FEDERAL AVIATION ADMINISTRATION

PUBLIC MEETING

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Transcript of Proceedings

On the Proposed Rule for

Certification of Screening Companies

April 4, 2000

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APRIL 4, 2000 9:00 A.M.

SAN FRANCISCO, CALIFORNIA

PUBLIC MEETING

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MS. CORBOIS: Good morning, ladies and gentlemen. My name is Judy Corbois. I would like to welcome you to this public meeting. The purpose of this meeting is to solicit comments on the proposed rule on the certification of screening of companies.

I would like to introduce the FAA panel members and go over meeting procedures. At the end of the table is Tom Smith, Manager of Aviation Policy and Plans. Next is the Scott Cummings, Civil Aviation Security Division, Office of Civil Aviation Security Policy and Planning. Next to Scott is Mardi Thompson, Senior Attorney, Office of the Chief Counsel. Next to Mardi Thompson is Karl Shrum, Manager, Civil Aviation Security Division, Office of Civil Aviation Security Policy and Planning.

Again, my name is Judy Corbois. I am an analyst in the airmen and Airspace Rules Division, Office of Rulemaking. I will be serving as the program facilitator.

The panel members are here to listen to the presentations by the members of the public and to ask presenters for clarification, if needed. A court

1 reporter will prepare a verbatim transcript of the
2 meeting. Copies of the complete transcript will be
3 available after April 20th, 2000 and can be ordered
4 directly from the court reporter. A copy of the
5 transcript will also be placed in the public docket.
6 Ordering is available at the registration table.
7 Other documents available at the registration table
a are Notice of Proposed Rulemaking on the Certification
9 of Screening Companies, the regulatory evaluation, the
10 notice announcing 'this meeting and extending the comment
11 period, the agenda for this meeting and a general
12 information sheet.
13 This meeting is open on a space-available basis to
14 each person who registers at the door. An attendee list
15 will be prepared and placed in the docket. If you have
16 not registered, please do so.
17 Speakers appearing on the agenda have submitted a
18 request to the FAA to be heard in accordance with the
19 procedures outlined in the Notice of Public Meeting that
20 was published in the Federal Register. I will call the
21 speakers in the order they appear on the agenda. If I
22 call a speaker and the speaker is not here at the time,
23 I will go on to the next scheduled speaker.
24 Periodically I will go on to the agenda and see if the
25 speaker has arrived.

1 Each speaker will present his or her information at
2 the podium. For the benefit of the court reporter,
3 before presenting your statement, please state your name
4 and state whether you are representing an organization
5 or yourself. Please try to remain within the allotted
6 time that has been assigned to you. If there are
7 additional speakers that have not been assigned to make
a a presentation, please inform the staff at the
9 registration table and we will add your name to the
10 agenda.
11 Because these proceedings are in a public forum,
12 sensitive security information pertaining to airport air
13 carrier and security programs cannot be discussed at
14 this meeting. If you would like to include comments
15 that reference national security information or
16 sensitive security information, you should send your
17 comments to the following address: Federal Aviation
18 Administration, Office of Civil Aviation Security
19 Operations, Attention: FAA Security Control Point,
20 Docket No. FAA-1999-6673, 800 Independence Avenue, SW,
21 Washington, DC 20591.
22 You may contact Scott Cummings in the Office of
23 Aviation Security Policy and Planning at (202) 267-9468
24 for guidance on the procedures for submitting this type
25 of information.

1 After each presentation, members of the panel may
2 have some follow-up questions. The questions are
3 intended to clarify or focus on particular elements or
4 concepts expressed in the presentation and to offer you
5 further opportunity to elaborate on those areas. These
6 questions are not intended to be a cross-examination.
7 In the event that questions are asked beyond
a clarification, I will exercise the province of the chair
9 and interrupt. Comments or statements made by the panel
10 members are not intended to be and should not be .
11 considered a position of the FAA.
12 You are reminded issues dealing with those other
13 than the proposed rule are not under consideration at
14 this meeting. I will terminate all discussions that are
15 not fruitful. We will then move on to the next speaker.
16 If anyone wishes to enter comments either on the
17 proposed rule or draft regulatory evaluation, please
18 submit your comments to Docket No. FAA-1999-6673. The
19 docket on the NPRM will remain open for written comments
20 until May 4, 2000.
21 I will now call on the first speaker on our agenda.
22 Mr. Eddie Iny, who is speaking on behalf of Miguel
23 Contreras, Airport Commissioner, Los Angeles World
24 Airports.
25 MR. INY: Good morning. YOU have to bear with me

1 a little bit, because my voice is on its way out.

2 Miguel Contreras regrets not being able to be here.

3 I work with him as Airport Assistant on affairs. He

4 asked me to read his statement into the record.

5 Good morning, my name is Miguel Contreras. I am a

6 Commissioner for Los Angeles World Airports, including

7 LAX, Ontario. I also serve as the secretary-treasurer

a for the Los Angeles County Federation of Labor. The

9 Federation represents over 800,000 workers and 350

10 unions in Los Angeles.

11 Airport security is of the utmost importance fur

12 all the commissioners at LAX. Over the past two years

13 we have had a number of serious security breaches at the

14 airport that resulted in the evacuation of thousands of

15 passengers and cancellation of many flights.

16 These breaches reflect poorly on the airport

17 and the city, they undermine the confidence of the

18 traveling public and, more importantly, they could

19 endanger airline passengers and employees.

20 Based on our experience at LAX, I believe the

21 weakest link is inadequate compensation and poor working

22 conditions experienced by airport security screeners.

23 Screeners have long been recognized as the front line in

24 our battle to ensure the safety of airline passengers

25 and employees, yet their concerns of low pay, poor

1 training, understaffing and employer mismanagement have
2 remained largely unaddressed.
3 I would like to applaud the FAA's efforts to
4 address some of these issues as part of the proposed
5 rulemaking on certification of screening companies;
6 however, I believe we must go further and have outlined
7 some recommendations which I will discuss shortly.
8 In order to understand the enormity of the problem,
9 I would first encourage this panel, if you have not done
10 so already, to spend some time talking to the screeners
11 themselves. While the airlines and the subcontractors
12 are regularly consulted on how to improve passenger
13 safety and security, screeners who do the work are
14 almost never consulted with how to improve the safety
15 and security of airline passengers and airline travel.
16 I urge you to ask them, as I have, what they need in
17 order to do their jobs better.
18 As you may be aware, the majority of screeners at
19 LAX have asked to organize a union for the past 18
20 months. Their efforts have met with fierce employer
21 resistance. I have attempted to help them in both my
22 capacities as the head of the County Federation of Labor
23 and as Airport Commissioner.
24 Through these efforts I have had a chance to work
25 closely with screeners at LAX and have found they take

1 their security responsibilities very seriously. Many
2 have stopped guns, knives and other dangerous weapons
3 from entering secure areas.
4 Their essential work is undertaken in an extremely
5 stressful environment. Screeners frequently must
6 contend with the high volume of passengers, many of who
7 are in a hurry and consider the screening process as an
a unwanted obstacle toward reaching the gates. Passengers
9 are often rude and frequently uncooperative. Security
10 companies often exacerbate the situation by not
11 providing enough staffing, not rotating x-ray monitors
12 in a timely fashion or simply by treating their
13 employees rudely when they raise concerns.
14 The tremendous amount asked for these employees
15 coupled with the fact that many have to work two jobs in
16 order to get by on poverty wages has led us to the point
17 we are today. It is no wonder turnover rates among
18 screeners at our nation's airports are as high as they
19 are.
20 In Los Angeles, the City Council has addressed some
21 of the more pressing issues by adopting ordinances that
22 lift standards and retain experienced workers at our
23 airports.
24 The first one to talk about is the Living Wage
25 Ordinance, reducing turnover with higher pay. In 1998

