

**United States House of Representatives  
The House Committee on Transportation and Infrastructure  
The Honorable Peter DeFazio, Chairing**

***Protecting Transportation Workers and Passengers from  
COVID: Gaps in Safety, Lessons Learned and Next Steps***

**Thursday, February 4, 2021**



**Testimony of  
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## **Introduction**

My name is Sara Nelson. I am a twenty-five year union flight attendant and president of the Association of Flight Attendants-CWA, AFL-CIO (AFA), representing 50,000 flight attendants across the industry. Thank you for the opportunity to testify today on what we are experiencing in our work environment during this pandemic and how uniform safety policies can mitigate risks and instill confidence for the traveling public.

Exactly one year ago, on February 4, 2020, responding to concerns voiced by rank-and-file Flight Attendants and in consultation with infectious disease experts, our union called for the administration to create and implement a coordinated, comprehensive federal plan to contain and combat the virus. Aviation plays an important role in stopping the spread of communicable disease. Our requests for leadership and efforts to coordinate with government went unanswered by the previous administration. In the year since, the pandemic has battered our economy, devastated the aviation industry, and killed more than 440,000 Americans.

The health and economic impacts of COVID-19 still loom large for our industry. Keeping passengers and crew safe is our top priority.

## **Payroll Support Program (PSP)**

While new health and safety standards for air travel are critical to the recovery of the industry, these measures are only possible because of Congress' unprecedented and bipartisan support for aviation workers over the past year. And, I underscore that the reforms you consider today will only succeed if Congress maintains that financial support.

Members of this Committee joined together nearly one year ago to pass a historic workers' first relief package for aviation workers in the CARES Act. The result was the Payroll Support Program (PSP), the most successful jobs program in the CARES Act. PSP was designed with a single purpose: to keep aviation workers—gate agents, flight attendants, mechanics, caterers, and pilots—paid, connected to healthcare, out of the unemployment lines, and ready to lift the entire country. This program is the best use of public funds because it used systems already in place through airline payrolls, kept benefits and payroll taxes in place, and maintains the basis for retirement security both in terms of government programs and contractual or company policy retirement benefits. Aviation workers were able to have certainty and continue spending into the economy. Fundamentally, it allowed us to take care of ourselves so our country could focus on those who were sick or vulnerable.

Under the terms of the program, funding for PSP goes exclusively to maintaining the salaries, wages, and benefits for aviation workers. Corporate restrictions during the relief period and for years after include, no dividends, no stock buybacks, and unprecedented limits on executive compensation. It conditions the carriers' receipt of federal funds on making no involuntary furloughs or layoffs. Participating carriers must also maintain levels of scheduled service, critical to small communities. In the pandemic this was especially important to ensure

well-functioning health care and pharmaceutical supply chains to serve small and remote communities.

PSP has been an overwhelming success, responsible for saving hundreds of thousands of jobs in our industry, and maintaining critical spending in our communities, where every aviation job supports 3.55 additional jobs.

Last October, when the program expired prematurely, the impact was immediately clear. The airlines' dire warnings turned into immediate and massive furloughs and layoffs. Even more aviation workers took unpaid leave to save healthcare, or had to make hard decisions like moving across the country in the middle of the pandemic in order to keep the job. The furlough numbers only tell a fraction of the story of the impact on the workforce. Only a short-term extension in Congress' end of year emergency relief forestalled a workforce disaster.

I share this background to underscore a point that members of the Committee make all the time. The recovery of our nation's health and our economy are inextricably linked. Long overdue federal coordination on safety measures will help protect our passengers and aviation workers, and with it payroll support is essential.

As we warned prior to the furloughs on October 1, furloughed workers while back on payroll as of December 1 with the emergency relief will not all be qualified to work until the end of March. Two to three months of furloughs caused a three to four month recovery of the infrastructure. Without an extension, this problem grows exponentially and this demonstrates the unique issue in aviation with job loss.

PSP allows airlines to maintain staffing levels necessary to keep air routes open and keep passengers safe. As we fight our way to the other side of this pandemic, we need a robust crew list to ensure no worker goes to work when they aren't feeling well and to avoid travel disruption when crew call out sick. During the holiday travel season, when PSP had lapsed and crews were involuntarily furloughed, we saw a preview of the kind of disruption that can be caused when airlines do not have reserve staff on hand to manage absences caused by the virus or weather-related disruptions. In a diverse field, widespread furloughs hit women and people of color the hardest. Those who remain on the job are older and more likely to have complications from COVID, and they are forced to work more during furloughs.

