



Transport Workers Union of America, AFL-CIO

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**BEFORE THE SUBCOMMITTEE ON TRANSPORTATION SECURITY AND
INFRASTRUCTURE PROTECTION OF THE COMMITTEE ON HOMELAND SECURITY.**

HEARING ON SECURITY AT FOREIGN AVIATION REPAIR STATIONS

Washington, DC

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The Transport Workers Union of America, AFL-CIO (TWU) on behalf of its 200,000 active and retired members in the transportation industry, including airline mechanics at American Airlines and American Eagle, appreciates the opportunity to appear before this Committee.

In particular, I thank the Committee for its diligence in passing H.R. 2200, the Transportation Security Administration Authorization. We look forward in the second half of this 111th Congress to the successful passage in the Senate of an FAA Reauthorization Bill that will end the double standard that is applied to aircraft maintenance at outsourced stations, as opposed to that performed at the carriers themselves.

Specifically today I would like to speak on the issue of aircraft maintenance and the need to strengthen security to help ensure safety at overseas aircraft repair stations. We represent some 15,000 workers who fall within this category of interest. Since the number of maintenance that is done overseas has increased greatly since 2003 we feel that we should do all that we can to close any security gap.

There are three major concerns that we have with regard to repair work performed at foreign aircraft repair stations. First, we have long held that our belief is that the same standards should be applied to repair work being performed on U.S. bound aircraft regardless if the work is done in the U.S. or abroad. Second, the loss of thousands of American jobs to outsourced foreign repair mechanics further weakens our U.S. economic security. And finally, we have a concern regarding security breaches within and around the perimeters of facilities which can lead to sabotage. Thus, we have four recommendations regarding aircraft maintenance that we see as necessary to ensure safe and secure air travel for the American public:

1. Require that all maintenance on aircraft used in domestic U.S. service be done in FAA-certified repair facilities.
2. Require, as a condition of Federal Aviation Administration (FAA) certification, that all repair stations meet the same standards. This would include, but not be limited to, drug and alcohol testing and Part 65 aircraft mechanic certification.
3. Reconfigure FAA inspection and oversight to place the greatest scrutiny on those repair stations whose audits determine to pose the greatest risk to safety and security.
4. Require, as a condition of FAA-certification, that all repair stations be subject to unannounced FAA inspections. The FAA shall be prohibited from certifying any repair station in any countries that prohibit unannounced inspections and shall immediately revoke any existing certifications in such countries.

We understand that the committee shares jurisdiction with some of these issues and that the FAA Reauthorization Bill addresses them as well.

Aircraft Used in Domestic U.S. / In-House Work

Ironically, in-house work performed by the carriers has received the greatest scrutiny and FAA oversight, but it poses the least risk because of the following factors:

1. The carriers have shouldered the responsibility to monitor themselves and are mindful of the in-house regulations that they are required to meet.
2. The Federal FAA regulations hold domestic station aircraft mechanics to a high standard, including having all aircraft mechanics being subject to random drug and alcohol testing, all aircraft mechanics passing criminal background checks and all aircraft mechanics being subject to unannounced inspections by FAA inspectors at any time and any place.

Additionally, mechanics who work on aircraft are usually certified under Part 65 and for those that sign-off on work done on the aircraft, this certification is required. If all of the aircraft flown in U.S. domestic service was “serviced” by a domestic aircraft mechanic, then our concern of the lack of oversight would be null.

However, as reported in the FAA’s report AV-2008-090, “Air Carriers Outsourcing of Aircraft Maintenance” issued September 30, 2008, out of the nine air carriers that were reviewed (AirTran Airways, Alaska Airlines, America West Airlines-aka USAir, Continental Airlines, Delta Air Line, JetBlue Airways, Northwest Airlines, Southwest Airlines, and United Airlines), 71 % of their heavy airframe maintenance check work was outsourced to a foreign repair station. Since 2003, this trend of sending aircraft maintenance work out of the in-house domestic stations has more than doubled in statistical data from 34% in 2003 to 71% in 2007.

American Airlines, the predominant air carrier of mechanics that TWU represents, does not outsource their work. Instead, American has been a trendsetter and brought in additional income by insourcing maintenance work. Our mechanics employed by American Airlines are held to a high standard unlike workers at overseas repair stations that have no background checks, are subject to no alcohol and drug testing and are not subjected to unannounced inspections by that FAA.

