

Closing the Gaps

ALPA brings government, industry, and pilot leaders together to explore ways to bring one level of safety and security to cargo airline operations

By Jan W. Steenblik, Technical Editor

ALPA's motto, since its earliest days, has always been "Schedule with Safety." And "safety" means the highest level of safety possible across all types of flying—i.e., "One Level of Safety." But that doesn't yet exist: FAA regulations for all-cargo airlines, and the practices of many all-cargo operators, are not always on a par with those of the passenger airline industry.

Similarly, U.S. all-cargo operators are not mandated to achieve the same level of security that the Transportation Security Administration (TSA) requires of U.S. passenger airlines.

The differences between passenger and all-cargo airline operations cover a variety of technical areas:

- the FAA's recent failure to apply the same rational, science-based fatigue rules to pilots who fly all-cargo airplanes that will be required for passenger airlines in 2014,
- inadequate protections against the risks of transporting lithium metal and lithium ion batteries on all-cargo airplanes,
- the lack of equal requirements for airport rescue and firefighting services for all-cargo airline operations, and
- shortcomings in the security afforded to all-cargo airline operations and the all-cargo supply chain.

That's why ALPA hosted the "Air Cargo Safety and Security: Closing the Gaps," conference on April 17 in Washington, D.C. The conference featured ALPA, congressional, FAA, NTSB, TSA, and aviation industry leaders who discussed and debated numerous safety and security differences between all-cargo and passenger airlines and explored ways to close the gaps.

Rep. Chip Cravaack (R-Minn.), a former Northwest Airlines pilot, announced that the evening before, he and Rep. Tim

Bishop (D-N.Y.) had introduced a bill, H.R. 4350, the Safe Skies Act of 2012, in the U.S. House of Representatives. If enacted, H.R. 4350 would end the cargo "carveout" in the recent FAA fatigue rule that made substantial changes to flight- and duty-time limits and minimum rest requirements (see "Call to Action: Overturn the Cargo Carveout!").

Below are highlights from two of the panel discussions. To read more about three other panels (lithium batteries, aircraft rescue and firefighting for all-cargo operations, and international trade agreements that affect air cargo), go to <http://cargoconference.alpa.org/> or scan the QR code on page 24.

Government and industry perspectives

ALPA's president, Capt. Lee Moak, reminded conference attendees, "For many years, ALPA has campaigned for one level



Left: Rep. Chip Cravaack. Above: NTSB Chairman Deborah Hersman, left, and FAA Associate Administrator for Aviation Safety Peggy Gilligan.

of safety and security for all FAR Part 121 operators, regardless of the size of the aircraft, the type of payload, or where they fly. We've made great strides in closing the gaps between large and small passenger operations. This conference is intended to help close the gaps between passenger and all-cargo operations."

But, Moak added, ALPA doesn't advocate a "one-size-fits-all" solution to these problems. However, the union believes that "greater commonality" between cargo and passenger airline operations can and must be achieved.

NTSB Chairman Deborah Hersman made clear that cargo airline issues—especially fatigue and firefighting—are "very much on the minds" of the Safety Board's members and staff. Regarding fatigue, she stood with many other speakers of the day, saying that "no scientific evidence [exists] to support" the cargo carveout in the FAA's recent fatigue rule. "The payloads may be different, but the pilots are the same," she said. Citing accidents that the NTSB has investigated, she added, "We've got to focus on the risks posed by lithium batteries."

FAA Associate Administrator for Aviation Safety Peggy Gilligan said, "Aviation is safe. It's never been safer." She noted that while the U.S. cargo airline accident rate has been going down, it is still higher than the passenger rate

and that fatal accidents have increased recently.

She stressed, "It is not the position of the FAA that the science of fatigue does not apply to cargo pilots." The rulemaking process, she explained, requires the Department of Transportation and the White House Office of Management and Budget to conduct a cost-benefit analysis of all FAA proposed rulemaking.

Regarding the FAA's recent fatigue rule, she said, the cost to the cargo industry was found to be more than the "societal benefit" the public is willing to pay.

John Sammon, assistant administrator, the Office of Security Policy and Industry Engagement, TSA, declared, "One hundred percent cargo screening is not optimal." He argued instead for an "intelligence-based, risk-based approach to security." In the final analysis, he asserted, "If you can't look the pilot in the eye and say, 'The plane is safe,' what you're doing is not sufficient."

