

**United States Senate Committee on Commerce,
Science, & Transportation**

Hearing on:

**“Enhancing Consumer Protections and
Connectivity in Air Transportation”**

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Testimony of

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Introduction

Thank you Chair Cantwell, Ranking Member Cruz, Chair Duckworth, and Ranking Member Moran for convening this hearing to examine the need to strengthen consumer protections for the U.S. flying public, including bolstering Department of Transportation rules, enhancing accessibility for the disability community and exploring the intersection of competition and customer service. We are pleased the Committee is also focused on the importance of air service connectivity for small and rural communities.

My name is Sara Nelson. I am a twenty-six year union flight attendant and president of the Association of Flight Attendants-CWA, AFL-CIO (AFA), representing 50,000 flight attendants at 19 airlines across the industry. We also coordinate closely with our partner union the Communications Workers of America, our sister union the Association of Professional Flight Attendants and all of the transportation union affiliates of the Transportation Trades Department, AFL-CIO.

Flight Attendants are aviation's first responders and charged with the safety, health and security of the passengers in our care. Our work space is a passenger's travel space. We have a long history of fighting for consumer rights because we share the same space and many of the same concerns. Historically, our union has played a leading role in efforts to improve conditions for passengers and this testimony details how this continues today through several of our legislative and regulatory priorities for improving conditions on and off the plane.

Consumer Issues

The Anti-Merger, Merger: A Win for Passengers and Aviation Workers

A big win for passengers and aviation workers would be a successful merger between JetBlue and Spirit. (Note: Although this is an acquisition on the front end, the workers only experience the effects of the transaction once the financial closing is complete and the merger of operations commences. Business decisions by management should never determine the worth or value of working people. Our union ensures every Flight Attendant has equal standing during any corporate transaction. That is why we only refer to this as a "merger.")

We have experience with eight mergers in the past decade, and I personally have experience with more than a dozen proposed mergers - some that we successfully blocked. There is good reason to approach any consolidation with a heavy dose of skepticism. We have never before concluded that a merger creates improved conditions for workers and passengers, but that is our determination in this case. We believe the pro-competition stance of this White House together with the critical eye of lawmakers, the outcry from consumers, and the effective work of our aviation unions led JetBlue to design a plan that can actually begin to correct the consolidation of pricing power among four major airlines, promote collective bargaining to the highest standards for good jobs, and improve service to our communities.

The JetBlue-Spirit combination is the first merger that we enthusiastically support because it sets competition to the highest standards for workers and consumers. Specifically, these are the protections and improvements that led to our endorsement of this merger:

Safety and Comfort. All Spirit airplanes will be reconfigured from 28” seat pitch, which is the worst in the industry, to 32” seat pitch which is the best minimum standard in the industry. This means more comfort for passengers and a far better ratio of gate agents and Flight Attendant to passengers. This improves safety, comfort, and contributes to a better flying environment that has been plagued with disruptive and violent episodes on our planes and gate areas. JetBlue will use larger airplanes and fly each plane more to maintain or even add capacity to the industry. This keeps fares low, while making flying better for everyone. Bigger seats, free wifi, unlimited snacks, and the option to forgo all of that for even lower fares if passengers so choose. This would contribute to addressing very real concerns detailed in Senator Duckworth’s Emergency Vacating of Aircraft Cabin (EVAC) Act. Our union has expressed significant concerns with the shrinking cabin environment and the increased ratio of passengers to Flight Attendants. Both of these issues are improved in the merger.

JetBlue is the only carrier that has published a clear passenger bill of rights, including what the airline gives consumers if flights are delayed or canceled as a result of a preventable incident. They also proactively refund \$15 to passengers if the WiFi or Inflight entertainment is inoperative.

No Two-Tiered Employment. This merger will in-source jobs currently contracted out at Spirit to make all of these aviation workers direct employees of JetBlue with higher pay and benefits. The airline will not use any contract flying with regional jets, a practice that the major airlines utilize to keep labor costs on average 45% less than mainline airlines for nearly half of the domestic flights in their network. This immediately increases access to thousands of improved aviation jobs and puts pressure on the mega airlines to compete to the highest standards for workers.

