



April 3, 2020

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

Dear Administrator Dickson:

AFA has recently become aware that some airline operators may be seeking reductions in Flight Attendant staffing requirements due to low load factors. We have heard concerns from crew at Delta Air Lines and on April 2 during a company-wide video town hall, United Airlines President Scott Kirby said "If we're going to have a flight that has 5 customers onboard, do we really need 3 Flight Attendants on the airplane? Those are some kinds of the conversations we're having with the FAA."

Kirby's statements can only be viewed as a reduction to the FAA mandated minimum staffing of our aircraft. We have already reached an agreement with United Airlines for social distancing, some of which has already been implemented. The FAA should use this agreement as a model for the industry during the COVID-19 pandemic.

Since this was raised in a public forum, we want to be clear and on the record: AFA opposes any efforts to reduce FAA minimums. FAA minimums were fought for and achieved long ago. They are in place to ensure aviation safety during normal operations. Cabin crew must remain fully prepared and ready to act in response to a multitude of emergencies and potential emergency evacuation scenarios that could suddenly occur on any flight.

Any proposed flight attendant staffing reductions based on load factors would set a dangerous precedent, are not in the public interest, and must be denied. Flights should stay on the ground or be designated as cargo only if we aren't carrying passengers. That is, in fact, the best way to reduce exposure to the COVID-19 virus.

Over 50 years ago, the FAA denied a similar petition in Exemption No. 944, attached, which states that the requested exemption "would not be in the public interest."

Two relevant operational regulations, 14 CFR §121.391, which specifies the number of required flight attendants, and 14 CFR §121.291, which requires the operator to conduct an evacuation demonstration, specifically reference the aircraft seating capacity, not the number of available passenger seats:

§ 121.391 Flight attendants.

(a) Except as specified in § 121.393 and § 121.394, each certificate holder must provide at least the following flight attendants on board each passenger-carrying airplane when passengers are on board:

(1) For airplanes having a maximum payload capacity of more than 7,500 pounds and having a seating capacity of more than 9 but less than 51 passengers—one flight attendant.

(2) For airplanes having a maximum payload capacity of 7,500 pounds or less and having a seating capacity of more than 19 but less than 51 passengers—one flight attendant.

(3) For airplanes having a seating capacity of more than 50 but less than 101 passengers—two flight attendants.

(4) For airplanes having a seating capacity of more than 100 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 100 passengers.

(b) If, in conducting the emergency evacuation demonstration required under § 121.291 (a) or (b), the certificate holder used more flight attendants than is required under paragraph (a) of this section for the maximum seating capacity of the airplane used in the demonstration, he may not, thereafter, take off that airplane—

(1) In its maximum seating capacity configuration with fewer flight attendants than the number used during the emergency evacuation demonstration; or

(2) In any reduced seating capacity configuration with fewer flight attendants than the number required by paragraph (a) of this section for that seating capacity plus the number of flight attendants used during the emergency evacuation demonstration that were in excess of those required under paragraph (a) of this section.

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications...

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Except as provided in paragraph (a)(1) of this section, each certificate holder must conduct an actual demonstration of emergency evacuation procedures in accordance with paragraph (a) of appendix D to this part to show that each type and model of airplane with a seating capacity of more than 44 passengers to be used in its passenger-carrying operations allows the evacuation of the full capacity, including crewmembers, in 90 seconds or less.

(1) An actual demonstration need not be conducted if that airplane type and model has been shown to be in compliance with this paragraph in effect on or after October 24, 1967, or, if during type certification, with § 25.803 of this chapter in effect on or after December 1, 1978.

(2) Any actual demonstration conducted after September 27, 1993, must be in accordance with paragraph (a) of appendix D to this part in effect on or after that date or with § 25.803 in effect on or after that date.

(b) Each certificate holder conducting operations with airplanes with a seating capacity of more than 44 passengers must conduct a partial demonstration of emergency evacuation procedures...

Given the clear intent of these regulations and the precedent set by Exemption No. 944, we urge the FAA to deny any petition by an operator to reduce flight attendant minimum staffing, even on a temporary or emergency basis.

Sincerely,



Sara Nelson
International President

Att: 1

The petitioner's Douglas DC-9 aircraft are equipped with a seating capacity for 92 passengers, and its Boeing 727 aircraft with a seating capacity for 108 and 139 passengers, respectively.

The petitioner states that it intends to use these aircraft on early morning cargo flights with less than 45 passengers, that the cargo carried will meet all the requirements of Section 121.285, and that seats in excess of 44 will be blocked by means of a breakover seat back and a seat buckle lock wiring installation. The petitioner, therefore, requests that it be permitted to use only one flight attendant, and that it be allowed to dispense with additional evacuation demonstrations.

Sections 121.291 and 121.391(a), however, set out requirements that have to be met on the basis of the number of passenger seats installed and not on the basis of the actual number of passengers carried. Moreover, the proposed means of blocking the seats in excess of 44 do not provide a level of safety equivalent to the level provided by the regulation.

In view of the foregoing, I find that granting the exemption would not be in the public interest. Accordingly, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator in 14 CFR 11.53, the petition of Northeast Airlines for an exemption from Sections 121.291 and 121.391(a) of the Federal Aviation Regulations is hereby denied.

/s/ James F. Rudolph
Director
Flight Standards Service

Issued in Washington, D.C., on February 13, 1969.