

I have looked at the complaint and additional material which Mr. Woolsey has posted at www.age60rule.com and agree with the allegations of misinformation and inaccuracies. These inaccuracies have been noted by numerous other researchers and studies and even the FAA can not defend their work.(1) The FAA being aware of this, has yet to take corrective action and appears intent upon establishing this false and misleading data as the basis for making future decisions. These same mistakes have been repeated over time, a history has been established, and with respect to making the same mistakes over and over in an attempt to promote the FAA's inaccurate and misleading view that immediately at age 60 pilots suddenly become prone to an immediate and significant increase in having an accident.

In addition to this repeated error the FAA has contracted many studies but always seems to pay attention to the studies which show a bias against any change to the age 60 regulation despite being advised that the studies are flawed. There are numerous doctors who agree with this and the FAA can not defend their position Dr. Robin Wilkening MD, MPH, who is Chief Resident Occupational and Environmental Medicine at The John Hopkins Bloomberg School of Public Health writes "The same error in accident rate calculation that invalidates the conclusion of the 1977 Booze study (17) also nullifies the 1983 FAA Flight-Time Study by Golaszewski (25), wherein the author not only used different numerators and denominators for pilots under and over age 60 (thus comparing two entirely different pilot populations), but also failed to subject his data to standard statistical analysis. Though the FAA later acknowledged the "major data deficiencies" of the study (letter from Mr. Kenneth Chin, Executive Officer, Office of Aviation Safety, FAA to Mr. Samuel Woolsey, February 4, 1991), the data and the spurious conclusions - without any correction or further analysis - were given wide distribution by the FAA, being cited to the 7th Circuit Court of Appeals in defense of its rejection of petitions for exemption from the Rule, where it's conclusions were found to be "not credible" (9), and appearing as the foundation of the 1990 Office of Technology Assessment report (42)." (2) "Since 1960 the Age 60 Rule has been the subject of many medical studies. Among the major efforts to examine the question was the landmark 1981 Report of the National Institute of Aging Panel on the Experienced Pilot Study (48). After conducting an extensive review of the existing literature as well as reviewing public comments, the Panel stated that "the Age 60 Rule appears indefensible on medical grounds" and noted that "age 60 represents no medical 'breakpoint' in the progressive deterioration that comes with age." In addition, the Panel concluded that "there is no convincing medical evidence to support age 60, or any other specific age, for mandatory pilot retirement." However the Panel recommended that the Age 60 Rule be retained for pilots-in-command and for first officers in both Part 121 and Part 135 operations. These recommendations were based on 1976 morbidity and mortality data from the general white male population of the United States showing an increase in cardiovascular disease and mortality after the sixth decade, on studies indicating increasing risk of adverse health outcomes as with age, and on data from one study suggesting an increase in general aviation accidents among pilots after age 60 (17). However, this last study erroneously calculated age-based accident rates by including large numbers of extremely safe commercial air carrier flight hours in the denominator of the rate calculation. Due to the Age 60 Rule (the forced retirement of air carrier pilots at age 60), the effect of this simple data error severely depressed the apparent risk for all pilots under age 60, leaving those for ages 60 and above unaffected. This error thus

resulted in the misleading appearance of an immediate and dramatic increase in accidents exactly at age 60.

Noting a significant shortfall in data directly relevant to the Age 60 Rule, the Panel strongly recommended that "the FAA engage in a systematic program to collect the medical and performance data necessary to consider relaxation of the current age 60 rule." (3) (my emphasis) To that end, the Panel set forth a proposed "rational program for ongoing surveillance of older pilots while always keeping in mind the need to insure the highest level of safety...[providing] data that could serve as the basis for a decision on modification of the age 60 rule." (4)

