

***Aviation Safety: Pilot Fatigue***



**Statement of Basil J. Barimo  
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Air Transport Association of America, Inc.  
before the  
Subcommittee on Aviation Operations, Safety and Security  
of the  
Senate Committee  
on Commerce, Science and Transportation**

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**AIR TRANSPORT ASSOCIATION**

The Air Transport Association of America appreciates this opportunity to discuss pilot duty time and fatigue management issues with the Subcommittee. This important subject demands a collaborative, thorough and science-based response.

ATA participated in the FAA Flight and Duty Time Limitations and Rest Requirements Aviation Rulemaking Committee (“the ARC”). That was a productive effort but we all must recognize that the ARC operated under significant time constraints. In any future rulemaking proceeding, consequently, we may expand upon the views that we expressed in the ARC and that are outlined below.

We support a duty-day regulation designed to account for fatigue risks, including circadian cycles, time awake, time on task and acclimation to time zones. Our goal is to mitigate fatigue risk by:

- reducing the duty time of pilots,
- expanding scheduled rest opportunities to ensure adequate rest, and
- increasing pilots’ awareness of fatigue risk and their personal role in mitigating that risk.

As in other aviation-safety undertakings, success here will depend on data-driven analyses and rigor in translating those analyses into regulatory action.

The recommendations that we, in conjunction with the Cargo Airline Association and the Regional Airline Association, provided to the ARC were divided into substantive and procedural considerations.

### **Substantive Issues**

With respect to substantive issues, we recommended that any new regulation establish a minimum of 10 hours of scheduled rest before the beginning of a flight-duty period at a domestic station and 12 hours of scheduled rest at an international station, with the possibility of a reduction of one hour in actual operations. We suggested additional, detailed rest requirements for certain international flights.

Any new regulation should require each air carrier to adopt an FAA-approved fatigue mitigation program documenting its mitigation policies and training. Detailed means of compliance should be provided in an accompanying FAA-issued Advisory Circular. Use of an AC will provide the necessary flexibility to update airline fatigue mitigation programs as we build on future experience.

Different air carrier operational environments must be recognized. These include domestic and international passenger operations, domestic and international cargo operations, and on-demand (nonscheduled) charter operations. We strongly urge that any new regulation account for the wide variety of operations, just as it does today. Nothing in fatigue and sleep research justifies a one-size-fits-all approach. Science-based principles, judiciously blended with many years of operational experience, will allow the various air carrier models to continue to operate safely.

There also needs to be a focus on the individual in the regulations. Regulatory language should clearly prescribe the responsibility of the crew member to properly prepare himself for a flight. No fatigue policy without such an admonition can be regarded as comprehensive. Such language will also help address the pilot commuting issue.

The FAA should also endorse controlled cockpit napping conducted in accordance with FAA-approved procedures to facilitate alertness during the critical phases of flight. Previous NASA research provides overwhelming evidence that controlled napping significantly mitigates fatigue risk. We must act on that evidence.

### **Procedural Issues**

We are particularly concerned about the ultimate scope of any proposed regulation. Extraneous considerations should not burden our efforts to improve safety. In particular, a rulemaking proceeding is not the forum in which to resolve collective bargaining issues.

We are also concerned about the effect of proposed duty and rest regulations on managers, who are also qualified as line pilots. If time spent in administrative duties counts as “duty” for cumulative purposes, or if a management pilot cannot have the discretion to check e-mail or use the telephone during a scheduled rest period, the possible result could be the end of line-qualified pilot managers, chief pilots or directors of operations. Since the beginning of commercial aviation, these pilot managers have played an essential role in safe airline operations, and the consequence of this rule on those management positions must be carefully considered. We recognize, of course, the need for appropriate rest prior to flight. This might be more appropriate for inclusion in a fatigue mitigation advisory circular.

Finally, as in any major regulatory change, covered parties will need time implement new policies requiring programming and training. That is particularly so here where crew schedules will be affected. We, therefore, ask that the FAA provide a transition period of at least two years after the final regulation is published.

### **Conclusion**

ATA members are committed to using the best science available combined with proven operational experience to improve pilot duty time and fatigue management. We look forward to working with the Committee, the FAA and other stakeholders in this important endeavor.