

"Today is another of those 'seize the moment' days for the [airline industry], the U.S. Department of Transportation, and the FAA. It's time to close the book on Age 60. The retirement age of airline pilots needs to be raised. So the FAA will propose a new rule to allow [airline] pilots to fly until they are 65."

So said FAA Administrator Marion Blakey as she announced on January 30 that the FAA was putting the age-60 limit on airline pilots' flying as first- or second-in-command into the rulemaking process for a change to age 65. The announcement revived a long-standing source of division among pilots. The anticipation of a notice of proposed rulemaking (NPRM) comes at a time when ALPA's president, Capt. John Prater, is intent on strengthening the union by rallying its members together for the common good.

The question is, what is the common good when it comes to the pilot retirement age? There are no easy answers, but Prater and the Association's Executive Council and Executive Board are addressing the issue head-on. Prater has established a Blue Ribbon Panel on Pilot Retirement to spend the next 3 months examining all the current knowledge and feelings about a change, and the long-range effects it would have (see the Panel's Mission statement, page 22). Based on the Panel's findings, it will present its report to ALPA's Executive Council and Executive Board in May.

The Panel's members will include representatives from the four national ALPA committees most connected with the Age 60 issue—Safety, Retirement

and Insurance, Collective Bargaining, and Human Performance (Aeromedical)—along with other participants.

When the FAA announces the process for an NPRM, it usually means a change is on the way. The FAA is expected to publish an NPRM for public comment later this year, probably in September. How should ALPA respond? What is best for its pilots? What do its pilots want? How can, and should, ALPA affect the components of a rule

and supported by ALPA policy since 1980. Two years ago, in response to financial changes in the industry, particularly pension terminations and increased furloughs and downgrades, ALPA launched an extensive informational and fact-finding effort on the issue. The Wilson Center for Public Research's polls of the Association's members, with a 38 percent response rate, showed that members favored retaining Age 60 by 56 to 42 percent.

The Blue Ribbon Panel will be authorized to study the effects of potential changes to the rule, communicate with ALPA's members, and make recommendations. The Panel may also poll the Association's members again, if it chooses. In the past 2 years, life has continued to change for pilots on both sides of the issue—(1) those whose pensions have been frozen or terminated and who want to work another 5 years to support their families and (2) those who are working in an environment in which jobs are tight and upgrades are scanty.

As Beebe notes, "Given the stagnation at some of our airlines, it's untrue to tell a pilot who has been junior for a long time that the

likelihood of having to remain in that position longer doesn't exist because Age 60 is changing. Growth solves some issues, but we're just not seeing a lot of growth now."

The facts and figures, issues and emotions, around pilot retirement age are complex. For example, is it less safe to have an over-age-60 pilot in the cockpit? While the regulation may have been implemented for economic reasons, it has become, over time, a



FAA Administrator Marion Blakey, left, announces that the FAA will issue an NPRM on the Age 60 rule, as Capt. John Prater, right, looks on.

Blue Ribbon Tied To Horns of Age 60 Dilemma

By Susan Burke, Contributing Writer

change, if change is expected?

"If you accept that it's going to change, and if you accept that ALPA's efforts between now and September to alter whether it's going to change will not likely be fruitful, given the stated intent of the FAA administrator, then one of the only solutions you're left with is to affect the implementation," says ALPA's vice president-finance/treasurer, Capt. Chris Beebe.


Age 60 has been in force since 1960,

S.65, the "Freedom to Fly" Act

This bipartisan bill was introduced in January by Sens. James Inhofe (R-Okla.), Ted Stevens (R-Alaska), Russell Feingold (D-Wisc.), and Joseph I. Lieberman (I-Conn.). If passed, it would

- allow a pilot to fly until age 65 as a required pilot of a multi-crew Part 121 operation, as long as another required pilot is under age 60;
- direct the Secretary of Transportation to modify the age-related

regulations pertaining to pilot privileges;

- prohibit a pilot who, before the act was effective, ceased employment at age 60, by retirement or otherwise, from claiming seniority under a bargaining agreement as a basis for being rehired; and
- give the Comptroller General 24 months to submit a report regarding any effect of the retirement age modification on aviation safety. 

safety regulation by default, says Capt. Terry McVenes, ALPA Executive Air Safety Chairman.

