

**United States House of Representatives
Committee of Homeland Security:
Transportation and Maritime Security Subcommittee**

The Honorable Lou Correa - Chair

***Climbing Again: Stakeholder Views on Resuming Air Travel in
the COVID-19 Era***

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Testimony of

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Dear Chairman Correa, Ranking Member Lesko, and Members of the Committee:

My name is Sara Nelson. I am a twenty-five year union flight attendant and president of the Association of Flight Attendants-CWA, AFL-CIO (AFA), representing 50,000 flight attendants across the industry. Thank you for the opportunity to testify today on what we are experiencing in our work environment during this pandemic and how uniform safety policies can mitigate risks and instill confidence for the traveling public. Millions of workers' jobs and our entire economy depend upon us getting this right.

COVID-19 remains an unprecedented threat to aviation. Hundreds of flight attendants have tested positive for the virus and 10 have lost their lives. Three months in, commercial volume is still down by more than 85 percent from last year. As a result of the pandemic, nearly 1,000 U.S. Flight Attendants have lost jobs permanently and thousands more have accepted voluntary furloughs or leaves. Trans States Airlines and Compass Airlines have both shuttered since the onset of COVID-19, while Norwegian closed U.S. Flight Attendant bases at the end of March (Flight Attendants have contractual recall rights for 2 years if operations resume) and Cathay Pacific will end U.S. based operations as of June 20, 2020. Longtime charter carrier Miami Air filed for bankruptcy on March 24, 2020, solely as a result of the pandemic, and refusal by Treasury to process the airline's application for a CARES Act payroll grant added 350 workers in the Miami area to the unemployment line.

The health and economic impacts of COVID-19 still loom large for our industry. Keeping passengers and crew safe is our top priority and we must make some substantial changes to air travel to meet this moment. Just as air travel changed in the aftermath of 9/11, it will need to change now to adapt to the new realities of the post-pandemic world. I know this is an analogy that the members of this subcommittee understand well, which is why I'm so grateful for the opportunity to testify today, to share my experience with how COVID-19 is affecting the work, health, and financial security of flight attendants, and how we can move forward together.

Uniform, Federal COVID-19 Health and Safety Rules Are Needed to Protect Passengers and Workers:

As trained public safety professionals, safety is always our top concern. We have a duty to make sure that passengers are safe. We need clear, enforceable federal rules for health and safety that set uniform standards people can depend on. Federal rules are necessary to protect our passengers, protect aviation workers and their families, and build confidence for millions of businesses counting on the resumption of safe air travel.

To date, the response to COVID-19, the biggest crisis aviation has ever faced, has been a hodge-podge of individual voluntarily-adopted measures by airlines. The best available public health information confirms that crew and passenger use of masks and cloth face coverings, along with proper hand hygiene and social distancing, can help to limit the health risks of air travel. The airlines took an important step when they put policies in place requiring masks, but in the absence of federal requirements, flight attendants know these policies and related

communication will remain inconsistent and unclear. Without clear instruction, proper training, or clear backing, enforcement will be nearly impossible.

We are also seeing inconsistent safety policies at airports, which leave many vulnerabilities and opportunities for spread, particularly in enclosed places where large groups of people are frequently gathered, sometimes sitting in place (such as when a flight is delayed). If passengers do not wear masks inside airports, it creates unnecessary health risks for airline and airport workers and all other travelers.

Thus far, federal agencies have failed to provide the clear rules we need to keep people safe. On May 11, 2020, the FAA updated a previous guidance document (non-required) for air carrier operators, SAFO 20009,¹ to include an expanded CDC list of COVID-19 symptoms,² but still did not require the use of masks or other personal protective equipment (PPE) by crew and passengers. At least one carrier, Omni, has refused to follow SAFO guidelines, assigning discipline to flight attendants when sick, and outright refuses to notify passengers and crew who may have been exposed.

No flight attendant wants to tell a scared passenger that there's nothing we can do to make them feel safe. Flight attendants and gate agents need full management support and the authority to enforce airline policies that keep everyone safe and defuse tensions. Without the reinforcement that comes with federal rules - the same regulations we use to stop smokers and get people to sit down and buckle up - we're being set up to fail. And that will put passengers and crew at risk.

On June 1, our union wrote again to the U.S. Departments of Transportation (DOT) and Health and Human Services (HHS) to urge the Departments to issue emergency safety and health rules for aviation during the COVID-19 pandemic. We cited the emergency measures taken to address airline security following the events of September 11, 2001, and more recent health and safety measures, including the recent DOT ban on e-cigarette use aboard aircraft, the purpose of which was to "reduce the risk of adverse health effects on passengers and crewmembers." Specifically, we asked that DOT promulgate an emergency rule for the duration of the pandemic that includes the following specific measures for all commercial flights:

- All airplane cabin occupants must wear a mask or cloth face covering per CDC guidelines.³ Masks should be worn at all times, except as necessary for eating, drinking, or during other similar, temporary activities. Incidents involving passenger violations of this rule should be considered interfering in a crewmember's duties in violation of 14 CFR §§ 91.11 or 121.580, or 49 USC § 46504.
- Flight attendants, as aviation's first responders and potential carriers of the virus without proper protection, must be provided N95 masks, gloves, and other PPE. While we

¹ FAA; COVID-19: Updated Interim Occupational Health and Safety Guidance for Air Carriers and Crews; May 11, 2020. https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2020/SAFO20009.pdf. Accessed May 18, 2020.