Steve Alterman, president of the Cargo Airline Association, said, "The highest level of safety and security is imperative—not only for the societal benefits, but because it's good business." On the other hand, he cited a 2009 GAO study that, he said, showed that the accident rates of U.S. passenger and all-cargo airlines are "comparable." Alterman also asserted,

CALL TO ACTION:

Overturn the Cargo Carveout!



Sleep science has produced its share of revelations—for example, that we humans are poor judges of our own degree of fatigue; that being awake for 17 hours degrades performance of safety-critical tasks as much as having a blood alcohol content of .05 percent (illegal to fly); and that being awake for 24 hours is like having a blood alcohol content of .10 percent (legally drunk).

But certain aspects of sleep science are as straightforward and self-evident as the fact that the sun rises in the morning. One such plain and obvious fact is that when you strap on the airplane, it doesn't matter what's behind the cockpit bulkhead—passengers, cargo, or both—if you're tired, you're tired.

As National Transportation Safety Board Chairman Deborah Hersman has publicly declared, "A tired pilot is a tired pilot, whether there are 10 paying customers on board or 100, whether the payload is passengers or pallets." Cargo pilots fly the same routes, in the same airspace, and into the same airports as their passenger-carrying counterparts. All of which makes the exemption of flight crews of all-cargo operations from the recent sweeping overhaul of flight-time and duty-time limits and minimum rest requirements (FAR Part 117) a continuing target for ALPA's one-level-of-safety efforts.

ALPA's Government Affairs Department, working closely with an impressive number of ALPA members who have visited Capitol Hill in uniform to explain the situation to U.S. senators and representatives, has been aggressively discussing the flawed carveout with lawmakers and their staffs and has brought about legislation introduced in both chambers to include cargo operations in FAR Part 117.

Senate and House bills

On June 5, Senators Barbara Boxer (D-Calif.) and Olympia Snowe (R-Me.) introduced the Safe Skies Act of 2012 (S. 3263) in the U.S. Senate, advancing ALPA's efforts to ensure one level of safety for passenger and cargo airlines and enhance air transportation safety.

The Safe Skies Act (H.R. 4350) was introduced in the U.S. House of Representatives on April 16 by Rep. Chip Cravaack (R-Minn.), a former Northwest Airlines cargo pilot, and Rep. Tim Bishop (D-N.Y.). As of press time, H.R. 4350 has more than 30 bipartisan cosponsors in the House, and that number is increasing as ALPA staff and pilot volunteers continue to work daily on Capitol Hill. ALPA is working with lawmak-

ers to take up the bill in both the House and Senate and to pass it as quickly as possible.

FAA to review cost-benefit analysis, seek comments

In related news, the FAA said on May 17 that it would revisit the decision to exempt cargo airlines from the new rules to prevent flight crew fatigue. The new fatigue-fighting rules will go into effect for pilots and flight engineers of all-passenger and combi flights in January 2014.

Federal government attorneys said the agency made "errors" in cost calculations used to justify the cargo carveout, adding, "These errors are of sufficient amount that the FAA believes that it is prudent to review the portion of its cost-benefit analysis related to all-cargo operations and allow interested parties an opportunity to comment on that analysis."

The FAA will issue a new evaluation of the costs "as expeditiously as possible" that "will fully disclose the extent and nature of the errors" in the agency's initial cost-benefit analysis. An FAA statement issued on May 18 said the errors were inadvertent, and that an outside group will be asked to review the cargo analysis before it is issued for public comment.

"Call to Action"

All of this news is encouraging. However, now is not the time to kick back and assume that the battle is won—it's the right time to put on a full-court press and bring this vitally important effort to its rightful conclusion.

ALPA is continuing to ask every U.S. ALPA member to (1) contact his or her representative in the U.S. House of Representatives to urge support for the Safe Skies Act of 2012 (H.R. 4350), and (2) contact his or her senators in the U.S. Senate to support the companion bill (S. 3263). To participate in ALPA's Call to Action, scan the QR code above or go to <http://www.alpa.org/ALPADeptInfoPages/Departments/GovernmentAffairsDepartment/tabid/3064/Default.aspx#CTA>.