More, Better Jobs. JetBlue has committed to no furloughs, no displacements, and an expedited joint collective bargaining process that will ensure Flight Attendants gain the benefits of the merger as soon as possible. Spirit management recently reached an agreement with our union to close out open contract negotiations, affecting more than 6000 Flight Attendants. The short-term contract provides immediate double-digit raises from 10-27%, out year additional raises, scheduling improvements and other benefits. This sets up the opportunity for significant further improvements for the combined Flight Attendant group through an expedited joint collective bargaining process already committed to in writing by JetBlue, but only if the concerns of the DOJ are resolved and this merger moves forward. Adding another carrier that must participate in collective bargaining to the industry’s highest standards increases the rate at which workers can improve the value of our jobs, tackle economy-wide inequality, and spend more on goods and services in our communities.

Maintain/Expand Service to our Communities. Combining JetBlue and Spirit creates a network that can expand service beyond what either airline can do alone. For example, Spirit serves Charleston, WV today, but the airline recently announced it will be leaving the market this spring. Combined as a national carrier with more efficient planes and connections, the airline can maintain and grow service. This is good news for more consumer choice in many markets like Charleston.

Failing to settle this case will do nothing to change today's industry dynamics, but it will ensure things stay the same. There's not a person in the country who would say that's okay. Everything the public hates about flying today would be better at the merged airline.

We strongly support the JetBlue-Spirit merger and urge lawmakers to encourage the Administration to quickly move forward with their suit and adhere to decades of agency precedence to ensure the financial merger closing occurs in the near term. We want Flight Attendants, other workers, and consumers to be able to access the benefits of the merger as soon as possible.

Issues in the Passenger Cabin

A Seat for Every Passenger

Today there is no requirement to protect our smallest passengers in their own seat with a proper restraint device. Children under the age of two can fly as a "lap child" in the same seat as their parent or guardian. The FAA¹, the National Transportation Board (NTSB), independent researchers, and Flight Attendants have all concluded this is dangerous. Studies show that lap children are at higher risk of injuries caused by falling from their parents' laps, sudden or severe turbulence, and trauma incurred in a crash.² Indeed, in the worst-case scenario of a crash or severe turbulence, it would be effectively impossible for a parent to hold onto their unbelted child.

In 1994, for example, one infant without a seat and proper restraint died and another was severely injured after their plane had to make an emergency landing off of its runway. After investigating the crash, the NTSB determined that, had the babies been in their own, FAA-approved safety seats next to their parents, they would not have suffered significant injury.³ The majority of car seats sold in the U.S. and Canada are certified for use on aircraft. In recent decades, both the NTSB and a White House Commission on Aviation Safety and Security have recommended that the FAA prohibit infants under age 2 from sitting on their parents' laps.⁴

¹ https://www.faa.gov/travelers/fly_children

² https://journals.lww.com/pec-online/Fulltext/2019/10000/In_Flight_Injuries_Involving_Children_on.7.aspx and https://journals.lww.com/pccmjournal/Citation/2014/10000/Fatalities_Above_30,000_Feet_Characterizing.32.aspx

³ <https://www.forbes.com/sites/johngoglia/2013/04/18/if-the-faa-thought-flying-with-lap-kids-was-unsafe-it-would-require-kid-seats-right-wrong/?sh=67ec485e5aab>

⁴ <https://abcnews.go.com/Travel/story?id=5475316&page=1>

In 2001, the American Academy of Pediatrics recommended requiring aircraft-approved restraint systems and discontinuing the policy of allowing a child younger than 2 years to be held on the lap of an adult during taxi, takeoff, landing and turbulence.⁵

More recently, responding to strong support from its Member States around the world, the International Civil Aviation Organization (ICAO) released the Second Edition of its Manual on the Approval and Use of Child Restraint Systems. This manual details guidance to promote the use of child restraints on a global level, simplify international operations, and make it easier for passengers traveling with CRS.⁶

There remains no credible rationale for the U.S. to fail to require that all passengers, including infants and children under the age of two, have their own seats and be properly restrained during critical phases of flight, just like requirements at all times in a car. This requirement should apply to all U.S. carriers and foreign carriers flying to the U.S. Following instruction from lawmakers, the FAA can use the ICAO guidance to address all related issues, including the harmonization of approved child restraint systems.

It's past time to mandate this protection for our youngest passengers.

