

**United States House of Representatives
House Subcommittee on Aviation**

Hearing on:

**“Disruption in the Skies: The Surge in Air Rage and its Effects on
Workers, Airlines, and Airports”**

Thursday, September 23, 2021

10:00 a.m. EDT

2167 Rayburn House Office Building and Livestream



Testimony of

Sara Nelson

International President

Association of Flight Attendants-CWA, AFL-CIO

Association of Flight Attendants-CWA, AFL-CIO
501 Third Street, NW, Washington, DC 20001
Government Affairs Director Stephen Schembs, 202-434-0568

Introduction

Thank you Chairman DeFazio, Chairman Larsen, Ranking Member Graves and Ranking Member Graves for convening this hearing on the alarming increase in disruptive and unruly airline travelers, and the effects this has on workers, airports, and airlines.

My name is Sara Nelson. I am a twenty-five year union flight attendant and president of the Association of Flight Attendants-CWA, AFL-CIO (AFA), representing flight attendants at 17 airlines across the industry. We also coordinate closely with leaders of the Association of Professional Flight Attendants and the Transport Workers Union, together representing nearly 100,000 Flight Attendants across the industry. Flight attendants are the frontline of aviation along with the passenger service agents and ground service workers represented by the Communications Workers of America and all of the affiliates of the Transportation Trades Department, AFL-CIO. The subject of this hearing is of critical importance to all aviation workers.

I know there is not one person on this aviation subcommittee that thinks the combative, abusive, defiant, and violent behavior on our planes and in our airports is acceptable. Many of you have reached out to ask how you can help. We believe it's critical to fully define the problem, review effectiveness of actions taken to date, provide recommendations for additional actions needed, and act with coordinated urgency across aviation to subdue this threat to aviation safety and security.

Air Rage and Disruptive Passengers Threaten Lives and Safety of Flight

Since January the Federal Aviation Administration has logged¹:

- 4,284 unruly passengers reports
- 3,123 mask related incidents
- 755 investigations initiated
- 154 enforcement cases

These numbers are staggering and if they continue at this rate may result in more incidents in 2021 than the entire history of commercial aviation. The enormity of the problem is reflected in these statistics, and demonstrates why the FAA, under the leadership of Steve Dickson, has engaged with urgency to tackle the problem. But the numbers don't tell the full story about the impact on frontline workers or just how dangerous this behavior is for aviation safety.

Flight attendants are aviation's first responders, charged with the safety and health of passengers and crew. Twenty years since the events of September 11, 2001, we cannot forget the devastating consequences of leaving commercial aircraft vulnerable to terrorist attack. For the past twenty years flight attendants have also served as the last line of defense in aviation security. We know there are two fundamentals in aviation safety and security: 1) remove all

¹ https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/

distractions from safety sensitive work, and 2) leave all threats to safety and security on the ground.

The disruptions in the cabin and failure to comply with crew instruction are a threat to the safety of flight. The threat of terrorist attack has not abated, but our vigilance and coordinated actions across government and aviation stakeholders has to date thwarted any planned attacks. If we allow disruptions in the cabin or distractions due to defiance of passengers to comply with crew instructions to become a regular occurrence, we are in jeopardy of missing cues of a coordinated attack. We simply cannot allow this behaviour to become commonplace for this reason alone. Every level of threat requires vigilance and scrutiny. We cannot be lulled into a place of accepting these distractions as a new normal.

Flight attendants are the eyes throughout the aircraft for threats to safety of flight: slow decompression, fires of all kinds, medical emergencies affecting crew. We attend to the health and safety of passengers facing an array of medical emergencies from pregnant mothers suddenly in labor, to heart attack, stroke, choking, allergic reaction, or drug overdose. When emergency landing or ditching prep is necessary there is no time to lose to prepare the cabin and save lives. The safety of every passenger and crewmember onboard is in jeopardy when our duties are interrupted or needless distractions arise.

These events are also a distraction in the flight deck. We need to work to reduce and eliminate all distractions and disruptions in order to ensure the safety of flight.