1 the Los Angeles City Council adopted this ordinance to
2 improve wages and benefits on all city services. The
3 ordinance was unanimously adopted by the Los Angeles
4 City Council. Many City Council members cited low wages
5 for LAX screeners as a primary reason for the vote. The
6 Los Angeles Living Wage Ordinance raised wages of
7 pre-board screeners from what most get paid around the
a country, from minimum wage or less than $12,000 a year
9 to over $18,000 a year, still not enough to live on.
10 Increasing pay is one of the most single effective
11 ways to reduce turnover. Since adoption of the Living
12 Wage Ordinance at LAX, the rates of turnover for
13 pre-board screeners has declined. According to the Los
14 Angeles Airport badging office there has been a
15 significant decrease in the number of new hires since
16 the Living Wage Ordinance went into effect at LAX.
17 In airports around the world where pre-board
18 screening is considered a career, turnover rates are
19 much lower. In Manchester, England screeners make more
20 than twice the salary of their minimum wage U.S.
21 counterparts, along with full benefits and only have one
22 percent turnover a year.
23 According from testimony from the U.S. General
24 Accounting Office, turnover among our airport's
25 screeners reaches at high as 400 percent in some

1 airports. These high turnover rates severely undercut
2 the effectiveness and efficiency of our airport
3 security.
4 Every time a screener leaves their job to find a
5 better one, there is one more worker to be retrained.
6 High turnover rate means we are constantly losing
7 qualified individuals who have benefited from on-the-job
8 training and we lose the transfer of knowledge that's
9 passed on from one worker to another.
10 The second issue that was addressed through an
11 ordinance was retaining of qualified workers when
12 contractors change hands. This is the Los Angeles
13 Worker Retention Ordinance.
14 This is another essential mechanism for
15 ensuring that experienced workers remain on the job by
16 protecting qualified workers when -- qualified workers'
17 jobs when airlines switch contractors. The City of
18 Los Angeles passed the Worker Retention Ordinance in
19 1988 with this in mind. The ordinance requires the
20 incoming subcontractor to offer work to all qualified
21 employees of the incumbent firm.
22 In passing the ordinance the City Council
23 acknowledged that workers have useful knowledge that can
24 only be gained through on-the-job experience including
25 invaluable knowledge of workplace rules, practices, the

needs of the airline clients and more experience in performing their tasks.

Replacing these workers with inexperienced workers decreases the efficiency and effectiveness of the screeners by replacing a crew with less experienced workers.

Finally, screeners who fear being replaced if an airline decides to change contractors are less likely to act as whistle-blowers because doing so may jeopardize their employment with a subsequent firm.

San Francisco recently passed a Quality Standards Program that addresses many of the training, hiring, management and oversight issues that we're concerned with in Los Angeles. I am currently reviewing this program and considering ways in which we may adopt some of the key elements for our Los Angeles airports.

Initiatives like those adopted by the cities of Los Angeles and San Francisco are essential to raising the standards of screening companies at our airports and are a positive way to augment the regulations under consideration by the FAA today.

I understand there has been testimony calling for federal preemption of local ordinances. As an Airport Commissioner, I am totally opposed to federal preemption. I do believe that federal standards must be

1 strong and provide minimum levels so local initiatives
2 cannot go below the standards set by the FAA; however,
3 we must maintain the ability to improve these standards
4 by enacting and enforcing local ordinances which fit the
5 needs of the local situation better.
6 Creating a local preemption would unnecessarily
7 prevent local authorities from enacting such innovative
8 initiatives as those discussed above or from
9 experimenting with more stringent standards.
10 Additionally,' the role that companies play in
11 providing access to city owned airport properties
12 necessitates some degree of city oversight over the
13 security operation. The city and the airport must
14 continue to be allowed to ensure that security and
15 screening contractors maintain the highest possible
16 security standards. I urge the FAA to continue to
17 enhance local airport security by explicitly protecting
18 this right as part of the new regulations.
19 In response to the proposed rulemaking, I have some
20 recommendations how those rules could be enhanced based
21 on our experiences at LAX.
22 One, increase wages. As discussed previously, wage
23 increases for screeners must be incorporated into any
24 program designed to reduce turnover. The Living Wage
25 Ordinance is an example of a local regulation that the

1 FAA should clarify would not be preempted.

2 Two would be the right to organize unions. The

3 rulemaking should explicitly protect the screener's

4 right to organize unions and penalize companies that

5 violate labor laws.

6 Unions are the best way for screeners to address

7 the wage and working condition issues that undermine our

8 aviation security programs. At LAX screeners who have

9 attempted to organize unions have been illegally

10 intimidated, threatened and suspended by their security

11 company management. Companies like that that willingly

12 violate the law have no business managing airport

13 security.

14 Three, whistle-blower protection. Screeners need

15 to be able to speak out without fear of retribution when

16 they see supervision or managers who violate safety or

17 security regulations.

18 Four, improved security training. Screeners at LAX

19 complain that the training they receive is inadequate to

20 meet all of the interpersonal, regulatory and technical

21 demands of their jobs. They need training that is both

22 comprehensive and recurrent to ensure they are able to

23 handle any security situation in a competent and

24 professional manner.

25 Five, adequate staffing. Ensure adequate staffing

levels and pursue understaffing violations vigilantly. Screeners at LAX have complained their security checkpoints are staffed with the bare number of employees required to complete their work in an effective and comprehensive manner. Additionally, workers have reported that security companies do not replace workers who do not show up for work, leaving checkpoints understaffed.

At times of high passenger traffic, screeners are under extreme pressure to move people through security while completely inspecting each passenger-and their luggage. Short staffing can result in long lines and missed flights of passengers as they get backed up in the checkpoint, worse, it could result in passengers being able to sneak past overburdened checkpoints.

Six, timely rotation of x-ray monitors. Ensure that x-ray monitors are rotated every 30 minutes. After 30 minutes screeners have complained they experience blurry vision, headaches and loss of concentration.

Although it's commonplace for screeners to be rotated after 30 minutes, screeners at LAX have reported they often have to stay at the x-ray machine for over PO minutes. An Argenbright screener with United reported to City Council workers having been left to monitor the machine for almost two hours. After 30 minutes vision

1 gets blurry, so, quote, "We get headaches and it's hard
2 to concentrate. We need to be able to ensure that
3 supervisors rotate us every 30 minutes and we need
4 someone to talk to if the supervisors refuse."
5 Seven, standardized screener participation in
6 safety and security programs. Screeners need a formal
7 and ongoing process for involvement in the issues of
8 passenger safety and security. Last year over 60
9 screeners at LAX signed a petition to the FAA raising
10 many of the issues- discussed previously. Ultimately,
11 they were able to secure a meeting with the FAA,
12 however, they never received any follow-up. We need to
13 take screeners' concerns seriously.
14 Eight, and lastly, retain the ability of local
15 airports and municipal authorities to enact their own
16 ordinances and initiatives. As discussed previously, we
17 have been successful in Los Angeles and San Francisco in
18 enacting ordinances that enhance our security systems.
19 By lifting wages, increasing wages and lowering turnover
20 rates, we are able to build on the standards and
21 regulations adopted by the FAA to govern this industry.
22 Furthermore, cities and local airport authorities
23 have a clear proprietary interest in monitoring and
24 regulating security companies that control access to
25 city-owned airport property. It is essential that any

