

## **SAFETY**

### **Florida HB 775 - Comments, Angela Palank, Janice Watson, and Ed Block**

#### **Comments - "Boeing Exemption" Press Conference**

**May 26, 1999**

**Angel Palank**

Welcome. Thank you for joining us this morning.

I'm Angel Palank and, as all of you know, I've been fighting tort reform for years.

I'm here today because I - like thousands of victims across the state of Florida - have been shut out of the Legislative process.

For weeks, I have been trying to arrange a meeting with Governor Bush. I sent him a written request and have called repeatedly. In your press packets are copies of letters written by other victims that I will be hand delivering to the Governor immediately following this press conference.

The Governor has met with corporate leaders, like rental car mogul Wayne Huizenga, but he has yet to meet with the victims of corporate negligence.

We're here today to urge Governor Jeb Bush to veto a shocking piece of legislation. In the final weeks of the 1999 Legislative session, Boeing - the only U.S. manufacturer of big airliners - hired a lobbyist to draft an exemption to the tort reform bill.

The "Boeing Exemption" bans lawsuits against the manufacturers of aircraft that are more than 20 years old - or one-third of the nations airliners.

Here with me today are some of the families of airplane crash victims and an expert who will tell you why Boeing so urgently insisted on tacking this exemption onto the tort reform bill.

Please welcome **Brenda Sue Molnar**. Brenda's brother was killed in the 1994 crash of US Air flight 427, near Aliquippa, PA. US Air 427 was a Boeing 737 - the workhorse of commercial aircraft - that is now notorious for its rudder malfunction.

Also, please welcome **Aurelie Becker**. Her 19-year old daughter, Michelle, was killed in the 1996 crash of TWA flight 800. Aurelie is the President of the "Families of TWA flight 800."

I would also like to introduce **Janice Watson**. Janice is on the board of the National Air Disaster Alliance. Janice lost her only child in the crash of TWA 800.

We are also pleased to have with us today Edward Block. Ed is a nationally recognized expert in dangerous wiring in aging aircraft. Ed is the only non-industry member of the Federal Aviation Administration's Aging Aircraft Committee.

Also joining us today is Joel Perwin. Joel is a Miami attorney who specializes in aircraft disaster litigation and can answer any questions you may have about the legal consequences of this bill. Thank you for joining us today.

**Angel Palank**

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**Janice Watson**

I am Janice Watson, and I live in Boca Raton, Florida. I am on the board of the NATIONAL AIR DISASTER ALLIANCE.

I would like to tell you why our organization opposes this bill, but first let me tell you something about myself.

In 1996 I lost my only child in the crash of TWA flight 800. My daughter Jill was 32 and the love of our lives.

After the crash, I became involved with the National Air Disaster Alliance, trying to help families like ours deal with the devastating aftermath of these disasters. Our organization represents the survivors and families of thousands of crash victims around the world. We are the largest grassroots advocacy group in the nation working for aviation safety.

In the past few years, the Alliance has turned its attention toward improved air safety, and that is why I am here today to talk about the Boeing Exemption. Denying people constitutional access to the courts is not going to promote air safety.

The Alliance opposed this dangerous legislation, and we urge Governor Bush to veto it. As Governor of the 4th largest state in the nation, he must put air safety first.

In July, 1996, TWA flight 800 crashed into the Atlantic Ocean off the coast of Long Island NY killing all 230 passengers and crewmembers on board. TWA flight 800 was a Boeing 747. It was 25 years old when it crashed into the sea.

It crashed because of a design flaw, because of frayed wiring going through the center fuel tank - a problem common in aging aircraft that Edward Block will be telling you about shortly.

If Governor Bush signs the 1999 tort reform bill and if a TWA flight 800 crashed in Florida, the widows, the children, and all the families who lost loved ones would have no recovery.

We have become a nation of frequent fliers, and we believe we are entitled to the safest planes.

We believe Boeing, and the airline industry, has a corporate responsibility to provide the safest planes possible. Rather than spend money on expensive lobbyists and campaign contributions, Boeing should spend whatever is necessary to make its planes as safe as possible.

Since Jill's death, we have tried to honor her memory. My work for the Alliance furthers that goal.

I would like to leave you with some lines of the poem Dirge Without Music, by Edna St. Vincent Millay. *"I know. But I do not approve. And I am not resigned."*

Thank you.

**Janice Watson**

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**Edward Block**

Wiring and Cable Expert formerly with the Department of Defense

I am Edward Block, and I flew here early this morning from Philadelphia to talk with you about the unsafe wiring in aging aircraft and the danger of the "Boeing Exemption."

Boeing has launched a nationwide campaign to avoid liability for its aging aircraft, which are experiencing numerous problems.

The workhorse of the aviation industry - the Boeing 737 has notorious rudder malfunctions that caused the fatal crash of US Air flight 427 near Aliquippa PA in 1994, and the 1991 crash of United flight 585 in Colorado Springs.

Other Boeing aircraft that are more than 20 years old are experiencing severe wiring problems that cause planes, like TWA 800, to explode.

The Boeing 727's were recently subjected to FAA emergency wiring inspections, while just a year ago the Boeing 737-100's and 737-200's were grounded on Mother's Day for FAA emergency inspections of their wiring and cable.