Survey Results Say 85% of Flight Attendants Have Experienced an Unruly Passenger Event in 2021

On July 29, 2021 our union released² the results of a survey of nearly 5,000 flight attendants across 30 airlines between June 25, 2021 and July 14, 2021. Key findings included:

- 85 percent of all respondents had dealt with unruly passengers in the first half of 2021.
- 58 percent had experienced at least five incidents during that time.
- 17 percent, or nearly 1 in 5 respondents, reported experiencing a physical incident.
- 71 percent of Flight Attendants who filed incident reports with airline management received no follow-up
- 50 percent reported witnessing misconduct during boarding, and 13 percent reported behavior beginning in the gate area.
- 58 percent of respondents reported alcohol contributed to disruptive events and 85 percent of incidents were related to mask compliance.
- 61 percent of respondents reported that disruptive passengers used racist, sexist and/or homophobic slurs during incidents. Many specific examples were provided, most of which were too offensive to repeat.
- Only 60 percent of respondents experiencing a physical incident onboard said law enforcement was requested to meet their flight.

² https://www.afacwa.org/unruly_passengers_survey

The survey results demonstrate a greater impact on workers than the FAA reported numbers provide. When asked what they believed to be the cause or escalating reasons for the unruly behavior, Flight Attendants cited that mask compliance, alcohol, routine safety reminders, flight delays and cancellations were all common factors in unruly passenger interactions. Many cited multiple factors contributed to incidents, which also implies a compounding effect and an opportunity to reduce incidents when better addressing any of the contributing factors..

Flight attendants reported facing extensive verbal abuse, including from visibly drunk passengers, passengers yelling and swearing in response to masking directions, and often aggressively challenging flight crew working to ensure compliance with federal rules. Many respondents recounted aggressive incidents, including shoving, kicking seats, throwing trash at flight crew, defiling the restroom in response to crewmember instructions, and following flight crew through the airport to continue yelling and harassment.

One Flight Attendant wrote, "We tell them [passengers] that it is a federal offense to not comply with crew member instructions, use foul and/or threatening language onboard, and then the plane is met by airline supervisors or airport law enforcement and the passenger gets a slap on the wrist and sent on their way. I've been yelled at, cursed at and threatened countless times in the last year and the most that has come out of it has been a temporary suspension of travel for the passenger. We need real consequences if flight attendants are ever going to feel safe at work again."

Another Flight Attendant wrote, "I was on the floor in the back of the plane and the [rest of] crew members didn't know what happened until after my attacker had already deplaned."

Racist, sexist, and homophobic abuse of flight crews creates a hostile environment for everyone onboard and violates federal law. It has no place anywhere, and certainly not in a workplace environment. Our union has fought discrimination and prejudice for decades, and we are not about to allow this moment to set us back.

The danger in this hostile environment in response to flight attendants simply conducting routine safety reminders and compliance is hesitancy in performing these tasks. It is a federal aviation safety requirement that aircraft are staffed with a minimum number of flight attendants. Aviation safety is at risk when crew are deterred from or delayed in performing safety duties.

Significant Opportunities for Reducing Events

According to the survey results, nearly half of the incidents could be prevented by identifying problems on the ground or preflight - which is an opportunity for dramatically reducing the threat in the air. The survey also indicates room for significant improvement in the area of response to incidents and enforcement.

Addressing Violence and Disrespect Toward Ground Service Workers Will Reduce Inflight Events as Well

Ground service agents are experiencing an increased amount of passenger rage and their experiences are going unrecognized. These incidents vary from using crass and vulgar language when addressing employees, using racial epithets that cause psychological harm to our agents, to punching, biting, kicking, shoving and even spitting on them. These incidents are caused by overlapping operational challenges like staffing shortages, flight delays and cancellations and enforcing federal mask mandates at the gates. CWA represents 20,000 agents working for American Airlines and at wholly-own regional subsidiaries Piedmont Airlines and Envoy Air who have serious concerns about their safety in the workplace and are looking to this administration for action that shows the safety of ground service workers is a priority.²

Our ground service members have seen that incidents of assault against passenger service agents are rarely investigated or prosecuted. This is despite a 2017 ruling from the the Department of Justice which confirmed that any interference with airport or air carrier employees with security duties is punishable by criminal penalties and jail time - a provision that applies to passenger service workers performing a range of vital security functions and are therefore covered under this decision.

Over the past few months, CWA ground service members across the country have experienced serious incidents of physical and verbal assault and harassment, with few repercussions for the offending passenger imposed by law enforcement.

