

107TH CONGRESS  
1ST SESSION

# S. 1019

To provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 12, 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Aircraft Clean Air Act  
5       of 2001”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Aviation Administration.

4           (2) AIRCRAFT AIR QUALITY INCIDENT.—The  
5           term “aircraft air quality incident” means an inci-  
6           dent in an aircraft used in air transportation which  
7           results in crew members or passengers reporting a  
8           symptom that is consistent with exposure to  
9           neurotoxins or asphyxiants. Such symptoms include  
10          dizziness, fainting, disorientation, memory loss, pe-  
11          ripheral neuropathy, muscle tremors, muscle twitch-  
12          ing, or tunnel vision.

13          (3) MECHANICAL AND MAINTENANCE  
14          RECORDS.—The term “mechanical and maintenance  
15          records” with respect to an aircraft involved in an  
16          aircraft air quality incident includes records regard-  
17          ing the use of, and any loss or leakage of, hydraulic  
18          fluids, lubrication oils, or fuel, and records regarding  
19          any repairs that are, or could be, reported under the  
20          Air Transport Association Specifications, including  
21          chapter 2100 (Air Conditioning), chapter 2900 (Hy-  
22          draulic Power), chapter 3600 (Pneumatics), chapter  
23          4900 (Airborne Auxiliary Power), and chapter 7200  
24          (Engine).

1 **SEC. 3. DISCLOSURE OF MAINTENANCE RECORDS.**

2 (a) REQUEST MADE TO ADMINISTRATOR.—

3 (1) IN GENERAL.—Any crew member, pas-  
4 senger, or their representative that experiences an  
5 aircraft air quality incident may, not later than 30  
6 days after the incident, file a request with the Ad-  
7 ministrator for the mechanical and maintenance  
8 records of the aircraft involved in the aircraft air  
9 quality incident. The request may cover records with  
10 respect to the aircraft for the 90-day period pre-  
11 ceding the incident, and the 30-day period following  
12 the incident.

13 (2) SPECIAL RULE FOR PREVIOUS 5-YEAR PE-  
14 RIOD.—Any crew member, passenger, or their rep-  
15 resentative that experienced an aircraft air quality  
16 incident in the 5-year period preceding the date of  
17 enactment of this Act may file a request with the  
18 Administrator for the mechanical and maintenance  
19 records of the aircraft involved in the aircraft air  
20 quality incident if the request is made not later than  
21 90 calendar days after the date of enactment of this  
22 Act.

23 (3) VERIFICATION BY HEALTH CARE PROFES-  
24 SIONAL.—A request described in paragraph (1) must  
25 include a statement by a health care professional

1 verifying that the individual making the request re-  
 2 ported at least 1 symptom described in section 2(2).

3 (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
 4 in 15 calendar days of receiving a request described in  
 5 subsection (a), the Administrator shall record receipt of  
 6 that request, and forward it to the air carrier.

7 (c) INFORMATION TO BE DISCLOSED.—An air car-  
 8 rier that receives a request described in subsection (a)  
 9 shall provide the requested records to the individual mak-  
 10 ing that request—

11 (1) not later than 15 calendar days after receiv-  
 12 ing the request described in subsection (a)(1); or

13 (2) not later than 30 calendar days after receiv-  
 14 ing a request described in subsection (a)(2).

15 (d) CIVIL PENALTY FOR NONCOMPLIANCE.—

16 (1) IN GENERAL.—Any air carrier that does not  
 17 produce the records requested pursuant to this sec-  
 18 tion shall be subject to a civil penalty of \$1,000 for  
 19 each day that the air carrier fails to produce the  
 20 records.

21 (2) FINES INCREASED FOR INFLATION.—In the  
 22 case of any calendar year beginning after 2001, the  
 23 dollar amount described in paragraph (1) shall be  
 24 increased by an amount equal to—

25 (A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the fine is assessed, determined by substituting “calendar year 2000” for “calendar year 1992” in subparagraph (B) of such section 1(f)(3).

(e) RETENTION OF MECHANICAL AND MAINTENANCE RECORDS.—The Administrator shall require that air carriers retain the records described in section 2(3) for a period of not less than 5 years, or for such longer period if required under any other provision of law.

(f) RETENTION OF RELATED MATERIALS AND DOCUMENTS.—The Administrator shall require that air carriers retain all reports, investigative documents, studies, data, memos, and letters relating to or arising from any complaint, report, or request regarding air quality on aircraft for a period of not less than 10 years.

