

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR REGULATION AND CERTIFICATION, BEFORE THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, CONCERNING FLIGHT ATTENDANT DUTY TIME. MARCH 13, 1991.

Mr. Chairman and Members of the Subcommittee:

I welcome the opportunity to appear before the Subcommittee today on the topic of flight attendant duty time limitations. A little less than two years ago, I appeared before you, shortly after the FAA denied petitions from the flight attendant unions seeking the establishment of regulatory limitations on duty time. You will recall that the FAA denied the petitions in 1989, citing a "lack of concrete evidence showing any correlation between flight attendant duty, flight attendant safety duties, and risk to passengers."

I told you at that time that our decision not to consider rulemaking was based not on a lack of concern about the issue, but a lack of data. We simply did not have a complete or accurate picture of the real world of duty scheduling in which flight attendants operated--what their work schedules were like, whether extra hours worked were because employees sought compressed work schedules or extra hours, whether heavy work schedules were common or aberrations. Little data had been presented during the pendency of the petitions for rulemaking on which to base an objective judgment.

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I announced at that hearing that the FAA would vigorously pursue data on flight attendant work schedules, and that we would keep you apprised. We have done both of those things. As I committed, we conducted an extensive survey of industry scheduling practices, prepared a report documenting what we found, and have worked to keep you and your staff apprised of our efforts along the way. Our "Report on the Study of Current Industry Practice - Flight Attendant Flight, Duty, and Rest Times" reflected a review of current air carrier industry scheduling practices and actual work hours of flight attendants. The study targeted longer-than-average duty days, below-minimum rest periods, and instances of long flight hours. Certain segments of the industry were found to encounter flight attendant duty hour problems more frequently than others because of the nature of their operations, although these problems were by no means prevalent.

One statement I made at the hearing was that we were going to "try and develop a data base that will convince all of us of the correctness of whatever decision we need to make as a result of that and it will be there in black and white." That was my goal. Unfortunately, what we have found is not a "black and white" situation. The preponderance of flight attendant schedules appear to be well within a zone of reasonableness; some occasional work practices on the other hand appear to be excessive. The data are not dispositive, however. Moreover, the dilemma we see is that, while the cost of recordkeeping alone, if duty limits were

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imposed, would total more than \$1 million each year, there are no readily quantifiable benefits that we can identify to offset that cost.

Data from 1975 through 1989 showed that approximately 38,000 air carrier passengers were aboard aircraft involved in evacuation or evacuation-related occurrences. We have been unable to identify a single incident, however, that fairly could be said to have been adversely affected by flight attendant fatigue. In other words, the accident data do not identify flight attendant fatigue as a factor.

As you know, the regulatory process today is governed by a variety of legislative and legal requirements, mandating that we evaluate costs/benefits, impacts on small businesses, paperwork burdens, and the like. In this instance, based on the absence of demonstrable, quantifiable benefits to the traveling public that would offset the clear costs of a rule, the Administration has concluded that rulemaking is not warranted. I want to stress, however, that this does not mean that we do not place a high value on the safety role of flight attendants, or that we in the FAA are unconcerned about the issue, or that it is a "closed book." To the contrary, we believe it is important to stress with industry the need for appropriate attention to flight attendant scheduling. We are developing an Advisory Circular that will be

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widely distributed in the industry outlining our study findings and what we believe is appropriate scheduling of flight attendant duty time. Should research results or other data suggest in the future that a regulatory solution is appropriate, we will address that possibility after reviewing that data.

Before closing, Mr. Chairman, I would like to state that we strongly oppose the enactment of H.R. 14, which is pending before the Subcommittee. Our analysis reflects that the enactment of this legislation, with its detailed scheduling requirements, would impose costs of more than \$1 billion over a 15 year period on the airline industry, which discounted to 1989 dollars is still more than \$550 million.

One of the main themes at the Public Works and Transportation Committee's recent aviation posture hearing was, of course, the difficult financial plight currently being experienced by U.S. carriers. An additional burden of more than \$550 million on our airlines, without a corresponding level of safety benefits, would be a substantial, undue financial drain on their resources and could serve to lessen their ability to shoulder higher priority safety responsibilities. Costs under H.R. 14 would be incurred for additional hotel stays, flights delays, staffing requirements and positioning. As you know, H.R. 14 would require an air carrier to provide a flight attendant with at least 10 consecutive

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hours of rest after a duty period of 14 hours or less in domestic operations. The bill provides no means of extending the 14 hour duty period to contend with operational delays, nor does it provide any means of reducing the rest period. The bill's 10 hour domestic rest requirement could pose conflicts between flight attendant schedules and pilot schedules, in that pilots can be scheduled to receive as little as 8 hours rest.

In closing, Mr. Chairman, I would like to acknowledge that I appreciate the concerns you and other key Members of the Subcommittee have long had over the difficult issue of flight attendant duty time. Your personal commitment to aviation safety is to be commended. I look forward to continuing to work with you and the Members of the Subcommittee on the difficult challenge of improving the safety of our air transportation system.

I would be pleased to respond to questions you may have at this time.