² CDC; Symptoms of Coronavirus; Page last reviewed: May 13, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. Accessed May 18, 2020.

³ CDC; Use of Cloth Face Coverings to Help Slow the Spread of COVID-19; <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>; Accessed May 18, 2020.

recognize the challenges originally created due to supply chains, we reiterate the need to implement this standard as soon as practicable following proper provisioning of hospital workers and other health care professionals.

- Government must establish and conduct health monitoring for passengers and crewmembers, which could include temperature checks, signs/symptoms, travel history, and viral or antibody testing. While these measures will not prevent every asymptomatic person (who may still be capable of transmitting the virus) from boarding a flight, they will minimize this risk and deter abuse.
- Social distancing standards in the cabin must be set; this may require defining hard load limits that vary depending on specific airplane cabin configurations. Although this could result in more aircraft placed into service for the duration of the pandemic, minimizing the spread of COVID-19 on aircraft should decrease the duration of the emergency.
- Require airlines to meet cleaning standards to disinfect, or sanitize, per appropriate CDC guidance, aircraft cabin surfaces after each flight.
- Airlines must be required to operate the ventilation air supply systems on “high flow,” particularly during boarding and deplaning. And any cabin air that gets recirculated must first pass through High Efficiency Particulate Air (HEPA) filters, per manufacturer’s instructions.

It is clear to anyone working a flight that inconsistent and voluntary airline policies leave gaping holes in safety. These policies and practices are poorly communicated to crew and passengers alike, leaving flight attendants to risk our health and safety while attempting to manage the otherwise avoidable conflicts that result. Our passengers deserve better.

As we look forward to the recovery of commercial air travel, our goal must be to raise the standards of safety and the confidence of all who fly. Enforceable, mandatory, national standards, including those outlined here, will protect my colleagues, protect our passengers, and help our industry take off again.

Employee health and safety policies cannot be punitive

Our union believes that no one should fly or work a flight if they are presenting with symptoms of COVID-19 or any communicable disease. This is a matter of public safety. We strongly support daily health and wellness self assessments for flight attendants and other aviation workers before they report for duty, consistent with updated federal guidelines,⁴ and for passengers before they fly. We believe that wellness checks, as one part of a set of safety and health policies and procedures, will boost public confidence in air travel and help limit the spread of the virus.

We ask that Congress work with our federal regulators to establish clear standards for the entire industry that protect the health and wellness of the traveling public while safeguarding the

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https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2020/SAFO20009.pdf

private health information of aviation workers and passengers. In short, daily wellness checks, including symptom checks, should be conducted without requiring aviation workers or passengers to reveal private health information.

Staying off a flight to protect health and safety should never result in discipline

Unfortunately, many carriers have long standing disciplinary policies that could undermine any policy to keep aviation workers at home if they are feeling sick. It might surprise members of the committee that if pilots, flight attendants, and gate agents are scheduled to work and call out sick, we can be disciplined or even lose our jobs. Union contracts help limit corporate abuse on this issue and provide due process, but airlines still seek to discipline employees for the legitimate use of sick leave.

Over the past five years, as cities and states across the country have passed mandatory sick leave laws to protect workers who fall ill before they are scheduled to work, the aviation industry has refused to comply. The country's largest airlines have gone so far as to sue Washington State and Massachusetts to challenge the state sick leave laws.

We believe that aviation workers deserve the same rights as all other employees, to stay home from work if they are sick, without fear of discipline or termination. But during the ongoing COVID-19 emergency, I think we all recognize that it is a serious public health risk to force sick aviation workers to choose between going to work or losing their jobs.

In the absence of clear federal guidelines that prohibit disciplinary measures from being taken against flight crews, airlines will choose what to do for themselves. Already, Delta Air Lines subsidiary Endeavor Air has announced that it will apply disciplinary "points" for any call-outs based on new COVID-19 symptom checks. Many other carriers have instituted symptom checks and instructed flight crews to follow federal guidelines to stay home if ill, but have not committed to protect workers who follow the rules. Congress can help the entire industry stay safe by working with federal regulators to pass emergency rules that protect the jobs, pay, and benefits of any aviation worker who is unable to fly because of COVID-19 symptoms.

There are already good model rules in place to put safety first. The Aviation Safety Reporting System (ASRS)⁵ collects voluntarily submitted aviation safety incident/situation reports from pilots, controllers, and others. A critical feature of the ASRS system is that flight crew members can report safety issues without fear of discipline or reprisal. As a result, more than one million reports have been made, resulting in countless safety improvements in flight. A comparable should be instituted here to prioritize health and wellness on flights.

