

**STATEMENT OF
CAPTAIN DUANE WOERTH
PRESIDENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
BEFORE
COMMITTEE ON COMMERCE, SCIENCE AND
TRANSPORTATION
UNITED STATES SENATE
ON
THE “AGE 60 RULE”
MARCH 13, 2001**

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Good afternoon Mr. Chairman and members of the Committee. I am Duane Woerth, President of the Air Line Pilots Association, International (ALPA). ALPA represents the professional interests of 59,000 pilots who fly for 49 airlines in the United States and Canada. I appreciate the invitation to appear before the Committee today to present ALPA's views on S. 361, a bill to relax the FAA regulation known as the Age 60 Rule, and impose a new mandatory retirement age of 65. My testimony today on this legislation is essentially the same as that which I submitted to the Committee last July on an identical bill. Nothing has changed in the past nine months to warrant a change in the Rule or ALPA's position. ALPA supports the Age 60 Rule, and opposes S. 361.

The Age 60 Rule is based on two fundamental principles of medical science that are indisputable. First, the risks of incapacitation and unacceptable decrements in performance

increase with age. Second, medical science has not developed a regimen of reliable tests that can be administered effectively to identify those aging pilots who are, or will become, incapacitated, or whose performance will decline to an unacceptable level. The issues surrounding the regulation have been studied as thoroughly as any aeromedical matter affecting pilots, and after two decades of comprehensive studies and exhaustive review, these two principles are still valid as the underlying basis for the Rule. As a matter of fact, the FAA, as recently as December 13, 2000, after a comprehensive review, reaffirmed that medical science has not yet advanced to the point to adequately screen out those over-60 pilots whose on-the-job performance will in fact become inadequate and potentially unsafe due to the normal processes of aging.

In late 1979, the House of Representatives rejected a proposal to relax the Rule, and directed the National Institutes of Health to conduct a study to determine if there was sufficient medical evidence to support it. In August of 1981, the National Institute of Aging Review Panel on the Experienced Pilots Study that was responsible for reviewing the study and submitting a report to Congress concluded:

"The Panel attaches no special medical significance to age 60 as a mandatory age for retirement of airline pilots. It finds, however, that age-related changes in health and performance influence adversely the ability of increasing numbers of individuals to perform as pilots with the highest level of safety and, consequently, endanger the safety of the aviation system as a whole. Moreover, the Panel could not identify the existence of a medical or performance appraisal system that can single out those pilots who would pose the greatest hazard because of early or impending deterioration in health or performance."

Following completion of the NIA review, the Rule was contested in Federal Court and reconsidered by the FAA. In 1989, in response to a directive by the U. S. Court of Appeals for the Seventh Circuit, the FAA reviewed the evidence and reaffirmed its support of the Rule. In the decision, the FAA's Director of Flight Standards stated:

"Based upon all of the studies discussed, we conclude that an older pilot's edge in experience does not offset the undetected physical infirmities associated with the aging process. Notwithstanding that most pilots who are approaching or have passed age 60 report that their health is excellent and they do not experience any physical or cognitive limitations which would prevent them from continuing their flying career, the research of aging indicates that there is often a sharp decline in physical and cognitive performance after age 60. There is substantial scientific evidence which indicates that the greater experience of the pilots who have reached or passed age 60 does not outweigh the increased risk of incapacitation or skill deterioration which accompanies seniority."

Since 1994, the FAA itself has sponsored at least five studies on issues related to the Rule. The most comprehensive consideration of the Rule by the FAA occurred between 1993 and 1995. In late 1990, the FAA had initiated a statistical study on the relationship between pilot age and accident rates. Following the release of the so-called Hilton Study in March, 1993, the FAA convened a public meeting in September to solicit comments on the study and the Age 60 Rule in general. Two years later, in December of 1995, the FAA concluded an exhaustive rulemaking proceeding, commonly known as the "One Level of Safety" review, in which the safety regulations governing the commuter airlines (Part 135) were harmonized with the major carrier regulations (Part 121). One component of that review and subsequent order was a reaffirmation of the Age 60 Rule and the application of it to the commuter airlines. Recognizing that this change might pose a hardship for some commuter pilots and operators, the FAA granted a four-year phase-in of the new rule. At the time of the order, the FAA estimated that there were approximately 8,000 pilots in the commuter category, and of those, approximately 200 were over 60 years of age. The grace period expired on December 20, 1999, at which time those pilots who were over 60 years of age were required to retire. During this same time frame (1993-1995), and again just last year, the FAA considered and denied a petition for

rulemaking to repeal the Rule that was filed by a group of pilots, both active and retired, who have been fighting it for years.

As mentioned above, just last December, after an exhaustive review of the scientific literature on this issue, the FAA determined that it was again compelled to deny pilot requests for exemption from the Rule on the grounds that there was still no reliable scientific test to identify those over-60 pilots who posed potential safety risks. The FAA reiterated the fact that that there was little dispute over the principle that, as people age, they experience more illnesses and disorders, and suffer more cognitive decline, the onset of which is usually insidious and sometimes overlooked by co-workers, family and friends. Often the individuals themselves are not aware of age-related decline in memory, language, spatial orientation and judgment from previously attained intellectual levels. As the FAA noted, medical science is currently unable to identify these defects in memory, cognitive capacity and adaptive behavior, and many dementing diseases can be confirmed or denied with certainty only after death. Given the difficulty in identifying and measuring these declines, FAA concluded that it is an unacceptable risk to the public safety to allow pilots to fly until failure; therefore, some age must be selected at which mandatory retirement is indicated. Others would choose a different age; however, age 60 is within the age range during which the FAA and the medical community have found that sharp increases in disease and morbidity occur, and it has served well as a regulatory limit since 1959.

Let me conclude my statement by saying that ALPA regards the Age 60 Rule as an extremely important safety regulation that should not be overturned without the full support and confidence of the FAA -- the agency that the Congress has charged with promulgating and enforcing such regulations. Unfortunately, many challenges to the Rule over the years have not been based on safety grounds, and I applaud the FAA for resisting those petitioners and their arguments until the case can be made that safety will not be diminished. As I have stated in the past, our members are often reminded that the FAA is not mandated to ensure that airline pilots enjoy a long and productive career. Rather, its mandate is to insure the highest degree of safety in air transportation. The justification for the Rule is not now and never has been to enhance the

careers of pilots who want to move up the seniority list faster and it should not be changed for the sake of those who want to continue flying longer. To repeat, the Age 60 Rule is a safety regulation and should not be changed or repealed unless and until the FAA, not ALPA or any other pilot organization, is convinced, based on sufficient and conclusive evidence, that such action would not have a negative effect on safety. In ALPA's view, that case has never been made.

Thank you for the opportunity to present ALPA's view on this critical air safety issue.

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