1 new FAA regulations do not unnecessarily infringe upon
2 these obligations and opportunities to fortify security
3 at our nation's airports; rather, FAA regulations should
4 serve as a minimum standard which all screening
5 companies must abide while explicitly protecting the
6 ability of cities like Los Angeles and San Francisco to
7 enact regulations that complement and strengthen these
8 regulations.
9 I appreciate the opportunity to speak before you
10 today and am happy to answer any additional questions.
11 Thank you for your time.
12 MS. CORBOIS: Does anyone have any comments or
13 questions? Tom.
14 MR. SMITH: Do you know your turnover rate prior
15 to the enacting of the ordinance?
16 MR. INY: No. Unfortunately, nobody keeps turnover
17 rates. The only way to get a sense of that is issuance
18 of security badges so you get an idea of how many new
19 hires companies have.
20 MR. SMITH: Do you have any information on that?
21 MR. INY: We're currently in the process of
22 compiling it at LAX and would be happy to.
23 MR. SMITH: I would like that.
24 MR. SHRUM: Let me interject. Last few months ago
25 we asked Ron Pallelo [phonetic] to screen the security

1 companies at that airport. He came up with what I will
2 describe as preliminary data. It shows hire rates
3 higher and turnover rates lower.
4 MR. INY: Was that made public or is that --
5 MR. SHRUM: This isn't formal, but clearly
6 retention of security personnel was greatly improved.
7 MR. INY: To that end I think it would be
8 wonderful to see a study. Everybody knows intuitively
9 that's what's happening. It would be nice to have that
10 document.
11 MR. SMITH: My second question was the drop in' the
12 turnover rate. If you have the information on that, I'd
13 also like it.
14 MR. INY: I think after we've gone through a year
15 or more of having the -- right now we have been
16 comparing similar months from about three months where
17 people had the living wage and people didn't the year
18 before. So after a year, really, of having this in
19 place, we're really getting a much clearer sense of the
20 impact.
21 To the extent we do come up with anything in the
22 short-term, I'll be happy to pass it out.
23 MS. CORBOIS: Thank you, very much.
24 MR. SHRUM: I will point out many of the issues
25 raised and discussed in the preamble of the proposed

1 rule on page 563 we talk about working conditions and
2 make comparisons to screening in Europe and so forth.
3 As far as the training and staffing standards,
4 training would be substantially increased, both in terms
5 of quantity and quality in terms of screeners actually
6 having to pass the screener readiness test,
7 qualification test. We already have staffing standards
8 at the checkpoints. If people aren't showing up for
9 work, you may in fact have an actionable violation as
10 far as that.
11 As far as timely rotation, in human factors work at
12 the FAA protection center what we're finding is variance
13 in performance over time, but it does tend to cluster
14 around that half hour, as a reasonable rotation.
15 I am not entirely clear on what you mean by
16 screener participation, in standardizing screener
17 participation. Excuse me, if I could ask you back a
18 moment. I should have asked that question while you
19 were still up here.
20 MR. INY: Oh, sure. I think in Los Angeles what
21 we found is that, when we began working with the
22 screeners in Los Angeles, we found there were a lot of
23 issues, and we don't know the FAA regulations, being
24 mere civilians, but we do know that, you know, when
25 workers say, "There is not enough staff to do our job,"

1 you know, somebody calls in sick and the company is
2 unable to replace them or that, as they understand it,
3 they're supposed to be rotated after 30 minutes from the
4 monitoring machine.
5 These are, you know, problems that impact security
6 at the airport. And there has been, the City Council
7 has conducted a hearing on the issue, and we've had
8 meetings with the FAA.
9 The workers have said that the same problems exist
10 after the meeting with the FAA and after the meeting
11 with the City Council. So, in terms of a process, it's
12 involving these workers and getting input from them,
13 allowing them to speak out when they see something
14 wrong.
15 The problem right now is that the FAA typically
16 consults with the airlines and the management of the
17 security companies, and, if a screener sees something
18 happening that they feel is out of place, they have no
19 one to go to and they have no protection if they do.
20 So involvement would mean, as we're going through
21 this rulemaking, one, is talking to them, hearing their
22 issues. I don't know how many of these issues have come
23 to light about not being rotated properly and not
24 having, you know, having understaffing issues.
25 So it would mean consulting with them, having

1 focus groups, talking with them about what some of the
2 issues are.
3 MS. CORBOIS: Thank you.
4 MR. CUMMINGS: Could I ask, are there any local
5 issues on improving training?
6 MR. INY: No, there hasn't been, and we're excited
7 about what's happening in San Francisco and about
8 looking into that as well.
9 MR. SHRUM: One more point I intended to make.
10 There is a lot of discussion here about wage raise> The
11 concept that we have at least embodied in this proposed
12 rulemaking is that better training, higher qualification
13 standards will make screeners inherently more valuable,
14 more competitive in the job market, that will tend to
15 raise wages.
16 Certainly in this rulemaking we don't have any
17 basis to regulating wage rates. Our notion is better
18 screener, better training will regulate better job
19 market.
20 MR. INY: If I can address that. Currently there
21 are various tests for screeners, not everybody can be a
22 screener. In fact, we had a number of people recently
23 in Los Angeles losing their job as baggage checkers and
24 we are afraid many of them will not be able to pass the
25 test for screening. Yet, at the same time, screening

1 has always been a minimum wage job.

2 I am afraid raising the standards and raising the

3 training will not necessarily raise the wages.

4 Los Angeles still picks the company on nationwide

5 contract. That's why I think they should exert pressure

6 on cities to raising wages.

7 Which have we have a situation in Los Angeles where

8 before the living wage was enacted every other worker in

9 the terminal made more money than the screener,

10 janitors, full health benefits, making about 16- to

11 $17,000 a year compared to $12,000 a year with no

12 benefits, no pension. Same thing with the restaurant

13 workers, people at Burger King.

14 So, frankly, when this low bid system exists, it

15 seems like the market will not necessarily produce

16 higher wages. That's been our experience.

17 MS. CORBOIS: Thank you.

18 The next speaker on the agenda is Mr. Stacey Pitts

19 from Argenbright Security.

20 MR. PITTS: Good morning. My name is Stacey

21 Pitts. I'm a screener with Argenbright for Delta

22 Airlines at LAX. I have worked as a screener at LAX for

23 about two and a half years. Before working at LAX I

24 worked for six years as a security guard for companies

25 outside the airport. Altogether I have worked in the

1 security industry for eight years.

2 I am willing to testify before you today because I

3 thought it was important for you to hear from a screener

4 how our substandard working conditions and low pay hurt

5 our ability to provide the best possible passenger

6 safety and security services. I also want to share with

7 you some of the ways we have been trying to address some

8 of these problems by organizing a union and by

9 successfully lobbying the City Council to improve our

10 conditions.

11 Despite some success, we still face many problems

12 on a daily basis that may -- excuse me, that make it

13 difficult to provide the highest quality service

14 possible.

15 Based of my firsthand experience and from

16 discussions with my co-workers, these are major areas of

17 our concern:

18 Number one, faulty equipment. Sometimes the

19 screening companies use equipment that does not function

20 properly and this hurts our ability to thoroughly screen

21 passengers and their baggage.

