

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2158

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 HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. NADLER introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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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, the following definitions apply:

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

4           (2) AIR CARRIER, AIRCRAFT, AND AIR TRANS-  
5           PORTATION.—The terms “air carrier”, “aircraft”,  
6           and “air transportation” have the meaning such  
7           terms have under section 40102 of title 49, United  
8           States Code.

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

18          (4) MECHANICAL AND MAINTENANCE  
19          RECORDS.—The term “mechanical and maintenance  
20          records” with respect to an aircraft involved in an  
21          aircraft air quality incident includes records regard-  
22          ing the use of, and any loss or leakage of, hydraulic  
23          fluids, lubrication oils, or fuel, and records regarding  
24          any repairs that are, or could be, reported under the  
25          Air Transport Association Specifications, including

1 chapter 2100 (Air Conditioning), chapter 2900 (Hy-  
2 draulic Power), chapter 3600 (Pneumatics), chapter  
3 4900 (Airborne Auxiliary Power), and chapter 7200  
4 (Engine).

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

6 (a) REQUEST MADE TO ADMINISTRATOR.—

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

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

1 90 calendar days after the date of enactment of this  
2 Act.

3 (3) 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(3).

8 (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
9 in 30 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) INFORMATION TO BE DISCLOSED.—An air car-  
13 rier that receives a request described in subsection (a)  
14 shall provide the requested records to the individual mak-  
15 ing that request—

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

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

20 (d) CIVIL PENALTY FOR NONCOMPLIANCE.—

21 (1) IN GENERAL.—Any air carrier that does not  
22 produce any records requested pursuant to this sec-  
23 tion shall be subject to a civil penalty of \$1,000 for  
24 each day that the air carrier fails to produce the  
25 records.

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

5                   (A) such dollar amount, multiplied by

6                   (B) the cost-of-living adjustment deter-  
7 mined under section 1(f)(3) of the Internal  
8 Revenue Code of 1986 (26 U.S.C. 1(f)(3)) for  
9 the calendar year in which the fine is assessed,  
10 determined by substituting “calendar year  
11 2000” for “calendar year 1992” in subpara-  
12 graph (B) of such section 1(f)(3).

13           (e) RETENTION OF MECHANICAL AND MAINTENANCE  
14 RECORDS.—The Administrator shall require that air car-  
15 riers retain mechanical and maintenance records for a pe-  
16 riod of not less than 5 years, or for such longer period  
17 if required under any other provision of law.

18           (f) RETENTION OF RELATED MATERIALS AND DOCU-  
19 MENTS.—The Administrator shall require that air carriers  
20 retain all reports, investigative documents, studies, data,  
21 memos, and letters relating to or arising from any com-  
22 plaint, report, or request regarding air quality on aircraft  
23 for a period of not less than 10 years.

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

25           (a) REQUEST MADE TO ADMINISTRATOR.—

1           (1) IN GENERAL.—Any crew member, pas-  
2           senger, or their representative that experiences an  
3           aircraft air quality incident may file a request with  
4           the Administrator not later than 30 days after the  
5           incident for the filtration media used in the air sup-  
6           ply system of the aircraft involved in that aircraft  
7           air quality incident.

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

13          (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
14          in 30 calendar days of receiving a request described in  
15          subsection (a), the Administrator shall record receipt of  
16          that request and forward it to the air carrier.

17          (c) MEDIA TO BE PROVIDED.—An air carrier that  
18          receives a request described in subsection (a) shall provide  
19          the filtration media to the Administrator not later than  
20          30 calendar days after replacing the requested filtration  
21          media.

22          (d) ACTION BY ADMINISTRATOR.—

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

1 (A) analyze the media to determine the  
2 content and chemical properties of any mate-  
3 rials contained in the filtration media; and

4 (B) provide the results of the analysis per-  
5 formed under subparagraph (A) to the indi-  
6 vidual making the request in subsection (a).

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

11 (e) CIVIL PENALTY FOR NONCOMPLIANCE.—

12 (1) IN GENERAL.—Any air carrier that does not  
13 produce a filtration media requested pursuant to  
14 this section shall be subject to a civil penalty of  
15 \$1,000 for each day that the air carrier fails to  
16 produce the media.

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

21 (A) such dollar amount, multiplied by

22 (B) the cost-of-living adjustment deter-  
23 mined under section 1(f)(3) of the Internal  
24 Revenue Code of 1986 (26 U.S.C. 1(f)(3)) for  
25 the calendar year in which the fine is assessed,

1           determined by substituting “calendar year  
2           2000” for “calendar year 1992” in subpara-  
3           graph (B) of such section 1(f)(3).

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

8           **SEC. 5. DISCLOSURE OF INFORMATION ON PRODUCTS**  
9                               **USED IN THE MAINTENANCE, OPERATION, OR**  
10                              **TREATMENT OF AIRCRAFT.**

11           (a) REQUEST MADE TO THE ADMINISTRATOR.—

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

21                       (2) SPECIAL RULE FOR THE PREVIOUS 5-YEAR  
22           PERIOD.—Any crew member, passenger, or their  
23           representative may file a request with the Adminis-  
24           trator for the information described in paragraph  
25           (1) regarding a product that was used during the 5-

1 year period preceding the date of enactment of this  
2 Act if the request is made not later than 90 calendar  
3 days after the date of enactment of this Act.

4 (b) REQUEST FORWARDED TO AIR CARRIER.—With-  
5 in 30 calendar days of receiving a request described in  
6 subsection (a), the Administrator shall record receipt of  
7 that request and forward it to the air carrier.

8 (c) INFORMATION TO BE DISCLOSED.—

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

13 (A) not later than 15 calendar days after  
14 receiving a request described in subsection  
15 (a)(1); and

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

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

21 (A) Information on the toxicity and toxic-  
22 ology of the products described in subsection  
23 (a).

24 (B) Any report of an aircraft air quality  
25 incident, including any first aid and medical

1 treatment or tests required by any person in  
2 connection with the aircraft air quality incident.

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

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

12 (E) Any health or symptom survey distrib-  
13 uted to crew members.

14 (d) CIVIL PENALTY FOR NONCOMPLIANCE.—

15 (1) IN GENERAL.—Any air carrier that does not  
16 produce any information requested pursuant to this  
17 section shall be subject to a civil penalty of \$1,000  
18 for each day that the carrier fails to produce the in-  
19 formation.

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

24 (A) such dollar amount, multiplied by

1 (B) the cost-of-living adjustment deter-  
2 mined under section 1(f)(3) of the Internal  
3 Revenue Code of 1986 (26 U.S.C. 1(f)(3)) for  
4 the calendar year in which the fine is assessed,  
5 determined by substituting “calendar year  
6 2000” for “calendar year 1992” in subpara-  
7 graph (B) of such section 1(f)(3).

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

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

18 **SEC. 6. CABIN PRESSURIZATION.**

19 (a) STUDY OF CABIN OXYGEN LEVELS.—The Ad-  
20 ministrator, in consultation with the National Academy of  
21 Sciences Committee on Air Quality in Passenger Cabins  
22 of Commercial Aircraft, shall award a grant to an eligible  
23 applicant described in subsection (b) to conduct an  
24 aeromedical research study to determine what cabin alti-  
25 tude must be maintained to provide sufficient oxygen to

1 ensure that the short- and long-term health of 95 percent  
2 of a representative sample of cabin crew and passengers  
3 is not adversely affected.

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

9 (c) ELEMENTS OF THE STUDY.—The study shall  
10 include—

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

18 (2) a review of existing data and published lit-  
19 erature.

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

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