



ASSOCIATION OF FLIGHT ATTENDANTS–CWA, AFL-CIO

501 Third Street, NW, Washington, DC 20001-2797

afacwa.org | PHONE 202 • 434 • 1300

via email/fax

April 2, 2020

Administrator Steve Dickson  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

Dear Administrator Dickson:

Since the global SARS pandemic almost 20 years ago, the Association of Flight Attendants-CWA, AFL-CIO (AFA) has been fully engaged with U.S. agencies including the Centers for Disease Control and Prevention (CDC), the Occupational Safety and Health Administration, the Food and Drug Administration, and various global entities including the International Civil Aviation Organization (ICAO) and the International Air Transport Association, to ensure that stringent precautions and protections are put in place to detect and mitigate threats posed by new and emerging diseases. AFA represents nearly 50,000 flight attendants, aviation's first responders. Since the December, 2019 emergence of the novel coronavirus and throughout the resulting COVID-19 global pandemic, flight attendants and other airline crewmembers and employees have been on the front lines, working diligently in heroic attempts to ensure the health and safety of the traveling public and each other.

Our members have observed an uneven, often less than satisfactory response to the seriousness of the COVID-19 pandemic by some airlines. We are therefore writing to support the attached letter dated March 31, 2020, sent by Captain Joe DePete, President of the Air Line Pilots Association, International (ALPA), to Federal Aviation Administrator Steve Dickson, with the subject *Request for Immediately Effective Order, Directive or Regulatory Requirement Ordering Air Carrier Compliance with CDC Guidance*. We concur fully with Captain DePete's observation that an "urgent FAA order, directive or regulatory requirement is needed because 'guidance' from the ... CDC is not mandatory and is not being consistently followed."

Captain DePete notes that in some cases, airlines are failing to adhere to CDC recommendations to notify crewmembers of possible exposures to individuals who have tested positive for coronavirus infection, as well as guidance on enhanced cleaning and disinfection of aircraft interiors. We fully support the ALPA prescriptions to promulgate final rules that require "notification to crewmembers in contact with infected individuals at least 48 hours before the ill person became symptomatic" and "rigorous adherence to COVID-19 disinfectant protocols for cleansing aircraft, simulators and other surrounding areas." We would add to this latter rule crew rooms, training facilities, and any other airline-controlled areas where crewmembers and airline employees spend significant time.

Finally, to fully address the public and workplace safety and health impacts of the COVID-19 pandemic noting the global spread of the virus, the clear evidence that pre-symptomatic or asymptomatic individuals are shedding the virus, and that the economic health of our country requires that we continue conducting passenger operations, we further recommend that the final rule:

AVIATION'S FIRST RESPONDERS

- Require that the following be no go items on all flights:
  - N95 (or better) respirators in adequate quantities to protect crew members from exposure to any symptomatic or pre-symptomatic carriers of the Covid-19 coronavirus;
  - Medical grade surgical masks in adequate quantities, with a requirement that any symptomatic passengers or crew on board wear these if instructed by crew, to minimize exhalation of droplets containing the coronavirus that increase exposure risks for all other airplane occupants; and
  - Adequate supplies of latex or nitrile gloves in various sizes, and Universal Precautions Kits, stocked to ICAO specifications.
  - To ensure that all crew and passengers are able to perform critical handwashing and disinfection, sufficient quantities of running water and soap in galleys and lavatories supplemented by 60-70% alcohol-based gels and wipes.
- Require training for flight attendants in the proper use and donning and doffing of all personal protective equipment (PPE), and individually fit-tested for their respirators.
- Require consideration of maximum load factors as a way to allow for appropriate social distancing, and especially for maintaining a buffer zone around symptomatic cabin occupants.
- Require elimination of unnecessary flight attendant onboard service functions to minimize passenger-crew interactions.
- Require that, on any given day that an aircraft operates in passenger service or is used for ferry flights, overnight cleaning and disinfection be accomplished following the procedures specified by the CDC for aircraft that carried at least one symptomatic passenger. In addition, the CDC should specify additional enhanced cleaning and disinfection procedures that go beyond the above, and these procedures must be required and the aircraft immediately taken out of service until the occupied areas are fully disinfected, whenever one or more symptomatic passengers are identified during or immediately after a flight. Aircraft cleaning crews must be provided adequate PPE as specified in the CDC guidance, and appropriate training to accomplish all of these tasks.
- Require that any crewmembers who, based on their own judgment, have good cause to believe they may have been exposed to the Covid-19 virus, be allowed to self-isolate at home for 14 days, without discipline or other employment-related repercussions.

