

Senator Kowall offered the following resolution:

Senate Resolution No. 26.

A resolution to urge the Federal Aviation Administration to reconsider new policies that would prohibit offset loading of sea-land containers by the U.S. air cargo industry.

Whereas, Air cargo carriers capable of transporting very large or irregular cargo and sea-land containers are a small, but critical, segment of the U.S. air transportation sector. It is important that they remain economically viable and able to maintain their aircraft capacity, which is frequently needed for vital national interests; and

Whereas, For over four decades, the air cargo industry has safely loaded sea-land containers along the sides of aircraft, utilizing the aircraft designed restraint system, as an efficient and cost-effective means of transporting the containers. Offset loading has until now been accepted by the Federal Aviation Administration (FAA). In addition, the International Air Transport Association (IATA) has incorporated the offset loading method into its latest standards (January 2015), which are followed and will continue to be followed by carriers throughout the world. According to the IATA, there has never been an accident or incident involving the loading of sea-land containers; and

Whereas, The FAA has taken actions that would ban this common operating procedure. The FAA has proposed a new airworthiness directive that would prohibit offset loading onto Boeing 747. In addition, the FAA has adopted a national policy notice that would prevent FAA inspectors from approving offset loading procedures; and

Whereas, The FAA's actions are based on flawed information. First, while the Boeing 747 Weight and Balance Manual does not explicitly provide for the offset loading method, it does allow for alternative methods of loading not covered in the manual as long as specific operating limitations are maintained. Second, 2014 safety tests that found offset loading to be unsafe did not reflect the actual methods used to conduct offset loading under IATA standards, nor did it use prescribed testing standards. Testing performed earlier this year under more realistic conditions and using the prescribed standards demonstrated that offset loading can be used without threat to safety; and

Whereas, U.S. air cargo carriers will be at a significant competitive disadvantage if not allowed to load cargo in an offset configuration. Most foreign carriers will continue to use IATA's specifications for guidance on cargo loading, as they are not required to adopt the FAA's proposed and overly-restrictive regulations. U.S. carriers will be forced to use other, less efficient loading methods that reduce the cargo capacity of the aircraft and increase costs for carriers and shippers alike, making it difficult to compete with foreign carriers. The FAA has already forced at least one U.S. cargo carrier to forego a great deal of business to the benefit of foreign carriers in Europe, the Middle East, and Russia. The FAA's unfounded actions will lead to serious financial losses for U.S. carriers and jeopardize their ability to operate to the detriment of the nation's air transportation industry; now, therefore, be it

Resolved by the Senate, That we urge the Federal Aviation Administration to reconsider its national policy notice and proposed airworthiness directive that would prohibit offset loading of sea-land containers by the U.S. air cargo industry; in light of the record of safe operations with offset-loaded containers, renewed testing on this method that has been accomplished, serious economic harm to U.S. heavy cargo carriers, and unwarranted benefits to foreign competitors; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the Federal Aviation Administration and the members of the Michigan congressional delegation.