

INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
AFL-CIO



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Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, NW  
Washington, DC 20590-0001

RE: Docket No. FAA 2002-13464

Dear Sir or Madam:

The International Brotherhood of Teamsters, Airline Division, representing over 30,000 aviation employees including more than 16,000 flight deck and flight attendant crew members, submits the following comments in response to the Supplemental Notice of Proposed Rulemaking (SNPRM) "Improved Seats in Air Carrier Transport Category Airplanes" published in the Federal Register, Volume 67, No. 193, Friday, October 4, 2002.

The publication of the SNPRM brings the FAA and the aviation industry one step closer to achieving the Congressional mandate dictated by the Airport and Airway Safety and Capacity Expansion Act of 1987. This act directed the Secretary of Transportation to initiate rulemaking to consider requiring that all seats onboard all air carrier aircraft meet improved crashworthiness standards based on the best available testing standards for crashworthiness. This action, first initiated in 1988, is long overdue; unfortunately, it still does not fully comply with the Congressional directive. Under the best of circumstances, assuming the publication of a Final Rule within one year from close of comments, and assuming no changes to content or to the proposed implementation period, it will take over 30 years to accomplish partial compliance with the will of the Congress and the people.

In the 16 years since the passage of the Act, and the intervening 15 years since the initial rule was proposed, advances in technology, testing standards, and the introduction of new materials, cause the original and supplemental notices to be antiquated when measured against the benchmark established by Congress. During this same intervening period (1988 – 2003), the automotive industry has implemented 18 occupant safety regulations issued by the National Highway Transportation Safety Administration (NHTSA). The FAA's failure to act more expeditiously and in concert with the intent of the law is

disappointing. It also diminishes their credibility as a regulatory agency charged with ensuring the highest level of air safety.

We are pleased that the FAA has finally decided to proceed with rulemaking to require 16 g seats for passengers and flight attendants. By retaining the requirement for flight attendant seats, the agency has recognized the critical role of cabin crew in evacuating aircraft in survivable accidents. We are disappointed, however, that the rule does not address part 135 operators, flight deck seats, or seats on cargo – only aircraft. The omission of these seats is not consistent with the FAA’s stated philosophy of “one level of safety” and should be remedied.

The proposed timetable for compliance is also a setback for aviation safety. Under the timetable proposed in the SNPRM, the 16 g seat compliance for all aircraft would not be achieved until 2018 at the earliest, assuming rapid promulgation of a Final Rule. This represents a 30 + year delay in achieving a Congressional directive. Given the FAA’s recent track record of moving from comment period to Final Rule, the delay may in fact be substantially longer. This is not acceptable public policy implementation. In this regard, we urge to adopt the 7-year retrofit timetable proposed in the initial NPRM. The 4- year phase in for new aircraft is also problematic; however, considering the current economic crisis faced by the industry, we would be satisfied with this timetable provided the retrofit timetable is adjusted.

An additional undesirable element of the SNPRM is the exclusion of the requirement (included in the original NPRM) that the requisite 16 g seats comply with FAR 25. 785, which states, (b) “Each seat, berth, safety belt, harness, and adjacent part of the airplane at each station designated as occupiable during takeoff and landing must be designed so that a person making proper use of these facilities will not suffer serious injury in an emergency landing as a result of the inertia forces specified in §§ 25.561 and 25.562.” Omission of this reference weakens the rule.

Concern is also raised by the current exemption to FAR 25. 562 (c) (5), which provides for protection against head injury, granted by means of Advisory Circular 25.562-1A. This AC permits the extension of seat pitch away from a vertical hazard as a method of compliance with FAR 25.562. Such extension of seat pitch introduces a potential head injury hazard from the occupant of such a seat striking his own legs and/or the aircraft floor. Requiring a 16 g seat without requiring HIC testing and adherence to HIC standards does not promote an acceptable level of safety. The FAA should revisit this issue.

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In summary, we urge the FAA to adopt a Final Rule that would require all aircraft seats to meet the 16 g standard. Furthermore, we ask that the FAA review and revise the implementation timetable and also correct the deficiencies of the proposed rule and existing guidance material to provide the highest level of safety for both the public and air crew members .

Sincerely,

Nancy Garcia  
International Representative