



News from the Hill

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FAA Funding, Hazmat Issues and Repair Station Security: It's Going to Be a Busy Summer

The FAA's proposed funding mechanism already has seen various changes as it progresses through Congress. In addition to this legislation, there are other Congressional bills to watch, including one that could have a serious impact on any repair station holding repair station certification from a foreign government.

FAA Funding

The House and Senate each are working on versions of the FAA funding bill. Under the current proposals, it appears three major fees would fund the FAA:

1) Fees for air traffic control and related functions. The FAA would be permitted to establish separate fees for aircraft operating in terminal, en route or oceanic airspace; however, there would be a general aviation exception to these fees for aircraft paying the higher level fuel tax for general aviation.

2) Fees for registration-related functions. This includes a \$130 fee for recording security interests, fees (to be determined by the FAA) for issuance of a repair station certificate, and fees for other services, such as issuance of a field approval.

3) A 13.6-cent-per-gallon fuel tax for commercial aviation and a 70-cent-per-gallon fuel tax for general aviation.

The current proposals seem to sig-

nificantly shift the tax focus from the commercial aviation market to the general aviation market.

Repair Station Security

Several years ago, Congress passed a bill requiring security audits of all repair stations. The official reason for the bill was to protect U.S. aviation from security problems occasioned with repair station personnel, but there

was, if foreign repair stations were unable to maintain their FAA certificates, the work outsourced to them by U.S. air carriers would return to the air carrier as "bargaining unit work" and cause the unions to increase the size of their membership within the affected air carriers.

The reason Congress applied the security audit provisions to all repair stations — not just foreign repair sta-

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was a deeper political purpose to the bill. Union representatives requested it to burden non-U.S. repair stations.

In a public meeting to discuss the future rulemaking that would follow the bill, union representatives attacked a speaker who discussed the domestic impact of this rule. The union representatives declared the bill only applied to foreign repair stations and talk of domestic impact was nonsense. However, they were chastised by the Transportation Security Administration (TSA) moderator, who informed them the speaker was correct, and the legislation affected all repair stations — foreign and domestic.

The reason union representatives wanted to burden foreign repair stations with onerous security provisions

— was because European representatives had pledged to reciprocate if the U.S. imposed such standards only on foreign repair stations. By imposing the standards on all repair stations, Congress sidestepped the international competitiveness issues.

In the years since the repair station security law was passed, TSA has missed its deadline and failed to promulgate the security regulations. This is not willful malfeasance on the part of TSA; it is simply overburdened and short of resources. TSA has focused its limited resources on the issues most likely to truly affect aviation security — and repair station security is just not considered a serious safety issue at this time.

Congress has proposed a new bill

to supplement the existing repair station security law — and it makes every mistake the old bill carefully avoided. Once again, the official reason for the legislation is “to ensure the security of maintenance and repair work conducted on air carrier aircraft and components.”

This time, however, the bill is aimed specifically at foreign repair stations. Thus, it would elicit some form of reciprocal action from foreign governments. (U.S. repair stations with EASA 145 certification should beware.)

The proposed law would require all foreign repair stations to be audited within six months of the issuance of regulations (the regulations are required to be issued within 240 days of passage of the law). With approximately 700 foreign repair stations, TSA would need to audit at least 35 repair stations a day. With no infrastructure to perform such audits, it's a daunting task indeed.

Who is penalized if TSA fails to meet its deadlines? Not TSA. TSA has no incentive to meet the Congressional deadlines for completing audits. If TSA promulgates regulations, but fails to audit all repair stations, the FAA shall be barred from certifying any foreign repair stations until all of the security audits are completed.

Because foreign repair stations are recertified on a periodic basis, foreign repair stations would lose their certificates as their recertification deadlines arrive.

This is not just a problem for non-U.S. repair stations, it is also a problem for U.S. repair stations holding foreign certificates — there is a real danger of reciprocal action in which foreign governments (and EASA) pull their certification of repair stations in the U.S. in retaliation.

Congress seems quite serious about this proposal. In addition to the foreign repair station language found in Senate

Bill 509, there is also a proposed provision in S.B. 4 that would give TSA 90 days to issue repair station security regulations. It then would prohibit the certification of foreign repair stations if the regulations are not issued, or if the audits are not completed within six months after the regulations are issued. In the House, H.R. 1981 is a similar bill providing a nine-month window for audits.

Honoring Aviation Mechanics

On May 24, Congressman Bob Filner (D-Calif.) introduced H.R. 444, which would pay tribute to the memory of Charles Taylor, the aviation maintenance technician who built and maintained the engine used to power the Wright brothers' first powered aircraft, and would honor aviation mechanics by declaring May 24 as National Aviation Maintenance Technician Day. The bill was referred to the House Transportation and Infrastructure Committee.

Are You Doing Work for a 135 or 121 Customer?

If you are doing work for a 135 or 121 customer, the regulations require the customer to inform you in writing of the customer's policies and operations specification authorizations permitting or prohibiting against the acceptance, rejection, handling, storage incidental to transport, and transportation of hazardous materials, including company material.

In other words, these customers must send their hazmat information to you. In return, your repair station is required to do two things.

First, you must acknowledge receipt of the notification. Although the regulations are silent about the mode of acknowledgement, you should perform the acknowledgement in writing so you have evidence of your regulatory compliance.

Second, you must notify your employees and contractors/subcontractors who handle hazmats about the operator's information. You can do this by providing each affected person with a copy of the notification you receive.

Remember, hazardous materials include items such as batteries (including components with primary or backup batteries), items with hazardous gasses, parts with residual fuel, and more.

For a full discussion about hazardous materials, plan to attend one of the AEA-sponsored hazmat training classes — one of which is scheduled from Sept. 11-12, immediately prior to the AEA Central Regional Meeting in St. Louis, Mo.

For more information about hazmat training, visit www.washingtonaviation.com/hazmat. □