For decades, ALPA has argued for one level of safety for all airline operations for the simple reason that all pilots, regardless of the nature of the flying they do, should be protected by the same rules. This is every ALPA member's chance to help make that happen.—JWS





Closing the Gaps

"[The cargo] segment of the [airline] industry provides more opportunities for rest" than the passenger airlines do.

Sharon Pinkerton, senior vice president for Legislative and

Regulatory Policy, Airlines for America, said, "We consider ALPA to be our partner—not to say we agree on everything, because we don't—but on fundamental issues of safety and security, we're partners."

She added, "We don't take safety for granted. We've tried to encourage every airline to have a safety culture. We're committed to constant improvement."

All-cargo security

Capt. Fred Eissler (FedEx Express), ALPA's Aviation Security chairman, led a panel on all-cargo security. Eissler said ALPA feels strongly that significant improvement is needed in several areas:

- Reinforced cockpit doors should be mandated on freighters, and flightcrew members should be trained in appropriate door transition protocols,
- All-cargo airport operations should have the full benefit of security identification display area (SIDA) protections,
- Fingerprint-based criminal history records checks should be mandatory for everyone who has access to cargo and all-cargo aircraft,
- Training in the All-Cargo Common Strategy should be mandated for all-cargo pilots, and
- Threat-based screening of cargo should be implemented.

Christopher Bidwell, vice president, Security and Facilitation,



From left: Capt. Fred Eissler (FedEx Express), ALPA's Aviation Security chairman; Christopher Bidwell, vice president, Security and Facilitation, Airports Council International – North America; Elizabeth Shaver, director of Cargo Services, Airlines for America; and Warren Miller, branch chief, Air Cargo Policy, TSA.

Airports Council International – North America, said, "I think, for the most part, we are in agreement" on major cargo security issues. However, ACI-NA believes an ongoing government-industry review of cargo security regulations should be established, because some of the existing regulations are "outmoded, stale, and duplicative," Bidwell argued. "We've recommended taking a global approach to aviation security."

He added, "Technology is critically important and needs to be leveraged. It's not there in the all-cargo world. No technology has been approved for screening pallets or bins."

Elizabeth Shaver, director of Cargo Services, Airlines for America, talked about the Air Cargo Advance Screening (ACAS) concept, a joint effort between the TSA and the U.S. Customs and Border Protection that involves using data and baseline threshold targeting in the predeparture air cargo environment.



From left: John Sammon, assistant administrator, the Office of Security Policy and Industry Engagement, TSA; Steve Alterman, president of the Cargo Airline Association; and Sharon Pinkerton, senior vice president for Legislative and Regulatory Policy, Airlines for America.

ACAS looks to identify and intercept high-risk shipments farther "upstream" in the supply chain rather than at the point of acceptance by the airline.

Warren Miller, branch chief, Air Cargo Policy, TSA, said of the foiled Yemen-based 2010 terrorist plot to ship explosive devices built into laser printers, "Yemen changed everything" regarding cargo security. In many countries, cargo hadn't been seen as a threat. [The] Yemen [plot] changed the landscape dramatically regarding our ability to talk to different governments around the world, [but] everybody's at different stages in accepting the need for better screening of cargo."

Out of the government-industry collaboration that thwarted the Yemen plot came greater emphasis on risk-based security screening, Miller added. He said more guidance on this initiative would be sent to airlines within a month of the conference.

"By today," Miller noted, "14 million shipments have been processed through ACAS, without a single 'do not load.'"

From the top fed

FAA Acting Administrator Michael Huerta offered some closing remarks. "Combating fatigue is a shared responsibility," he asserted. "We strongly encourage cargo operators to opt in" to FAR Part 117, the new fatigue rule that will become mandatory for U.S. passenger airlines in January 2014.

Having come directly to the ALPA conference from an international conference on aviation training in Florida, Huerta discussed his agency's proposal for raising the minimum experience requirements for airline captains and first officers. He also noted that scenario-based stall and upset training in flight simulators would be more realistic than the "highly choreographed" stall/upset training given today. 



To find out more about ALPA's Air Cargo conference go to <http://cargoconference.alpa.org/> or scan the QR code.