million passengers to their destination each year. The diversity of the PASS-represented workforce provides insight into the safety of the system they maintain and the industry they oversee. PASS members are tasked with ensuring that the U.S. aviation system remains the safest in the world 24 hours a day, 7 days a week.

Following recent events related to the Boeing 737 MAX, including two fatal accidents overseas and the worldwide grounding of the aircraft, PASS agrees with the Subcommittee that this country must examine all factors that influence aviation safety. In support of that effort, the union presents the following detailed analysis of events and situations that we believe have introduced increased challenges and risk into the system. These are issues that must be addressed in order for the United States to maintain its reputation as the world leader in aviation safety.

AGENCY FUNDING AND GOVERNMENT SHUTDOWN

When PASS testified before this Subcommittee in February of this year, it was in the wake of the longest government shutdown in U.S. history. During the shutdown, aviation safety inspectors represented by PASS were furloughed, leading to a reduction in safety oversight, and FAA technicians worked without pay, which resulted in a lower employee morale and employees distracted by whether they would receive a paycheck.

According to the Congressional Budget Office (CBO), the 35-day partial government shutdown cost the U.S. economy \$11 billion and that net discretionary funding for the agencies impacted by the shutdown—including the Department of Transportation (DOT)—totals \$329 billion in fiscal year 2019, or about 25 percent of the total discretionary funding for the federal government.¹ The CBO could not precisely estimate the total workers furloughed during the shutdown since guidance issued by the Office of Personnel Management (OPM) changed, as was the case in relation to aviation safety inspectors and support personnel.²

At the onset of the shutdown, aviation safety inspectors in the Flight Standards Service and in Manufacturing Inspection District Offices (MIDOs) within the Aircraft Certification division were told not to report to work, essentially stripping away an entire layer of safety oversight. This meant that a number of tasks, including development of Next Generation Air Transportation System (NextGen) safety standards, aviation rulemaking and full range of air traffic oversight,

¹ Congressional Budget Office, “The Effects of the Partial Shutdown Ending in January 2019,” p. 2, January 2019.

² Id., p. 3.

were not being performed or were being performed at a reduced level. During a government shutdown, safety oversight can come to a virtual halt, leaving airlines and aircraft manufacturers, and repair stations to police themselves.

Support personnel were also furloughed for the duration of the shutdown while the backlog of paperwork grew and industry requests were delayed. Without these employees on the job every day, and with those at work worrying whether they will receive a paycheck, the aviation system is not prioritizing safety. While the government might not have been functioning at full capacity for 35 days, planes continued to fly and air traffic operations were needed despite there not being the proper level of safety.

The technicians in the FAA's Air Traffic Organization (ATO) represented by PASS were not furloughed during the shutdown. Instead, they did report to work every day without pay in order to fulfill their responsibility to the agency and the flying public. These employees—many of them military veterans—take their commitment to the United States very seriously and simply want to perform their jobs and be recognized for their dedication. When they go to work, they should only have to focus on the job of making sure equipment is properly maintained and certified, not whether their families are financially secure or when they will receive their next paycheck.

While legislation eventually made FAA employees impacted by the shutdown financially whole, the agency and many of these federal workers are still struggling to recover. This makes the current debate over spending agreements even more concerning. Without an agreement in sight, the threat of another government shutdown looms. Congress and the White House are showing no signs of settling the debate and avoiding a government shutdown this fall. PASS hears from many of our members their worry and concern over the situation, not only for themselves personally but for the overall safety of the aviation system. Aviation plays a critical role in today's economy and delivers invaluable services to the flying public and the military. The FAA is simply not operating at full potential during a shutdown. The flying public should not be subjected to unnecessary risk due to political disagreements. The situation must not be repeated.

To that end, PASS supports H.R.1108, the "Aviation Funding Stability Act of 2019," introduced by Transportation and Infrastructure Committee Chair Peter DeFazio and Aviation Subcommittee Chair Rick Larsen. When it comes to aviation safety, any uncertainty introduces more risk into the system with the potential to ripple throughout the country. By drawing from the Airport and Airway Trust Fund (AATF) during any lapse in government appropriations, H.R.1108 would authorize the FAA to keep all programs running without interruption while all FAA employees would report to work without fear of missing their next paycheck. PASS encourages Congress to pass this legislation with urgency.