Thank you for your consideration. We look forward to strong, *regulatory* action by the FAA and CDC to protect the health and safety of airline crewmembers, and, by extension, the traveling public, during this time of global pandemic.

Sincerely,



Sara Nelson  
International President

Att: ALPA Letter



# AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

1625 Massachusetts Avenue, NW | Washington, DC 20036 | 703-689-2270 | 888-FLY-ALPA

THE WORLD'S LARGEST PILOTS UNION | [WWW.ALPA.ORG](http://WWW.ALPA.ORG)

March 31, 2020

***Via email transmission  
and facsimile transmission***

Administrator Steve Dickson  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

Re: Request for Immediately Effective Order, Directive or Regulatory  
Requirement Ordering Air Carrier Compliance with CDC Guidance

Dear Administrator Dickson:

I write on behalf of the over 63,000 pilots represented by the Air Line Pilots Association, International at 35 U.S. and Canadian air carriers. This is to request your immediate action to safeguard the health and safety of flight crewmembers, the public at large, and the airline transportation system. An urgent FAA order, directive or regulatory requirement is needed because “guidance” from the Center for Disease Control (CDC) is not mandatory and is not being consistently followed.

The FAA recognized in its Safety Alert For Operators (SAFO), issued on March 12, 2020, the World Health Organization’s (WHO) declaration of COVID-19 as a Public Health Emergency of International Concern (PHEIC), which subsequently was declared a pandemic. It also acknowledged the Secretary of the Department of Health and Human Services’ declaration of COVID-19 as a public health emergency. The situation continues to worsen as over 163,000 people now have the coronavirus in the United States, with cases in every state. “More than 3,000 people with the coronavirus have now died in the United States, according to a New York Times database, a figure that has tripled since Thursday morning and that now exceeds the number of people killed in the terrorist attacks on Sept. 11, 2001.” N.Y. Times, *Coronavirus in the U.S.: Latest Map and Case Count* (updated Mar. 31, 2020 8:05 A.M. E.T.). Friday’s reports of the death from COVID-19 of an American Airlines flight attendant is especially sobering, and highlights the exigency of taking all needed measures to avoid further contagion of airline crewmembers.

The FAA has the statutory authority and responsibility to promote the safe operations of civil aircraft by prescribing regulations, and minimum standards necessary for safety in air commerce and national security. 49 U.S.C. 44701(a). It has exercised its statutory authority “to fully occupy and exhaust the field of flight deck crew occupational safety and healthy while they are in aircraft in operation.” *Memorandum of Understanding Between FAA/DOT and OSHA/DOL* (Aug. 2014), [https://www.faa.gov/about/initiatives/ashp/media/FAA\\_OSHA\\_MOU\\_2014.pdf](https://www.faa.gov/about/initiatives/ashp/media/FAA_OSHA_MOU_2014.pdf). The FAA can and must exercise this authority to issue a binding order, directive or regulatory requirement,

effective immediately, to assure adherence to stringent standards to prevent the spread of the coronavirus to crewmembers, those aboard aircraft, and the wider public.

An urgent order, directive or regulatory requirement is necessary to obtain unequivocal air carrier compliance with CDC guidance, specifically regarding notification of flight crew and other airline employees exposed to individuals who are confirmed positive for COVID-19.