22 For example, a few weeks ago a Delta agent came to

23 the checkpoint where I work and had a fake gun hidden on

24 her person. The hand wand I used did not detect the

25 gun. The Delta agent tried it herself and admitted that

1 it did not beep when
2 it was -- it did not beep when it was supposed to.
3 This was the second time in two months that I had
4 been unable to detect something because the hand wand
5 was not working properly. Obviously, if the equipment
6 that we are using is faulty, then the service is
7 jeopardized. Faulty equipment is frustrating both to
8 the passengers and to us, the screeners.
9 The security companies must be forced to provide
10 sufficient amounts of equipment so that if something
11 breaks there is a backup readily available-. The only
12 way they will do that is if they are required, if the --
13 excuse me, the only way they will do it is if the
14 regulations require it.
15 Another example, FAA agents recently conducted a
16 test to see if a worker at the x-ray monitor would
17 notice the test item concealed in someone's hand
18 luggage. The worker was unable to detect the item
19 because it did not show up on her screen.
20 She showed it to the FAA agent. The agent
21 confirmed that it could not be detected on the x-ray
22 machine. Our supervisor then tried to put the test item
23 through one of the newer x-ray machines that has both
24 the color and the black and white screen. The test item
25 was visible on both screens on this newer machine.

1 In this case the worker was obviously not at fault.
2 Even the FAA agent was unable to detect the item on the
3 older machine. Nevertheless, our supervisor unfairly
4 suspended the worker and sent her home for the day.
5 Workers should be penalized when security companies
6 and airlines use faulty equipment.
7 Number two, understaffing. Normally there are six
8 workers in my security checkpoint. One on the x-ray
9 monitor, one baggage checker for each of the two x-ray
10 machines, and one hand wand operator and a passenger
11 screener. Sometimes, especially on swing shift when
12 workers call in sick, we are forced to operate the
13 equipment with fewer than four workers which potentially
14 jeopardizes security at the terminals.
15 We need screening companies to maintain safe
16 staffing levels so we can do our job in a timely and
17 professional manner. The only way to guarantee this is
18 to maintain a smaller number of extra workers on staff
19 to cover for absences.
20 The companies are always going the other way,
21 trying to get by with fewer workers so they can make
22 more money.
23 Number three, whistle-blower protection, which was
24 commented on today. We see situations where a
25 supervisor or manager or someone from the airlines may

1 be violating safety rules or we see an unsafe situation,
2 like understaffing. We should be able to speak to the
3 FAA in confidence with a guarantee that we are not
4 putting our jobs in jeopardy. This is one of the major
5 reasons why -- this is one of the major reasons we are
6 organizing a union, so we can tell the truth. If the
7 company tries to retaliate, we will have a union
8 contract to protect our jobs.
9 The FAA needs to make sure that workers are free to
10 tell the truth or 'else the whole system falls down,
11 Without these assurances workers will continue to remain
12 silent when they see problems at work.
13 Illegal threats and intimidation. Another reason
14 we have been organizing is to improve our working
15 conditions and wages. Our employers, through their
16 supervisors and managers, have tried to keep us from
17 exercising our rights by illegally threatening,
18 suspending and intimidating workers who participate in
19 protected union activities.
20 I have enclosed a copy of the recent Administrative
21 Law Judge's ruling against my employer, Argenbright, on
22 this matter as part of my testimony. The thought is
23 without unions we will not be able to address issues
24 like low pay, lack of health coverage, understaffing and
25 being treated with no respect from our supervisors.

1 Companies that violate the law in order to keep workers
2 from forming should not be allowed to provide security
3 services at airports.
4 Illegal anti-union campaigns create an atmosphere
5 of fear, which keeps workers from speaking up about
6 problems. When that happens, a part of the security
7 system is breached.
8 Number five, low wages and high turnover. In July
9 1999 we began receiving a large wage increase because of
10 the city's Living 'Wage Ordinance. Our wages went from
11 less than $12,000 a year to more than 18,000 a year.
12 Before the wage increase, workers did not take
13 their job as seriously as they do now, because, if they
14 were written up or suspended, they could always find
15 another minimum wage job. It seems like most people
16 only stayed on the job a few months and it seemed like
17 before the wage increase management would have to train
18 a new worker on my shift almost every month or replace
19 someone who had quit.
20 Since we received the increase, people take the job
21 more seriously and professionally. There is much less
22 turnover, because workers see this job as worth keeping.
23 Still, we do not receive enough pay for the important
24 work that we do and for all of the -- all of the
25 responsibilities that we have.

1 No one can really survive on only 18,000 a year
2 especially without health insurance. Many screeners
3 still have to work two full-time jobs in order to make
4 ends meet. That means during their shift they are much
5 more likely to be tired or distracted, instead of well
6 rested and alert as the job requires. Raising wages and
7 providing affordable benefits is the best way to help
8 turn this job into a quality job that workers value and
9 will stay committed to.
10 I want to make sure that the FAA does not do
11 anything that would limit the ability of cities and
12 airports across the country to pass the minimun wage
13 ordinance such as the one we have in Los Angeles.
14 Wage increases are the only way to make sure that
15 experienced workers stay on the job and that workers
16 receive respect for the important work that we do.
17 I hope my insight will be valuable to you in this
18 process, and that the FAA will address the issues that I
19 have raised.
20 I also ask that the FAA begin to look for ways in
21 which screeners themselves can participate in planning
22 and implementation of any and all programs designed to
23 improve security at our airports.
24 Thank you, very much.
25 MS. CORBOIS: Does anybody have any comments?

1 MR. SHRUM: Again, could I ask you to speak just
2 how the screener participation process might
3 work?
4 MR. PITTS: There are a lot of things that the
5 screener might see and you might not see and you may not
6 be aware of.
7 MR. SHRUM: In other words, if you have problems
8 with the equipment, you want to be able to report it to
9 the local FAA office without fear of retaliation
10 MR. PITTS: Yeah, fear of retaliation for ,
11 speaking. I don't know what might happen to me from
12 being up here.
13 MR. CUMMINGS: What would keep you now from making
14 a report, without giving your name to the FAA office
15 about equipment?
16 MR. PITTS: What would keep me? Because I don't
17 know whether or not it would be addressed without giving
18 their name or whoever was the contact.
19 MR. SHRUM: I think the point here is FAA sets
20 standards for metal detectors and x-rays ever since this
21 equipment has been in use. If it is defective, it is
22 actionable as a violation.
23 MR. PITTS: It's actionable as a violation. Who
24 reports it?
25 MR. SHRUM: We test equipment on a regular basis,

1 doesn't mean it's operating properly at any given
2 moment.
3 MR. PITTS: That's true.
4 MS. CORBOIS: Anybody else? Thank you Mr. Pitts.
5 MR. PITTS: Thank you.
6 MS. CORBOIS: Next on our agenda is Ms. Shelley
7 Kessler.
8 MS. KESSLER: Good afternoon. Thank you for the
9 opportunity to speak to you today. My name is Shelley
10 Kessler. I am the executive secretary-treasurer of the
11 San Mateo Central Labor Council. I have served with the
12 labor council for 14 years. Before that I was a
13 mechanic at Westinghouse Electric where I used to build
14 engines for aircraft carriers and Trident submarines,
15 which is a security position, prior security clearance.
16 I testify today on behalf of the San Mateo County
17 Central Labor Council, AFL-CIO, and the San Francisco
18 Airport Labor Coalition.
19 The San Mateo Labor Council is made up of
20 approximately 75,000 union members and their families in
21 110 locals.
22 The Airport Labor Coalition, which I'll refer to as
23 the ALC, was formed in 1975, which is a group
24 specifically of unions that represent approximately
25 35,000 workers at San Francisco International Airport.