STAFFING AND TRAINING

PASS has long been drawing attention to the need for additional agency staffing and enhanced training. FAA employees are highly skilled individuals who often come to the agency from industry and many with significant military training. The current political environment and threat of another shutdown has not done anything to make the federal government a more attractive

place to work. In fact, according to a CBO report, “funding lapses were probably beginning to reduce the credibility of the federal government as an employer and a contracting party, making it more difficult for federal agencies to attract and maintain a talented workforce and more expensive to enter into contracts with private firms.”³ This is no way to run the federal government; it is certainly no way to ensure attracting and maintaining the skilled workforce that PASS represents within the FAA.

There is little doubt that PASS and other FAA unions play a vital role in aviation safety. As such, these employees should be paid at compensation levels to ensure that the agency can recruit and retain qualified employees in order to fulfill such important safety responsibilities or else face the consequences. As evidence, during the shutdown, many PASS-represented employees indicated that they were looking for new jobs outside of the federal sector and many who came from industry have considered going back for higher pay. To maintain the current workforce and attract new employees to public service, the agency should consider starting salaries that are more competitive with the private sector and other incentives to recruit a new generation of highly skilled and dedicated workers. Recruiting and retaining properly skilled FAA employees can only offer the flying public further reassurances that the aviation system is safe and that ensuring that safety is the agency’s top priority.

Unfortunately, in many instances, the agency does not even know how many employees are needed to adequately perform safety critical work. For example, this committee took input provided by PASS and saw fit to include a provision in the 2018 FAA reauthorization⁴ directing the FAA to reexamine the aviation safety inspector staffing model. PASS agrees that this is necessary to properly determine the number of inspectors needed to protect the system and acknowledged the importance of this issue. However, it remains unclear when this work will be completed.

In addition, proper technician staffing at critical airports throughout the country remains a challenge. To be sure, hiring and training new technicians is not a quick or easy process. Inadequate technician staffing will no doubt result in increased restoration times during an outage and more air traffic delays. It can also make it difficult to ensure 24-hour safety coverage, a potentially dangerous situation that increases the risk of major air traffic issues. Airports across the country face many issues and technicians often work in difficult conditions as they must maintain thousands of pieces of equipment 365 days a year. For example, when a tower elevator was out of service at Los Angeles International Airport, a PASS-represented technician was tasked with climbing air traffic control equipment in the southern California heat for simple repairs. A routine task was quickly transformed into a dangerous and time-consuming undertaking that diverted efforts from other duties. The safety of the system starts with ensuring the safety of the employees who maintain it.

PASS consistently hears from members that training is a significant issue and that without proper training, increased risk to aviation safety is a real possibility. PASS learned that in some instances, management appears to feel that the systems are sophisticated enough and general

³ Id., p. 11.

⁴ Public Law No.: 115-254.

training is acceptable rather than anything specific to one system or piece of equipment. For example, for over eight years with the agency, one PASS member has been assigned to oversee airships and other balloon-based aircraft. And yet, this member has never received balloon-specific training even though such focused training is usually provided in the industry. Many inspectors are assigned to oversee particular aircraft models but never given specific training on those models. Emphasizing the concern regarding training is the fact that technology is changing every day. “General knowledge” of the work is simply not sufficient when it comes to aviation, we should expect these men and women to be experts at their craft. Training must be a priority throughout the agency in order to ensure these critical workers are fully familiar with and thoroughly skilled on the systems or equipment they encounter during duty hours to ensure they are maintained and certified to the highest safety standards.

CERTIFICATION AND THE DELEGATION PROGRAM

The FAA’s certification process is a layered system intended to ensure aircraft and equipment meet FAA’s airworthiness requirements, which are codified in the Federal Aviation Regulations (FARs). PASS-represented aviation safety inspectors in the FAA’s Flight Standards Service division issue certificates and approvals for individuals and entities to operate in the National Airspace System (NAS), including commercial air carriers, repair stations, pilots and others. Inspectors within the MIDO, which is part Aircraft Certification division, ensure that manufacturers comply with production certificates issued by the FAA.

While FAA inspectors and engineers are integral in the certification process, individual and organizational designees are often granted authority to verify compliance to specific portions of the federal regulations in the certification process and make findings of compliance in support of the type and production certificates through the Organization Designation Authorization (ODA) program. The ODA program is the means by which the FAA grants authority to organizations or companies. ODA holders are typically authorized to conduct the types of FAA functions that would normally be performed by the FAA. For delegated projects, FAA involvement is reduced based on the ability of the designees involved and their technical capabilities. As this program has proliferated, designees are now performing more than 90 percent of FAA’s certification activities despite serious concerns that oversight is lacking.⁵ This alone creates a concerning dynamic whereby designees who are paid by the aircraft manufacturers, airlines, or repair stations are simultaneously overseeing for the FAA.