Outsourcing of Repair Work Poses an Economic Risk

We believe that there are many issues related to physical security and national security that relate directly to the outsourcing of aircraft repair work, but an often ignored aspect is the serious trend that this kind of outsourcing has created and the results that trend has had on us all. The United States continues to recover from what many economists refer to as “The Great Recession.” As of October 2009, the Bureau of Labor Statistics reported that the unemployment rate was 10.2%. The United States has lost millions of jobs and we have seen what effect job losses have on our economic stability and economic security. Just recently, TWU local 530

learned that several hundred of its members who perform maintenance work for American Airlines would be laid off, as the Airline is forced to consolidate and downsize its fleet. This kind of job loss, whether as a result of our current economic condition or the increasingly common practice of outsourcing repair work, has the potential to extend this period of economic weakness for the United States.

Foreign Aircraft Repair Stations

Irresponsible regulatory changes in 1988 have allowed the FAA to certify foreign aircraft repair stations to work on U.S. aircraft not engaged in international travel and to do so under different standards than that applied to domestic stations. The concerns stemming from the aftermath of September 11, 2001, with the safety and security of U.S. flagged aircraft, demands that we take seriously the lack of oversight of aircraft maintenance being performed outside the reach of domestic in-house stations, which is being performed without having the same rigorous and demanding standards applied.

The 2003 FAA Authorization, pursuant to 2003 homeland security prescriptions that resulted from the attacks on September 11, 2001, set in place that security rules for foreign and domestic repair stations should be changed to ensure that security protocols are applied equally. Much to our dismay, six years later, the security rules still have not been implemented. As it stands, as of November 16, 2009 the security rules were finally released. We feel that this is simply unacceptable given the security risks at hand.

Drug and Alcohol Testing Standard

Most, except for a handful of foreign aircraft repair stations, do not require personnel who work on aircraft destined for U.S. domestic air service to pass a drug and alcohol test. The U.S. Congress has determined that drug and alcohol impairment is an unacceptable risk for airline passengers, and has deemed domestic airline mechanics as "safety-sensitive personnel," which requires that they are subject to robust drug and alcohol testing.

The Supreme Court has since upheld the requirement of drug and alcohol testing on the grounds of safety for persons deemed "safety-sensitive personnel." Yet, even though domestic airline mechanics have been deemed as "safety-sensitive personnel," mechanics at foreign repair stations continue to evade this label. It is our belief that those who work on U.S. bound aircraft, whether in the U.S. or abroad, must be deemed "safety-sensitive personnel."

Presently, in-house air carrier mechanics are held to the highest safety standards and receive the majority of FAA inspection oversight. However, foreign aircraft repair station air carrier mechanics are less scrutinized, held to a lower standard, and receive almost no FAA inspection

oversight. It is our belief that at least the same safety guidelines should be followed at foreign aircraft repair stations and domestic in-house repair stations.

The suggestion is not that foreign countries must adapt and change their laws to institute widespread drug and alcohol testing and criminal background checks. However, to achieve the highest level of safety and security, and to ensure that we are meeting the safety standards that the U.S. flying public believes that they are receiving, the federal government-Congress must require those that work on U.S. flag flying aircraft to meet the same safety and security standards that the FAA imposes on U.S. domestic stations.

Certification Standard

Obtaining a Part 65 mechanic's license is a time consuming and demanding process that ensures the mechanic's level of expertise. The FAA requires mechanics that perform a number of jobs on U.S. aircraft at domestic aircraft repair stations to go through it. However, there is no similar requirement on the mechanics who perform maintenance at foreign aircraft repair stations and we feel that this is a critical area of concern. If the FAA feels that American workers at domestic repair stations must have a Part 65 mechanic's license, then we believe they must view this certification as necessary to safely do the job and thus it should be required of all mechanic's working U.S. bound aircraft.

Security Standard

Since the horrific events of September 11, 2001, layer upon layer of security has been deemed the norm of protecting our aircraft and preventing another attack. Additional layers of protections and restrictions were imposed on domestic aircraft mechanics and other airline workers. These rules were put into place because policymakers believed that it was important to maintain security.

Limiting and controlling access areas to aircraft, imposing criminal background checks, and checking terrorist watch lists are all rules that were imposed on aircraft mechanics working domestically in the U.S. by Congress and the Transportation Security Administration (TSA). Rules were also issued that would revoke airman certificates, which include a Part 65 mechanic certification of any individual determined by the TSA to pose a threat to aviation security.