When PSP was originally put in place in March 2020, the assumption or hope was that the country would be on its way to recovery by the fall. The opposite happened and by the fall the only thing we knew for certain about COVID was that there was no certainty about when recovery would occur. Now we know more. We have a vaccine and an administration with a plan. But we know revenues will continue to suffer by staggering numbers for at least the first half of this year. International network airlines are still losing up to 30 million dollars a day. Considerable liquidity makes it possible for airlines to "weather the storm" with furloughs and deep cost cuts, but the result is felt by workers and consumers. In the long term, debt heavy

balance sheets will lag overall economic recovery and create downward pressure on good jobs.

Current emergency funding supports aviation jobs through March 31, 2021. But, airlines schedule two months in advance and the process of job cuts for April 1 has already begun. Essential workers have been living with incredible chaos and uncertainty. The furloughs are felt by the entire workforce. The continuation of PSP can't wait.

A PSP extension through September 30, 2021 will keep hundreds of thousands of airline workers current with certifications and security clearances that will be necessary when more normal travel can finally resume. I appreciate the Committee's continued support for this job-saving program.

### **Providing consistent and ready access to vaccines**

Interstate transportation workers – including airline crewmembers – are essential to the U.S. economy, ensuring the transport of people and goods (including vaccines) across state lines, on the ground and in the air. These essential workers who cross state lines every day to carry out interstate commerce should be covered by a federal vaccination program. Providing clearly-defined access to vaccinations is particularly urgent, given the emerging threat of new viral strains. State programs are inconsistent in how they prioritize the vaccination for crewmembers. We propose DOT, in coordination with other federal agencies, run a federal vaccination program that reflects CDC's Tier 1B priority vaccination (alongside public transit workers and other essential workers) for frontline aviation workers.

Flight attendants, in particular, have contact with a large number of people every day, typically crossing state lines, putting them at increased risk of infection.<sup>1</sup> To facilitate an efficient vaccination rollout for this highly mobile workforce, the federal government should set up vaccination clinics at major airports to make it easy for airline crewmembers to access both their first and second doses, without disrupting their travel schedules. Doing so would also maximize the efficacy of the vaccine and prevent wasted doses.

Ultimately, widespread vaccination is the only path to sustained recovery for the airline industry. Prioritizing access to vaccinations for airline crewmembers will improve safety and public confidence in airline travel. Airline crewmembers who are vaccinated will be ready to report for work, assuring their ability to support the distribution of vaccines to communities across the United States.

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<sup>1</sup> A 2020 Norwegian population study regarding the risk of COVID-19 by occupation concluded the following: *"[B]artenders, waiters, travel stewards, bus, tram, and taxi drivers had a higher risk of infection than other occupation groups in the 1st and/or 2nd wave of infection, and they also typically have contact with many different people in their work possibly exposing many people if they are not aware that they are infected."* Note that "travel stewards" includes flight attendants and their counterparts on ships. Reference: Magnusson, K; Nygard, K; Vold, L; and Telle, K. (2021) "Occupational risk of COVID-19 in the 1st vs 2nd wave of infection," medRxiv preprint, doi: <https://doi.org/10.1101/2020.10.29.20220426>; posted Nov. 3, 2020.

## **Confidence in the safety of aviation**

Commercial aviation depends on consumer confidence that flying is safe. Traditionally, aviation safety has been concerned with accidents and terror-related threats but, today, viral spread is first and foremost on the minds of most passengers. Simply put, American aviation—and with it many key sectors of our economy like tourism and travel—will not recover until passenger confidence returns and our economy can safely open. This Congress and the new administration must create and promote a culture that puts safety first in order to contain the spread of COVID-19 in aviation and renew confidence in travel and trust in our nation’s handling of the pandemic. When President Biden issued his Executive Order titled “Promoting COVID-19 Safety in Domestic and International Travel” on his first full day in office, it sent a clear message of his Administration’s commitment to science and public health. In tandem, we need the relevant federal agencies to establish and enforce penalties for those who refuse to follow these rules in order to keep us all safe. Confidence is not a static concept. In light of the discovery of COVID-19 mutations that are more contagious strains, safety procedures must also evolve to reflect the science and enhanced dangers of the virus.

We support a comprehensive approach to safety that will protect passengers and crew while rebuilding public confidence in air travel, including mandating masks, minimizing food/beverage service, mitigating disruptive passengers, ensuring appropriate access to pay-protected quarantine, improving notification and contact tracing, maximizing onboard ventilation and filtration, establishing sanitation protocols, and prioritizing crewmember access to vaccines. We stand ready to support Congress and the Administration in the important and necessary work of implementing these measures.

