

STATEMENT OF ANTHONY J. BRODERICK, ASSOCIATE ADMINISTRATOR FOR AVIATION STANDARDS, FEDERAL AVIATION ADMINISTRATION, BEFORE THE HOUSE SELECT COMMITTEE ON AGING, CONCERNING THE AGE 60 RULE. OCTOBER 3, 1985.

Mr. Chairman and Members of the Committee:

I am Anthony Broderick, FAA's Associate Administrator for Aviation Standards. With me are Frank Austin, M.D., FAA's Federal Air Surgeon, and Jon Jordan, M.D., FAA's Deputy Federal Air Surgeon. We are pleased to appear before you today to discuss what is commonly referred to as the "Age 60 Rule." I welcome the opportunity to set out for you our rationale behind the rule, and to discuss with you why it continues to be a needed safety rule.

Briefly, the Age 60 Rule, contained in §121.383 of the Federal Aviation Regulations, provides that an individual who has reached his 60th birthday may not serve as a pilot of an aircraft engaged in air carrier operations under Part 121 of the Federal Aviation Regulations. The rule does not prohibit pilots from serving in other capacities with the airlines, though, such as flight instructors, check airmen, or flight engineers. In fact, in 1984, we concluded that the Age 60 Rule should not be expanded to cover flight engineers, following the issuance of a notice of proposed rulemaking that we published for comment in response to a petition for rulemaking from United Airlines.

The Age 60 Rule was adopted on December 1, 1959, and made effective on March 15, 1960. It is an aviation safety rule promulgated in accordance with the Federal Aviation Administration's statutory mandate to promote aviation safety, and in recognition of the statutory duty of air carriers to provide the highest level of safety.

The rule was controversial among some groups then, and it remains so to this day. Because of the very nature of the rule, it has been subjected to frequent scrutiny throughout its history. As far back as 1960, the basic rule itself was challenged in litigation. It has been the subject of numerous suits since that time, many of which have focused on the agency's policy of not granting exemptions to the rule. In each instance the agency has been upheld. The Congress itself carefully examined the basis for the rule in 1979 and, because of its concern that safety could be compromised by amending the rule, left the rule unchanged, calling instead for a study to be conducted by the National Institute on Aging to determine whether there was a continued need for the rule.

The National Institute on Aging, pursuant to its extensive analysis, found no feasible safety alternatives to the rule. The Panel, which conducted the review, while indicating that it did not attach a medical significance to age 60 as a mandatory retirement age for pilots, nevertheless found 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."

In the two and one-half decades that the Age 60 Rule has been in effect, the FAA, as confirmed by the analysis done by the National Institute on Aging, has not yet been able to find an alternative approach to the rule that we are confident will protect the American traveling public. It is important to recognize in this regard that the safety reasons for the rule are severalfold: first, there is a deterioration of many functions with age; second, aging is accompanied by an increased frequency of sudden or insidious incapacitation or death from various disease processes; and, third, despite scientific advances that have occurred, there is still no way to predict, with reliable accuracy, the presence or onset of a number of medical problems in an individual aging pilot or to detect and measure all of the possible declining physical and mental functions. In this respect, there are a number of factors that are not yet susceptible to precise measurement as to their effect, but which require consideration in connection with

safety in flight, that result simply from aging alone and are, with some variations, applicable to all individuals. These relate to the loss of ability to perform highly skilled tasks rapidly; to resist fatigue; to maintain physical stamina; to perform effectively in a complex and stressful environment; and to rapidly apply experience, judgment, and reasoning in new, changing, and emergency situations.

Those were the kinds of concerns which led to the rule, and they remain concerns today, despite advances in science and despite the frequency or types of medical examinations which may be conducted. Clearly, there has been no change in the age-related nature of these declining skills since the rule was promulgated.

Given these factors, the effects of the aging process on pilots could not be ignored from a safety perspective. Therefore, the Age 60 Rule was established as a reasonable response to these threats to safety. I would note that, while we do not have direct information on the performance of pilots in Part 121 air carrier operations past the age of 60, an analysis of general aviation accident data does seem to bear out the safety rationale of the Age 60 Rule. That analysis, contained in an FAA Report, "The Influence of Recent Flight Time, Total Flight Time and Age on Pilot Accident Rates," June 1983, demonstrates that pilot accident rates increase with older pilots.

Significantly, this was generally the case, even for pilots with high total or recent experience which would most closely approximate the character of airline pilots. While I would hesitate to draw any direct correlations between this assessment of pilots generally and pilots covered by the Age 60 Rule, the data, while not conclusive, does clearly argue for caution in dealing with the Age 60 Rule.

While we continue to monitor scientific and medical advancements with a view both toward improving our overall medical evaluations of airline pilots and toward modifying the Age 60 Rule when that proves feasible, it is the FAA's view that current knowledge still does not permit us to identify those pilots who can safely perform operations under Part 121 past age 60.

You may be assured that we are sensitive to the nature of the rule as it applies to older Americans, and that we will take action to make appropriate changes to the rule whenever we determine that such changes can be made consistent with the needs of aviation safety. We have stated repeatedly that, when practical evaluation procedures allow us to identify those individual pilots who will not be an unacceptable risk to aviation safety beyond age 60, the Age 60 Rule will be amended. Until that time, however, the Age 60 Rule must remain in effect

as a necessary measure to protect the safety of the American traveling public.

Mr. Chairman, that completes my prepared statement. I would be pleased to respond to questions you or Members of the Committee may have.