Why allow individuals and companies outside the agency to perform work with the ability to impact the safety of the aviation system? The answer is so clear that the FAA even includes it on its website: “The FAA doesn’t have the resources to do all the certification activities necessary to keep up with an expanding aviation industry.”⁶ If that is the case, then the least the agency can do is guarantee that there are enough inspectors to oversee the ODA program, yet they fail to achieve this baseline. Robust oversight of the delegation process is essential to ensure companies that use ODAs maintain the highest standards and comply with FAA safety regulations. Over the

⁵ United States Government Accountability Office, *Aviation Safety: FAA Efforts Have Improved Safety, but Challenges Remain in Key Areas*, April 16, 2013, p. 3.

⁶ Federal Aviation Administration, “About the FAA Designee Program,” modified January 31, 2019. Accessed July 10, 2019: https://www.faa.gov/other_visit/aviation_industry/designees_delegations/about/.

years, the DOT Office of the Inspector General has consistently identified management weaknesses with a number of FAA's oversight processes.⁷ Aviation safety is the backbone of the entire aviation industry. Recent events have highlighted the ripple effect that a failure in safety oversight can have on the system not just here in the U.S., but worldwide.

The constant and rapidly expanding delegation of inspector duties—including bilateral delegation to foreign authorities—ultimately embeds risk into the system that is difficult to identify and quantify. It is also difficult to eliminate that risk once embedded. Unlike pilots who may achieve success by safely flying from point A to point B, impacts from the lack of safety oversight only manifest over time. In other words, simply reviewing the data from a delegated authority immediately after certification does not always produce the most accurate picture of aviation safety. The reaction can be delayed, and it can impact the system for years to come.

As previously highlighted, the accidents involving the Boeing 737 MAX and its subsequent grounding illustrate this level of embedded risk. Unfortunately, it took multiple tragic events for the flying public and the FAA to take a harder look at the delegation and ODA process. An issue that has been important to PASS for years, the delegation process goes to the core of aviation safety. While investigations are ongoing, what we do know is that the FAA delegated primary oversight of the MAX to Boeing—the company that would benefit the most from a quick approval process. While we await the results of the ongoing investigations surrounding the 737 MAX, the FAA continues to move toward increased delegation and further removing FAA inspectors from the certification process. Simply put, the more the FAA reduces safety oversight of the certification process, the more risk is introduced. And, as the families of those lost due to the two Boeing 737 MAX accidents can no doubt tell you, mistakes and embedded risks can result in tragedies.

While the Boeing 737 MAX sits idle and several agencies conduct investigations into the failures surrounding the aircraft, we know there are questions that may never get answered. Based on the information we do have coupled with the number of unknowns, PASS has urged the FAA to halt further expansion of the delegation program until these reports are issued.⁸ PASS stands by this request and asks for the committee's support on this matter. While the delegation program has become deeply integrated into the FAA's certification process, now is the time to ensure that it has the proper safety oversight and that the agency is allocating the proper staffing and resources to ensure its success moving forward.

Another area where risk is being unnecessarily introduced into the system occurs when work performed overseas on U.S. aircraft is not held to the same standards as work performed in this country. In a June 26, 2019, letter to DOT Secretary Elaine Chao, PASS joined the International Association of Machinists, Transport Workers Union and Transportation Trades Department, AFL-CIO, in calling on the secretary to fulfill obligations related to background investigations and drug and alcohol testing of foreign repair station workers who perform safety-sensitive work on U.S. aircraft. Additionally, oversight of the maintenance work is critical to ensuring the work

⁷ Department of Transportation Office of Inspector General, *Perspectives on Overseeing the Safety of the U.S. Air Transportation System*, March 27, 2019, p. 6.

⁸ Professional Aviation Safety Specialists, AFL-CIO, Letter to Associate Administrator for Aviation Safety Ali Bahrami, May 13, 2019.

is performed in accordance with FAA regulation and FAA-approved aircraft maintenance programs. Currently, FAA inspectors perform *unannounced*, periodic on-site inspections of domestic facilities to ensure compliance with important safety standards. However, FAA inspectors of foreign facilities are required to be *announced*, giving those facilities and its workers advanced notice and time to take necessary actions to regain compliance before the inspector arrives. It is long past the time for this gap to be closed. Foreign repair stations should be subject to the same standards and procedures, including unannounced inspections, as domestic repair facilities. This is something PASS has been endorsing for years, and the union would appreciate the support of this committee in relation to these efforts.