"Over the last 46 years," he says, "that's how it has evolved because there has been no accident that has had age as a causal factor. Until someone does a safety risk assessment, we won't know if raising the age will introduce unwanted risk and reduce the level of safety."

So far, such an assessment has not been done on any conclusive level. Under the FAA's mandate, the agency can change the rules only if it can demonstrate that the level of safety will be the same or better.

During meetings of the Aviation Rulemaking Committee (ARC) on Age 60, the executive director of the Aerospace Medical Association, Dr. Russell Rayman, stated that he believes that existing medical standards and the FAA's current policy of requiring medical examinations of air transport pilots every 6 months are reasonable and should be continued.

And with an increase to age 65, would the medical certification standards change, and therefore cost some pilots under age 60 their medical certificates? The existing standards for the United States are different from the standards for most of the rest of the world. Medical examinations in the United States focus on a pilot's present health. In Europe, the assessments are much more prophylactic, testing blood sugar, calcium, and other levels to try to predict future medical conditions—a battery of tests that also has a hefty price tag that the pilot would have to pay.


How would pilot benefits, such as retirement, disability, and medical, be

affected? What issues would be raised by pilots and management at the bargaining table? The Panel will address all these issues and more as it moves toward a unifying and effective platform for ALPA to stand on in dealing with

for a retired pilot to be reinstated, the rule should be prospective. If this is outside the scope of the FAA administrator's authority, federal legislation may be required to protect companies and unions from lawsuits that may arise challenging the prospective nature of the change, such as reinstatement of employment, seniority, and/or crew position. ALPA's Government Affairs Department has worked diligently to defend the ALPA policy in the halls of Congress, and it will do likewise based on whatever policy emerges after the Blue Ribbon Panel submits its report. On this legislation, the airlines and ALPA will have a shared interest in pressing for the appropriate statutory language.

Meanwhile, Blakey has asked Prater to co-chair an Aviation Rulemaking Committee, along with Jim May of the Air Transport Association, to gather financial and economic data on the

Mission of the Blue Ribbon Panel

The ALPA Blue Ribbon Panel on Pilot Retirement will study the long-range effects of potential changes to the FAA Age 60 rule and will develop recommendations on how ALPA can address the issue of pilot retirement with the goal of having a positive effect on as many ALPA members as possible. The Panel's work will reflect the highest level of safety and risk management that the Association has worked so hard to establish. 



both an NPRM and legislative action.

Although the FAA's move has prompted an immediate need to explore the issue again, the U.S. Senate was already in the mix. The Freedom to Fly Act, S.65, was introduced in January by two Republicans, a Democrat, and an Independent (see sidebar, above), proposing to change the mandatory retirement age to age 65. In the last 6 years, two Senate votes on a change were defeated and the 2006 effort to raise the upper age limit within the appropriations process never fully materialized before the final adjournment of the 109th Congress.

In fact, the FAA can change the rule and build the regulatory parameters, but if it does so, the regulation will need the statutory language and protections that only Congress can provide. Members of the ARC agree that

effects of a change. The Age 60 ARC that the FAA convened in 2006 (with Prater's predecessor, Capt. Duane Woerth, as co-chair) completed its first set of tasks without a consensus, but Blakey's announcement changed the landscape.

The different exploratory paths—ALPA's Blue Ribbon Panel, the FAA's ARC and NPRM, and the potential congressional activities—will all converge at some point. But after the NPRM is issued, there will be a 60-to-90-day period for public comment, another internal FAA evaluation to make adjustments, an economic impact analysis by the Department of Transportation, and a costing analysis by the White House's Office of Management and Budget. By the time all of those procedures are completed, it will likely be 2 years before any change in the age regulation could finally take effect. 