



6 May 2021

To: EU National and
Trans-National Consumer
Organisations

By E Mail

Dear Consumer Colleagues

Aircraft Cabin Air Quality - Call to support draft European Standard

I write to you as a fellow Consumer Campaigner & Advocate, with some 24 years of experience of bringing the Consumer experience of detriment to the heart of the political debate. I am a Campaigner who has been consistently present in the work of Cabin Air Quality and its Standard's development since 2006. You can find more information about me in the Annex attached to this letter.

It is my understanding that European Consumer Organisations have been lobbied to contact their respective National Standards Bodies (NSB's) and encouraged to express the view, that the current draft Standard on Cabin Air Quality, should not be supported as it is not in the best interests of Consumers.

I understand that the basis for this request is centred around the apparent failure of the Standard to address issues of chemicals, measurements and occupational exposure limits. Further, it appears that you have been focussed on a letter from the Aviation Regulator (EASA), sent to the CEN authorities on the 18 November 2020, which calls for a freezing of the current work, until a EASA/FACTS taxpayer funded project reports the outcomes of their work.

If the information I have received is correct, I would obviously be concerned that you would be labouring under the misapprehension as to the value of the draft Standard and of its benefits to Consumers.

In 2012, along with fellow Aviation User Campaigners, we successfully challenged the then existing Standard because it failed to deal adequately with the substantial issues of Cabin Air Quality, and that there had been insufficient consultation in its creation.



By 2015, a newly formed CEN Standards Committee was created and the work began to create a new Standard on Cabin Air Quality. I initially began this work as a Consumer Advocate but became the Head of Delegation for the UK's BSI. The work was arduous and difficult because of entrenched positions, but eventually a good rapport was created which led to many positions being compromised in the best Standards tradition.

One such area was related to the issue of Chemicals and the use of ground-based thresholds in the aircraft environment. It took some 2 years of debate to deliver a small list of Chemical Marker Compounds of concern, said to be reliably found within the Aircraft environment; a secondary list was also created as potential candidates of concern. Of equal concern was the potential for heated Chemical Compound Mixtures and for the presence of Particulate Matter and Ultra Fine Particles.

Once created, the next question asked was what should we do with this list? It was at this point that presentations were made, one side being that thresholds or ground-based occupational exposure limits (OEL's) should be used to determine how to react to the detection of chemicals identified, the other argument rejected the use of OEL's offering instead a carefully constructed system through the Hierarchy of Controls supported by the already established Precautionary Principle embedded into the scope of the Standard.

After debate, the European Standards Committee (CEN TC436) could not find common agreement on any usage of OEL's and so therefore the Committee determined not to import such methodology into the Standard. This determination was partly because data-sets were not forthcoming, partly because of the concern that the aircraft environment is unique in its construction and operation, and of the problem of not having an accurate information-set concerning the presence of contaminants within the operational aircraft cabin (and not those found within a ground-based test-bed).

At the end of 2019, Member State NSB's had commented on the text produced by the TC 436 Drafting Committee (DC), and the work began in 2020 to resolve some 1,100 comments. The DC was composed of a wide variety of stakeholders and all enthusiastically took part in this process. On the question of thresholds/OEL's, the DC again determined that the reaction to comments supporting their inclusion, should be based on the previous discussions within TC436 and so those comments were rejected. That was the consensual decision of a very broad cohort of expertise.



Therefore, the draft Standard produced, not only has the Precautionary Principle at its core, but introduces necessary requirements through the Hierarchy of Controls (for example, Monitoring, Sensors, Filtration, Sources of Contamination, Monitoring of Crew, a Passenger's Right to Know and to receive assistance, Training, Reporting and offering compliance with EU Regulation - the Standard also provides technical information for the user).

In my opinion this Standard reflects the requirements that are difficult to establish within current EU Aviation Regulation which is disparate at best. The draft Standard creates the best opportunity for Consumers to be protected along with the protection of aircrew and to determine best available technology solutions to this problem.

To demonstrate the growing availability of solutions, the following footnotes are of value ¹ ². The current draft Standard therefore satisfies the drive to innovation to the benefit of Consumers!

On the question of the aforementioned EASA letter, through the UK, I have advocated that TC436 should consider the letter and of the points the Regulator raises. At present TC436 has not yet fully considered the issues, but as I have pointed out, the EASA letter does raise a number of Public Interest issues.

Ultimately, if TC436 decides to adopt any outcomes from the EASA/FACTS project, then there will have to be a very different conversation based around a clear methodology, a clear binding definition on consensus and a new direction away from ground-based solutions on OEL's, providing a principal definition and recognition of the uniqueness of the aircraft environment which is in my opinion the correct starting point for any discussion on OEL's.

In light of this information, I would respectfully ask you to reconsider any approach you have received to reject the current draft as a European Standard.

I respectfully ask that you add your voice in support of this work and the draft Standard which will deliver a clear benefit to European Citizens.

If you would like to discuss this further, then please do not hesitate to contact me directly

¹ [https://www.teledyne.com/en-us/news/Pages/New-Innovative-Aircraft-Cabin-Environment-Sensor-\(ACES\)-from-Teledyne-Controls-Now-Certified-for-Boeing-737-Aircraft.aspx](https://www.teledyne.com/en-us/news/Pages/New-Innovative-Aircraft-Cabin-Environment-Sensor-(ACES)-from-Teledyne-Controls-Now-Certified-for-Boeing-737-Aircraft.aspx)

² <https://www.prnewswire.com/news-releases/pall-corporation-obtains-faa-pma-approval-and-extends-its-advanced-cabin-air-filters-a-caf-product-line-to-the-boeing-737-757-and-777-300804671.html>



Yours sincerely,

Frank Brehany

Consumer Campaigner & Advocate - Media Commentator



Annex - Information on Frank Brehany:

I am a dual-citizen of the UK and the Republic of Ireland (and therefore a European Citizen), currently living in Wales.

I started working life as a Police Officer and following an injury, obtained a degree level qualification and subsequently qualified as a Solicitor. I worked within Travel Law and Clinical Negligence and Human Rights which led to my joining a UK based Travel Consumers Organisation (HolidayTravelWatch). The Organisation was subsequently developed and presented a National and International authority on Travel Consumer issues.

From 2003 onwards, I was engaged in advocating the Travel Consumer's plight and the detriment suffered, and presented their story and solutions within Europe, the USA and Australia. Topics ranged from Package Travel Rights, Air Passenger Rights, Ships Safety, Suspicious Deaths Abroad, Access to Justice and Cabin Air Quality. From 2005 to the present day I have presented over 70 reports advocating the Consumer position and have addressed EU Member States, taken part in EU Stakeholder Consultations and Impact Assessments, and realised changes to EU Law and Policies to the benefit of Travel Consumers.

I began work on Cabin Air Quality issues in 2006 through Consumer contact and subsequent engagement with Aviation Users. I left HolidayTravelWatch in 2017 but continued my work in Cabin Air Quality.

I have maintained a consistent presence in the European Standards-making process, carrying the Consumer message and working with colleagues across the spectrum, acting as Chair in an important Task Group and within Ad Hoc Groups, to manage diverse opinion and the drafting of the Standard.

I am also Chair of the UK's BSI Mirror Committee, presenting discussion and debate and delivering solutions to CEN TC436. I continue to advocate on suspicious deaths abroad, consumer rights through the pandemic and providing pro bono assistance to consumers in difficulty or to those affected by land-based toxin issues. I maintain my legal training and practice certificate; I am self-funded. I am not attached to any Law Firm or Legal entity.

I also provide extensive media commentary on Travel-related issues, receiving occasional media fees through appearances or media projects.
