OSHA Jurisdiction

 Posted On: Jan 06, 2004 (15:37:26)

The Basics

In 1975, the Federal Aviation Administration (FAA) claimed exclusive jurisdiction over workplace safety and health for all aircraft crewmembers. Unfortunately, this decision prevented the Occupational Safety and Health Administration (OSHA) – the agency that regulates the safety and health of most U.S. workers – from protecting aircraft crewmembers.

On May 8, 1990, AFA filed a petition for rulemaking with the FAA that asked the agency to adopt selected OSHA safety regulations and apply them to the crewmembers working in the airline industry, addressing such areas as the recording and reporting of injuries; access to employee exposure and medical records; right to inspections; safety definitions; the handling of hazardous materials; personal protective equipment; medical and first aid; fire protection, and toxic and hazardous substances. In submitting this petition, AFA was attempting to fill the void created when the FAA asserted jurisdiction over crewmember health and safety without actually exercising that authority.

Almost seven years after AFA petitioned for rulemaking, the FAA finally responded on June 6, 1997 with a one page rejection letter. This rejection was followed by extensive pressure exerted by flight attendants and their unions, which led to the signing of a Memorandum of Understanding (MOU) on August 7, 2000 by FAA Administrator Jane Garvey and OSHA Assistant Secretary Charles Jeffress. The MOU directed FAA and OSHA to “establish a procedure for coordinating and supporting enforcement … with respect to the working conditions of employees on aircraft in operation … and for resolving jurisdictional questions.” Unfortunately, the January 2001 change of administration in Washington led to lengthy delays implementing the MOU and, eventually, to a watered-down voluntary program that failed to attract participants.

On September 19, 2005, AFA filed a complaint in the United States District Court for the District of Columbia against Secretary of Labor and the FAA Administrator. AFA asked the court to issue an order declaring that the FAA had failed to exercise its asserted jurisdiction to establish occupational health and safety standards for flight attendants and crewmembers. As a result, the Secretary of Labor failed to fulfill her statutory duty under the OSH Act to ensure healthy and safe working conditions for flight attendants. On May 22, 2006, the District Court dismissed AFA’s complaint for lack of subject matter jurisdiction, finding that AFA’s claim was not “ripe” for judicial review since the Union must first exhaust its administrative remedies by petitioning for rulemaking with the FAA before it can resort to judicial review.

AFA appealed the dismissal, but the U.S. Court of Appeals for the District of Columbia Circuit affirmed the district court. The appeals court ruled that “because the Unions did not exhaust their administrative remedies, the judgment of the district court dismissing the complaint is affirmed.”

For decades, flight attendants have suffered from the lack of occupational safety and health regulatory protections. Data obtained from the Department of Labor’s Bureau of Labor Statistics through the year 2000 and for 2006 – 2010 show clearly that aircraft cabins are dangerous workplaces, with flight attendant injury/illness rates many times higher than those experienced by employees in private industry as a whole.

On February 14, 2012, Public Law 112-95 - FAA Modernization and Reform Act of 2012 was signed into law following years of Congressional inability to pass a comprehensive bill to fund the FAA. This bill includes an important statute – Sec. 829. Clarification of memorandum of understanding with OSHA – that is intended to finally bring meaningful safety and health protections to flight attendants.
working in the cabin. Sec. 829 required the FAA to report to Congress within 6 months of bill passage (by August 14, 2012) on milestones for completion of work begun under the August 2000 MOU and to “initiate development of a policy statement to set forth the circumstances in which requirements of the Occupational Safety and Health Administration may be applied to crewmembers while working in an aircraft.” During this 6 month period, AFA worked hard to hold both agencies and the industry accountable for ensuring that flight attendants working on aircraft in operation are covered by comprehensive, regulatory safety and health protections.

On November 30, 2012, the FAA proposed, and on December 7, 2012, published a proposal in the Federal Register, a new policy for addressing flight attendant workplace safety, which came after AFA aggressively advocated for Flight Attendant safety and health protections to be included in the FAA reauthorization bill signed by President Obama in February 2012. The FAA/OSHA draft policy statement can be viewed here. The FAA requested comments on or before January 22, 2013, and many AFA members and the AFA Air Safety, Health and Security Department submitted comments, all of which can be obtained at this link; AFA’s comments are here. [NOTE: On December 21, 2012, the FAA extended the original comment deadline of January 7, 2013 to January 22, 2013 at the request of airline associations.]