1 We represent public employees, custodians, concession
2 workers, mechanics, fuelers, plane cleaners, baggage
3 handlers, flight attendants, pilots, firefighters,
4 police officers, airport staff, building and
5 construction trades, all gamut of people that work at
6 the airport.
7 Over the years the San Mateo Labor Council and ALC
8 have worked on issues of importance to the workers at
9 the airport such as trainings about health and safety on
10 the job; how to deal with AIDS in the workplace; the
11 impact of airport noise on communities; and an
12 extended-hour child care center that serves primarily
13 airport employees regardless of whether or not they're
14 union, it is known as PALCARE; working with airport
15 staff to make sure employees are properly badged in
16 response to FAA review of airport security in 1999.
17 We also, obviously, will deal with bread and butter
18 issues such as wages and hours and working conditions,
19 but there are a whole list of things we've dealt with
20 that are specific to the airport and the industry that
21 surrounds it.
22 In sum, the labor unions have had a good working
23 relationship with San Francisco International Airport on
24 a variety of issues over 30 years including those of
25 airport safety and security.

1 I want to specifically address this program which
2 is the Quality Standards Program which you may have
3 heard recently that's come into being at the airport.
4 In November 1999 San Francisco International
5 Airport Commission adopted the Quality Standards Program
6 which places additional requirements on companies
7 involved in safety and security. By building on the
8 current FAA regulations, this program addresses
9 training, hiring, equipment and compensation standards
10 that the airport felt would reduce security breaches and
11 ensure that the welfare of the traveling public is met.
12 Labor and our allies fought hard for certain parts
13 of the Quality Standards Program and we believe on the
14 whole it represents great improvements for workers and
15 passengers.
16 The Quality Standards Program addresses a number of
17 areas which lead to these improvements such as
18 management and oversight. The program ensures that
19 management has procedures in place to monitor, report
20 and correct problems.
21 It also deals with training, which it requires
22 initial and recurrent worker trainings and record of
23 retention guidelines and equipment standards. The
24 program mandates that each employer must have a
25 preventive maintenance program in place, including

1 radiation safety requirements, and, lastly, it has a
2 compensation package which provides for a minimum hourly
3 wage of $9.00 with benefits and 10.25 without benefits.
4 Let me just point to an issue that you had raised
5 about retention of screeners. The assessment that has
6 been done at San Francisco International Airport was
7 that the turnover of screeners was occurring at
8 approximately every six and a half weeks. This
9 information you should get specifically from the airport
10 itself, but that, as far as the question you asked,
11 earlier of the L.A. folks, that was what the assessment
12 was, the screener turnover every six and a half weeks.
13 That was an issue we wanted to address in the
14 program, why that was happening and what do we do about
15 it. I want to go into the program.
16 The QSP impacts all safety and security, including
17 security screeners, perimeter control personnel, ramp
18 workers and others who have access to the aircraft and
19 the ramp area. Only employers meeting requirements wil
20 receive a certification allowing them to do business at
21 the airport.
22 Until today, skycaps were excluded from this
23 program, but, through an ongoing dialogue we had with
24 the airport staff and the Airport Commission, I'm happy
25 to report today that the commission, happening today

1 concurrently with this meeting, they are now passing an
2 amendment to the rule that includes now the skycaps and
3 other baggage handlers that are at the airport.
4 Clearly, San Francisco International Airport is
5 ahead of the game addressing many of the issues as the
6 proposed rule that is contained in the FAA standards.
7 However, as you can see, the quality standards program
8 clearly goes further than you have proposed to do so in
9 some areas, specifically in terms of compensation of
10 personnel.
11 The FAA, GAO and members of Congress have
12 highlighted the high turnover of security screeners as
13 one of the most pressing problems in addressing improved
14 safety and security. However, the proposed rule does
15 not address the main cause of that turnover, which is
16 poor working conditions.
17 What makes the workplace substandard is often
18 complex and it has an interrelation of many different
19 factors, but I want to touch on a few of them just so I
20 can bring them to light and talk about some of my
21 personal experiences in understanding these different
22 types of facets that go into facing a work environment
23 that is not exactly up to snuff.
24 For example, the wages. It's a very simple
25 statement, you get what you pay for. The GAO

1 highlighted instances where screeners made less than
2 fast food workers at the same airport. At San Francisco
3 International, before the implementation of the Quality
4 Standards Program, we had screeners making less than
5 $12,000 a year. That is unacceptable. It's an
6 unacceptably low wage for anywhere, specifically in the
7 Bay Area which is 74 percent higher than the cost of
8 living anyplace else in the country.
9 If you want to have good safety and security at any
10 of these facilities, poverty wages should not be
11 allowed, that's anywhere. But we made a special effort
12 here in the Bay Area to address this because of the cost
13 of living being so high here.
14 If you have a situation where people are making
15 poverty level wages, they'll always have a foot out the
16 door. They don't have any other options than to look
17 for other wages that will compensate them better than
18 what they are getting. Hopefully, this addresses this
19 by raising wages to $9.00 with benefits and $10.25
20 without to retain qualified security personnel at the
21 airport facility.
22 We already know that. The Quality Standards
23 Program just went into effect four days ago, there has
24 already been an increase of job applications and a
25 decrease of worker turnover, four days ago when it took

1 effect. That really shows if you pay attention that
2 some things can change.
3 As far as the benefits go, the straight wage rate
4 does not always indicate how the person is compensated.
5 Family health insurance, pension benefits, sick leave,
6 vacation and other benefits can make all the difference
7 in the world to people who are trying to scrape by on
8 low pay. The Quality Standards Program provides there
9 will be a reduced wage of $9.00 with benefits and 10.25
10 without, just so we make sure there is a base rate that
11 people can use to provide benefits for themselves and
12 their families.
13 Earlier you heard today about staffing. The
14 responsibilities that workers are expected to fulfill
15 during a workday can have a dramatic impact on how they
16 feel about their work and the kind of work they produce.
17 Examples of how staffing issues directly and indirectly
18 affect work include how much time someone spends on
19 repetitive tasks, the number of and frequency of breaks
20 they receive and the level of responsibility they have.
21 The FAA already has requirements in this area and
22 the Quality Standards Program has additional management
23 and oversight requirements which we think is a real good
24 analysis and assessment about what's necessary in order
25 to make it a program that actually meets the needs of

1 what's going on for staffing purposes.

2 The issue of job security is also one of great

3 importance. It comes in a couple different forms. The

4 first one involves protection that workers have to speak

5 up publicly about problems at work, be they safety,

6 security or otherwise. You've heard about that in the

7 past two speakers. I want to go over a couple points.

8 Obviously, as a representative for the labor

9 community, I'm going to say that a union contract is the

10 best protection that workers have for being fired .

11 without cause. But workers need regulatory protections

12 as well.

13 Security personnel are the front line of defense.

14 When they see machinery that does not work or improper

15 procedures being encouraged or other safety and security

16 problems, they need to have protections to speak out.

17 They also need to be able to place their report of their

18 concerns in some place, a public venue or wherever, that

19 is done in such a way they are not in a situation they

20 are threatened with retaliation or any fear of losing

21 their jobs.

