

# Client Bulletin

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## ***WHO YOU GONNA CALL? . . .*** **[New In-flight Passenger Regulations on the Horizon]**

This memorable line from the 1980's film *Ghostbusters* may have practical application to all airlines in the near future with the proposed amendments to 42 CFR, Parts 70 and 71, regarding reporting of communicable diseases. In the age of SARS, Avian bird flu and other communicable diseases, airlines sometimes are uncertain as to whether and to whom any reports of ill passengers should be directed. The proposed amendments to 42 CFR, Parts 70 and 71 make it clear that an airline (defined in the regulations as any air carrier, foreign or domestic, operating commercial passenger flights under regular schedules within the United States) must report to the Center for Disease Control and Prevention (CDC) any deaths or ill persons on board a flight upon notification to the aircraft commander. If possible, such reports are to be made at least one (1) hour before the arrival of the flight (42 CFR Part 70.2). Any airline operating flights in interstate travel must develop a written plan sufficient to ensure reporting of deaths or illnesses which needs to include the name and business title of the airline agent who will serve as a point of contact between the CDC and the airline.

One purpose of these amendments is to eliminate any doubt in the minds of the airlines as to whom any illnesses or deaths must be reported. In some cases, airlines report to the airport authorities, the air traffic control towers and local health authorities. The proposed amendments are designed to streamline the reporting structure to involve one entity, the CDC.

The proposed amendments also place on the airline the obligation to collect information from

passengers and retain the information in electronic form for 60 days after arrival. This information includes information currently obtained from traveling passengers, *e.g.*, passenger's name and flight information; information sporadically obtained such as emergency contact information, phone numbers, e-mail addresses and home addresses; as well as information which is not ordinarily obtained, *e.g.*, identity of traveling companions. *See* 42 CFR Part 70.4. A plan for obtaining this information from passengers must be submitted by each air carrier to the CDC within six months of the final publication of the rule.

By providing a single point of contact for disease reports, the burden on carriers to identify and maintain points of contacts with local health authorities is reduced. In short, there will be two requirements imposed on the airlines: (1) to develop a written plan for reporting of deaths or illnesses aboard flights and designations of airline agents as points of contact with the CDC; and, (2) to develop a written plan sufficient to ensure electronic transmission to the CDC of data collected from the passengers and crew pursuant to 42 CFR Part 70.4.

The requirement that the airlines retain the collected passenger information for 60 days after the end of the flight will aid in locating former passengers who may be at risk because a fellow passenger had a communicable disease. Once the report is made to the CDC, it will be the CDC's responsibility to locate and notify former passengers who might be affected.

Public comments on the proposals are due by January 31, 2006. The CDC has indicated that it would consider comments that are submitted after that date and it is anticipated that it will take between 18 months and 2 years before a final rule is enacted.

It is unclear whether these amendments are applicable to foreign air transportation, *i.e.*, carriage between the United States and another

country. A query to the CDC prompted the reply that a formal comment must be made to the CDC to clarify the issue. We have undertaken to ascertain the answer to this question and will advise further once a response is received from the CDC.



If you have any questions regarding this Client Bulletin or would like to be added or removed from this electronic mailing list, please contact:

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