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Health vs. experience central to pilot-age debate

- Story Highlights
- Attorney: "I don't think there is a magic age" at which pilots should retire
- Continental pilot, 60, died of apparent heart attack during trans-Atlantic flight
- In December 2007, law changed retirement age for some pilots from 60 to 65
- FAA, facing lawsuit over retirement age, said change was safety-based

By Elliott C. McLaughlin
CNN

(CNN) -- A 57-year-old pilot ditches a plane in New York City's Hudson River, saving all 155 passengers and crew on board. A 60-year-old pilot dies of an apparent heart attack, leaving the co-pilot and relief pilot to land the plane.

The debate over the age requirement for pilots took a different flight path Thursday after Craig Lenell, 60, died en route from Brussels, Belgium, to Newark, New Jersey. The Boeing 777 and its 247 passengers arrived safely at Newark International Airport.

Two years ago, Lenell would've been forced to retire from international routes when he turned 60 as part of a Federal Aviation Administration requirement that had been in effect since 1959.

The rule changed 18 months ago when then-President Bush signed the Fair Treatment of Experienced Pilots Act, raising the age to 65.

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"I don't think there is a magic age," said Justin Green, a former military pilot and aviation attorney with Kreindler & Kreindler in New York. "Big airline pilots, especially those flying internationally, are among the most carefully monitored people in terms of their health."

This was Continental's second in-flight pilot death in two-and-a-half years. In January 2007, [Continental](#) co-pilot Zia Sheikh died en route from Houston, Texas, to Puerto Vallarta, Mexico, forcing an early landing. Shiekh reportedly died of a heart attack at age 57.

Since 1994, when the FAA began keeping tabs, five pilots -- their ages ranging from 48 to 57 -- have died in-flight prior to Thursday's incident, all of which were filed under the category "cardiac," according to the agency.

Green said pilots generally take good care of themselves, sleep more than the average person and get regular checkups. They also are banned from drug use, in some cases, even if a doctor prescribes them medication.

"There's no scientific basis one way or another to suggest a pilot's ability is diminished between the ages 60 and 65, to the degree it would warrant a rule," he said.

The FAA said it had a fine reason for increasing the retirement age to 65. In announcing in 2007 that the agency was considering changing the rule, then-administrator Marion Blakey addressed the issue of pilot age.

"A pilot's experience counts -- it's an added margin of safety," she said. "Foreign airlines have demonstrated that experienced pilots in good health can fly beyond age 60 without compromising safety."  [Watch emergency crews respond after Thursday's landing »](#)

Tony Bothwell, a San Francisco, California-based attorney specializing in civil liberties issue, including age discrimination, said, "It really was a safety decision."

Bothwell represents about 180 pilots in a proposed class-action lawsuit targeting Blakey and others. The majority of pilots in the group turned 60 shortly before the law was enacted, Bothwell said.

Though many issues will be raised during the lawsuit, chief among them, he said, is that "older pilots have a safer record."

Posts on the Professional Pilots Rumor Network also suggested ageist complaints were out of line.

"As long as you can hold a medical you should be good to go," read one.

Another opined, "A lot of outwardly healthy individuals drop dead in their 40s from heart attacks. I don't think, therefore, there is much mileage in dwelling on the upping of the [retirement] age. If the guy had been 59 ... this wouldn't even have been part of the discussion."

However, one individual using the handle "BlackBird" wrote, "It's the greed of the companies and the greed of those old fart captains sitting in my seat. I think this just goes to show that age 65 was too much -- law should be repealed and age 60 should return as the norm."

Numerous responses indicated BlackBird was in the minority.

Commercial pilots older than 40 are required to undergo physicals twice a year, according to the FAA. Among the requirements, they need at least 20/40 vision, 70 percent reception in one ear and a bill of health free from vertigo, speech and equilibrium disturbances, psychosis, bipolar disorder and substance dependence.

One of the few age-specific requirements is that first-class airline transport pilots must take an electrocardiogram once at age 35 and annually after they turn 40.

Though the [FAA](#) claimed it had safety in mind when it proposed changing the rule, Green said he believes another impetus may have been money.

In the last 10 to 15 years, he said, most airlines have renegotiated their contracts with pilots, resulting in the majority of pilots being stripped of their pensions in lieu of 401(k)s, Green said.

The airlines provided the pilots with seed money for their 401(k)s, but "a lot of pilots approaching retirement age were really screwed" and wanted to keep flying, he said.

Green, who holds a commercial pilot's license, concedes that people's capacities diminish with age, but that is true in any realm, including driving an automobile, he said.

Experience is a commodity in the airline industry, Green explained, as U.S. Airways pilot Chesley B. Sullenberger III demonstrated earlier this year. He saved the passengers and crew of Flight 1549 by gamely ditching an Airbus A320 in the Hudson River after birds crippled both engines.

Sullenberger was 57 at the time and had been flying for more 40 years, and Peter Goetz, a former managing director of the National Transportation Safety Board, called the landing "an amazing piece of airmanship."

Though pilot message boards predict Lenell's death Thursday will renew an unwarranted debate over pilots' ages, Green said he believes the law is correct as it stands. [Watch doctor who examined Lenell during flight »](#)

"Sixty is an arbitrary age. I think 65 is more appropriate," he said. "It's so rare that [an in-flight pilot death] could happen, but when it did, the other pilots flew the plane, landed it no problem. I think this is kind of an anomaly."

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