22 So whistle-blower protection is very important,

23 obviously, at this level; otherwise, you have people who

24 see the problems, but, if they say anything and lose

25 their employment, it sets the worst possible conditions

1 for ensuring that the program is working effectively.
2 Contractor turnover is probably only second to
3 compensation in impacting turnover itself. So, about
4 retention of the workers, the turbulent world of
5 contract labor. In that world screening companies can
6 be replaced on a 30-day notice. What people often
7 overlook in the situation is that means all the people
8 who work for that particular company may be immediately
9 subject to being fired, because there is no worker
10 retention language should the screener companies be told
11 they're no longer appropriate or adequate to meeting, the
12 needs of the contract
13 So what happens is that if workers get thrown out
14 like a baby with the bath water it's very
15 counterproductive and it makes the workers the
16 scapegoats in that situation, versus. saying what is the
17 problem here, how do we solve it and making a clear
18 analysis about whether or not it was the workers who
19 were the ones who were at fault or whether the company
20 practices were the things that were at fault to make it
21 so it didn't fill the terms and conditions of the
22 contract.
23 In the introduction of the proposed rule, the FAA
24 expresses concern, quote, "about a situation in which
25 incoming companies use the same equipment and hire the

1 same employees from the unsatisfactory companies that
2 make no real change in the quality of screening," end
3 quote.
4 This could be read to infer that new screening
5 companies should replace the old workers. Obviously, I
6 oppose this view. Good management, new equipment and
7 better compensation and a host of variables can make all
8 the difference in a working environment. Workers should
9 not be replaced without clear proof that quality
10 problems are directly related to their individual
11 performance.
12 I would encourage the FAA to require incoming
13 screener companies to retain the current work force, and
14 only, only if a worker does not meet a new company's
15 legitimate expectations after a trial period should a
16 worker be replaced. We know that is firing for cause.
17 So only if they can't meet the expectations that are
18 legitimate, then they should be replaced.
19 To replace them without cause is wrong both from a
20 security standpoint, because obviously these are trained
21 individuals, and wrong, also, because of the human
22 element involved.
23 This leads me to the next point about management.
24 While this is probably a harder area for the FAA to
25 address, management skills are probably one of the most

1 overlooked elements of job satisfaction and for safety
2 and security operations'. Arbitrary decisions,
3 favoritism and outright mismanagement are some of the
4 most demoralizing problems workers face on a day-to-day
5 basis.
6 Mismanagement, in my opinion, is the most common
7 reason for security breaches. and unsafe security
8 problems. I've heard too many stories from workers how
9 mismanagement has led to security and safety problems
10 that could cause breaches for security overall of the
11 airport facilities.
12 Now, of course, in my mind, workers organizing for
13 a voice on the job to address this issue, unionization
14 is obviously one of the best ways to go. It's also an
15 area where the FAA should look into playing an active
16 role. This is part of the whistle-blower protection.
17 If people don't have unions, they need to have
18 protection and regulatory enforcement of their rights.
19 Workers are the best source for identifying poor
20 management and they need a system for reporting and
21 following up on violations.
22 As the FAA moves forward with this proposed rule
23 and beyond, keep these areas in mind. They are the root
24 cause of turnover. When I talk to workers who raise
25 these concerns of course I tell them to join a union

1 where they can raise the concerns without fear of
2 retribution hanging over their heads. But workers
3 cannot do this alone.
4 The FAA and San Francisco Airport have a
5 responsibility to do what they can to improve safety and
6 security. I believe that the best way to do that is to
7 create a higher standard with which every company can
8 comply, in other words, raise the floor.
9 The labor unions that represent workers at
10 San Francisco Airport realize that business is operating
11 in a competitive environment.
12 Because the burden of airport security in this
13 country falls on the airlines and not a public
14 authority, profits and not security tend to be the
15 standards for higher compensation -- excuse me, profits,
16 not security, tend to be the primary focus. They're
17 looking at the profit margin, you know, as compared to
18 whether or not they're providing the service
19 appropriately.
20 Unfortunately, given the compensation or the
21 competitive world of the contract labor, this usually
22 means that companies lose accounts and workers lose
23 their jobs when they try to make improvements by
24 securing higher compensation packages without incurring
25 higher cost. It's impossible for them to do, because,

1 if they're going to bid against the low bidder who keeps
2 all the things reduced,-obviously they're not going to
3 be able to put in the same low level bid if they want to
4 compensate their workers fairly. For that reason it's
5 vitally important the FAA do what they can to raise the
6 standards for all companies and support the Quality
7 Standards Program and others like it.
8 The federal government has made a lot of provisions
9 over the years to protect workers from irresponsible
10 contractors through the Davis-Bacon Act, Service
11 Contract Act and other laws. Many states, including
12 California, have instituted similar legislation,
13 likewise, wage laws and public variables.
14 Here are some recommendations we came up how to
15 address this in a positive way. We urge you improve the
16 oversight and regulation of screening companies to
17 address what is truly a weak link in the security net.
18 I would like to emphasize different points how to do
19 this.
20 First, the FAA should clarify the current proposed
21 rule establishes a floor and not a ceiling. I know that
22 you've received testimony or comments calling for
23 federal preemption of all the local ordinances which
24 attempt to regulate in this arena. While it is clearly
25 in the purview of the FAA to have national oversight of

1 safety and security, I urge you to make it clear for the
2 record you are not trying to-discourage airports and
3 other local authorities from continuing to make airports
4 safer. The airports need to have the ability to address
5 particular populations they serve and the market forces
6 in which they operate.
7 The willingness to take-these initiatives is
8 something that should be applauded. This is something
9 we're actually proud of because we're trying to make
10 sure these packages and this training and all of this
11 work that we've done for the Quality Standards Program
12 is something that serves the needs for the flying safety
13 and security of the airport. They should be applauded
14 and not stopped. We encourage you not to go for the
15 exemptions -- preemptions, excuse me,
16 Also about the proposed rule are some other
17 suggestions., While we support the FAA proposed
18 oversight of screening companies, it's important to know
19 and emphasize they're still subcontractors of the
20 airlines. Airlines can typically replace companies on
21 short notice. Because they go through a competitive bid
22 process with the airlines, more often than not the
23 companies reward the low bidder. Airlines skimping on
24 staffing in order to drive down labor costs is
25 irresponsible and could create further security

1 breaches.

2 I urge you to continue to hold airlines fully

3 responsible for violations by their screening

4 contractors.

5 Obviously you had made mention that you can't deal

6 with the wage issues. I know it's come up. But that's

7 why it's important that the FAA should clarify that the

8 rule would not preempt the local ordinances which make

9 improvements to the working conditions and wages for

10 security personnel.

11 The current federal minimum wage of 5.15 per hour

12 is clearly too low and individual airport authorities

13 should have the right to address this problem. There

14 should not be anyone who does security work who gets

15 paid poverty level wages.

16 I strongly urge you consider adding worker

17 retention language to the rule in order to ensure we do

18 not lose qualified experienced security personnel for no

19 reason. Many counties have adopted worker retention

20 language that requires new contractors to put workers

21 from a previous contractor on a priority list for new

22 hires. These workers' performance must meet any of the

23 standards but unnecessary turnover can be avoided.

