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*OSHA, AIR21 and Whistleblower Protection for Aviation Workers*

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Abstract by Aurora Hartwig De Heer

The author gives an in depth review of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21), as well as offers her recommendations for perceived shortcomings. The Comment's main argument states that airport screeners, not covered by AIR21, should receive the same whistleblower protections as other airport employees. Further, the author argues that greater uniformity and safety would result from handing the oversight of whistleblower protections for all airline employees to the Department of Labor's Occupational Safety and Health Administration (OSHA).

Congress began seriously contemplating the creation of a whistleblower protection program for the aviation industry in the late 1990s following a string of commercial passenger plane crashes. This resulted in the enactment of AIR21 in April 2000, which noticeably did not include airport security personnel. The author discusses some of the controversial aspects of the Act, which make it different from other federal whistleblower protection programs—OSHA's ability to order a worker to be immediately reinstated with full compensation prior to a full evidentiary hearing, access to review by all circuit courts, and the heightened burden of proof placed upon the person named by the whistleblower employee.

First, this Comment discusses the limited whistleblower protections available to airport employees prior to the passage of AIR 21. Second, this Comment argues that airport baggage screeners need the same level of whistleblower protection as other airline and airport employees under AIR21. Last, this Comment recommends that OSHA should be responsible for the administration of whistleblower protection for all aviation employees, describing a few methods by which this could be achieved.