In late 1990 a large study often referred to as the Hilton Study or "Age 60 Project Consolidated Database Experiments Final Report" was started. (5) The purpose of this large scale study was to consolidate the available accident data, and correlate it with the amount of flying by pilots as a function of age (6) In March of 1993 the findings of this study stated: No hint of an increase in accident rate for pilots of scheduled air carriers as they neared their 60th birthday " (my emphasis) (7) This was a large scale test consisting of airline pilots the group that the regulation regarding age 60 is based on, and the information was positive, it has been my observation that the FAA tends to be biased against any reports which reflect favorably on older pilots and not to consider them in their decision making. There was a note that went with these findings and that was: "No data available on scheduled air carrier pilots beyond age 60" (my emphasis) (8)

Mr. Samuel Woolsey, a long-time researcher and reporter on the regulatory, legal, and factual history and status of the age 60 rule, maintains a website with a lot of material relevant to the age 60 rule on it I learned about the importance of making sure the FAA's erroneous data is removed from archives and the public arena so that future decisions will be made on accurate information. Mr. Woolsey writes the following: "The Data Quality Act: In 1980 Congress enacted the Paperwork Reduction Act to, among other things, "minimize the paperwork burden for individuals, small businesses, ... and other persons." The Act was later amended to require that Executive branch agencies such as DOT and FAA improve the quality and use of the information it collects in order to strengthen agency decisionmaking and accountability." In 2001, Government accountability was again strengthened when Congress, through the Data Quality Act, established specific standards for the "quality, objectivity, utility, and integrity of information (including statistical information)" relied upon and disseminated by Federal agencies." (9)

When I read quality, objectivity, utility, and integrity of information, I realized that the FAA had not complied with the mandate and it motivated me to comment because I do not want the FAA to strengthen their decision-making on misleading and erroneous information, in fact as I continue I hope you will agree with me to not only remove this erroneous information but to do something to prevent a reoccurrence. The FAA has a long history of not being objective in regards to the age 60 rule, when the rule was first introduced there was controversy, no public hearing was ever heard, and the FAA lost the docket which it possessed, files recovered under the freedom of information act between CR Smith the CEO of American, General Elwood Quesada, the first FAA administrator, and Clarence Sayen President of ALPA. (8) give some credibility to the accusation that FAA enacted the age 60 rule in response to a request to the administrator by CR Smith (9). The FAA denies this but the letters do show Mr. Smith asking Mr. Sayen in April 1959 to join with him in asking FAA administrator Elwood Quesada to establish a mandatory retirement age for pilots.

Dr. Robin Wilkening in her paper entitled THE AGE 60 RULE: AGE DISCRIMINATION IN COMMERCIAL AVIATION writes the following background information along with the appropriate references: " BACKGROUND

The origin of the Age 60 Rule has no foundation in either medicine or safety. Historical review strongly suggests that the Age 60 Rule was enacted to further the ambition of C. R. Smith, CEO of American Airlines, to replace his older Captains with younger, military-trained pilots to coincide with the introduction of jet aircraft into American's fleet, thus enabling American to more effectively manage transition training costs. In early 1958, American Airlines Captains Rentz, Cutrell and Burns won the right, through neutral arbitration, to remain actively employed as pilots-in-command despite their employer's mandatory retirement age of 60. Despite losing this grievance, Smith refused to reinstate the three Captains. On December 20, 1958, American's pilots began a 20-day strike in which they won virtually all their demands, including agreement to reinstate the three "retired" Captains (50). In a February 5, 1959 letter, Smith communicated his displeasure to retired Lieutenant General Elwood "Pete" Quesada, recently-appointed head of the newly-created FAA, suggesting that it might be "...necessary for the regulatory agency to fix some suitable age for retirement (34)." In April of that year, Smith engaged Clarence N. Sayen, president of the Air Line Pilots Association (ALPA), in an effort to effect the departure of the three Captains by suggesting that American and ALPA could join together in asking the FAA to establish a mandatory retirement age for pilots (35). Sayen refused, though he acknowledged that it was Smith's prerogative to contact the Administrator (36).

