

COLLISION COURSE: THE TRUTH ABOUT AIRLINE SAFETY, by Ralph Nader and Wesley J. Smith, TAB Books, 1994, \$21.95

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COLLISION COURSE is not the only reading material one would want on a twelve hour non-stop to Paris. Nader and Smith's account of the safety of air travel in the United States is a condemnatory assemblage of industry and governmental failures at safeguarding the flying public. The book is replete with tales of an inept bureaucracy beholden to the industry it oversees, and an avaricious corporate structure which places company profits ahead of safety concerns. Tragic anecdotes illustrating airline accidents permeate the book, and when digested leave the reader frightened and angry at the possibility these accidents could have been avoided.

While travel by air is admittedly safer than driving the nation's highways, if the conclusions of **COLLISION COURSE** are to be believed, passenger aviation safety could be vastly improved. According to the book, aircraft impact survivability, midair collision avoidance, flight attendant training, airport security, pilot fatigue prevention, air traffic control, and more could be improved to save lives. It is through a combination of bureaucratic realities, as well as industry image and profitability concerns, that these dangerous issues are left unaddressed. Fortunately, Nader and Smith propose solutions to the problems they define. Unfortunately, the explanation of these problems occasionally leaves one with the impression that correcting them will be a difficult task.

The book is divided into seven sections: an introductory overview of air transportation safety issues, five chapters that detail specific areas of criticism, and a conclusory chapter including recommendations regarding the industry and personal safety tips for the air traveler. Section one begins with a brief history of the industry and the organizations responsible for monitoring its safety record. Differing types of statistical data maintained on domestic airline safety are also addressed.

In section two, Nader and Smith begin their assault on the FAA. The Agency is condemned for a variety of problems, some of which the authors unhappily admit are endemic to many agencies in Washington,

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D.C. These problems include bureaucratic inefficiencies, the length of time necessary for the agency to implement safety regulations, and the familiar role with the industry it monitors.

Two criticisms of the Administration, though by no means the only ones, are particularly emphasized. First, the Administration is lambasted as "a reactive agency that usually refuses to mandate safety improvements until accidents take lives."¹ The authors entitle this moribund attitude *The Tombstone Imperative*, and provide examples where they insist the FAA did not enact regulations until lives were lost.

Aircraft wing deicing is cited as a prime example of such mortally reactive thinking. Nader and Smith describe how from 1950 to 1992, deicing was left to the discretion of the pilot, regardless of weather conditions. Deicing regulations remained unchanged, despite numerous air accidents described as preventable if the aircraft had been mandatorily deiced.² According to the authors, it was only after the death of 37 passengers on a flight from Newark that the FAA instituted mandatory deicing procedures for large jets.³

Second, the Administration is disparaged for its relationship with the industry it oversees. Nader and Smith find the root of this problem in what they term the conflicting mandate of the FAA. This mandate charges the FAA with the economic promotion of the industry and the advancement of air travel safety. These two objectives, the authors assert, are often at odds and incompatible.

For example, any FAA safety regulation, under an Executive Order signed by Ronald Reagan, must undergo a cost/benefit analysis whereby the regulation may not be enacted if the financial cost to society of implementing the rule will be greater than the value of any lives saved by the rule. The FAA assesses a single human life the value of \$1.5 million.⁴ In dollars, therefore, the cost of implementing a regulation may be assigned a greater value than that given to potential lost lives. In such a situation, the regulation may not be enacted. Nader and Smith assert the FAA does little to attempt to reconcile the conflict, and frequently sides with an industry that usually concludes safety regulations are too costly and would endanger corporate earnings.

Section three focuses on shortcomings in the air traffic control (ATC) system. The book describes failings the authors see as a direct consequence of the failed air traffic controller strike of 1981. Since that time ATC has been managed by fewer, and less well trained, controllers.

1. Ralph Nader and Wesley J. Smith, *COLLISION COURSE: THE TRUTH ABOUT AIRLINE SAFETY* (1994), 62.

2. *Id.* at 62-68.

3. *Id.* at 68.

4. *Id.* at 36.

Nader and Smith further describe problems with outdated, unreliable technology, and faulty software. The only cheerful note in the section is the authors' contention that the FAA's Central Flow Control center, created in response to the emergency situation following the 1981 strike, has made domestic flying significantly safer.

Safety issues regarding equipment used in commercial aviation is section four's concern. In the first instance, the authors argue that the safety of the commercial fleet is decreasing due to its age. Older aircraft require more frequent and expensive maintenance than newer planes. Nader and Smith charge this maintenance is prone to be neglected as a cost cutting measure when the financial viability of the airline is in question. Also, older aircraft are often 'grandfathered' from complying with certain FAA safety regulations, such as those requiring fireproof cabin materials and more impact resistant passenger seats. The authors argue these greying aircraft are inherently more dangerous than younger planes and that this condition is likely to continue.