Air Turbulence

Severe turbulence is happening more frequently and is more intense. Last summer, a flight from Chicago to Salt Lake City experienced moderate turbulence that caused minor injuries to three flight attendants and one passenger⁷. July 2022, six passengers and two crew members were injured on a flight from Tampa to Nashville after unexpected turbulence. Seven were taken to the hospital with neck and back pain⁸. In December 2022, 36 people were injured and 20 people were taken to the emergency room on a flight from Phoenix to Honolulu. Four passengers and two Flight Attendants were seriously hurt⁹. On another flight in December, Three passengers and two Flight Attendants injured following severe turbulence and taken to the hospital on a flight heading from Brazil to Houston, TX¹⁰. In February 2023, two passengers and one Flight Attendant were injured following turbulence and taken to the hospital on a flight heading from Newark to Tampa¹¹. Earlier this month, a flight hit severe turbulence at 37,000 feet over Tennessee. Seven passengers were injured and taken to the hospital after the flight diverted to Washington Dulles Airport¹².

For Flight Attendants and passengers, these incidents pose a serious occupational and travel risk. In a report issued on August, 10 2021¹³ the NTSB concluded:

⁵<https://publications.aap.org/pediatrics/article-abstract/108/5/1218/63766/Restraint-Use-on-Aircraft?redirectedFrom=fulltext>

⁶ <https://store.icao.int/en/manual-on-the-approval-and-use-of-child-restraint-systems-doc-10049>

⁷ <https://www.slttrib.com/news/2021/06/25/four-people-southwest/>

⁸ <https://www.cnn.com/2022/07/20/us/turbulence-divert-plane-injuries/index.html>

⁹ <https://www.theguardian.com/world/2023/jan/14/hawaiian-airlines-flight-turbulence>

¹⁰ <https://www.cnn.com/travel/article/united-airlines-turbulence-injuries/index.html>

¹¹ <https://simpleflying.com/occupants-hospitalized-turbulence-united-airlines-boeing-757/>

¹² <https://www.cnn.com/travel/article/lufthansa-flight-diverted-turbulence/index.htm>

¹³ <https://www.nts.gov/safety/safety-studies/Documents/SS2101.pdf>

- the Federal Aviation Administration, the National Weather Service and airline industry associations take specific actions to reduce the number of turbulence-related injuries in air carrier operations. While it seems like common sense, the NTSB's recommendations stated "Wearing a seat belt reduces the risk of serious injury for all aircraft occupants during turbulence-related accidents in Title 14 Code of Federal Regulations Part 121 air carrier operations."
- having flight attendants seated with their seat belts fastened during additional portions of the descent phase of flight would reduce the rate of flight attendant injuries due to turbulence and the rate of turbulence-related accidents overall."
- "the safest place for a child under the age of 2 is in a CRS."

We appreciate the leadership of Chair Cantwell to author key provisions in the Inflation Reduction Act (IRA) such as increased funding for the National Oceanic Atmospheric Administration (NOAA) to fund climate research for atmospheric processes to examine the causes and impacts of extreme weather. These investments will support the development of more accurate/timely weather forecasts, and improved climate change predictions. In addition, NOAA also received funding to acquire a new Gulfstream G550 Hurricane Hunter to collect data when large storms appear, which is vital for knowing where storms will hit and how strong they will be. Improved weather forecasts can have a profound impact on saving lives, jobs, businesses and communities.

Cabin Temperature - 2HOT2COLD

Currently, no federal standards define an acceptable temperature range for airplane cabins. As a result, passengers and Flight Attendants often experience discomfort, fatigue, and stress due to excessively high or low cabin temperatures. Extreme temperatures can cause passengers and crew to experience severe or life-threatening symptoms, including heat stroke, loss of consciousness, and respiratory arrest.

In 2017, a four month old baby overheated on the plane after being delayed on the tarmac for two hours and was having trouble breathing¹⁴. The Flight Attendants bagged ice to place on the baby, an ambulance was called and paramedics met the aircraft. There are numerous examples of passengers and Flight Attendants who have suffered from extreme temperatures on the plane, but this can become a priority to fix when temperature standards are put in place.

We urge the Committee to include language in the FAA reauthorization bill that will require the FAA to adopt the temperature standards recommended by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE). These standards state that the temperature onboard planes should be between 65-80 degrees on the ground (up to 85 if in-flight-entertainment is on), and up to 80 degrees during the flight.

Improve Cabin Air Quality

¹⁴ <https://www.denverpost.com/2017/06/23/united-airlines-infant-overheats-dia/>

Except for the Boeing 787, the ventilation air that passengers and crew breathe during a flight is referred to as “bleed air” because it is bled off the engine compressors. This high-temperature and pressure “bleed air” is then cooled, mixed with recirculated air, and distributed to the cabin and flight deck for ventilation. The problem with this design is that oil intended to lubricate the engines can accidentally contaminate the bleed air stream, whether as a result of a mechanical failure, oil seals that don’t close fully during an engine power change, or overservicing by maintenance staff.