- On June 28, 2021 at the Charlotte Douglas Airport, a passenger attempted to board a flight in a state of extreme intoxication. CWA gate agents, fulfilling their duties to secure the aircraft and protect the other passengers, denied the passenger access to his flight. He became extremely violent - physically assaulting one of our members and verbally attacking another two. There is no doubt about what happened. Video of the assault, taken by a member of the public, was obtained by local news and is publicly available.³ Despite conclusive evidence, local law enforcement did not pursue assault charges against the passenger in Charlotte and the FAA and federal law enforcement have likewise refused to pursue this matter seriously because of overlapping jurisdiction at the airport.
- On July 30th at John F. Kennedy Airport, two CWA members were assaulted after intervening in a dispute between two passengers. The agent involved was repeatedly punched in the face and verbally threatened for refusing to allow the passenger on the airplane. No charges have been pursued at this time.
- On June 30, 2021, a passenger attempting to board a flight from JFK to MIA was stopped at the gate after an altercation with another passenger. Despite warnings that any disruption onboard the aircraft would not be tolerated, the passenger became aggressive with agents - pushing, shoving and punching the agent in the face several

times. The agent was transported to a hospital after experiencing headaches and pain in the jaw, left arm, knee and lower back.

By failing to follow the law and seek justice for the victims of assaults like these, a message is being clearly communicated that the safety of airport workers is not a priority. Ground service members are the last line of security before these agents have the opportunity to board the aircraft and disrupt service. These incidents have outraged CWA agents across the country and highlight the need for local and federal law enforcement to prioritize airport workers safety and security.

Action by Government and Airlines Has Made a Difference - But Much More to Do

It is a violation of federal law to interfere or disrupt the duties of a crewmember. Federal Aviation Regulations 91.11, 121.580 and 135.120 state that "no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated." Violations of this law carry up to \$35,000 in fines for each incident, and up to twenty years in prison if convicted. While the FAA has levied more than one million dollars in fines, the Department of Justice has been slow to conduct criminal investigations or seek indictments.

We have a shared responsibility to address threats to aviation safety. Everyone involved in air travel, from federal officials to airlines, to airport concessions must play a role in ending this scourge of abusive passengers. Together we can improve communication to passengers that misconduct is dangerous, illegal, and will result in passengers losing the privilege to fly.

We commend FAA Administrator Dickson for initiating a 'zero-tolerance' policy for violation of this FAR and passenger misconduct, first on January 13, 2021, at the first sight of this new threat and further extending the policy in March. In addition, we appreciate the FAA's public campaign to communicate consequences of violations, and the efforts to bring the entire aviation ecosystem together to address these problems. Dickson's letter to airports³ is a good example of these efforts, and we appreciate the consistent dialog and problem-solving with FAA, DOT, and TSA. Consistent communication from leaders makes a huge difference and it has been extremely helpful to have federal officials, including the President of the United States, clearly communicating the rules and the consequences for breaking them. Plain instructions from leaders such as President Biden's call to "show some respect" helps set a clear tone of order civil discourse in our shared space.

Still, there's more to be done to improve communications. We need everyone from the door of the airport to the flight deck, control towers, concessionaires, airport workers, security, law enforcement, and travelers themselves to identify their part in helping promote calm, kindness, and above all - safety. More airport signage, airport PSAs, and notifications from the airline - starting when passengers purchase the tickets all the way up until boarding - should all be

3

https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/toolkit/media/Letter_to_airports_FINAL_signed.pdf

enhanced communication measures to reinforce the 'zero-tolerance' policy, the fines/jail time consequences, and the rules associated with alcohol consumption.

Airlines have individually taken action to ban bad actors from future flights. For example, United Airlines has banned over 1000 travelers due to issues related to mask mandates and unruly behavior. The airline has instructed flight attendants to hand out cards to maskless passengers that inform them, "you're just going to be banned from flying United Airlines if you don't put [a mask] on." We believe this has been an effective way to avoid putting United flight attendants in danger or into the role of a law enforcement official and has helped deescalate a number of incidents involving unruly passengers.

Problems Contributing to Unruly Passenger Behavior and Recommendations to Stop It

With passenger incidents on the rise, many Flight Attendants have expressed concerns about coming to work. When we think of the incidents we've seen, we think of large network airlines with sufficient crews to deal with a variety of issues but regional airlines are reporting a couple of aggressive passenger incidents per week and often there is a single flight attendant to face unhinged rages.

Overall, staffing minimums in the airports, at the gates, and on our planes make it harder to identify problems early, seek help, and deescalate conflict.

