



Transportation Trades Department, AFL-CIO

TRANSPORTATION LABOR OPPOSES ANY INCREASE TO PILOT RETIREMENT AGE

As Congress continues to review and update relevant laws governing commercial aviation programs for the reauthorization of the Federal Aviation Administration (FAA), we oppose any effort to increase the pilot retirement age from age 65 to age 67. Under U.S. law, commercial airline pilots employed by airlines¹ are required to retire at age 65.

Despite what special interests claim, raising the retirement age for airline pilots will not increase the supply of pilots. Doing so will put the United States in conflict with the mandates of the International Civil Aviation Organization (ICAO), force the reopening of hard-fought collective bargaining agreements, and create training backlogs that would imperil flight schedules and upend the entire U.S. national airspace system. Importantly, such a change has not been validated by the FAA or otherwise been studied in a satisfactory manner.

Flying Standards Are Set by the International Civil Aviation Organization (ICAO)

The International Civil Aviation Organization (ICAO), a specialized agency of the United Nations, mandates that pilots in multi-crew operations must retire at age 65. Placing the United States out of compliance with the international standard will have regrettable effects on air travel, air carrier operations, and pilots' bargaining agreements. In 2007, Congress and the FAA changed the pilot retirement age from 60 to 65 to align with ICAO standards. However, ICAO is not considering or tasked with increasing the pilot retirement age, and there is no reason to believe that ICAO would change its standards to comply immediately with a U.S. change of pilot retirement age. ICAO and its 193 member states, including its 36-member Council, establish international standards and recommended practices and procedures for air navigation that provide the basis for harmonized global aviation safety and efficiency. The standard-making process follows a structured, transparent, and multi-staged ICAO process that, with regard to previous changes to the pilot retirement age, included significant safety and medical data analysis, which took more than six years. There has yet to be any necessary scientific and technical analysis or vetting of raising the retirement age.

Service to Small Communities

Regional airlines and other proponents have claimed that increasing the pilot retirement age from 65 to 67 will alleviate current issues with pilot attrition and increase the number of pilots that fly on regional carriers. Let us be clear: there is no evidence that this is true. Most pilots who fly for these carriers typically transition to more lucrative jobs at mainline, all-cargo, and low-cost carriers long before they reach age 65 for better pay and benefits; therefore, there are very few older pilots at regional airlines who would be affected and allowed to fly for two more years. Currently,

¹ certificated under 14 CFR Part 121

regional airlines' staffing issue is a matter of *captain* attrition, not inadequate numbers of first officers or overall pilot supply. The largest regional carrier recently agreed to a new, higher-paying contract and expects to "manage attrition" for captains while their first officer "pilot classes [are] filled." This should be the case across the industry, as many regional carriers have followed suit in terms of improving pilot contracts and face fewer headwinds as mainline hiring slows down.

Air service to small communities should be a national priority; pilot age and supply are unrelated, and an airlines' decision to fly to or leave from certain destinations are market-driven. We call on Congress to increase its support for the Essential Air Service (EAS) program, and to incentivize greater carrier participation and increased service. Additionally, Congress should amend the Higher Education Access Act of 1965 to ensure flight education and training qualify for federally subsidized student loans for four-year, two-year, and appropriately accredited Part 141 programs to help increase the pilot pipeline.

Considerations for Public Safety

The FAA or any other safety authority has yet to validate a change to the pilot retirement age. According to numerous studies, there is an increased risk of cardiovascular issues, diabetes, and cognitive decline in pilots beyond 65 years of age. Raising the retirement age would likely result in higher numbers of pilots on leave and unavailable to fly on the payroll. This would be a massive cost issue for airlines that is ultimately borne by the public through increased ticket prices and fees. Raising the pilot retirement age from 65 to 67 without scientific study or safety research will introduce new, unknown, and unnecessary risks for passengers, cargo, and crew. A 2019 study by the European Union Aviation Safety Agency concluded the retirement age should not be increased beyond age 65. Congress should not impose its view on safety based on ideology and place the United States out of compliance with international standards when current pilot safety standards, including fatigue rules, are predicated on the current international retirement age of 65 years.

Massive Training Backlog

Raising the retirement age would also create an enormous scheduling problem for airlines, which would have to micromanage pilot flying and bidding. The international standard for pilot retirement age is 65, so putting the United States out of compliance with international law will negatively impact travel, pilots, and the airline business. Pilots age 65 to 67 would be limited to U.S. domestic flights, and older pilots would have to request to fly on aircraft limited to domestic flying only. This would displace junior pilots, setting up a training backlog, as pilots would have to retrain and requalify across the industry as older pilots will have to retrain and requalify on new aircraft. Less senior pilots will be bumped to different equipment, requiring additional training and requalification. This will create a massive and costly training sequence that will result in lower pilot utilization and less air-carrier flying.

Reopening of Collective Bargaining Agreements

Pilot unions and air carriers have been through a lengthy and challenging process to secure their current labor contracts and raising the pilot retirement age would not change agreements that define seniority and pay scales. Pilots that are ages 65 and 66 will continue to bid on routes abroad that

they are contractually entitled to fly but legally cannot fly by ICAO standards. As a result, airlines will have to pay pilots for not flying those routes. Air carriers will likely take the position that labor agreements do not contemplate allowing pilots to bid on flying which they are prohibited from performing and will resist “pay protecting” such pilots. Carriers may fail to observe the terms of the collective bargaining agreement. Pilot unions will then be forced to file grievances or otherwise sue over the resulting contractual dispute. While it is impossible to say how the issues would be resolved, it is very possible that a court or a neutral arbitrator will rule that the parties to the contract did not intend to create a class of pilots who could be paid while performing no flying, forcing the settled collective bargaining agreements to be reopened for negotiations over the issue. Under such a scenario, pilot unions and management will be forced to seek new arrangements that restrict pilots’ rights to bid on routes and aircraft and deal with attendant compensation issues to protect against age discrimination lawsuits since pilots are entitled, by contract, to flying opportunities based on seniority. This would force pilot unions and management to renegotiate current collective bargaining agreements and expose them to substantial litigation, as the current immunity provisions in the law are insufficient.

We urge Congress to oppose any changes to the pilot retirement age as they finalize FAA Reauthorization legislation in the coming months.

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