CDC guidance tells employers: “If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The fellow employees should then self-monitor for symptoms (i.e., fever, cough, or shortness of breath).” See CDC, *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, [https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?deliveryName=USCDC\\_2067-DM23558](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?deliveryName=USCDC_2067-DM23558) (last visited Mar. 30, 2020).

This means notifying crewmembers who have been in direct contact with other individuals subsequently determined to be infected by the coronavirus, whether infection is determined by positive test or other medical confirmation. Such notification *must* include crewmembers exposed to the infected person 48 hours before the infected person became symptomatic. Current scientific research indicates that contagion is possible at least 48 hours before symptom onset. Significantly, ALPA has learned that this life-saving notification process is not being uniformly obeyed.

Of equal concern is the lack of consistent airline adherence to the industry specific CDC guidelines addressing aircraft cleaning and disinfection. See CDC, *Updated Interim Guidance for Airline Crew: Coronavirus Disease 2019 (COVID-19)* (Updated Mar. 4, 2020), <https://www.cdc.gov/quarantine/air/managing-sick-travelers/ncov-airlines.html>.

We are aware of airlines claiming to have cleaned aircraft with alcohol-based disinfectants that fail to comply with the minimum 70% alcohol-based solution. See CDC, *Cleaning and Disinfecting Your Facility*, <https://www.cdc.gov/coronavirus/2019-ncov/prepare/disinfecting-building-facility.html> (last visited Mar. 30, 2020). The FAA should make airlines aware of their obligation to stringently adhere to these standards. We suggest including a list of specific products recognized to disinfect for the virus causing COVID-19. See EPA, List N: Disinfectants for Use Against SARS-CoV-2, <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2> (last visited Mar. 30, 2020).

Like the CDC guidance, the FAA’s SAFO is merely “recommended action” and does not have the force of law or regulation. Written directives with legal authority and the risk of FAA enforcement action, fine or penalty are necessary to assure full adherence to the CDC standards. Failures to follow these minimum standards risk greater spread of infection and increased loss of life. Accordingly, immediate Administrator action is warranted.

We urge the FAA to require by immediately effective order, directive or regulatory requirement that air carriers must comply with the CDC guidelines. Moreover, such written prescriptive should also specify that air carriers have an affirmative duty to notify airline employees who have been exposed to an individual confirmed to have the COVID-19 infection

(whether that individual is an employee, contractor, vendor, passenger or in another status). It should include notification to crewmembers in contact with infected individuals at least 48 hours before the ill person became symptomatic. It should also mandate rigorous adherence to COVID-19 disinfectant protocols for cleansing aircraft, simulators and other surrounding areas. Gaps in airline procedures in this realm risk far-reaching and life-threatening consequences.

Under these dire circumstances, immediate action with the force of regulation is required. Just as this crisis has led other agencies to issue final rules taking prompt effect with subsequent public comment, so too is such action warranted by the FAA. *See, e.g., Control of Communicable Diseases; Foreign Quarantine*, 85 Fed. Reg. 7874 (Feb. 12, 2020) (CDC interim rule under 42 C.F.R. § 71, effective Feb. 7, 2020, comments due Mar. 13, 2020), <https://www.federalregister.gov/documents/2020/02/12/2020-02731/control-of-communicable-diseases-foreign-quarantine>.

The Nation faces a grave threat with virus infection increasing exponentially, and the death toll rising hourly. We urge you to act at once by order, directive or regulatory requirement to ensure full air carrier compliance with needed health and safety standards to limit further spread of the coronavirus.

Sincerely,

A handwritten signature in black ink that reads "Joseph G. DePete". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Captain Joe DePete  
President, Air Line Pilots Association, International  
Email: Joe.DePete@alpa.org  
Telephone: 202-797-4010

cc: Daniel K. Elwell, Deputy Administrator  
Ali Bahrami, Associate Administrator for Aviation Safety