**SEC. 4. RELEASE OF FILTRATION MEDIA.**

(a) REQUEST MADE TO ADMINISTRATOR.—

(1) IN GENERAL.—Any crew member, passenger, or their representative that experiences an aircraft air quality incident may file a request with the Administrator not later than 30 days after the incident for the filtration media used in the air sup-

1       ply system of the aircraft involved in that aircraft  
2       air quality incident.

3           (2) VERIFICATION BY HEALTH CARE PROFES-  
4       SIONAL.—A request described in paragraph (1) must  
5       include a statement by a health care professional  
6       verifying that the individual making the request re-  
7       ported at least 1 symptom described in section 2(2).

8       (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
9       in 15 calendar days of receiving a request described in  
10      subsection (a), the Administrator shall record receipt of  
11      that request, and forward it to the air carrier.

12      (c) MEDIA TO BE PROVIDED.—An air carrier that  
13      receives a request described in subsection (a) shall provide  
14      the filtration media to the Administrator not later than  
15      30 calendar days after replacing the requested filtration  
16      media.

17      (d) ACTION BY ADMINISTRATOR.—

18           (1) IN GENERAL.—Not later than 30 days after  
19      receipt of filtration media under subsection (c), the  
20      Administrator shall—

21           (A) analyze the media to determine the  
22           content and chemical properties of any mate-  
23           rials contained in the filtration media; and

1 (B) provide the results of the analysis per-  
 2 formed under subparagraph (A) to the indi-  
 3 vidual making the request in subsection (a).

4 (2) RETENTION OF INFORMATION.—The Ad-  
 5 ministrator shall retain the results of any analysis  
 6 performed under paragraph (1) for a period of not  
 7 less than 5 years.

8 (e) CIVIL PENALTY FOR NONCOMPLIANCE.—

9 (1) IN GENERAL.—Any air carrier that does not  
 10 produce the filtration media requested pursuant to  
 11 this section shall be subject to a civil penalty of  
 12 \$1,000 for each day that the air carrier fails to  
 13 produce that media.

14 (2) FINES INCREASED FOR INFLATION.—In the  
 15 case of any calendar year beginning after 2001, the  
 16 dollar amount described in paragraph (1) shall be  
 17 increased by an amount equal to—

18 (A) such dollar amount, multiplied by

19 (B) the cost-of-living adjustment deter-  
 20 mined under section 1(f)(3) of the Internal  
 21 Revenue Code of 1986 for the calendar year in  
 22 which the fine is assessed, determined by sub-  
 23 stituting “calendar year 2000” for “calendar  
 24 year 1992” in subparagraph (B) of such section  
 25 1(f)(3).

1 (f) RETENTION OF FILTRATION MEDIA.—The Ad-  
 2 ministrator shall require that an air carrier retain and  
 3 properly store all filtration media for a period of not less  
 4 than 45 days after any filtration media is replaced.

5 **SEC. 5. DISCLOSURE OF INFORMATION ON PRODUCTS**  
 6 **USED IN THE MAINTENANCE, OPERATION, OR**  
 7 **TREATMENT OF AIRCRAFT.**

8 (a) REQUEST MADE TO THE ADMINISTRATOR.—

9 (1) IN GENERAL.—Any crew member, pas-  
 10 senger, or their representative may file a request  
 11 with the Administrator for information on the chem-  
 12 ical constituents of products (either alone or in com-  
 13 bination, including the byproducts generated by  
 14 thermal degradation or decomposition of those prod-  
 15 ucts) used in the maintenance, operation, or treat-  
 16 ment of aircraft to which a crew member or pas-  
 17 senger may be or may have been directly exposed.

18 (2) SPECIAL RULE FOR THE PREVIOUS 5-YEAR  
 19 PERIOD.—Any crew member, passenger, or their  
 20 representative may file a request with the Adminis-  
 21 trator for the information described in paragraph  
 22 (1) regarding a product that was used during the 5-  
 23 year period preceding the date of enactment of this  
 24 Act if the request is made not later than 90 calendar  
 25 days after the date of enactment of this Act.



1 (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
 2 in 15 calendar days of receiving a request described in  
 3 subsection (a), the Administrator shall record receipt of  
 4 that request, and forward it to the air carrier.