Failure to Communicate to Passengers about Rules and Penalties

After 9/11, TSA developed the "See Something, Say Something" campaign. This was clear, intentional messaging. Everyone understood. Each of us, every one of us, had a role to play in security. Each of us, every one of us, needed to be part of the solution.

We need similar clear, strong, and consistent messaging today about COVID protocols, masking, the importance of following crewmember instructions, and the penalties if you don't.

If the first time a passenger hears about the mask mandate when they are boarding their flight, we are asking for trouble, and we are putting our flight crew at risk.

We need all of aviation to help enforce and reinforce the rules. This should include electronic messaging during and after booking, signage on airport access roads and transit, communications and acknowledgments embedded in the check-in process, clear and consistent signage, video and audio throughout parking areas and terminals, and with the active assistance of all personnel, including sky caps, airport greeters, the ticket counter, TSA, airport vendors, and restaurant workers, gate agents and flight crews.

Recommendations:

1. Develop and enforce stronger airport messaging that wearing a mask and following crewmember instructions are both required, and that failure to do so will result in penalties. Also, empower/promote the message that all parties – TSA, law enforcement, airport security, PSAs, pilots, and Flight Attendants - need to join the team to abbreviate the pandemic and keep air travel safe.

2. FAA should require a COVID-protocols and zero-tolerance policy communications plan from every carrier and airport to ensure that all parties are brought into the process and that appropriate resources are being deployed to support compliance.
3. Make the FAA 'zero-tolerance' policy permanent.
4. The DOJ should utilize existing statutes to conduct criminal prosecution.
5. Implement a series of actions proposed by our union to keep problems on the ground and respond effectively in the event of incidents.

Refusal to Comply with Mask Mandate

On September 14, 2021 the TSA extended the mask mandate (SD 1582/84-21-01B), which was first issued on January 27, 2021 requiring masks to be worn on all forms of public transportation. According to the FAA, as of January 1, 2021, about 75% of disruptive passenger incidents are directly related to the mask mandate⁴.

In his September 9, 2021, speech on new measures to address COVID-19, President Biden called out the unprecedented verbal and physical assault of flight attendants, and implored people to act in a civil manner. During this speech the President also announced that fines for passenger disruption and noncompliance would be doubled. Our union thanks President Biden for his push to stop unruly passenger behavior and his message of respect for those of us on the frontlines doing our jobs to keep everyone safe.

On August 3, 2021, FAA Administrator Steve Dickson sent a letter to Airport leaders reinforcing the FAA zero tolerance policy on disruptive behavior. He stated "Every week, we see situations in which law enforcement was asked to meet an aircraft at the gate following an unruly passenger incident. In some cases, flight attendants have reported being physically assaulted. Nevertheless, many of these passengers were interviewed by local police and released without criminal charges of any kind. When this occurs, we miss a key opportunity to hold unruly passengers accountable for their unacceptable and dangerous behavior."

Mask use continues to be an effective way to help stop the spread of COVID-19, and consistent enforcement and accountability are vital — especially as some travelers refuse to act responsibly. Since the Transportation Security Administration announced in February that most passengers must wear masks on airplanes and in airports, the agency has received more than 3,000 reports of mask-related incidents⁵. As of last week, Alaska Airlines alone had placed 857 passengers on a ban list due to failure to comply with mask policy.

Recommendations:

1. Maintain the TSA enforcement directive for the CDC transportation mask mandate to keep passengers and aviation workers safe.
2. Make permanent the FAA zero tolerance policy and increased fines for disruptive, unruly, and violent passengers.
3. Minimize onboard food and beverage service until the CDC declares that the pandemic is over in order to facilitate more consistent mask wearing.

⁴

<https://www.cnbc.com/2021/07/06/disputes-over-mask-mandates-comprise-75percent-of-faas-unruly-passenger-complaints-on-planes-.html>

⁵ https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/

4. Require that all airport bars, restaurants, and shops post signage and issue verbal warnings to patrons who fail to comply with masking requirements.

Drunk Passengers and Alcohol Consumption Allowed outside of Concessions

To facilitate mask-wearing and enhance COVID safety protocols, a few carriers have limited in-flight food and beverage service, and either curtailed or ceased alcohol sales at this time. Flight Attendants across the country have praised these measures for assisting with compliance for the vast majority of passengers.

