

November 17, 2020

Senator Roger Wicker, Chairman
Senate Committee on Commerce, Science, and Transportation
U.S. Senate
Washington DC 20510

Senator Maria Cantwell, Ranking Member
Senate Committee on Commerce, Science, and Transportation
U.S. Senate
Washington DC 20510

Re: Amending S. 3969 to Protect State Law Claims

Dear Chairman Wicker and Ranking Member Cantwell:

The undersigned consumer groups urge you to amend S. 3969, the Aircraft Safety and Certification Reform Act of 2020, to ensure that the families of aviation crash victims can continue to hold negligent manufacturers accountable. At Wednesday's markup, Senator Blumenthal will be offering such an amendment in the form of a savings clause intended to protect the legal rights of crash victims. It is imperative that this amendment be adopted.

State litigation over crashes has always co-existed with federal authority to regulate the design and manufacture of commercial aircraft. However, in recent years manufacturers like Boeing have tried to upend this long established and balanced system, arguing that crash victims' rights should be preempted and therefore eliminated. It is essential that Congress makes clear that state remedies are not preempted in any legislation dealing with the FAA's regulatory authority, including S. 3969.

S. 3969 is intended to instill public confidence in airline safety. However, without a savings clause protecting state law claims, this bill omits a provision key to doing so. Even the most irresponsible manufacturers, like Boeing, which misled the FAA about the safety of the 737 Max, would surely use the bill to argue for immunity for their misconduct. Families of aviation crash victims could lose their only avenue for seeking remedies, and culpable manufacturers could escape accountability for misconduct, jeopardizing the safety of all airline passengers.

Strong government regulation is a good step in the right direction, but alone, without state-law remedies, it is woefully inadequate to protect the families of crash victims and hold aviation manufacturers accountable.

We urge you to support the Blumenthal amendment to S. 3969 to make clear that Congress does not intend to preempt state law claims, and ensure that aviation crash victim families can hold manufacturers accountable. Please contact Joanne Doroshow at the Center for Justice & Democracy, joanned@centerjd.org, with any questions or follow-up. Thank you for your time and consideration.

Very sincerely,

Alliance for Justice
Center for Justice & Democracy
Consumer Action
Consumer Federation of America
Consumer Reports
Consumer Watchdog
Consumers for Auto Reliability and Safety
Earthjustice
National Association of Consumer Advocates
National Consumers League
Public Citizen
Public Justice
Texas Watch
U.S. PIRG