5 (c) INFORMATION TO BE DISCLOSED.—

6 (1) IN GENERAL.—An air carrier that receives  
 7 a request described in subsection (a) shall provide  
 8 the information to the individual making that  
 9 request—

10 (A) not later than 15 calendar days after  
 11 receiving a request described in subsection  
 12 (a)(1); and

13 (B) not later than 30 days after receiving  
 14 a request described in subsection (a)(2).

15 (2) INFORMATION TO BE INCLUDED.—An air  
 16 carrier shall provide to a person making a request  
 17 described in subsection (a) the following:

18 (A) Information on the toxicity and toxi-  
 19 cology of the products described in subsection  
 20 (a).

21 (B) Any report of an aircraft air quality  
 22 incident, including any first aid and medical  
 23 treatment or tests required by any person in  
 24 connection with the aircraft air quality incident.

1 (C) Any monitoring data, including meas-  
2 urements of exposures of personnel in the work  
3 environment, measurements of ambient air and  
4 surface contamination in the work environment,  
5 and in-duct measurements.

6 (D) All reports, investigative documents,  
7 studies, memos, and letters related to or arising  
8 from any complaint, report, or request regard-  
9 ing air quality on aircraft.

10 (E) Any health or symptom survey distrib-  
11 uted to crew members.

12 (d) CIVIL PENALTY FOR NONCOMPLIANCE.—

13 (1) IN GENERAL.—Any air carrier that does not  
14 produce the information requested pursuant to this  
15 section shall be subject to a civil penalty of not more  
16 than \$1,000 and not less than \$100 for each day  
17 that the carrier fails to produce the records.

18 (2) FINES INCREASED FOR INFLATION.—In the  
19 case of any calendar year beginning after 2001, the  
20 dollar amount described in paragraph (1) shall be  
21 increased by an amount equal to—

22 (A) such dollar amount, multiplied by

23 (B) the cost-of-living adjustment deter-  
24 mined under section 1(f)(3) of the Internal  
25 Revenue Code of 1986 for the calendar year in

1           which the fine is assessed, determined by sub-  
2           stituting “calendar year 2000” for “calendar  
3           year 1992” in subparagraph (B) of such section  
4           1(f)(3).

5           (e) RETENTION OF INFORMATION ON PRODUCTS AND  
6 BYPRODUCTS.—The Administrator shall require that an  
7 air carrier retain the records described in this section for  
8 a period of not less than 5 years, or for such longer period  
9 as is under any other provision of law.

10          (f) RELATIONSHIP TO OTHER DISCLOSURES.—The  
11 information required to be provided under this section  
12 shall be provided to the crew member, passenger, or their  
13 representative in addition to any information provided in  
14 the material safety data sheet.

15 **SEC. 6. CABIN PRESSURIZATION.**

16          (a) STUDY OF CABIN OXYGEN LEVELS.—The Ad-  
17 ministrator, in consultation with the National Academy of  
18 Sciences Committee on Air Quality in Passenger Cabins  
19 of Commercial Aircraft, shall award a grant to an eligible  
20 applicant described in subsection (b) to conduct an  
21 aeromedical research study to determine what cabin alti-  
22 tude must be maintained to provide sufficient oxygen to  
23 ensure that the short- and long-term health of 95 percent  
24 of a representative sample of cabin crew and passengers  
25 is not adversely affected.

1 (b) ELIGIBLE APPLICANT.—An eligible applicant de-  
2 scribed in this subsection is an expert in an appropriate  
3 academic field who is affiliated with a school of public or  
4 occupational health that does not receive funding from the  
5 airline industry.

6 (c) ELEMENTS OF THE STUDY.—The study shall  
7 include—

8 (1) measurements of blood oxygen saturation  
9 collected at cabin altitudes that range from 5,000 to  
10 8,000 feet from a sample of crew members and pas-  
11 sengers selected to represent the range of weight  
12 and health considerations that could affect blood ox-  
13 ygen transport (including cardiovascular and res-  
14 piratory conditions); and

15 (2) a review of existing data and published lit-  
16 erature.

17 (d) REPORT.—The eligible applicant selected to re-  
18 ceive the grant under this section shall complete the study  
19 and submit a report regarding the results of the study to  
20 the Administrator not later than 18 months after the re-  
21 ceipt of the grant funds.

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