

Dear distinguished members of the House Committee on Transportation:

Please do not sponsor or support H.R. 5170 (The Safe Skies Act of 2019) in its current form. Despite the deceptive name of the bill, the placement of the cargo industry under the same scheduling rules (14 CFR Part 117) has the potential to make the cargo industry LESS SAFE. "One level of safety" is by no means equivalent with "one size fits all." I write to you as a retired Colorado Air National Guard pilot, currently working as an MD-11 captain at FedEx Express. I've spent most of the last 15 years flying while most Americans are sleeping. I am a member in good standing of the Air Line Pilots Association (ALPA). While I whole-heartedly agree with ALPA's goal of a better safety environment in our aviation industry (particularly regarding the transport of Lithium-Ion batteries), the goal of improved safety would ironically be set back dramatically by placing the mostly night-time cargo industry under the same scheduling rules as the mostly day-time passenger-carrying industry.

Under Part 117 (from which the scheduled cargo industry is now excluded), there is a limitation that would fundamentally change how our schedules are built. In essence what many of us have for years been dealing successfully with—flying the "back side of the clock" or the "swing shift"—has been endurable because most of our schedules involve working a week at a time flying nights where the shift of circadian rhythm can be completed early in the week and we can become accustomed to the schedule and stay on that nighttime schedule. Most of our middle-of-the-night flying schedules are now generally "week-on/week-off." Prior to beginning a week of middle-of-the-night flying, pilots prepare by making the slow shift from living with family in a day-time world, to being night-time professional pilots. Making this transition for a week at a time allows our bodies to adapt to the night-time schedules and be at peak performance when it's needed most. At the end of a week, when we rejoin families and most of the world living during the daylight hours, we can make that adjustment for a week at a time before having to re-adjust once again. Unquestionably, the high-point of fatigue occurs DURING these transitions from days to nights and then back again. By placing the cargo industry under the same rules as our day-flying brethren, our schedules would be mandated to have only three days of typical night flying at a time. That means making the day/night transition, 4 times a month instead of 2 times a month—a doubling of the most fatiguing part of being an all-night cargo pilot.

While well-intentioned, this effort to force a "one-size-fits-all" solution under other guise of "one level of safety" would unquestionably have a deleterious effect on safety in the cargo industry which flies airplanes in the skies over our nation as most of its citizens sleep.

As I speak to many my colleagues on this issue, there is no other issue over which I've gotten a larger sense of unanimity: week-on/week-off flying is a vital structure in making flying the back side of the clock more safe.

Please vote no on H.R. 5170. I am happy to provide analysis of circadian rhythm disruptions and how more frequent such disruptions have disastrous effects on alertness and fatigue

Very respectfully,

Joel Miller, FedEx Captain

Lieutenant Colonel (Retired), COANG