However, as our member survey made clear, alcohol continues to be a major driver of passenger noncompliance with safety rules and is an aggravating factor in many incidents with unruly, verbally and physically abusive travelers.

Many of the most disruptive and threatening passengers have attempted to bypass restrictions on in-flight service by drinking to excess prior to flight or by bringing alcohol onboard for consumption, in violation of FAA rules, which state that “no person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.” The purpose of this long-established safety rule is to empower airline personnel to guard against the safety risks from intoxicated passengers, including the risk that drunk travelers will fail to follow instructions.

In this fraught moment, we have emphasized the need for clear, strong, and consistent messaging. Today, we must convey to the Committee our profound dismay that some airport vendors are actively undermining efforts to enhance compliance by encouraging passengers to violate alcohol consumption rules.

In airports across the country, from Phoenix to St. Louis to New York, travelers are met with calls to order alcohol delivery to your gate and “cocktails to go.” One ad at JFK, urges passengers to drive one cocktail at the bar and order up another to bring to the gate.



These messages, and the policies behind them, are totally inconsistent with federal safety regulations and send a message that getting drunk before flying is permissible. After months of verbal and physical abuse from intoxicated passengers and unprecedented federal enforcement, it is time to end gateside alcohol delivery and airport cocktails to go. We need the FAA and Congress to send a clear message to airports, and to their concessions and vendors - you have a key role to play in supporting aviation safety and combating air rage, not profit from it.

Recommendations:

1. Limit onboard alcohol sales.
2. Ban cocktails to-go and in-airport alcohol delivery.
3. Limit customers to purchasing one alcoholic beverage at a time.
4. The FAA must remind airports and vendors of their obligation not to serve inebriated passengers.
5. Airports must remind all airport employees of their shared responsibility to keep intoxicated passengers from boarding planes by notifying gate agents and crew members in advance.

Inconsistent and Insufficient Response to Aggressive Passenger Incidents

The response to aggressive passenger incidents upon landing is inconsistent and generally insufficient at multiple levels. The communication chain from the cabin, to flight deck, ground coordinators, and law enforcement must be unbroken if we are to have the chance to respond effectively and enforce compliance. If an aircraft returns to the gate after pushback due to a disruptive passenger incident, a report to the FAA is automatically generated. But it is not clear how incidents that do not involve a deviation from the flight plan get reported or investigated. Law enforcement response is not consistent at some airports, law enforcement will board and escort the offender off prior to everyone else deplaning. But often, either the offender will deplane and walk away because the passenger service agents (PSA) are not sure what occurred and there is no law enforcement presence. Investigations can take weeks or months to investigate because of a tremendous case backlog and staffing shortages, meanwhile an unruly passenger will continue to fly and abuse crew members, gate agents, and other aviation staff. I am concerned that it sends the message to offenders and would-be offenders that enforcing the rules is not a priority.

An issue that needs particular attention now is how an aggressive passenger can be banned from one airline but then promptly fly on another one, putting more crews, passengers, and gate agents at risk and sending a message of lax (if any) oversight. This is not acceptable. A central database that all the airlines can access to share information about passengers who are banned from flying makes practical sense.

Recommendations:

1. Clarify what triggers pilot reporting and law enforcement response, define and require that pilot reporting and ground response protocols are implemented, take action against

passengers who break the rules including consistent applications of fines (and some immediate consequence, not just the remote threat of a distant and unlikely consequence), criminally prosecute certain offenders under the DOJ, and direct the fines into a legal/medical fund for affected crewmembers and PSAs.

2. Create a centralized list of passengers who may not fly for some period of time and provide airlines with access to the list. Add to the contract of carriage that airlines have the right to share passengers' information with the DOT.

Insufficient Flight Attendant and Gate Agent Staffing

The demands of managing the current spike in aggressive passenger incidents is straining Flight Attendant and Passenger Service Agents (PSA) staffing.

Recommendations:

1. Increase staffing to ensure a sufficient number of Flight Attendants and PSAs to observe and respond to the issues.

Conclusion

This is not a 'new normal' we can accept. We know the government, airlines, airports, and all stakeholders can take actions together to keep us safe and flying friendly. We look forward to working with this subcommittee on our union's proposed actions and recommendations to affect positive change. Aviation is about bringing people together, not tearing us apart. Every person matters, and we can only have the freedom of flight when we recognize the reality that we are all in this together.