

NATIONAL TRANSPORTATION SAFETY BOARD

AIR CARGO SAFETY FORUM



A photograph of an Airborne Express cargo aircraft in flight, viewed from a low angle. The plane is white with red and blue accents. The text "AIRBORNE EXPRESS" is visible on the side of the fuselage. The aircraft has two engines mounted on the wings and a red and white tail. The landing gear is deployed. The background is a clear blue sky.

**Air Cargo Load Masters
&
Third-Party Contract Loading**

Presented By

**International Brotherhood of Teamsters
Airline Professionals Association (APA)
Local 1224**

Air Cargo Handling Personnel

- ✦ **Load Master, Load Supervisor, Ramp Supervisor or Load Planner have been interchangeably used to describe the person who supervises and oversees the cargo loading operation, signs the load plan, completes and signs the pilot notification forms for carriage of hazardous materials, and generally plays a vital role in the safe operation of cargo flights.**
- ✦ **Currently individuals designated as Load Masters or cargo handlers are not required to be trained or certified by the FAA. The NTSB has investigated accidents and incidents involving 14 CFR Part 135 and Part 121 air carriers, in which improper loading (weight and balance), improper cargo restraint or hazardous materials have been cited as either a direct cause or contributing factor in the accident.**



Air Cargo Handling Personnel (*cont'd*)

- ✚ **The tasks of “building up” unit load devices (ULD’s) and loading/unloading aircraft are often subcontracted to companies independent of the airline, a practice remarkably inconsistent with federal requirements applicable to contract “third-party” maintenance providers pursuant to 14 CFR Part 145.**
- ✚ **The federal mandate for participation in formal or required “Drug Testing and Alcohol Misuse Prevention” programs is routinely ignored due in part to misunderstanding or misinterpretation of the regulations.**



**“Lessons Learned”
From
Emery Worldwide Airlines Flight 17**



The investigation of the Emery Worldwide Airlines DC-8 in Rancho Cordova, California in February 2000, identified a recurring issue that has the potential to cause future air cargo and passenger carrying aircraft!

The Safety Board addressed in its final report, the deficiency of the following Appendices related to drug and alcohol testing of cargo handling personnel:

14 CFR Part 121, Appendix I, Drug Testing Program, states the following:

"Each employer shall test each employee who performs a safety-sensitive function for the presence of marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines, or a metabolite of those drugs in the employee's system if that employee's performance either contributed to an accident or can not be completely discounted as a contributing factor to the accident. The employee shall be tested as soon as possible but not later than 32 hours after the accident."



14 CFR Part 121, Appendix J, Alcohol Misuse Prevention Program, states the following:

“As soon as practicable following an accident, each employer shall test each surviving covered employee for alcohol if that employee's performance of a **safety-sensitive function** either contributed to the accident or cannot be completely discounted as a contributing factor to the accident ...”

... functions include the duties of flight crewmembers, flight attendants, flight instructors, aircraft dispatchers, aircraft maintenance or preventive maintenance personnel, ground security coordinators, aviation screeners, and air traffic controllers.



THE PROBLEM:

Supervisory positions i.e. Load Masters and Cargo Loader duties are not considered to be “safety-sensitive” functions despite the fact their performance can have an adverse affect on the safety of any flight!



The Safety Board determined that:

“ ... the ground personnel at MHR who were involved with the accident airplane (including cargo handlers, load planners, and ramp supervisors) were not required to submit to drug or alcohol testing promptly after the accident, in part because the applicable regulations (specifically 14 CFR Part 121, Appendices I and J) do not define their duties as "safety-sensitive.”

“As evidenced by the history of cargo-related accidents, the way cargo-handling personnel conduct their duties (whether those duties involve the loading of cargo in cargo compartments; the loading/packing of the containers, pallets, and other items for placement within the cargo compartments; or planning the placement of the load) can have a significant effect on the safety of a flight.”