To bolster his position with the FAA, Smith produced his own data showing that, compared to American's older Captains, his younger pilots, "especially selected for intelligence," required less training time (thus less cost to the airline) in order to make the transition from propeller to jet aircraft (37).

Administrator Quesada responded promptly with two proposals: 1) establishment of a maximum age of 55 for transition into jet aircraft and 2) mandatory retirement of all pilots at age 60 (2). To garner independent support, Quesada convened an "expert panel" to review the proposals. Presented with Smith's pilot transition training data, the panel initially supported both proposals (43) though it eventually abandoned the age-55 jet transition recommendation. But when this same data was later presented to the FAA's legal counsel for their review it was considered insufficient to support either. The legal department suggested that Smith's data be abandoned, recommending that, in the future, the FAA focus on "such medical data as is available concerning deteriorations in specific functions such as reaction time, glare tolerance, night visual acuity, learning times, accuracy of learning, etc (44)." Thus, not only was the Age 60 Rule proposed as an operational regulation at the request of, and to further the economic goals of, American Airlines, it was, on the FAA lawyers' advice, justified solely by medical criteria. To this day the FAA continues to defend the operationally restrictive Age 60 Rule using exclusively medical arguments, a situation unique in the realm of the FAA regulations.

The Rule was published in the Federal Register on December 5, 1959 (3), becoming effective on March 15, 1960, thereby forcing into retirement C.R. Smith's three Captains, as well as additional legions of pilots in the 40 years since. A year later Pete Quesada retired from the FAA and moved immediately to a seat on American Airlines' Board of Directors, and the Age 60 Rule began its prolonged entrenchment in aviation policy, firmly enshrined as an FAA "safety standard" despite the arbitrary nature of its selection." (10)

The point I am trying to make is from the very onset the FAA has claimed medical necessity for the age 60 regulation and have appeared to have taken a biased view in continuance of maintaining the original regulation.

Today medicine has made much progress since when this regulation was created, the FAA seems to concentrate solely on negative reports and as Mr. Samuel Woolsey contends has now accepted several CAMI studies in which the data quality is erroneous due to the same reason Dr. Wilkening and others wrote about in a previous study, that is the inclusion of all the safe flying hours in FAA part 121 operations is specifically excluded from pilots over 60 years of age causing: "erroneously calculated age-based accident rates by including large numbers of extremely safe commercial air carrier flight hours in the denominator of the rate calculation. Due to the Age 60 Rule (the forced retirement of air carrier pilots at age 60), the effect of this simple data error severely depressed the apparent risk for all pilots under age 60, leaving those for ages 60 and above unaffected. This error thus resulted in the misleading appearance of an immediate and dramatic increase in accidents exactly at age 60" (11) The FAA is aware of these errors yet presents the data as its position

In may of 1999 at the Senate Committee on Appropriations for fiscal year 2000 the committee directed the FAA to perform an analysis of pilot risk versus age; the end result was the this result according to Mr. Samuel Woolsey:

"Since this study could be predicted to produce the same false and misleading, yet dramatic appearance of an increase in risk for pilots over age 60 as the earllier Golaszewski study, it was a windfall for those who would falsely promote the age 60 rule as a "safty" device. Siezing the opportunity, FAA produced not only the one study as ordered by the Committee, but six (yes, 6) different but similar analyses, contained in four separate, stand-alone Reports -- one of which (Report No. 2) is unrelated to the Committee's request. FAA currently promotes and disseminates all four of these reports as "Age 60 Rule Studies" through its Civil Aeromedical Institute (CAMI) web site at: [Links to the 4 FAA/CAMI Reports](#) In an obvious effort to enhance the "validity" of these false "findings" and promote their public acceptance, FAA also sponsored the principal author of the studies, FAA/CAMI employee Dr. Dana Broach, to present the most flawed of the six analyses -- a replica in both data and methodology -- of the rejected and discredited Golaszewski study. This presentation was made to the annual Aerospace Medical Association Meeting, May 6-10, 2001 at Reno, Nevada." (12)

I agree with Mr. Woolsey's findings.

