

January 22, 2013

Docket Operations, M-30
U.S. Department of Transportation
1200 New Jersey Avenue SE.
Room W12-140, West Building Ground Floor
Washington, DC 20590-0001

Re: Docket No. FAA-2012-0953, Policy Statement on Occupational Safety and Health Standards for Aircraft Cabin Crewmembers

The National Business Aviation Association (NBAA) represents the interests of more than 9,000 Member companies who operate general aviation aircraft as a solution to some of their business travel challenges. Over NBAA's 65-year history, the Association and our Membership have been fundamental participants in the development, analysis and implementation of numerous regulatory initiatives that have impacted the business aviation community. We believe that this involvement has helped to produce sound and effective safety policy related to the operation of general aviation aircraft for business purposes.

The business aviation community's commitment to reasonable and effective safety standards and practices has led to a safety record for corporate aviation that is equal to, and sometimes better than that for the scheduled airlines. This safety record results from business aircraft operators applying practical safety strategies to manage and mitigate risk.

The business aviation community has a long and demonstrated history of partnership with government safety and security regulatory agencies. These partnerships are based on common objectives and underscore our preference for working cooperatively with these agencies to jointly develop solutions. It is in that spirit that the NBAA offers these comments on the FAA's proposed policy statement on occupational safety and health standards for aircraft cabin crewmembers

Business Aircraft Operations

Many business aircraft operators today utilize aircraft with 19 or fewer passenger seats. FAA regulations do not mandate the carriage of a flight attendant in non-commercial (Part 91) or on-demand commercial (Part 135) operations for these aircraft. However, since safety remains a priority for these operators, they often will voluntarily train and utilize cabin crewmembers to enhance overall safety for the

passengers and aircraft. These cabin safety professionals embody the same dedication and commitment to safety found in required cabin crewmembers serving the scheduled airlines.

Unfortunately, the FAA's proposed policy raises a number of concerns related to the application of occupational safety and health (OSH) standards to operations not previously covered or even analyzed in the development of those standards.

Policy Concerns

NBAA has identified three areas of concern in FAA's proposed policy.

1. The Notice is incomplete in identifying the full scope of OSHA regulations that could be applied to aircraft cabins. The Notice suggests that standards relating to noise and bloodborne pathogens would apply but it appears that the definitive list remains unknown. Many of NBAA's members are small and medium sized businesses that face substantial burdens complying with Federal regulations.

Additionally, it appears that this proposed policy could apply a number of OSHA requirements to these small and medium sized businesses without determining the effect on these entities as required by the Regulatory Flexibility Act and Executive Order 12866. These regulatory development requirements help to ensure that small businesses do not face a substantial regulatory burden without a full understanding of the costs and benefits to the public.

Until the FAA is able to identify a complete list OSH standards that would apply and ensure that those standards have considered the regulatory impacts on small businesses, it would be inappropriate to apply this proposed policy to either non-commercial or on-demand commercial operations.

2. The Notice is unclear regarding situations where flight-deck crew must perform certain cabin and passenger safety functions. In non-commercial and on-demand commercial operations, there are times when the flight deck crew must leave the flight deck to assist passengers. In those cases, do the flight crew become cabin crew for the purposes of OSH compliance? The FAA should clarify this Notice to clearly state to whom and when these proposed standards apply.

3. Aviation is an industry designed to cross state and national boundaries. As applied to aviation, the proposed Notice would create a host of uncertainties regarding the application of either State or national OSH standards. Since many states have chosen to “opt-out” of OSHA’s standards, those states independently determine which workplace safety standards apply.

For many small businesses that utilize aircraft to travel between multiple states, it is unreasonable to expect them to train their employees on multiple standards across the U.S. Additionally, the Notice also fails to detail how the FAA or OSHA would address issues raised in states that have opted-out from national standards.

While we have raised concerns with elements of this proposed policy that we believe could have substantial impact on our Members, our industry remains committed to ensuring a healthy and safe work environment for our aviation professionals. Some of the specific areas mentioned in this notice have likely already been considered by our Members and for others, this will be an opportunity to make their workplace even safer.

Regular training opportunities allow companies to reinforce existing safety standards while introducing new safety practices the have been fully evaluated by the company. We believe that our industry’s on-going safety training practices will allow operators to identify potential cabin workplace issues while ensuring access to established processes for reporting unsafe conditions.

Thank you for the opportunity to provide NBAA’s perspectives on the implications of this proposed Policy on our Members. Please let us know if we can provide any additional information.

Sincerely,



Douglas Carr
Vice President
Safety, Security & Regulation