

STEVE COHEN
9TH DISTRICT, TENNESSEE
2268 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

TELEPHONE: (202) 225-3265
FAX: (202) 225-5663

ODELL HORTON FEDERAL BUILDING
167 NORTH MAIN STREET
SUITE 369
MEMPHIS, TN 38103

TELEPHONE: (901) 544-4131
FAX: (901) 544-4329

WWW.COHEN.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-4209

COMMITTEE ON THE JUDICIARY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE (U.S.
HELSINKI COMMISSION)

January 29, 2024

The Honorable Michael G. Whitaker
Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

Dear Administrator Whitaker,

The recent collision between Japan Airlines (JAL) Flight 516 and a Japan Coast Guard aircraft on January 2, 2024, compels me to reiterate my long-standing support for the Federal Aviation Administration (FAA) to reevaluate its current 90-second evacuation standard.

While I recognize that the investigation is ongoing, it is widely reported that it took 18 minutes for the airline crew to evacuate the flight's 367 passengers. The airplane involved in the accident, an Airbus A350-900, was certified to evacuate up to 440 passengers within 90 seconds with only half of the exits usable.^[1] While I certainly applaud the crew for evacuating the plane before the tragedy worsened, this accident should serve as a warning to reevaluate our standards before another accident occurs.^[2]

I have long been concerned about whether the FAA's evacuation standards consider realistic circumstances such as passenger demographics, mobility, and behaviors. In 2016, I introduced the *Safe Egress in Air Travel (SEAT) Act* with Representative Adam Kinzinger, and in 2017, we reintroduced the bill with Senators Richard Blumenthal, Chuck Schumer, Ed Markey, Bob Menendez and Dianne Feinstein. During the FAA reauthorization process in 2017, I introduced the *SEAT Act* as an amendment, which was ultimately included in the final 2018 FAA reauthorization bill that became law.

Section 577 of the 2018 FAA reauthorization bill requires the Administrator to establish minimum seat size and distance between rows of seats on commercial aircraft to protect the safety of the flying public, which I'll note is still not completed. Section 337 also requires a review of the evacuation certification of transport-category aircraft used in air transportation.

To gather data in furtherance of the agency's implementation of Section 577, and in further compliance with Section 337, the FAA conducted simulated emergency evacuations at the Civil Aerospace Medical

Institute (CAMI) in late 2019 and 2020, well after the one-year deadline. This testing did not include evaluation of passengers who are representative of the flying public, including people over the age of 60, individuals under the age of 18 including lap children, individuals with disabilities, including those who use wheelchairs, service animals, significantly overweight individuals, individuals whose primary language is not English, or any carry-on baggage. Then-FAA Administrator Steve Dickson even conceded the tests “provide useful, but not necessarily definitive information...”

The CAMI study made clear that our current 90-second evacuation standard may be inadequate, and the recent Japan Airlines event seems to further validate its inadequacy. I have partnered with Senator Tammy Duckworth, Chair of the Subcommittee on Aviation Safety, Operations and Innovation in introducing *The Emergency Vacating of Aircraft Cabin (EVAC) Act* to ensure that the FAA does more to prioritize passenger safety by appropriately considering carry-on baggage, people with disabilities, seniors and children in its emergency evacuation standards. In my role as Ranking Member of the Aviation Subcommittee, I have also worked with T&I Committee Ranking Member Rick Larsen and our counterparts to include a version of the *EVAC Act* in the House -passed FAA reauthorization to direct the FAA to task the Aviation Rulemaking Advisory Committee with proposing updates to aircraft evacuation requirements.

Though the House of Representatives passed our FAA reauthorization bill, *the Securing Growth and Robust Leadership in American Aviation Act*, in July 2023, we are still waiting on our Senate colleagues to pass a bill out of Committee. Given the recent Japan Airlines accident and the Senate’s delay, I strongly urge the FAA to take immediate action to review the current 90-second evacuation standard in a way that considers the actual demographics of the flying public.

It should not be lost on anyone, especially regulators, that the evacuation of 367 passengers in 18 minutes where no one was injured or killed may be a rare instance. We should not put ourselves, the airline industry, or the flying public in a position to have to beat those odds again when we already have a real-world incident that demands change.

I certainly appreciate your attention to this urgent matter.

As always, I remain,

Most sincerely,



Steve Cohen
Member of Congress