The Hilton report stated "No hint of an increase in accident rate for pilots of scheduled air carriers as they neared their 60th birthday with the note No data available on scheduled air carrier pilots beyond age 60"

Today there are many more countries that have changed the age 60 mandatory retirement rules and no safety problems have surfaced to my knowledge, these pilots are flying beyond age 60 in air carrier operations not in light general aviation aircraft as some of the studies the FAA relies on I see no reason that we can not use data produced by them It would seem ideally suited to the issue at hand. Furthermore I request that due to the historical nature of bias against data supporting a change to the mandatory retirement age, along with the fact that the FAA is not withdrawing the misleading and inaccurate conclusions on their on, I suggest that they relinquish further administrative responsibilities with regard to the age 60 rule and that it be administered by the EEOC.

Earlier this year a group of six doctors at John Hopkins comprised

of professional injury prevention specialists and aviation safety researchers wrote an excellent article in the American Journal of Epidemiology. The main point they make according to Dr. Robin Wilkening who is Chief Resident Occupational and Environmental Medicine at John Hopkins is that "The important part of the article is that with increased experience came a reduction in crash rate, thus a reduction in crash risk, and that there is no basis for a fixed chronological age determining whether a pilot should be allowed to fly in commercial ops." (13) In the article I read the following with interest "Opponents of the "age-60 rule" have argued that airline pilots, as a highly select group, have significantly lower overall mortality and mortality from cardiovascular diseases than the general population (2-5) and that the risk of a crash resulting from sudden incapacitation of the pilot in command is negligible, particularly in the presence of other crew members in the cockpit (6, 7). It is estimated that the risk that an airline crash will result from cardiac incapacitation of the pilot is less than 1 per 8 billion pilot flight hours (8). There has been no crash among major US airlines in which sudden incapacitation of the pilot was found to be a contributing factor. The effects of aging on cognitive functions and piloting skills have been studied extensively (9, 10). The literature shows consistently that whereas domain-independent cognitive functions such as sensory, perceptual, and psychomotor skills deteriorate progressively with age, performance in most flight-related tasks such as decision-making, tracking, takeoff, and landing does not differ significantly between older and younger pilots."(14) This is the type of data that the FAA never accepts, it is current, yet the older, flawed data from the CAMI studies is put out as the official word despite the fact that the same flaws have been previously reported to the FAA and despite the fact that pilots of the other countries flying comparable equipment are not encountering a sudden increase in their accident rate immediately at age 60 or thereafter.

In conclusion I agree with the conclusions of Mr. Samuel Woolsey and others who request that the FAA remove the erroneous data from public dissemination and their internal archives, furthermore the FAA has shown a long history of misconduct and misrepresentation regarding this issue to prevent further abuse they should be removed from any other input regarding this issue and the responsibility should be transferred to the EEOC. There is ample evidence that safety is not an issue, of the 33 joint aviation authority countries 31 go to age 65, one goes to age 62 and 1 France is still at age 60 all of these and numerous other countries operate commercial transport aircraft safely with pilots over age 60. In addition to forcing the FAA to remove the erroneous data and relinquishing their directional control on the age 60 rule, I request that all of their statistical endeavors be transferred to the DOT or OMB until the FAA can demonstrate that it can do so honestly, accurately and in accordance with the governments DATA Quality Act's guidelines of quality, objectivity, utility, and integrity of information. The FAA's long history of deceit regarding information dealing with age 60 leaves little room for allowing them to continue with the management and directional control of this issue.

I give credit to Mr. Sam Woolsey's work and web page without which I could not have formed as in-depth reply, he brought this matter to my attention, I also give credit to Dr. Robin Wilkening who has been done so much work and answered many of my questions regarding the issue. George Simmons

REFERENCES

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12. Mr. Samuel Woolsey at www.age60rule.com see Links to the 4 FAA/CAMI Reports
13. Dr. Robin Wilkening (personal e-mail to me)
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