On August 22, 2013, AFA’s long-term work with the FAA and OSHA resulted in a final FAA policy statement that replaced the 1975 Notice, allowed OSHA oversight, and began the implementation of several standards to regulate the safety and health of crewmembers working on aircraft in operation. In coordination with its local safety committees, AFA will collaborate with the FAA, OSHA and the airlines to ensure that Flight Attendants are provided sufficient information to understand their rights to safe, healthy cabin workplaces, and that every airline that employs AFA members complies with all relevant aspects of the applicable OSHA standards, including Flight Attendant training requirements. AFA will support the FAA and OSHA in holding the industry accountable for documenting their programs, training workers, mitigating hazards, and generally making the cabin a safer, healthier workplace.

On March 26, 2014, six months after the Federal Aviation Administration (FAA) freed the Occupational Safety and Health Administration (OSHA) to regulate the safety and health of crewmembers working on aircraft in operation, enforcement of new protections in the aircraft cabin began. To inform Flight Attendants about these changes, AFA published a detailed online booklet, The Rules Are Changing: How New OSHA Protections Will Affect You.

AFA Activity and Hot Topics


AFA press release, August 22, 2013: Flight Attendant Union's Enduring Efforts For Safety and Health Protections In The Cabin Become Reality

AFA Comments to FAA Policy Statement Proposal, January 22, 2013

AFA media release, November 30, 2012: Flight Attendants To Have Safety And Health Protections In The Cabin


Feb. 12, 2003 AFA Presentation: Flight Attendant Injuries and Illnesses
Feb. 5, 2003 Letter: Transportation Trades Dept., AFL-CIO, to Transportation Secretary Mineta & Labor Secretary Chao

References to News Articles

Aug. 23, 2013 Occupational Health & Safety: New FAA, OSHA Policy Aims to Protect Aircraft Cabin Crew Members

Aug. 22, 2013 The Hill Newspaper: FAA grants workplace safety rules to flight attendants


Nov. 30, 2012 CNN: Flight attendants may gain OSHA protections while aloft

Nov. 30, 2012 Bloomberg: OSHA to Get Oversight of Flight-Attendant Work Conditions

Feb. 24, 2003 Air Safety Week: Plea for jurisdiction [AFA members-only access]

Feb. 17, 2003 Air Safety Week: Flight Attendants Injured at Four Times Overall U.S. Industry Rate [AFA members-only access]

More Information

Aug. 27, 2013 Federal Register Notice - Occupational Safety and Health Standards for Aircraft Cabin Crewmembers


Jul.-Aug. 2002 Cabin Crew Safety: Study of Airline’s Flight Attendants Finds More Than Half of Injuries Affect Muscles and Bones in Back, Neck, Shoulders; A report on the Canadian study says that the primary risk factors were the handling of passenger baggage, the design of the galley, the design and maintenance of service trolleys, and flight attendant seating. [Register free on-line with Flight Safety Foundation]

Jun. 18, 2002 FAA-OSHA Aviation Safety and Health Partnership Action Plan

Order 1110.134, Aviation Safety and Health Partnership Program Aviation Rulemaking Committee

Apr. 16, 2002 Letter: DOT Inspector General to Congressman DeFazio

Sep. 26, 2001 Letter: DOT Inspector General to FAA


Aug. 8, 2000 FAA-OSHA Memorandum of Understanding

Jan.–Feb. 2000 Cabin Crew Safety: Working in, Around Aircraft Cabins Requires Awareness of Fall Prevention; The availability of limited data on slips, trips and falls during normal aircraft operations complicates efforts to improve the prevention of injury to crewmembers and passengers in the cabin environment. Nevertheless, airlines periodically should review fall-prevention strategies and related training of flight attendants and other workers. [Register free on-line with Flight Safety Foundation]

Dept. of Transportation Docket (search on Docket number FAA-2003-14578)
**Aviation Safety Programs Should Boost Occupational Safety Awareness in the Cabin:** Air carriers should consider implementing comprehensive occupational safety programs that can, in the long run, reduce losses and increase revenues. [Register free on-line with Flight Safety Foundation]

**Carpal Tunnel Syndrome: A Menace to Health:** Repetitive wrist motions, many of which are an intrinsic part of a flight attendant’s daily routine, can result in an occupational disability. [Register free on-line with Flight Safety Foundation]

**Occupational Stress in the Aircraft Cabin:** Occupational demands, work environment and atmospheric conditions all contribute to the stress of the cabin crew member. [Register free on-line with Flight Safety Foundation]

1975 FAA Federal Register Notice

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