In a published review of FAA maintenance databases, U.S. airlines documented an average of 5.3 oil or hydraulic fluid events per day,¹⁵ which does not include all events. In addition to the potential for long-term health effects, including neurological and respiratory damage to crew and passengers, toxic fumes can impact flight safety and security by impairing or incapacitating crewmembers. Further, fume events often recur on the same airplanes after airlines deem planes with faulty bleed systems airworthy despite not having fixed the underlying problem.

We urge the Committee to include the [Cabin Air Safety Act of 2022 \(S.3944/H.R.7267\)](#) (soon to be reintroduced in the 118th Congress) to direct the FAA to issue regulations requiring: airline worker training to document fume events, suitable sensors on aircraft to detect a variety of contaminants and fumes in real time, and investigate bleed air events. The legislation also mandates that airlines provide flight crew, maintenance technicians, and emergency response teams training on how to respond to and identify the causes of fume events.

Add Naloxone Nasal Spray to Required Onboard Items

In 2019, AFA and several members of Congress petitioned the FAA to require naloxone, a life saving medicine that quickly reverses and blocks the effects of opioids, to be included onboard the aircraft. The FAA has not responded to the petition or issued guidance. While a few air carriers have added naloxone to their EMKs, it is typically the injectable naloxone rather than a preferred option, which is the nasal spray. The injectable naloxone takes longer to take effect and is not as effective as the spray.

We encourage the Committee to add language to the FAA reauthorization bill that says ‘The FAA shall issue guidance that commercial air carriers must include naloxone nasal spray on board within 90 days of enactment.’

Violent Attacks Negatively Impact Airline Crew and Passengers

A few weeks ago, the Department of Justice charged a passenger¹⁶ for allegedly attempting to open an emergency exit door while aboard a United Airlines flight from Los Angeles to Boston and then allegedly attempting to stab a Flight Attendant in the neck. AFA is proud of the crew of United Flight 2609 and relieved that no one sustained life-threatening physical injuries. Violence has no place anywhere and certainly not in a closed cabin flying several miles in the air. When

¹⁵ Shehadi, M; Jones, B; and Hosni, M. (2016) “Characterization of the frequency and nature of bleed air contamination events in commercial aircraft,” *Indoor Air*, 26(3): 478-488, doi: 10.1111/ina.12211. Epub 2015 Apr 25.

¹⁶<https://www.justice.gov/usao-ma/pr/man-arrested-attempting-open-emergency-exit-door-aboard-flight-boston>

incidents like this happen, it not only risks the safety of the crew involved, it takes away from Flight Attendants' ability to respond to medical, safety, or security emergencies of other passengers. We are thankful for the FBI's quick action on this. This is another example of the urgent need for a national banned disruptive passenger list.

In addition to the terrible assaults Flight Attendants experience while on duty, passenger service agents are experiencing an increased amount of passenger rage and their experiences often go unrecognized. These incidents vary from using vulgar language when addressing employees, using racial epithets that cause psychological harm to our agents, to punching, biting, kicking, shoving and even spitting on them. Union representatives report the highest number of calls to employee assistance programs searching for ways to cope with fatigue, stress and fear caused by these incidents.

We call on this Committee to include language in the FAA reauthorization bill that bans these passengers from flying on all airlines so they cannot commit these violent acts again. These negative flying experiences make deep impressions and can create terrible consequences. But we must also note that the vast majority of interactions we have are positive and we can especially celebrate the ways crews across the industry have pulled together to support each other. As with everything we do, Flight Attendants have incredible emotional intelligence to assess the subtleties of every situation, step up for every crewmember when they need a break and successfully get tens of thousands of flights and millions of people safely to their destination without event and even with a smile.

Bare Minimum Staffing Levels

Staffing of Flight Attendants on planes, at the gate, and in ground support was cut to minimums pre-COVID. There is no “give” in the system. Pre-COVID airlines counted on high overtime hours to staff the operation. With a seasoned workforce, and a normal hiring rate for typical attrition, the frontline workforce knew our jobs well and often “made it work” when operational hiccups occurred.

According to the Bureau of Transportation Statistics (BTS), U.S. airlines carried 194 million more passengers in 2022 than in 2021, up 30% year-to-year¹⁷. Yet, almost all domestic flights are staffed with the minimum number of Flight Attendants, so when something goes wrong there's no additional crew already in the operation to help staff flights. When we think of the disruptive passenger incidents we've seen, often there is a single flight attendant facing unhinged rages.