## **Mask mandate**

On January 29, the Centers for Disease Control and Prevention (CDC) published a long-awaited mask mandate entitled “Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs,”<sup>2</sup> to effectuate President Biden’s day one Executive Order. This common-sense requirement aligns with the extensive scientific findings that facial coverings are the most important line of defense in crowded environments, particularly where the ability to social distance is limited. We applaud and are deeply grateful for President Biden’s decisive action, mandating mask-wearing at airports, onboard, and on ground transportation and for the CDC’s timely promulgation of the order. We now urge the FAA to promote enforcement by mandating electronic signage at airports and safety announcements onboard and at the gate.

We know from experience that the flying public is ready to adapt to new behaviors when instructions are clear and rules are enforced. Passengers learned to stop smoking, pack minimal fluids in their carry ons, and turn off their cell phones for engine start and climb. They can readily learn to wear a mask if the FAA clearly and repeatedly defines both the

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<sup>2</sup> [https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC\\_GMTF\\_01-29-21-p.pdf](https://www.cdc.gov/quarantine/pdf/Mask-Order-CDC_GMTF_01-29-21-p.pdf)

expectation and the penalties for non-compliance. We applaud Administrator Dickson's recent public campaign to back up crew who enforce mask policies and other rules to keep everyone safe, including communicating clearly the consequences for failing to do so. In addition, when flight attendants' work requires them to take on additional risk of exposure – such as entering the flight deck with a pilot who may not be wearing a mask, or providing first aid to a passenger – airlines should be required to provide a supply of N-95 masks for additional protection.

Any exemptions must be stringent, well-documented and managed before any passenger arrives at the gate for their flight. When the smoking ban was proposed, a minority of passengers didn't want to be told they couldn't smoke onboard. They argued it would be emotionally hard and that surely there should be exemptions. But the blanket non-smoking rule was put into effect anyway – without exemptions – because the Department of Transportation recognized that doing so would improve safety for everyone, send an unequivocal message about risks posed by smoking onboard, improve confidence in the safety of travel, and make compliance much easier.

Protocols in the airports are needed for Customer Service and other ground personnel. Airlines should provide Personal Protective Equipment (PPE) including equipment such as face shields to be worn along with masks. High traffic areas such as ticket counters, waiting areas, jet bridges and staff lounges must be routinely and thoroughly sanitized to reduce the risk of infections. These measures are recommended by the CDC and must be implemented to protect the safety of aviation workers. To best protect workers, the Communications Workers of America (CWA) advocates using the Hierarchy of Hazard Controls as a framework for workplace protections. Multiple types of protections are necessary based on job hazard assessments, including the use of administrative controls, e.g. work from home when feasible, reduction in staffing or staggered schedules, occupancy limits, and distancing.

### **Minimize onboard food and beverage service to essential items**

A 2020 study of COVID-19 infection by occupation in Norway found that flight attendants and their counterparts working on ships reported nearly five times the risk of COVID-19 during the second wave of infection last summer and fall, as compared to the general working population in Norway, when matched by age and gender.<sup>3</sup> The only jobs that posed a higher risk of COVID-19 during that time involved serving food and beverages. Even health care workers in Norway were at lower risk than flight attendants during that time. The data is clear: repeated exposure to unmasked individuals increases the risk of transmission. For this reason, to protect passengers and flight crews, it is critical that food and beverage services be reduced to the absolute minimums.

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<sup>3</sup> Magnusson, K; Nygard, K; Vold, L; and Telle, K. (2021) "Occupational risk of COVID-19 in the 1st vs 2nd wave of infection," medRxiv preprint, doi: <https://doi.org/10.1101/2020.10.29.20220426>; posted Nov. 3, 2020.

Study after study confirms that wearing a mask is the single best protection against spreading and receiving COVID-19. Modeling data and population studies both show a strong effect, but only when masks are worn properly and consistently. As Americans, we are told to wear a mask in the grocery store and the doctor's office, and if we were to remove our mask to eat a sandwich or sip a glass of wine in those environments, we'd be escorted off the premises. Flight attendants work in one of the most densely-occupied spaces in the world with windows that don't open, doors that aren't available most of the time, and limited ventilation.

Until the pandemic is over, the FAA must send a consistent message about masking up to prevent onboard disease transmission, including mandatory, regular announcements for passengers to not remove their mask until the flight attendants have passed their row and, even then, to only "dip" their mask down momentarily to take a bite or sip ("dip and sip"). AFA recommends that airlines only serve cold food and drinks on flights less than 1,800 miles or three hours, that drinks are only distributed in individual cans/bottles, and that onboard alcohol sales are suspended until the pandemic is over.

