



# ALPA FACT SHEET

## Oppose an Increase to Pilot Retirement Age: the “Let Experienced Pilots Fly Act” Will Complicate Airline Operations, Add to Costs and Delays, Disrupt Collective Bargaining Agreements, and Has **Not** Been Validated by the FAA

### A Change to Pilot Retirement Age Will Not Increase the Supply of Pilots as Intended

- ➔ International flying standards are set by the International Civil Aviation Organization (ICAO)—a specialized unit of the U.N.—that has set an upper limit for pilot flying at age 65. As a result, flying through international airspace—including routes prized by senior pilots—will be off-limits to pilots over age 65.
- ➔ Increasing the retirement age will result in lower utilization of pilots as well as increased costs, as senior pilots—by seniority rules in labor contracts—will get paid for flying that they either cannot perform, or they will not bid on.
- ➔ Unless and until ICAO changes its standards, pilots over 65 may not fly international routes and will have to transition to domestic-only flying, requiring retraining on different equipment or different flight-deck positions and bumping less-senior pilots to other routes and aircraft. This will increase training time and costs to the airlines.
- ➔ This will only exacerbate the training backlog caused by the COVID pandemic that is just now beginning to level out, resulting in additional travel delays and cancellations.
- ➔ The industry as a whole and most airlines have more pilots now than prior to the pandemic. The regional airlines have an excess of first officers, but captains continue to leave for better career opportunities. With newly secured labor contracts, the attrition issues will resolve themselves, as recognized by regional CEOs to their shareholders.<sup>1</sup>
- ➔ Most regional airline pilots leave the regional industry long before age 65 for more lucrative jobs at mainline or low-cost carriers or other opportunities for better pay and benefits. Therefore, the pool of domestic-service pilots, especially at regional airlines, will not meaningfully increase.

### A Change to Pilot Retirement Age Will Add Costs and Upend Collective Bargaining

- ➔ Because pilots bid on routes based on seniority, pilots will bid on flying they are contractually entitled to do, but legally cannot fly. As a result, airlines will pay pilots for not flying those routes.
- ➔ Other pilots may use their accrued leave and vacation to similarly not fly.
- ➔ An age change in law does not change collectively bargained agreements which define seniority, pay scales, etc.
- ➔ Costly litigation for both unions and management will occur. Following potentially years of contractual grievance and other litigation proceedings, unions and management will likely have to reopen hard-bargained agreements and renegotiate contracts through a laborious and expensive process.
- ➔ There will be fewer pilots flying, the costs for airlines will go up, and this will result in higher prices for passengers.

*At United, [of] our age 64 pilots, 36 percent of them are unavailable to fly on a given day for sick, long-term, or short-term medical. The medical requirements are really stringent for being a pilot. We're already at 36 percent by that age, so extending the age . . . I don't think it's going to be the answer.” –United CEO Scott Kirby*

### A Change to Pilot Retirement Age Will Not Increase Service to Small Communities

- ➔ Airlines’ decisions to fly to or leave certain destinations are market driven.
- ➔ There are more certificated pilots than there are pilot jobs. According to the Bureau of Transportation Statistics’ latest count, there are vastly more pilots than prior to the pandemic at U.S. airlines, including 5,400 more pilots relative to 2021.<sup>2</sup>
- ➔ Air service to small communities should be a national priority; pilot age and supply is wholly unrelated.

<sup>1</sup>SkyWest Airlines Earnings Call, Q3, 2022.

<sup>2</sup>Bureau of Transportation Statistics Annual Reporting, Form 41 Financial Data-P-10.

## What a Change in Mandatory Retirement Age Means Under Current Standards/Legislation

- ➔ To permit pilots in FAR Part 121 operations to fly beyond age 65, the United States would have to file an objection, or “difference,” with ICAO from its standards on age for pilots in international commercial air transport operations with more than one pilot.
- ➔ Because the international ICAO standard limits pilots to age 65, any increase in the U.S. age limit would result in:
  - Whenever a legal resolution is finally provided, it will likely require unions and airlines to restructure complicated contractual bidding systems, the micromanagement of flight operations based on age, and create substantial labor disharmony.
  - Under a scenario where there is legal and contractual resolution, under current ICAO standards pilots over 65 would be limited to U.S. domestic flights only.
  - Older pilots would have to bid back to aircraft limited to domestic flying only. This will create a cascading training backlog as older pilots will have to retrain and requalify on new aircraft.
  - Less-senior pilots will then be bumped to different equipment, requiring additional training and requalification.
  - Collectively, this will create a massive and costly training sequence that will result in lower pilot utilization and less air-carrier flying.
- ➔ There is no reason to believe that ICAO would simply 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 multistaged ICAO process, that, with regard to previous changes to the pilot retirement age, included significant safety and medical data analysis, which took *five years*. There has been no such necessary safety and medical data analysis or vetting of this ill-considered proposal.

## A Change to Pilot Retirement Age Has Not Been Validated by the FAA or Other Safety Authority

- ➔ The FAA has not validated the risk if the retirement age is changed.
- ➔ The European Union Aviation Safety Agency concluded in 2019 that the retirement age should not be increased beyond 65 for pilots in multicrew airline operations.
- ➔ Pilot fatigue and rest rules are based on the current statutory retirement age of 65.

- ➔ Operations under FAR Part 135 have no upper age limit. Since 2010 there have been 79 accidents resulting in 208 fatalities in FAR Part 135 operations. Of those 79 accidents, **11 involved pilots over the age of 65.**

## Legislative History

- ➔ Congress changed the pilot retirement age from 60 to 65 to align with ICAO standards in the Fair Treatment for Experienced Pilots Act (P.L. 110-135) in 2007.