

RAA Notes for EO12866 meeting with OMB

Thank you for allowing us to come speak to you today. We really appreciate the opportunity to come speak with you. We also appreciate you giving us the opportunity to speak to you separately from our colleagues at ATA. While we support their comments and their suggestions, we believe that RAA has a very unique perspective on the proposed aircraft drinking water rule based on our operations.

We would like to open by stating that RAA members have always held the health and safety of our passengers first and foremost. We understand the efforts of the EPA in proposing this rule; however we believe that the cost of the proposed measures exceeds the perceived health risk.

Lack of RAA Data

RAA has 32 airline members and over 300 associate members who support the industry. Currently RAA members represent 40% of the domestic airline fleet. We are over 50% of the domestic scheduled flights, and 70% of the US airports are serviced solely by regional airlines.

We make you aware of these statistics about RAA in order to make our first point with regard to the proposed rule. With 40% of the domestic fleet, and 50% of the scheduled flights, we feel that it is important to note that EPA created this proposed rule with no data from RAA members.

- Of the 32 RAA members less than 4 have actually completed their Monitoring Period 1 requirements, and those 4 only finished their reporting within the past few months.
- EPA proposed this rule over a year ago, when most RAA members were either just starting their monitoring period 1 program or had not started at all.
- Given our relative size and importance in the domestic market, it is unsettling to find that a rule that uses benchmarks from only one subset of the industry can be pushed forward and applied to all members of the industry.
- Based on this information, we submit that EPA has crafted a rule for all carriers based on mainline carrier's data, which will most assuredly end up crippling the regional industry because of the costs associated adhering to a rule that was never written to take into consideration different types of aircraft, varying configurations of water systems on these aircraft, and relative risk based on number of passengers, time of flight, etc.

Request: Based on this and the other points we are going to make, we would ask that OMB and EPA consider exemptions for regional aircraft which we will propose

Regional vs. Mainline differences

As mentioned we think it is important to make the distinction that while ATA and RAA carriers are all part of the US Aviation industry, we are very different in our aircraft and our operations. The RAA fleet differs tremendously from that of our mainline partners:

- The average seating capacity for a regional aircraft is 50 passengers, while the average mainline capacity is over 100.

- The water tank capacity for an average regional carrier is 5 gallons with only a handful of airframes exceeding 10 gallons. Most of our mainline partners carry at least 30 gallons of water.
- A majority of regional airline configurations contain no galley at all and only one lavatory (the only sampling point would be the lavatory sink).
- The average flight time for a regional aircraft for one segment is 1.5 hrs. Network carriers are more than double that average flight time.
- As we purchase new aircraft, the water configuration and tank volume for the new aircraft seems to continue to remain the same.

Request 1: Based on our configurations with many not having a galley, the current rule as proposed requires us to then take two samples from the same lavatory. We estimate that the cost of a single sample for one aircraft to be approximately \$766. We believe this to be extremely onerous given that the real risk associated with the Aircraft Drinking Water Systems is in the water actually served to passengers. Previous drinking water guidelines and regulations for land based potable water testing have continually advised that taking samples from a lavatory are never optimal. We would respectfully ask for an exemption for all aircraft without a galley configuration, provided the airline continues to follow the proposed rules for scheduled disinfection and sanitization of their lavatory systems.

Request 2: Should you not be willing to provide the exemption for that configuration, then we would ask that you consider a reduction in the number of samples from two to one for the lavatory. At a cost of almost \$800 per sample it is burdensome and cost prohibitive to require two samples from the same source at the same time. We believe that one sample should suffice in serving the purpose of reporting on the health and quality of the water system.

Request 3: we would also request that the revised rule be changed to allow for a positive Total Coliform to be processed without incurring the reporting requirements as long as the airline follows the procedures for disinfecting and sanitizing the aircraft water systems and then taking another sample which returns clean. We firmly believe that one Total Coliform positive does not necessarily indicate a problem with the water or the system.

Risk Assessment

We believe the proposed rule fails to provide an accurate risk assessment of the possibilities of exposure and over burdens the airlines with reporting and sampling requirements that far exceed the possible risk. This is especially the case in the regional airline industry.