There can be no coincidence that the 20-year limit to liability for commercial aircraft came as it did now. Consider the following:

1. **In 1979** Boeing and by then McDonnell-Douglas, decided to change the type of insulated wires used on their 727, 737, and DC-9's, from Polyvinyl Chloride to Kapton (Aromatic polyimide). The fact that the Polyvinyl Chloride would not pass the FAA's only flammability requirement apparently never entered into the equation, however, since the FAA's 60 degree flame test, which has been instituted since 1972 to FAR 25, only applied to newer model types. If you kept the same model type, you could continue to use the material that failed the FAA's only wire test. This PVC was the type used on ValuJet 592, a 27-year-old plane that crashed in the Florida Everglades, May 11, 1996.

2. **In 1979**, yes 20 years ago, Boeing again had wire problems, but this time with the 747's. It was found that the wire insulation material they had selected (Poly-X) was prematurely aging and cracking radically down to the conductor after only 6,000 hours. This is the same wire insulation material that had caused the Navy to request \$360 million in FY '83 to rewire the Topgun's F-14's after 150 of them crashed out of 600 produced (25% crashed). Instead of rewiring, they grounded all the F?14's and A?6's with Poly-X. It appears that they never told the FAA, because on July 17, 1996, TWA 800 crashed with the same old wire, Poly-X. The NTSB found 6 radial cracks in a one-foot section of wire on that aircraft, thus paralleling the 1982 industry field-trip findings on the Navy's fleet of aircraft with this wire type. TWA 800 had Poly-X wiring, 25 years old.

3. **In 1979** the FAA ordered Boeing to install shielding over FQIS center fuel tank wires. These were made of extruded Teflon wire that Boeing knew had splitting problems since 1971. They chose not to change wire types until 1983. They also chose not to encapsulate these FQIS center fuel tank wires by 1996, but decided to do it again in 1997, when the FAA again issued another Airworthiness Directive to shield these wires.

4. On **March 31, 1999**, I briefed Boeing and others at a presentation to the FAA Aging Aircraft Committee meeting in Washington DC. I lit the PVC/Nylon wire at that presentation and demonstrated the high flammability properties of the wiring used in aging aircraft.

Today I will also demonstrate the flammability of the PVC/Nylon wiring used in aging aircraft in service today.

If Governor Bush signs the tort reform bill with the "Boeing Exemption," he is catering to a powerful corporation and risking the lives of millions of people. I am here because we need to do everything possible to veto this harmful legislation.

Thank you.

*Edward Block*

**Editorial Opinion Submitted as Letter to the Editor,  
June 4, 1999  
Tom O'Mara, NADA Board Member**

Florida says, "It's okay for old planes, with design defects to kill tourists and residents."

Governor Bush signed HB775 on May 26, even though he was "troubled" by the provision that exempts 20-year old commercial airplanes from liability due to design defects.

HB775 allows 20-year old planes to kill Florida residents, and tourists, but shields plane manufacturers from liability if a design defect causes the plane crash.

By reluctantly signing HB775, Governor Bush borrowed a page from a Roman Governor, who washed his hands before condemning a citizen to death. Like Pilate, Governor Bush was "troubled" by his decision to favor plane makers.

Instead of a ceremonial hand washing, Bush wrote Florida Secretary of State Katherine Harris...

*"I am troubled, however, by the creation of a special 20-year statute of repose for commercial aircraft, meaning that victims' families in crashes involving older aircraft would no longer be able to sue manufactures for design defects in the planes."*

#### **A Responsible Alternative to HB775.**

Governor Bush could have said.... "Florida wants to ban commercial planes over 20-years of age from its air space, because we love our people and our tourists. Florida lawmakers will fight to keep geriatric planes with brittle wires, flying on gas tanks of hope, from our skies.

To pursue a safer skies policy, Florida will demand that the FAA ban arthritic planes from Florida airspace. We hope other states will join us. It's time to shred junk planes.

#### **Look to the Future**

To understand the real meaning of the 20-year plane exemption in HB775, every reader needs to put themselves in the shoes of a plane crash victim's family a decade from now.

Imagine hearing the following news from Safety Board crash investigators...

*"Mr. And Mrs. Jones your child is dead because of a design defect on a 20-year old 747. Boeing feels your pain, but can't be held liable for this design defect anymore. The crash occurred in Florida, where design defects on planes over 20-years of age are exempt."*

#### **Why Do I Care About This Exemption?**

I buried my only child after a plane crash 10 years ago. Heather was 24, a Captain in the U.S. Army Jag Corps. Her 15-year old United DC-10 crashed in Sioux City IA because of a design compromise: A \$10,000 safety valve could have saved her life, and the lives of 111 others.

Since then I've joined with families from 40 crashes who work for safer skies, and more secure airports. We help one another cope, as well.

This 20-year plane exemption should be repealed. It's a threat to Florida air travelers.

HB775 actually gives airlines an incentive to use old planes on Florida routes. Flying in, to, or around Florida could become as dangerous as flying around 4th world countries with this exemption.

Until this exemption is repealed, it would be wise to vacation outside Florida, and skip connecting flights in the state. Organizations who care about their members should schedule conventions anyplace but Florida.

Ask Gov Jeb Bush to follow his gut: kill this exemption for 20-year old planes.

**Tom O'Mara**

June 4, 1999