EMERGING TECHNOLOGIES AND NEW SAFETY CHALLENGES

The aviation industry is constantly evolving as new technology is being introduced at a record rate. This could not be more clearly displayed than through the growing Unmanned Aircraft Systems (UAS or drones) industry. As of July 2017, there were 879,696 registered UAS and over 21,000 UAS remote pilots.⁹ And in January 2018, DOT Secretary Chao announced that the total number of drones now registered with the FAA is over one million.¹⁰ That number has no doubt risen over the past 16 months. Furthermore, according to NextGov, the FAA predicts the commercial drone market will triple over the next five years.¹¹

This technology is proof that the agency must address a number of issues previously mentioned as UAS will now be sharing the airspace with manned aircraft. If drones are expanding at such a rapid rate and aviation safety inspectors and aviation safety technicians are tasked with ensuring their safe operation, certainly increasing staffing and training of this workforce should be a priority. It is of crucial importance the FAA not let the mounting pressure from industry to rapidly integrate UAS into the NAS move forward without stringent safeguards in place. There is a significant lack of training when it comes to emerging technologies. For example, there is currently no UAS-related compliance and enforcement training on UAS for FAA aviation safety inspectors. The FAA must make it a priority to ensure the training is current and comprehensive.

With the advent of new entrants into the NAS, the FAA claims it is attempting a balanced approach that involves collaboration between government and industry, yet we have serious concerns about the lack of aviation safety inspector involvement. As the representative of the workforce tasked with ensuring regulatory compliance, PASS has almost no voice in the conversation regarding integration. This is glaringly highlighted on the Drone Advisory Committee (DAC), which was formed in 2016. While it claims to be a collaborative working group with a diverse membership, PASS has serious concerns about the lack of regulatory representation. For example, PASS's application for membership was denied without

⁹ Department of Transportation, *Federal Aviation Administration, Aviation Safety Workforce Plan 2017 – 2026*, pp. 46 – 47, 2017.

¹⁰ Department of Transportation, "FAA Drone Registry Tops One Million," updated January 10, 2018. Accessed July 9, 2019: <https://www.transportation.gov/briefing-room/faa-drone-registry-tops-one-million>.

¹¹ Corrigan, Jack, "FAA Predicts the Commercial Drone Market Will Triple by 2023," NextGov, May 3, 2019. Accessed July 9, 2019: <https://www.nextgov.com/emerging-tech/2019/05/faa-predicts-commercial-drone-market-will-triple-2023/156743/>.

justification or comment while the committee is heavily composed of drone operators and other industry representatives. PASS fears that, similar to many other areas of aviation safety, FAA employees will be forced to oversee this booming industry without the proper guidance and training and it will take a tragedy before the agency reconsiders its approach.

The agency will no doubt claim that its safety risk management systems, including the Safety Management System (SMS), of which the Safety Assurance System (SAS) is a key component, are sufficient for addressing and prioritizing risk. While SAS is a key tool for the aviation safety inspector workforce, PASS believes oversight is significantly hindered by inherent limitations of these internal systems. SAS allows FAA inspectors to collect data as a part of their oversight functions and enter this data into the program that then identifies safety issues and assists in assessing risk. Yet, the DOT Inspector General found that the FAA's UAS oversight was neither data-driven nor proactive and lacked key elements of a risk-based oversight system.¹²

Currently, FAA safety inspectors are experiencing problems with SAS that restrict their ability to accurately and completely assess risk. For example, SAS language often does not reflect safety oversight regulations and can conflict with written certification guidance. Inspectors input data using the program's unique automated prompts that limit the depth of detail and quality of information collected by the system. In a risk-based system, this is not only unacceptable but also completely avoidable. Safety critical maintenance procedures for aircraft are increasingly complex, and inspectors must have an in-depth understanding of them to recognize whether safety regulations are being followed. The agency needs to collaborate with the workforce to ensure that that aviation safety inspectors are equipped with the best tools to uphold the safety of the world's most complex aviation system—a system that only grows in complexity by the day.

CLOSING

As you are all aware, aviation plays a critical role in today's economy and delivers invaluable services to the flying public and military. However, those services will face scrutiny if aviation safety is questioned. The aforementioned areas are essential to ensuring continued safety of U.S. airspace and aircraft operating in this country and, in particular cases, abroad. PASS calls on this committee to consider our areas of concern and recognize the critical contributions made by the employees we represent. As always, we stand ready to work with you to ensure that the United States remains the safest aviation system in the world.

¹² Department of Transportation Office of Inspector General, *Perspectives on Overseeing the Safety of the U.S. Air Transportation System*, March 27, 2019, p. 11.