- Again the average capacity of a regional aircraft is 50 passengers
- The average flight is 1.5 hours or less
- There is limited food prep (if any) which consists of canned soda, bottled water, and pre-packaged food items.
- All of these items add up to limited or minimal exposure opportunities and pathways.
- If you take the average regional aircraft with 50 passengers and the average tank configuration of 5 gallons it works out to roughly **0.16ozs** per passenger in potable water.

- Many of the regional airlines already post placards in the lavatory indicating that the water is not intended for human consumption. All regional carriers that serve any kind of food service always have bottled water on board specifically for consumption purposes.
- A close inspection of the data provided to you by ATA and that can be provided to you by RAA would show that Galley samples routinely come back negative, while lavatory samples come back negative. Indicating that there are other factors involved in the positives associated with the lavatory.

Request 1: By not exempting this configuration you are requiring the airline to take samples they know have a good chance of coming back positive, yet the system they are from is a less likely source of consumption by the consumer. Again we would respectfully ask that you consider an exemption from testing for those aircraft that do not have a galley configuration.

Request 2: Given that land based potable water systems are often allowed to have a single source for water testing that is not associated with a lavatory, we would ask you to consider including language that would allow for samples to be taken from “an alternate source” on the aircraft. For example, the revised rule could include language encouraging airframe manufacturers to create a single sampling point that is neither in the lavatory nor in the galley that gives a true representation of the water in the system. Or perhaps it would allow for the airlines themselves to create or identify a collecting point within their system that does not necessarily come from the tap but rather the tank or some other location.

Cost Analysis vs. Health Benefits

As established in the previous discussions we don't believe that the EPA has established a risk factor high enough to warrant the costs associated with complying with the rule.

- The cost assumptions for this proposed rule significantly underestimate the actual costs the regional air carriers will incur should this rule be adopted.
- Regional airlines would be forced to hire personnel just to monitor and comply with this rule, and these are personnel that the airlines cannot afford at this time.
- Airlines would most definitely have to hire analytical and consulting services in order to make sure they could keep up with the reporting requirements. Given the fact that in the past two years 5 airlines have either gone bankrupt or out of business completely, this is not the time to be adding costs for a low risk item.
- As mentioned earlier the average price of a single sample for a single aircraft can cost \$766. Given the amount of sampling required by this rule, we believe the cost associated with sampling could become one of the largest cost centers at an airline.
- In order to keep up with the record keeping and notification process, airlines will be forced to spend millions in software changes to their system in order to comply with the rule.
- Removing an aircraft from service for the purpose of disinfecting and sanitizing based on a positive Total Coliform costs time and money as that removes an aircraft from revenue generation unnecessarily. Having the ability to turn the water system off until it can be sanitized would be more appropriate.

- If we had a mechanical issue with the water system and the water has to be shut off, we are not currently required to make notifications to crew, but if we shut it off for a potential false positive we are required to make notifications to all crew. This does not seem to make sense. We recognize that crew should be notified of the hit and the date of occurrence; however we believe that the required statement that must be posted in the galley is well beyond what should be required. ?
- Most of the reporting requirements and documentation requested by the EPA are already parts of required FAA notifications in Maintenance Repair Overhaul Systems (MROS). This rule is asking the airlines to keep duplicate records of items that can already be obtained via record kept as a requirement for the FAA. That is not only a duplication of work, but an exponential waste of airline resources and money to document the same information twice for two different agencies.

Request 1: We ask that the EPA coordinate with the FAA to determine where there are duplicative reporting requirements and determine how the two agencies can share the same information from the same source rather than requiring the airlines to keep the same information. This would result in a cost savings and make the requirements of this rule less onerous.

Request 2: We ask that in a circumstance where we may have a total Coliform positive that we be allowed to restrict access to the water system until it can be sanitized and re-tested without taking the aircraft out of service as long as it is done within a reasonable time frame.

Other Considerations

Perhaps the EPA would consider changing the definition of Consumption for the purposes of this rule?

Would the EPA consider gels, sanitizers, or hand wipes as an alternate to access to potable water in the lavatory assuming we post a sign indicating that anyone needing water for hygiene purposes in the lavatory may request a bottle of water from the flight attendant?