The authors also take issue with the FAA and industry's reluctance to require child safety seats for infants, protective breathing devices for passengers (known as smoke hoods), easier access to emergency exits, bomb-resistant cargo containers, and flotation devices for every domestic flight. Their patent advocacy for these safety refinements and the chilling situations they describe as a demand for them are compelling. Smoke hoods, for example, are cited as an inexpensive device which could give passengers attempting to exit from a burning plane invaluable extra seconds to escape. These seconds would be inestimable as most deaths in a plane accident are not due to sudden impact, but are the result of asphyxiation.

Section five details security and safety issues at airports. Criticisms range from inadequate weapons screenings for airport and airline employees to the lack of bomb detection equipment for checked luggage. The section concludes with the authors' contention there is much room for improvement on disaster preparation, runway collision warning systems, and runway length.

The book's final substantive section is devoted to the human elements of airline safety and natural weather occurrences, such as wing ice and wind shear. The authors recommend increased training for most airline personnel, including the increased use of simulators for commuter airline pilots. They also would have the airlines foster an atmosphere to better prepare passengers for an emergency. Wisely, the authors acknowledge airlines would be loathe to further remind customers there is even the remotest possibility of an accident while on board.

In concluding their denunciation, Nader and Smith make a series of recommendations for both industry and the FAA. Though the implemen-

tation of some of their suggestions would prove impractical or prohibitively expensive, several are laudatory and deserve consideration. First, they recommend a return to a regulated industry. The pair find much of the airlines financial woes stemming from deregulation, a condition they feel has led to a preoccupation with profits, at the expense of safety. The current straits of the aviation industry may be responsible for some reluctance towards increased expenditures on safety, however; it would probably take more than safety concerns to mark a return to the days of the Civil Aeronautics Board.

Second, eliminate the dual mandate of the FAA. Nader and Smith hold that the agency should solely be concerned with air safety and recommend that another governmental entity be responsible for promoting the industry. Third, repeal the cost/benefit rule. The authors argue for a standard which incorporates what a reasonable passenger would feel was a rational cost for the safety of a regulation, rather than the current cost/benefit analysis.

Their fourth recommendation would require commuter airlines to meet the same safety standards as major air carriers. Implementing the safety standards of larger aircraft on commuter craft would be extremely difficult and even the authors admit the price of some equipment is far more than what most commuter airlines could afford. Further, they recommend an end to what they charge is a deceptive marketing tactic called *code sharing*. In code sharing, commuter airlines, often owned by conglomerations or third parties, are permitted to use the name of the major carrier with which they share passengers. Under this rubric, many travelers believe the commuter they are flying is owned, managed, and maintained by a large commercial carrier, when in fact it is not.

Fifth, Nader and Smith advocate the expansion of the protection offered under the federal whistle-blower statute. Currently, federal protection only applies to government employees and not those in the private sector.

Finally, the two recommend air carriers be forced to compete based on their safety records. The concept sounds attractive to the consumer, and in comparison has become one of the automobile industry's favorite selling points. Unfortunately, due to the nature of airline crashes and their relative infrequency, many statistics that would numerically mark a carrier as unsafe would be unreliable as accurate indicators of a dangerous airline. Nader and Smith do not recommend a method for measuring safety and with the abundant variables such a measurement would have to rely on, it is possible no dependable method exists.

The book ends with a safety checklist air travelers should review prior to departure. The list has many pointers, many of them common sense recommendations with which frequent travelers are familiar. Other

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suggestions, including purchasing one's own smoke hood, wearing non-flammable clothes when flying, and bringing an infant safety seat rather than carrying a child in your lap are not as obvious.⁵ Finally, the two recommend the concerned air traveler join a consumer group dedicated to monitoring airline safety. Interestingly, but not surprisingly, one of the recommended groups was founded by Ralph Nader.

In *COLLISION COURSE*, Nader and Smith courageously raise the banner of consumer safety in the face of the powers of air travel. The book's attitude, alternating between contempt and outrage, frantically seizes one's attention and emotions, perhaps ultimately too strongly. The book's alarmist tone, while successfully imparting the authors' urgency about the situation they perceive, is somewhat distracting from a serious topic which merits even-handed discussion. Nonetheless, diplomatic exchange on safety issues has never been a popular Nader tool and one would be startled to find a conciliatory outlook on anything associated with his name. *COLLISION COURSE* succeeds the authors' goal, the reader's hackles rise and powerful attention is focused on an area whose safety ultimately concerns everyone.

5. *Id.* at 330.

