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May 6, 2013

The Honorable John Pistole
Administrator
Transportation Security Administration
U.S. Department of Homeland Security
601 S. 12 St.
Arlington, VA 20598

Dear Administrator Pistole:

Pursuant to 49 U.S.C. § 46109 and 5 U.S.C. § 553(e), the Association of Flight Attendants-CWA (“AFA”), the Association of Professional Flight Attendants (“APFA”), the American Federation of Government Employees (“AFGE”), the Allied Pilots Association (“APA”), the Federal Law Enforcement Officers Association (“FLEOA”), FlyersRights.org, the International Association of Machinists and Aerospace Workers (“IAM”), the International Brotherhood of Teamsters (“IBT”), and the Transport Workers Union of America (“TWU”) hereby petition the Transportation Security Administration (“TSA”) to rescind the announced plan to allow knives onboard commercial aircraft and in secure areas of airports.

Since 2002, the TSA’s regulations have banned any “weapon” from secure areas, 49 C.F.R. § 1540.111, in furtherance of the Congressional mandates “to protect passengers ... against an act of criminal violence or aircraft piracy,” and to “ensure the safety and integrity of ... all persons providing services with respect to aircraft providing passenger air transportation.” 49 U.S.C. § 44903(b) and (h)(4)(C)(i). Pursuant to that regulatory ban on weapons, the TSA has barred all knives. On March 5, 2013, however, without a rule making procedure, TSA announced that, effective April 25, 2013, it would allow a wide range of knives on planes. In the face of numerous objections by members of Congress, airline employees, airlines, and passengers, TSA announced on April 22, 2013 that it would “temporarily delay implementation.” TSA has indicated that it still intends to implement the rule, although during this delay it will incorporate feedback from an advisory committee and continue workforce training.

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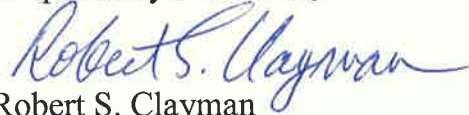
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As set forth in the attached memorandum, the TSA should abandon the planned rule change altogether because: (1) organizations whose members have a direct interest in civil aviation safety and security universally oppose allowing knives in secure areas; (2) TSA-approved knives could be used to stab or slash passengers, crew members, TSA employees or customer service agents; (3) TSA-approved knives could be used by terrorists to hijack a plane, and enforcing the complicated rule would increase the likelihood a screener would be distracted and fail to detect an explosive; (4) the rule as currently articulated reflects irrational and inconsistent distinctions between what will and will not be prohibited; and (5) the knife rule cannot be implemented in a safe and effective manner.

Should the TSA proceed with implementing the rule, the Petitioners reserve the right to seek judicial review as authorized by 49 U.S.C. § 46110(a). The planned rule change, if carried out, would be unlawfully arbitrary and capricious. 5 U.S.C. § 706(2)(A). Moreover, the knife rule cannot be lawfully implemented because TSA has not abided by the required notice-and-comment process. 5 U.S.C. § 553.

We thank you for your attention to this matter and full consideration of this petition.

Respectfully submitted,



Robert S. Clayman
Attorney for Petitioners

cc: Secretary Napolitano,
Department of Homeland Security