### **Disruptive passengers**

Starting in mid-2020 and worsening in 2021, crewmembers have experienced a notable increase in the frequency and intensity of disruptive passenger incidents, many of which involve the combination of alcohol and a refusal to comply with mask rules. AFA is deeply appreciative of the leadership from FAA Administrator Steve Dickson who issued a new order on Jan. 13, 2021<sup>4</sup> to enhance enforcement and penalties against disruptive passengers. Under the new order, passengers are advised there are no warnings or second chances for passengers who interfere with, physically assault, or threaten to physically assault aircraft crew or anyone else on an aircraft. They will immediately and surely face stiff penalties, including fines of up to \$35,000 and imprisonment. Public health measures have been politically charged and the subject of conflict on our planes. This action by Administrator Dickson serves as an effective deterrent for bad actors as flight crews work to protect the health and safety of all passengers.

Following President Biden's Executive Order and the new mask mandate from the CDC, we ask that the FAA make clear that a refusal to wear a mask and abide by federal regulations constitutes a violation carrying the same significant penalties. Passengers who compromise health and safety and violate federal rules may be banned from flying. This action helps deter violations and bolsters the safety-first culture that has long defined the aviation industry.

Gate agents who work inside the airport routinely come into contact with passengers while helping them board the aircraft. Staying six feet away from others is virtually impossible at these counters. Agents must also enforce federal/airline rules to wear masks in the gate area and to report symptoms on screening questionnaires. The combination of irate passengers, reduced staffing levels, and slow response from law enforcement has led to increased cases

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<sup>4</sup> [https://www.faa.gov/news/media/attachments/Order2150.3C\\_CHG%204.pdf](https://www.faa.gov/news/media/attachments/Order2150.3C_CHG%204.pdf)

of assault against our members. Airlines must give workers the support they need to protect themselves, particularly in pushing for faster response from Airport Law Enforcement.

The FAA Reauthorization Act of 2018 created new protections from physical and verbal assault for customer service agents. Implementation of these protections and FAA enforcement has been inadequate. Airlines must be required to post ample signage alerting passengers of these protections and properly record any violent interaction on injury/illness logs.

### **Expanding eligibility to quarantine**

As a general rule, airline policies state that a flight attendant is only eligible to quarantine if they had a “known exposure” to COVID-19, which the CDC defines as at least 15 minutes within six feet of someone who has tested positive. This may be an appropriate standard for exposures in an office or home environment where notification is likely and dilution ventilation is generally high. But it is a nearly impossible bar to meet on aircraft, in part because it is highly unlikely that a flight attendant will know if a passenger has tested (or will test) positive. Also, if a flight attendant spends five minutes assisting a passenger who is coughing and removes their mask to breathe more freely, that most certainly constitutes exposure. CDC guidance is critical for a science-based approach to minimize risk and limit spread of disease. However, occupational realities of the aircraft must be integrated for guidance to be effective.

The CDC exposure tight definition means few flight attendants are eligible to quarantine with pay protection and are, instead, told to “self monitor” for COVID-19 symptoms. As a result, if an airline creates its policies based on this guidance alone, crewmembers risk transmitting the virus to their fellow crew, passengers, and family members. Also, crewmembers risk being stuck away from home on a subsequent flight or layover with symptoms. It is very important to expand the definition for crews to include “known *or suspected* exposure to someone who is positive *or has symptoms consistent with COVID-19.*” Importantly, while the current FAA guidance document “SAFO 20009” supports the airline interpretation of “exposure,” it also recommends that crews should be excluded from work if they were exposed to a person who was even “likely” to have COVID-19. Further, that same “SAFO” document recommends that crews maintain six feet from others while sitting on the jumpseat, working in the galley, and while on ground transportation, all of which is impossible. The crowded, enclosed nature of crewmembers’ work spaces makes it all the more important that crews who were likely exposed to COVID-19—without necessarily defining a fixed number of minutes—are permitted to quarantine until they either secure a negative PCR test or they recover, and all without fear of discipline or financial penalty. Crewmembers need consistent, safety-oriented definitions for what constitutes an exposure and they need access to pay-protected quarantine protocols that put safety first.

