



January 11, 2023

Dear Senator,

The undersigned labor organizations representing workers write to urge that you oppose any change to the statutory pilot retirement age as the Senate Committee on Commerce, Science, and Transportation considers deliberation of an FAA reauthorization bill. Raising the retirement age to be in noncompliance with International Civil Aviation Organization (ICAO) will upend pilot bidding, expose pilot unions and airlines to significant legal liability, require hard fought for collective bargaining agreements to be reopened and reduce other unions' ability to negotiate contracts, reduce pilot utilization, create training backlogs, and imperil flight operations. Importantly, it will not increase the supply of pilots.

The inclusion of any provision related to raising the pilot retirement age will complicate final passage of this important legislation that seeks to improve air traffic management and FAA programs, increase safety, and improve the standing of workers within the context of the aviation industry. As such, the Senate must reject any such proposal to ensure a long-term FAA bill is made into law.

The International Civil Aviation Organization – a specialized agency of the United Nations – mandates that pilots in multi-crew operations must retire at age 65. If the Senate were to rashly change the pilot retirement age and place the U.S. in noncompliance with the international standard, it will have substantial negative effects on air travel, air carrier operations, pilots, and other airline workers ability to bargain. If enacted, pilots who are age 65 and older will be unable to fly internationally. These pilots, frequently captains of widebody aircraft that fly internationally, will eventually be forced to retrain on other aircraft and displace junior pilots from their aircraft. Given the pilot profession is seniority based, this will ultimately create a cascading and financially burdensome training backlog as pilots must retrain and requalify on aircraft or into a different seat. This costly endeavor will reduce the amount of flying airlines can do, restrict flights, and pilot availability. Further, many U.S. airlines use narrowbody aircraft to fly international routes and do not segregate the aircraft based on operation type. As such, pilots age 65-67 would have to be further restricted by management flight operations as to where they can fly.

Pilots bid on routes based on seniority and are entitled to a bid based on seniority alone. Pilots with seniority bid on the most desirable and lucrative opportunities, which is international wide body flying. The laws of other countries and ICAO do not allow a pilot 65 or older to fly in commercial aviation. Increasing the retirement age presents a problem not anticipated by either management or the pilot unions – a group of pilots who are not legal to fly the most desirable routes or are returning from retirement who have the seniority, by contract, to demand such flying. Returning pilots or those over the age of 65 who stay on seniority will be able to bid on routes they are unable to perform and will be paid for not flying or use long term disability, sick leave, and large vacation balances in their final years of their career to not fly. It is quite possible that mainline air carriers will need to hire regional pilots to backfill their pilot labor to ensure the continuation of their schedules and networks given senior pilot utilization will decrease – increasing captain attrition issues the regional carriers claim are their concern. In totality, increasing the pilot retirement age will come at high cost to airlines, other work groups' ability to bargain contracts, and ticket prices for the flying public.

After difficult and lengthy litigation and grievance proceedings, an age 67 change will require unions and management to reopen settled collectively bargained agreements and seek new contractual arrangements that restrict pilots from bidding on routes and deal with attendant compensation issues in order to protect against age discrimination lawsuits since pilots are entitled, by contract, to flying opportunities based on seniority. Pilot labor unions and management have been through a lengthy and difficult process to secure agreements, and a statutory age change would upend the results of free collective bargaining to the detriment of carrier flying and consumers.

Most importantly, the current international limit is based on safety. According to numerous studies, including a 2017 study by EASA, there is an increased risk of cardiovascular issues, diabetes, and cognitive decline. Currently, there is an elevated accident rate for Part 135 operations for pilots over the age of 65. As such, it is wholly imprudent for Congress to impose its own view on safety based on ideology and place the U.S. in noncompliance with international standards. In fact, current pilot safety standards, including fatigue rules, are predicated on the current age 65 international retirement age. We make note that ICAO is not currently examining a change to the pilot retirement age. The last time ICAO made a change in the pilot retirement age it took 5 years to deliberate the issue and secure agreement from the member states that make up the body – now 193 countries. Accordingly, a statutory change that places the U.S. in noncompliance would have the public suffer the consequences of chaotic airline operations for, at a minimum, several years, especially given that several member states oppose any such change.

While the underlying bill includes important provisions on workforce development, safety, and improvements for workers, the decision to impose an ill-conceived poison pill in the bill without consideration of safety, the airline industry, and the pilot profession, renders such advancements moot. We ask that the Senate move a bill without irresponsible policy to ensure a pro-safety and pro-worker FAA bill is signed by the president.

Sincerely,

Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
Air Line Pilots Association (ALPA)
Allied Pilots Association (APA)
Association of Professional Flight Attendants (APFA)
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
Association of Flight Attendants-CWA (AFA)
Brotherhood of Locomotive Engineers and Trainmen (BLET)
Brotherhood of Railroad Signalmen (BRS)
Brotherhood of Maintenance of Way Employees Division (BMWED)
Communications Workers of America (CWA)
International Association of Machinists and Aerospace Workers (IAM)

International Association of Sheet Metal, Air, Rail and Transportation Workers
Transportation Division (SMART-TD)
International Brotherhood of Boilermakers (IBB)
International Brotherhood of Teamsters (IBT)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen & Oilers (NCFO)
Professional Aviation Safety Specialists (PASS)
Seafarers International Union (SIU)
Service Employees International Union (SEIU)
Southwest Airlines Pilots Association (SWAPA)
Transportation Communications International Union (TCU)
Transportation Trades Department, AFL-CIO (TTD)
Transport Workers Unions of America (TWU)
UNITE HERE
United Steelworkers (USW)