24 Without worker retention, qualified workers are lost

25 without reason. This has severe social impacts,

1 increased labor costs and hurts safety and security.
2 I urge you to take- all the cost of inspection, to
3 make all that information regarding screening companies
4 available to the public. The certification should
5 include a review of the company's compliance with all
6 state and local laws. There should be full disclosure
7 made about the violations of health and safety, wage and
8 labor laws because these are clear indicators about what
9 the company's management practices are or possible
10 mismanagement are. They could lead to problems with the
11 safety and security. Obviously, the FAA should consider
12 these as part of their certification process for
13 screening companies overall.
14 Finally, I wish to urge the FAA to promptly
15 investigate complaints by employees who have an inside
16 view of operations and protect their rights to do so.
17 Too often workers, as we said earlier, will not speak
18 out for fear of retaliation. They don't have sufficient
19 knowledge how to report violations or they think their
20 concerns will not be addressed.
21 If you don't hear from the people doing the work
22 themselves, you can't possibly know all the details of
23 the problems that exist at the field level. That's
24 where we have to stop the violations in the security
25 breaches. These folks are the best equipped to tell you

1 what's going on. So, when Mr. Iny from L.A. reflecting
2 Mr. Contreras's position said "Talk to the screeners," I
3 second that. You get a whole different sense of what
4 it's like to be a screener if you talk to them
5 personally.
6 So, if you do this, and I hope that you will take
7 into consideration some of these requirements or these
8 recommendations, you'll see, I think, that the ability
9 to address any of these security problems will be
10 enhanced. That the working conditions of the people who
11 work to provide these services will be enhanced and that
12 obviously for the flying public they'll feel more safe
13 and secure about their ability to board aircraft and
14 make safe flights.
15 The human beings obviously are our concern because
16 they're the ones we represent and we obviously want to
17 make sure they get compensated fairly and treated well.
18 But they're also the first line in security at the
19 airports we're talking about.
20 So, when you are considering your rulemaking,
21 please make sure to consider the human elements as well.
22 I thank you very much for allowing me this time to
23 speak on these issues.
24 MS. CORBOIS: Any comments or questions?
25 MR. SHRUM: You made reference to the statement

1 that's on page 566 of the federal aviation employees
2 rule and you quoted FAA concern "about a situation in
3 which incoming companies use the same equipment and hire
4 employees from the unsatisfactory companies that make no
5 changes in the quality of screening."
6 The FAA would consider requiring incoming companies
7 to take corrective measures to make sure previous
8 companies do not preempt. For example, we investigate
9 company A and find. out training wasn't properly
10 conducted or screeners were given answers to the test
11 and background checks weren't done. Company B takes
12 over. We're not saying clean house, hire new. We are
13 saying it's incumbent on company B to test them, do the
14 background checks', it's not to replace the work force
15 MS. KESSLER: I know. We are not saying you are
16 calling for people to do that, some might think
17 certification gives them the green light to
18 automatically let go all the workers from the previous
19 company that was found lacking.
20 What we're asking you to do is consider putting in
21 retention language so that -- what it does, it's silent
22 on the question.
23 If you have language that specifically says that
24 until or unless it's determined that the individual
25 employees were at fault or unable to provide the

1 requirements or meet the requirements that you are
2 asking for, unless that- language is specifically spelled
3 out, it gives license to new contractors to just fire
4 all the previous employees.
5 What we're asking for is to make an effort to
6 include retention language rather than leaving it up to
7 the new employer groups coming in to determine for
8 themselves whether or not a whole entire pre-trained
9 work force should be let go. That's what we're asking
10 for, just have inclusion retention language.
11 I understand you are saying it doesn't say they
12 will be let go. It's left open for interpretation.
13 MR. SHRUM: Comparable situation, individual
14 scale, regulation says remedial training from the
15 standard. All too often what happens is they're simply
16 let go and somebody else steps up to the screen, doesn't
17 really solve the problem.
18 MS. KESSLER: If someone misses a test, you say.
19 MR. SHRUM: Yes. In other words, FAA says
20 remedial action is to requalify that person. In the
21 real world they tend to let them go.
22 MR. KESSLER: We would prefer they aren't let go,
23 and given the opportunity to take the test or get
24 remedial training, obviously.
25 MR. SHRUM: Y e s .

1 MS. KESSLER: Is there more that you wish me to
2 say on the issue?
3 MR. SHRUM: No, that's fine.
4 MS. KESSLER: As you heard from the individual in
5 Los Angeles who is a screener, this guy has been there
6 for eight years. There are a lot of screeners who
7 actually care about their jobs, want to be there, want
8 to do the best job they possibly can and for other
9 reasons don't always meet some of the requirements
10 because their operating equipment is not working
11 properly, they haven't received the training.
12 That's why our Quality Standards Program at SFO is
13 so important, the training standards are enhanced, the
14 whole ability to reach out to this work force and say we
15 want you to be the best you can be at our facility to
16 enhance and improve our security and safety for the
17 flying public. They've addressed these things.
18 We are really proud in the labor community. We
19 worked closely with the San Francisco Airport to make
20 these standards and put in place those types of
21 training, retention. We are working very hard to make
22 sure we meet the standards as well as meet the needs of
23 the people employed there.
24 I will tell you most of those people don't belong
25 to a union. We're doing it because it's the right thing

1 to do and we're proud of it. We urge you to support it.
2 MS. CORBOIS: Thank you. Any further comments or
3 questions? Thank you.
4 MS. KESSLER: Thank you, very much, for your time.
5 MS. CORBOIS: The next person on the agenda is a
6 representative from San Francisco International Airport,
7 if you could state your name.
8 I am sorry, the next person on the agenda was to be
9 determined. Is that representative here from
10 San Francisco International?
11 UNIDENTIFIED SPEAKER: They were not able to
12 attend.
13 MS. CORBOIS: Thank you.
14 All right then, if you'd like to go ahead, we have
15 another volunteer to make a statement. Please state
16 your name and where you are from or who you represent,
17 please.
18 MS. TSAKONAS: Thank you. I'm Laura Tsakonas.
19 I'm an airline passenger. I'm a citizen. I live in
20 Campbell and I took about a two-hour journey this
21 morning to come here, and appreciate very much the
22 opportunity to speak to you as a member of the public.
23 I-heard on the news this morning that you were
24 having a hearing concerning airline safety and security.
25 Excuse me, I'm a bit nervous here.

1 I wanted to speak to you about a situation that I
2 think was very serious that I encountered in an airport.
3 It deals very directly with security and screening and
4 such.
5 I was flying to Anaheim, California on Southwest
6 Airlines. I had put my luggage through the screening
7 device, the x-ray device, and it was coming out on a
8 kind of conveyor belt at the other end where you pick it
9 up, and I had a lot of luggage and I paused for a moment
10 and was kind of putting it on my shoulders. It took me
11 some time, and the fellow who put his luggage on after
12 mine set some sort of alarm off at the equipment.
13 The airline, I guess it's screening person, called
14 for their supervisor to come over, because an alarm was
15 set off of some sort, or at least they were able to
16 determine on the x-ray that there was something amiss in
17 his baggage.
18 While I was standing there and trying to put my
19 stuff on, the airline supervisor that was called over
20 asked the fellow to unzip his luggage or unzipped his
21 luggage and opened it up. I happen to notice, because
22 it was very close to me, that there was paraphernalia in
23 his bags which to my mind appeared to be stuff one would
24 use to make a bomb.
25 There were plastic pipes that were sort of a light

gray color and had sort of a bent L-shaped pipe. The fellow had in this piece of luggage something that looked like sort of a tacky substance that was hard maybe like a plastic sticky material that came in sort of a square sheet, there was a large roll of what I know to be gray duct tape in this rather kind of small piece of luggage and something else that looked sort of like a handle to maybe a glue gun or something, I could sort of see the handle.