“ ... the Safety Board concludes that the current regulatory definition of safety-sensitive functions is too narrow for the issue of post-accident testing because it does not include cargo handlers, load planners, and ramp supervisors, all of whom have a demonstrated potential to affect the safety of a flight.”

The FAA Response

- ✚ The FAA responded to the NTSB Safety Recommendation A-03-036 in a letter dated January 12, 2004.
- ✚ The FAA represented that it would give full consideration to the regulation of all personnel with direct access to the aircraft or a direct role in controlling the flight. Nonetheless, the FAA gave little cause for optimism when it stated that **“we anticipate substantial opposition so it is difficult to project an accurate schedule for completion....”**
- ✚ The FAA also insisted the aforementioned personnel were presently included in many air carrier programs. However, several FAA drug abatement program personnel revealed a **lack of standardization in the interpretation** of how company employed cargo loading supervisors, load planners, ramp supervisors, and cargo loaders, or contractors providing these services are identified for inclusion in the 14 CFR Part 121 Appendix I Drug Testing Program; and Appendix J, Alcohol Misuse Prevention Program.

The FAA Response (*cont'd*)

The Airline Professionals Association submitted a written request to the FAA for an interpretation of Appendices I & J. In an e-mail response dated March 9, 2004, the Manager of the Program Policy Branch, Drug Abatement Division, provided the following response to the question, “Are cargo loading personnel who are either employed by the certificate holder or contracted by the certificate holder to perform these services, which include cargo loaders, loadmasters, load planners, covered under 14 CFR part 121, Appendices I and J, as “safety-sensitive” personnel?”

Answer: Drug and alcohol testing is not required for employees who only weigh and load the freight, add the different weights together, and pass on the information. This is considered gathering weight and balance data but not calculating the weight and balance and, therefore, is not a covered function. Only those responsible for the weight and balance calculation and signing the load manifest form are required to be in the company's FAA-mandated drug and alcohol program.

The FAA Advisory Circular

- ✚ **The FAA intends to release an Advisory Circular (AC) addressing the subject of Air Cargo Operations. However, because the AC is advisory and not regulatory, the implementation by all air cargo carriers of the policies and procedures suggested depends largely upon corporate goodwill.**
- ✚ **The proposed AC fails to address the subject of Drug and Alcohol testing of air carrier direct employees performing air cargo loading functions or third-party contractor personnel performing such services.**
- ✚ **The loadmaster, the person responsible for supervising the loading operation and signing the final aircraft weight and balance manifest, is dependent upon numerous other people (cargo loaders) to accurately and properly weigh, position and restrain the cargo in the aircraft.**
- ✚ **The continued misinterpretations of the regulations and the inconsistent program participation endangers the safety of pilots, the general public, and the Air Cargo industry.**
- ✚ **Without regulatory action, substantive and timely change necessary to enhance air cargo safety is not likely to occur.**

APA Conclusions & Recommendations

- ¥ The Airline Professionals Association submits that most air carriers require a pre-employment and *probable cause* testing of direct employees but do not conduct *random or post incident/accident* testing. Further, because all air carriers do not conduct such testing on its own cargo handling employees, contract or third-party employees that perform these services are also not tested either by the air carrier program or an in-house program established by the vendor.
- ¥ The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the safe operation of the aircraft. However, it is virtually impossible for the PIC of an all-cargo aircraft or passenger carrying aircraft to participate and oversee the cargo loading operation to insure that each ULD, pallet or other cargo container has been properly built-up, weighed correctly, loaded in the correct position and restrained properly.



APA Recommendations

- ✚ **The Airline Professionals Association recommends that the FAA require formal certification of select persons performing cargo handling duties, including those in supervisory roles.**
- ✚ **Further, air carriers and third-party contract service organizations should be required to provide to their employees an approved cargo loading training program that consists of initial training for new employees and periodic recurrent training for those persons who perform such duties.**
- ✚ **Cargo loading personnel should be included in the list of *safety-sensitive* positions listed in 14 CFR Part 121, Appendix I, and be required to participation in mandatory drug and alcohol testing in conjunction with 14 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.**