## **Ensuring a safe duration of quarantine**

On Dec. 2, 2020, the CDC published revised COVID-19 quarantine guidance. Specifically, the agency noted that, because a 14-day quarantine period is onerous for most Americans, it would instead recommend either a 7-day quarantine (for people who took a COVID-19 test and were negative) or a 10-day quarantine (for people who did not get tested). The CDC noted that a shortened quarantine period should “reduce the burden” and “increase community compliance” which was an exercise in pragmatism, but did not reflect any change in the science of COVID-19. Since then, a population-based study was published in a CDC journal which reported a negative effect of shorter quarantine.<sup>5</sup> The authors of that work concluded that “persons released from quarantine before 14 days should continue to avoid close contact and wear masks when around others...” However, avoiding close contact and ensuring mask compliance for passengers and even other crew is not possible in the aircraft cabin. Despite this, some airlines have chosen to follow the less protective quarantine guidance for their workers. Airlines should be required to ensure non-punitive policies for testing and a pay-protected 14-day quarantine for workers who have had either known or suspected exposure to COVID-19. Doing so will help to reduce spread of the virus in aviation and reflect a safety-focused aviation culture

## **Improving contact tracing**

It is not clear which agency, if any, is responsible for contact tracing of passengers and crews, and flight attendants are unlikely to ever know if a passenger with whom they had contact onboard was positive for COVID-19. We have had a few reports from members who received a phone call from their state health department weeks after a flight to notify them that a passenger tested positive, by which time they had contact with thousands of passengers and multiple crews. Crews can't even be assured of being notified if a member of their crew tested positive, even though crewmembers routinely share ground-based transportation to and from layover hotels, and may share meals during a layover as well. Where possible, airlines should be required to conduct a 72-hour lookback in response to a report of passenger or crew infection, with timely notification to flight attendants. The Public Health Agency of Canada maintains a website with a list of flights, including the date, airline, flight number, city pair (and seat number, if known), during which there was a report of one or more positive COVID-19 cases. The list provides a useful and inexpensive first step for contact tracing in a timely way. On this, we should follow the lead of our northern neighbor.

Improvements are needed on incident reporting, contact tracing and timely notification to all affected employees of potential exposure, and reporting of cases to the Union. The employer's COVID-19 illness reporting to the Union varies at each airline and station and is not being

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<sup>5</sup> Rolfes, MA; Grijalva, CG; Zhu, Y; et al. (2021) “Implications of shortened quarantine among household contacts of index patients with confirmed SARS-CoV-2 infection — Tennessee and Wisconsin, April–September 2020,” *Morbidity and Mortality Weekly Report*, 69(5152);1633–1637, 1 Jan. 2021; Available for download at: <https://www.cdc.gov/mmwr/volumes/69/wr/mm695152a1.htm>

used in a consistent manner to effectively give warning to employees to prevent potential outbreaks.

### **Maximizing onboard ventilation and filtration**

We urge the FAA to go beyond a recommendation and to mandate that all recirculated air on aircraft be filtered to the high-efficiency particulate air (HEPA) standard. Airlines and manufacturers consistently claim that the high air exchange rate onboard aircraft protects passengers and crew from airborne exposure to viruses like COVID-19. While air exchange rate onboard is high, so too is the production of “bioeffluents” onboard—the gases and particles, including viruses, exhaled by people. In the small space of the cabin, the rate of dilution of bioeffluents is consistently and considerably lower than in ground-based environments. Ensuring that aircraft ventilation systems are operating to maximize health and safety protects passengers and crew, minimize risk of transmission, and help build consumer confidence.

### **Implementing effective disinfection/sanitation protocols**

It is well-recognized that the primary means of exposure to COVID-19 is through the airborne route. However, to address contact with contaminated surfaces, airlines must also maintain sanitation and disinfection protocols. In addition, it would be prudent to minimize or eliminate touch points for flight attendants, both within food and beverage service, and for non-essential services such as hanging passengers’ coats. Finally, crews would benefit from being provided with regular briefing sheet reminders about best practices of avoiding common touch locations, using hand sanitizer with a minimum 60% alcohol content, and routine hand washing for at least 20 seconds as practicable after arrival.

### **Closing**

COVID-19 is a public health emergency and financial catastrophe. It has had a more severe impact on aviation than any other economic downturn or crisis in aviation’s 100 years combined. There is no doubt our country and the airline industry have the experience and resources to implement plans that can eradicate the virus and recover. Doing this properly truly is an action of solidarity. Investing in people, jobs, and safety nets now are critical if we are to have the vast majority of the population able to care for themselves so we can focus on the sick and vulnerable to isolate the virus, contain it, and get beyond the pandemic. Aviation has a long history of collaboration among government, industry, unions, scientists, and consumers. This collaboration and careful approach to layered safety, security and health has built the safest mode of transportation, the backbone of the American economy, and the access that we enjoy around the world. We can ensure safety and recover—together.