Yet no entity of the U.S. government, the FAA, TSA, or any other agency requires any type of background check for workers at foreign repair stations who repair or maintain U.S. aircraft. At least at domestic contract repair stations, Part 65 mechanics are covered by the TSA/FAA rule. While in theory the TSA/FAA rule applies to Part 65 mechanics located overseas, foreign stations are allowed to work on U.S. aircraft without having any certified mechanics; as such, from a practical standpoint, this rule does not apply to foreign stations.

Loose or nonexistent security at foreign aviation facilities provides a window of opportunity for terrorists with designs on U.S. air travel. From a security standpoint, it is not hard to imagine how certified foreign aircraft repair stations, working on U.S. aircraft, could provide terrorists with an opportunity to sabotage U.S. aircraft or components that will eventually re-enter the U.S. On July 14, 2009, Senator Claire McCaskill issued a press release stating information that indicates that a 2003 DOT IG report revealed that the United States had found a member of al Qaeda working at a foreign aircraft repair station in Singapore. This example provides a demonstrated risk to our national security due to the weak oversight of foreign aircraft repair stations. If this kind of clear and direct risk to our national security is not enough to prompt action, then I'm not sure what is.

We call on TSA to consult with stakeholders regarding implementation of a robust and effective security program that will begin to build the firewall to protect the American flying public against any future aviation related attacks. Such a security program would need to include protocols dealing with background checks of workers, drug and alcohol testing, and overall perimeter safety and security measures for all repair stations working on U.S. bound aircraft.

Standard of Oversight and Inspection

The standard of scrutiny of oversight and inspection of foreign repair stations is not only inadequate, it is somewhat non-existent.

A 2003 report by the Department of Transportation Inspector General found that though foreign repair stations were widely used by U.S. carriers, some FAA-certified foreign repair stations are not inspected at all by FAA inspectors because civil aviation authorities review these facilities on behalf of the FAA. The consequence of such is that sufficient data to determine what was inspected is lacking.

Foreign repair stations that the FAA inspected fare about the same. One reason is that the law only requires a recertification inspection every two years. Since 1988, when the rules were loosened, there were only 200 such stations; as of September 30, 2008, there were 709 such stations. With this rapidly increasing amount of stations, oversight has not kept pace with the amount of FAA inspectors needed to inspect them.

Therefore, whether it is because: 1) civil aviation authorities review foreign repair stations instead of FAA inspectors or 2) there are too many foreign repair stations for the relatively few FAA International Field Officers to maintain a consistent inspection standard or 3) that foreign repair stations are not subjected to the same unannounced visits which ensure around the clock adherence to the standards. As a result, no true oversight and inspection exists for the majority of foreign repair stations or mechanics.

The Gap must be closed. The U.S. government must “mind the gap” and close loopholes that continue to jeopardize the safety of those that depend on the industry. This lack of oversight has consequences.

Background on TWU and Aircraft Maintenance

In 1989, the TWU testified against the FAA’s rule change. Unfortunately, we were right in predicting that the elimination of limits on movement of maintenance would result in the outsourcing and loss of tens of thousands of jobs to overseas facilities. And, we were also right in predicting that the FAA would not have the capacity to give proper oversight on the work and that the work and workers who performed it would not be subject to the same regulatory requirements the US mechanics function under. We were labeled “exaggerators.”

The work that TWU managed to secure at American happens not to be the norm. In “Air Carriers Outsourcing of Aircraft Maintenance,” the FAA report of September 30, 2008, American Airlines, which was the largest U.S. air carrier, “was not included in outsourcing data since it retained its heavy maintenance as opposed to making a significant shift to outsourcing.” Thus, it is clear; including American Airlines in the data would have skewed the results.

The 18 heavy checks performed at American Airlines are all done in house at bases in Tulsa, and Alliance Fort Worth and until recently, Kansas City. Being the only major carrier that still does the majority of its own maintenance, at a time when other carriers are outsourcing their maintenance, has its issues.

The alternative of double standards, strict scrutiny where already layers of protection are applied vs. the lack of oversight where layers of protection are absent, is merely a roadmap for disaster. That is disastrous for the American flying public as well as disastrous for the integrity of the American worker.

Thank you for the opportunity to testify before you today. I am available to answer questions that you may pose regarding my testimony today.