

118TH CONGRESS
2D SESSION

H. R. 7926

To amend title 49, United States Code, with respect to requirements for air carriers to disclose certain exposures to toxic fumes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2024

Mr. ESPALLAT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, with respect to requirements for air carriers to disclose certain exposures to toxic fumes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Travelers Right
5 to Know Act”.

6 **SEC. 2. AIRLINE TOXIC FUME DISCLOSURE.**

7 (a) IN GENERAL.—Subpart III of part A of subtitle
8 VII of title 49, United States Code, is amended by adding
9 at the end the following:

1 **“CHAPTER 455—TOXIC FUME DISCLOSURE**

“Sec. 45401. Definition of Administrator.

“Sec. 45402. Toxic fume disclosure.

“Sec. 45403. Passenger notification prior to ticket purchase and check-in.

“Sec. 45404. Immediate notification of toxic fume events aboard aircraft.

“Sec. 45405. Crew notification of toxic fume events.

2 **“SEC. 45401. DEFINITION OF ADMINISTRATOR.**

3 “In this chapter, the term ‘Administrator’ means the
4 Administrator of the Federal Aviation Administration.

5 **“SEC. 45402. TOXIC FUME DISCLOSURE.**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of this section, the Administrator
8 shall implement and enforce a right to know of potential
9 toxic fume exposure policy to inform air carrier pas-
10 sengers, pilots, and cabin crew employees of the potential
11 exposure to toxic fumes that cause permanent health or
12 brain damage that such passengers, pilots, or employees
13 may encounter onboard passenger-carrying aircraft oper-
14 ating under part 121 of title 14, Code of Federal Regula-
15 tions.

16 “(b) REQUIREMENTS.—The right to know of poten-
17 tial toxic fume exposure policy under subsection (a)
18 shall—

19 “(1) be made available in all pilot and crew
20 member contracts;

21 “(2) be made available to all air carrier pas-
22 sengers immediately after purchasing a ticket for

1 transportation by such air carrier or a third party
2 ticket booking entity;

3 “(3) include details on the potential for acute
4 or chronic impairment relating to such fumes to an
5 individual;

6 “(4) include details on chemicals known to
7 cause cancer, birth defects, and other reproductive
8 harm that may be present in jet engine exhaust,
9 fumes from jet fuel, and exhaust from equipment
10 used to service airplanes, while making clear that
11 sometimes such chemicals enter the jet bridge and
12 are present throughout the duration of the flight;

13 “(5) provide information on safety management
14 systems in place that could protect individuals from
15 such exposure;

16 “(6) provide information on safety management
17 systems to use if exposed to toxic fumes such as oxy-
18 gen therapy; and

19 “(7) provide that passengers of air carriers and
20 air carrier crew members have a right to use cabin
21 oxygen masks in response to a toxic fume event.

22 “(c) CIVIL PENALTY.—The Administrator shall im-
23 pose a civil penalty under section 46301 for each violation
24 of the disclosure required pursuant to subsection (a).

1 **“SEC. 45403. PASSENGER NOTIFICATION PRIOR TO TICKET**
2 **PURCHASE AND CHECK-IN.**

3 “Beginning on the date of enactment of this section,
4 operators of passenger-carrying aircraft operating under
5 part 121 of title 14, Code of Federal Regulations, shall
6 require passengers to indicate an understanding of poten-
7 tial toxic fume exposure onboard such aircraft in ticket
8 purchase process.

9 **“SEC. 45404. IMMEDIATE NOTIFICATION OF TOXIC FUME**
10 **EVENTS ABOARD AIRCRAFT.**

11 “Beginning on the date of enactment of this section,
12 the Administrator shall notify all affected customers,
13 flight attendants, pilots, and aircraft maintenance techni-
14 cians of any exposure to toxic fumes aboard aircraft as
15 soon as an air carrier confirms to the Administrator toxic
16 fumes were detected onboard such aircraft.

17 **“SEC. 45405. CREW NOTIFICATION OF TOXIC FUME EVENTS.**

18 “(a) IN GENERAL.—Operators of passenger-carrying
19 aircraft under part 121 of title 14, Code of Federal Regu-
20 lations, shall inform all crewmembers of such aircraft of
21 the most recent toxic fume exposure on such aircraft,
22 whether the issue that led to the exposure has been re-
23 solved, and if any crewmembers have requested treatment
24 for such exposure.

25 “(b) RIGHT TO DECLINE ASSIGNMENT.—Operators
26 under subsection (a) shall provide crewmembers with an

1 option to decline an assignment onboard an aircraft cov-
2 ered under subsection (a) if the issue that led to an expo-
3 sure reported under such subsection has not been resolved,
4 without penalizing such crewmember.

5 **“SEC. 45406. CIVIL PENALTY FOR FALSE STATEMENT, MIS-**
6 **REPRESENTATION, IMPARTING, OR CON-**
7 **VEYING FALSE INFORMATION.**

8 “(a) IN GENERAL.—The Administrator shall impose
9 a civil penalty under section 46301 for each specified vio-
10 lation.

11 “(b) SPECIFIED VIOLATION.—In this section, the
12 term ‘specified violation’ means any false statement, mis-
13 representation, impart, or conveyance of false information
14 by an operator of an aircraft under section 45404 or
15 45405 demonstrated by a confirmed illness of a customer
16 or employee of a flight provided by such operator.

17 **“SEC. 45407. PENALTY FOR MISSING REPORTS.**

18 “If an operator of passenger-carrying aircraft under
19 part 121 of title 14, Code of Federal Regulations, that
20 is required to report information under this chapter is
21 missing any such report on inspection by the Secretary
22 of Transportation, the operator shall be liable to the
23 United States Government for a civil penalty of
24 \$100,000.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 title VII of title 49, United States Code, is amended by
3 inserting after the item relating to chapter 453 the fol-
4 lowing:

“455. TOXIC FUME DISCLOSURE”.

5 (c) REGULATION.—The Administrator of the Federal
6 Aviation administration shall issue such regulations as are
7 necessary to amend section 13.18 of title 14, Code of Fed-
8 eral Regulations, to include violations under section 45402
9 of title 49, United States Code, under the procedures for
10 civil penalties under such section 13.18.

11 (d) TOXIC FUME SENSORS.—Not later than 15 days
12 after the date of enactment of this Act, the Secretary of
13 Transportation shall issue such regulations as are nec-
14 essary to—

15 (1) require operators of passenger-carrying air-
16 craft under part 121 of title 14, Code of Federal
17 Regulations, to install sensors that detect toxic
18 fumes onboard such aircraft; and

19 (2) amend section 13.18 of title 14, Code of
20 Federal Regulations, to include violations of the reg-
21 ulations issued under paragraph (1) under the pro-
22 cedures for civil penalties under such section 13.18.

23 (e) OXYGEN FOR CREWMEMBERS.—Not later than 15
24 days after the date of enactment of this Act, the Secretary
25 of Transportation shall issue such regulations as are nec-

1 essary to require operators of passenger-carrying aircraft
2 under part 121 of title 14, Code of Federal Regulations,
3 to procure and make available to all crewmembers on such
4 aircraft mobile oxygen masks for crewmembers assisting
5 passengers with oxygen masks in the case of a toxic fume
6 event.

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