Community Health Corps

As a result of this pandemic, Americans find themselves in the midst of twin crises--a health crisis and a jobs crisis. Our policymakers must respond to both which is why AFA-CWA is

⁵ <https://asrs.arc.nasa.gov/overview/summary.html>

supportive of proposals to create a Community Health Corps, modeled after the jobs programs created by the New Deal's Works Progress Administration. The WPA employed millions of Americans to carry out public works projects, including building public buildings and roads. Instead of building roads and bridges, the CHC would carry out critical health work, including testing and contact tracing, and build the public health infrastructure that will carry us through the pandemic and ensure that we aren't again caught flat-footed when the next pandemic emerges.

We've lost tens of millions of jobs since the pandemic first hit. Only a large-scale federal jobs program will be able to create enough jobs to fill the gaping hole in our labor market. But a CHC would do more than create jobs--with no vaccine in sight it would also help us to save lives and reopen the economy by scaling up testing and tracing to contain the virus. Without testing and tracing, we're certain to face a second wave of the virus, leading to a second wave of shutdowns, more joblessness, and importantly for my union, less air travel.

Consumer demand in the aviation sector simply will not rebound without confidence in safe air travel. Right now, there is no federal plan for ensuring that sick passengers do not board flights. There are no health checks required for passengers prior to boarding and no mandatory temperature checks. The major carriers require passengers to wear masks in flight, but that is not adequate to ensure the safety of other passengers, crew, or airport personnel.

In the wake of 9/11, Congress created the Department of Homeland Security and the Transportation Security Administration to respond to new security threats in aviation. These new screening protocols kept passengers and crew safe in flight and built renewed confidence in the safety of air travel, which had dropped precipitously in the wake of the terrorist attacks. There are now 50,000 TSA agents in airports across the country who screen passengers, crew, and luggage prior to boarding.

As part of the CHC, Congress should authorize the Department of Transportation to hire and deploy a Pandemic Health Crew (PHC) at every airport in the country to screen all passengers. As air travel picks up, we would need at least as many PHC workers as TSA agents. PHC workers would run temperature checks for all passengers and ask a battery of health questions to screen for exposure to COVID-19 prior to boarding. This would also help us identify potential hot spots by geographic region and aid health authorities in targeting contact tracing. As more passengers consider air travel once again, a PHC is essential for their safety.

A PHC won't create 40 million jobs, but it can be a model for a federally-funded Community Health Corps. Some states have already begun exploring similar programs. Massachusetts has already trained contract tracers, provided them with good wages and health insurance, and

prioritized hiring the unemployed. I hope that the committee will consider our proposal for the PHC and work with their colleagues on the Committee on Transportation and Infrastructure and the Committee on Appropriations to authorize funding for this program in short order.

Payroll Grant Extension

The new standards for health and safety I have described in my testimony today will be impossible to implement without the dedicated, highly-trained and credentialed workforce of the aviation industry. The brave men and women in our union have been on the frontlines of this virus since its earliest days, and they are essential to our nation's ability to reopen. That is why members of both parties joined together this past March to pass a historic workers' first relief package for aviation workers in the CARES Act.

The Payroll Support Program (PSP) in the CARES Act keeps workers in the aviation industry--from gate attendants to flight attendants to mechanics to catering workers to pilots--paid, connected to our healthcare in a pandemic, out of the unemployment line, and importantly, ready to lift our entire economy. Funding for the PSP goes exclusively toward maintaining the salaries, wages, and benefits for aviation workers. It conditions the carriers' receipt of federal funds on making no involuntary furloughs or layoffs. Participating carriers must also maintain levels of scheduled service needed to ensure well-functioning health care and pharmaceutical supply chains to serve small and remote communities.

The program has been an overwhelming success. But without an extension, the funding will expire on September 30th, and the carriers will begin massive furloughs to match the COVID-19 shrunken industry. I raise this with the committee today because extending this program is essential to carrying out the health and safety provisions I've recommended above. To ensure that travel will not be impacted by crew calling out sick, and to ensure that management doesn't pressure crew to come to work sick, we will need a robust crew on Reserve. This Reserve crew will need to be paid for minimum guarantees and stay on our health insurance. A program extension will keep hundreds of thousands of airline workers current with certifications and security clearances, off unemployment, and able to contribute to our communities.

I urge the members of this committee to support a clean extension of the PSP through at least January 31, 2021, to ensure that a lapse in this critical protection does not result in massive job loss or hamper our ability to keep passengers and crew safe during the pandemic. This program is a success and has largely kept airlines intact and workers in our jobs. The airlines have been able to use this time to downsize and reduce operational costs, but jobs are still at risk unless the payroll support is extended to bridge us through the worst of this pandemic.

It is an honor to represent flight attendants and other aviation workers here today. Safety is fundamental to the success of air travel because consumer demand simply will not rebound without confidence in safe air travel. The people on the frontlines of aviation need your continued support on this and our jobs in order to ensure aviation, and all of the people within it,

can continue to support the U.S. economy. We are so grateful for the work of this committee and we are counting on your continued action. Thank you for your time, attention, and action. I look forward to your questions.