

United States Senate

WASHINGTON, DC 20510

April 30, 2019

Mr. Daniel K. Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, D.C. 20591

Dear Acting Administrator Elwell:

In October, President Trump signed into law a five-year reauthorization of the Federal Aviation Administration (FAA). Included in this legislation, was a provision that directs FAA within one year to establish minimums for seat pitch, width, and length in airplanes.¹ Over seven months after enactment, we have yet to see FAA take any action. This is unacceptable. We write today to request an update on finalization of this critical rule and to inquire about steps being taken by the agency to meet the one-year deadline, as required by law. We also request that FAA coordinate with the Office of Inspector General at U.S. Department of Transportation (IG) to ensure that the new seat size rule adheres to safety standards.

In 2018, the IG initiated an audit on FAA's evacuation safety standards. The agency last updated these standards in 1990 and required that passengers must be able to exit safely from a plane within 90 seconds during an emergency.² Industry and consumer behavior have changed considerably since the original standards were established, and shrinking airplane seats could be hindering these standards. According to Flyers Rights, seat pitch – the distance from one seat back to the next – has shrunk between four to seven inches since 1970 and seat width has decreased by over an inch.³ The Centers for Disease Control and Prevention, note that the rate of obesity is up nearly 18 percent in the United States since 1980.⁴ FAA should consider how shrinking airline seats and larger Americans could be affecting safety guidelines.

There are also health and comfort concerns that arise due to shrinking seat sizes. Flyers Rights has cited that the smaller seats combined with larger passengers could cause deep vein

¹ H.R. 302, 115th Cong. (2018). <https://www.congress.gov/bill/115th-congress/house-bill/302/text?q=%7B%22search%22%3A%5B%22FAA+Reauthorization%22%5D%7D&r=2>.

² U.S. Department of Transportation, Office of the Inspector General, *Audit Initiated of FAA's Oversight of Aircraft Evacuation Procedures*, Washington, D.C., 2018. <https://www.oig.dot.gov/library-item/36578>.

³ Young, Sarah D. "FAA Declines to Regulate Airline Seating." Flyers Rights. July 13, 2018. Accessed March 18, 2019. <https://flyersrights.org/seat-space/faa-declines-to-regulate-airline-seating/>.

⁴ Hales, Craig M, Cheryl D. Fryar, Margaret D. Carroll, et al. "Trends in Obesity Prevalence in US Youth and Adults, 2007-2008 to 2015-2016." JAMA. April 24, 2018. Accessed March 18, 2019. <https://jamanetwork.com/journals/jama/fullarticle/2676543>.

thrombosis, other muscle and joint problems, and stiffness.⁵ These health concerns should be considered as a component of passenger safety and considered as FAA develops this rule.

Due to these safety and health concerns, we request that FAA conduct testing including evaluations with human volunteers for determining the new seat standard. Airplane evacuation testing should be supplemented with computer simulation scenarios, using the latest modeling software, that reflect the new dimensions of current aircraft seats. Finally, we request, that the FAA take into consideration the potential health concerns from the smaller airplane seats.

Thank you for your attention to this critical safety issue.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



SHELDON WHITEHOUSE
United States Senate



EDWARD J. MARKEY
United States Senate

⁵ *Flyers Rights Education Fund v. FAA*, 864 F.3d 738, (D.C. Cir. 2017).