My eyes got really wide. I don't personally know anything about bombs, I haven't been around them, I'm a housewife. But I looked at that collection of materials and I just became so shaken. It was just amazing.

Now, I know that I'm not supposed to use the word bomb in the airport, because, you know, you are not supposed to, you are not supposed to say that.

What ended up happening, I'm trying to talk to the supervisor and get a sense of what's going on, and the end result was I was just very wide eyed and I said to him, "You're seeing what I'm seeing in this luggage?" He said, "Well, yes,"

I said, "Well, I mean, do you have any concern about, I mean, do you kind of know what this fellow might be able to use these things for?"

He said -- well, he kind of hemmed and hawed a

1 little bit. I said, "I'm really concerned because I'm a
2 passenger and I'm going to get on this plane and I don't
3 feel really comfortable right now." I couldn't elicit a
4 really good response from him.
5 Ultimately what he said to me was, "Don't worry
6 about it, because we're going to make sure that his
7 luggage is checked rather than personally with him on
8 the plane."
9 I thought to myself, well, that means that he won't
10 actually have these materials personally with him when
11 he flew but who knows what he might do with them on the
12 other end and who knows if in fact -- I mean, it seemed
13 to me these were like what you sort of hear about as
14 being bomb material. Who knows what kind of other
15 target that he might have in Anaheim or wherever, you
16 know.
17 So I mean, it was just, it was unbelievable.
18 The fellow told the -- the fellow whose luggage it
19 was told the supervisor, when the supervisor asked him
20 to unzip it, "Well, I'm going to a model convention."
21 And, you know, I don't know if he was talking about
22 little plastic models. I used to make them as a kid
23 with my brothers, you know, you don't use duct tape and
24 you don't use pipe and you don't use plastic sort of
25 adhesive sticky material, you know, materials, sheets,

1 plastic sheets.

2 It's been a concern since then because the fellow

3 with the luggage was not challenged, he was not asked

4 for his name, for any identification and I was there the

5 whole time, at that end of the security thing. I don't

6 know if he checked other baggage in, if he stopped at

7 the ticketing counter, I have no idea, but I can tell

8 you, while I was there, there was no attempt to detain

9 him, there was no attempt to ask him who he was, produce

10 any ID. It just seemed to be okay as long as he and his

11 stuff were parted from each other, and it leaves me with

12 deep concerns about how stringent the passenger

13 screening requirements are and so forth.

14 Forgive my nerves, but I haven't talked much in

15 front of groups.

16 I appreciate the opportunity to tell you about the

17 situation. If you would wish to contact me, I would

18 invite you, this gal has my name and number and address

19 and just I had hoped to -- the news said this was a

20 public hearing on airline safety and security, and so I

21 guess sort of a light switch went on regarding this, and

22 I just felt compelled to come and explain what happened.

23 This is all true. It's just very, very chilling to

24 me as an airline passenger that this could happen and

25 that this fellow not be challenged, it's just amazing.

1 I have told you all this was an experience that I
2 actually had. Thank you for letting me share it. I
3 would welcome comments from all of you on the panel,
4 actually, you know, as a passenger, and thank you for
5 letting me speak, I appreciate it.
6 MS. CORBOIS: Does anybody have a comment?
7 MR. SHRUM: Can you stay just a moment?
8 MS. TSAKONAS: Sure.
9 MR. SHRUM: The x-ray handler saw something
10 suspicious and searched the bag?
11 MS. TSAKONAS: Yes, they called a supervisor over
12 and that person, I don't recall if he asked the fellow
13 to unzip the bag or he actually did. It was a smallish
14 piece of luggage and it had these materials in it. No
15 clothing, no aftershave, no general things that you
16 would see, you know.
17 MR. SHRUM: But they did search the bag?
18 MS. TSAKONAS: Yes, yeah, they opened it. The
19 supervisor visually eyeballed all the stuff, as I did,
20 and just said, "Well, I'm sorry, you'll have to check
21 the bag."
22 So the fellow took the bag and went to wherever it
23 is that you have to -- it's like he forced him
24 mandatorily to check it.
25 Who knows what happened to the bag at that point.

1 He could have left the airport, "Oops, they caught me."
2 I don't know.
3 Couldn't there be something in that screening area
4 like what the bags have, like a silent alarm or
5 something where perhaps some FBI people could come? If
6 there is anything that looks that suspicious, I mean,
7 circumstantially I have no idea what else the fellow
8 would be doing with that stuff. But I guess I'm just
9 suggesting there be some way to have some people
10 question him and detain him and, you know.
11 MR. SHRUM: Actually, what we're doing, this
12 process is well under way, is putting explosive, what we
13 call trace detection equipment at the checkpoints. In
14 other words, the operator sees something suspicious on
15 the x-ray, could be plastic explosives, could be Play
16 Dough, the way to find out is take a trace sample and
17 run it through the detector. These are extremely
18 sensitive. We have them throughout the airports. That
19 could be take care of the problem you are describing.
20 MS. TSAKONAS: IS it against the law for that
21 fellow to have those items? I know we passengers are
22 not permitted to bring guns on, have guns, explosives,
23 glass items. Are those items individually against the
24 law for him to have or not on a plane?
25 MR. SHRUM: Generally, explosives and incendiaries

are deadly or dangerous. What constitutes deadly or dangerous is different in situations. Certainly firearms, explosives and so forth are flatly prohibited unless we have a law enforcement officer legally carrying a firearm.

MS. TSAKONAS: If just that putty were considered to be dangerous, would that be enough to be considered dangerous?

MR. SHRUM: The question is is it putty or something dangerous. That's why we use explosive detection. It will tell us if it's explosive.

MS. TSAKONAS: I appreciate knowing that. This was quite a chilling experience, I can tell you. Thanks. Thank you.

MS. CORBOIS: Anyone else? Thank you, very much.

MS. TSAKONAS: Thank you, I appreciate it.

MS. CORBOIS: At this point we've gone through everybody on our formal agenda. Is there anyone presen who was asked to be added to the agenda who has not spoken? Is there anyone else who would like to volunteer?

If anyone wishes to make additional written comments on the proposed rule of certification of screening companies, please submit your comments to docket number FAA-1999-6673. Comments should be mailed

or delivered in duplicate to the U.S. Department of Transportation Dockets, Docket No. FAA-1999-6673, 400 Seventh Street, SW, Room Plaza 401, Washington, D.C. 20590, or submit them electronically to http://dms.dot.gov.

As a reminder, the FAA is holding one more public meeting on this issue this Thursday on April 6th in Fort Worth, Texas. The docket on this proposed rule will be open for written comments until May 4, 2000.

I would like to remind everyone that a verbatim transcript of this meeting will be available after April 20th 2000. Information on ordering a transcript is available at the registration table.

I would like to thank everyone for your cooperation today. Let the record reflect that the time is now 20 after 10:00. This public meeting is now adjourned.

(The proceedings adjourned at 10:20 a.m.)

CERTIFICATE OF REPORTER

I, Diane L. Freeman, a Certified Shorthand Reporter of the State of California, hereby certify tha the foregoing proceedings were taken in shorthand by me at the time and place therein stated, and that the said proceedings were thereafter reduced to typewriting, by computer, by me.

I further certify that I am not of counsel o attorney for either or any of the parties to the said proceeding, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: April 16, 2000

Diane L. Freeman

DIANE L. FREEMAN, CSR #5884

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