

Statement of Senator Frank Murkowski  
Senate Commerce Committee  
Subcommittee on Aviation  
July 25, 2000

Mr. Chairman and Members of the Subcommittee. I appreciate the opportunity to appear before you to testify on my bill (S.1855) allowing pilots to fly up to the age of 65.

Adoption of this legislation would have a significant impact on the issue before you--the quality and quantity of air service to rural communities. Quite frankly, there is a serious pilot shortage in America and its greatest impact is being felt in rural communities, including in my home state of Alaska. I have heard from many small Alaskan air carriers on the difficulty they are having keeping pilots and even finding pilots to hire. In fact, one carrier in my hometown of Fairbanks has asked that I consider changing the HB1 visa status of pilots so he can hire foreign pilots.

As you all know, pilots are leaving small carriers, regionals and flight schools because they can earn more money flying for the major commercial air carriers. This has a devastating effect on service to rural and remote areas because the smaller carriers just do not have the financial resources to compete with the offers of the major airlines.

According to a report in the May 29 issue of Aviation Week, to ease the pilot shortage at U.S. airlines and create business opportunities for Canadian based flight training schools, an informal study is being done by the FAA and Transport Canada to establish equivalent pilot certification standards. While that may put more pilots in the pipeline, it will not provide the level of experience necessary in the cockpit. How will that enhance safety in the industry? Airbiz Jet News reports that United Airlines is hiring more pilots and fine-tuning their flight schedules to compensate for a continuing shortage of crews that has forced flight cancellations.

Pilots aren't calling in sick and not refusing regular assignments. United was advised six to nine months ago that we are going to be short of pilots and now it is happening. According to James Goodwin, Chairman and CEO of UAL Corp. In fact, according to Goodwin the age rules will have to be re-examined. The factories we relied on to produce these people are not producing them in the same numbers.

Mr. Chairman, our military used to be the largest supplier of pilots to commercial airlines. But even the armed services are experiencing a critical shortage. Another reason there is a pilot shortage in rural markets is the 1996 commuter rule which required age 60 retirement of pilots who flew scheduled routes in aircraft with a capacity of 10 or more seats.

Mr. Chairman, it has been 41 years since age 60 was selected as the mandatory retirement age. Why age 60? According to the FAA, it was because of medical uncertainties concerning pilot health after age 60. There are several other theories. While public comments were accepted, no public hearing to debate the issue was ever held. Despite broad industry and pilot opposition to the mandatory retirement age, the rule went into effect in 1960.

Since then, there have been several studies sponsored by the FAA. None of the tests have produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, most of the studies have not even studied

pilots over 60. However, the FAA has missed several opportunities to get first hand information and has let other opportunities lapse. Let me share some examples with you.

The 1996 commuter rule made special provisions to allow pilots who were then flying to continue to fly for four more years at which time the age 60 rule would become effective. Commuter airlines were also allowed to continue to hire pilots 60 and older for 15 months. The FAA had 4 solid years to test pilots flying over the age of 60 around this country and get scientific data on the skills and reflexes of these pilots. However, the FAA did not conduct such studies.

Secondly, litigation was brought by the Equal Employment Opportunity Commission under the Age Discrimination in Employment Act against Boeing, Rockwell International, Grumman, Lockheed and McDonnell Douglas challenging their policies of removing pilots at age 60. All of those companies resolved EEOC litigation by entering into consent decrees lifting the age limit. Part of the decree was to keep records of pilot health. Where are the records and what was the purpose of keeping the information? The Hilton Study concluded FAA accident records did not support the agency's requirement that airline pilots retire on their 60th birthday. They found no increase in the accident rate for pilots of scheduled air service as they neared their 60th birthday.

Mr. Chairman, the FAA Administration believes it lacks scientific consensus in favor of changing the age 60 rule. The argument exists that there is no test that can determine the medical and psychological fitness of a pilot to fly after 60. However, According to Dr. Robin Wilkening, who is in the audience, and Sue Baker both from Johns Hopkins University, advanced physiological and neurobehavioral testing methods do exist to test pilots of any age.

Medical science has vastly improved since 1959 with improvements in medical diagnosis which include early detection and prevention, health awareness, exercise, and diet. All of these factors have increased life expectancy since 1959. In fact, 69 pilots organized and underwent extensive medical testing to force the FAA to drop mandatory retirement. They await a decision to their petition.

In supporting documents to their petition, in 1982 the FAA relaxed its medical requirements to allow airmen to continue flying with various medical problems not previously acceptable. For example, pilots with hypertension, diabetes, alcoholism, spinal cord injury, defective vision and others. In the area of cardiovascular special issuances, the American Medical Association applauded the FAA as having demonstrated an understanding of the advances in diagnosis, treatment, and rehabilitation.

In 1999 the FAA granted medical certificates to 6,072 airline pilots under the age of 60 who had significant medical pathology, permitting them to operate as airline crewmen. How does the FAA derive its medical consensus that it is safe to allow those pilots to continue to fly and it cannot derive the same for pilots who have been flying in this country for 41 years without such medical pathology over age 60?

Mr. Chairman, last year 25 countries belonging to the European Joint Aviation Authority raised the mandatory retirement age to 65 joining many Asian countries who increased the age to 63 or 65. I know of no evidence that these foreign pilots have a worse safety record than American pilots under the age of 60.

If we don't seriously look at raising retirement ages for Pt. 121 pilots, I can assure you that many rural communities will find that their aviation lifeline to the rest of the country will be closed down. Residents in New York City, Los Angeles, and Chicago will not notice any changes in air service, but the pilot shortage will deeply affect the residents of Missoula Montana, Ketchikan, Alaska and all the other small communities who are desperately trying stay alive. We must make this change and I urge quick Committee action.