Adding the conditions of the pandemic, which include higher rates of sickness among the workforce, difficulties with commuting to work on full planes, compressed cabin environments, increased turbulence, weakened infrastructure to support operational irregularities, a combative environment, mass retirements with fewer seasoned workers to mentor new employees on the job, and a somewhat chaotic network that was a response to new trends of passenger demand

¹⁷ [Full Year 2022 U.S. Airline Traffic Data | Bureau of Transportation Statistics \(bts.gov\)](https://www.bts.gov/publications/reports-and-statistics/full-year-2022-u-s-airline-traffic-data)

and little ability to forecast - Flight Airlines and other aviation workers are feeling the stress and strain of an operation stretched to its limit.

Staffing at the Gate

Gate agents are a vital part of a multilayered airline security and safety process at the airport and their importance can not be understated. The safety of ground service workers is a priority. At the gates, oftentimes one passenger service agent is left to board full planes by themselves creating communication issues during the boarding process. And when a flight gets delayed or canceled that same agent or sometimes no one is left in the terminal to assist passengers – making an already difficult situation worse.

The airlines and the airports are too reliant on overtime hours to meet basic operational metrics. This way of doing business needs to stop or the industry will be run into the ground and it puts safety at risk.

Increase staffing at the gate and on each flight. We need more frontline workers in the airports and on planes who are able to answer questions, identify problems early in order to de-escalate, or simply have backup from other workers when issues get out of hand or require physical restraint and a law enforcement response.

Crew Scheduling Difficulties

Excessive call wait times to get through to Crew Scheduling and FAST to conduct routine tasks – calling off sick leave to return to schedule, to obtain staffing, to secure hotels to ensure rest, rescheduling after weather induced irregular operations, changes to Reserve assignments and the list goes on. When we can't reach scheduling or get recrewed that has a ripple effect on other flights. The compounding effect is massive delays or cancellations.

Schedule and Operational Disruptions

Flight attendants are on the frontlines when an operational meltdown occurs, and they are expected to address passenger concerns. But Flight Attendants have been left empty handed or stranded themselves without support from management who are running the airline.

The summer of 2022 was one of the worst in recent history in terms of chaotic scheduling and other workplace woes. Flight attendants at United and Southwest airlines staged protests at airports across the U.S. to draw attention to this and urged our airlines to fix problems that were creating havoc for flight attendants and travelers alike.

Update Emergency Aircraft Evacuation Standards

As part of implementing Sections 337 and 577 of the FAA Reauthorization Act of 2018,¹⁸ the FAA conducted a study in late 2019 through early 2020 to determine the effects of different seat dimensions and spacing on facilitating emergency evacuations. However, the FAA used simulated laboratory conditions, and not a real airplane, to conduct its evaluation. Further, the

¹⁸ <https://www.congress.gov/bill/115th-congress/house-bill/302/text>

study sample did not include any children, adults over 60, or people with disabilities as participants.¹⁹

Since children, older adults, and people with disabilities are the least likely to be able to evacuate an airplane in a safe and timely manner, the FAA's study did not demonstrate or accurately depict if all passengers can safely evacuate an airplane in under 90 seconds (the standard amount of time for an emergency evacuation). Indeed, the FAA itself conceded that, because they did not include these groups in their study, the study's results were "not necessarily definitive."²⁰

AFA supports Senator Duckworth's Emergency Vacating of Aircraft Cabin (EVAC) Act, which will be reintroduced in the 118th Congress.

Conclusion

We thank the committee for this opportunity to testify. Improvements to our workspace directly enhance the passenger's travel experience. Aviation has a long history of collaboration among government, industry, unions, scientists, and consumers. This collaboration and careful approach to layered safety, security, health, and inclusion has built the safest mode of transportation, the backbone of the American economy, and the access that we enjoy around the world. We look forward to working with this committee to continue our shared responsibility to ensure a safe, inclusive, efficient and reliable aviation system that brings us together at home and around the world.

¹⁹<https://www.faa.gov/sites/faa.gov/files/2022-03/PL-115-254-Sec-337-Aircraft-Cabin-Evacuation-Standards.pdf>

²⁰<https://www.faa.gov/sites/faa.gov/files/2022-03/PL-115-254-Sec-337-Aircraft-Cabin-Evacuation-Standards.pdf>