

# United States Senate

WASHINGTON, DC 20510

December 11, 2023

The Honorable Michael Whitaker  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Administrator Whitaker,

We are writing today regarding life-threatening omissions in Federal Aviation Administration (FAA) regulations regarding emergency medical equipment on flights.

At least one in fifty adult Americans are at risk of experiencing a life-threatening anaphylactic allergic reaction at some point in their lives.<sup>1</sup> In the event of an anaphylactic reaction, medical experts overwhelmingly agree that an immediate injection of epinephrine is the recommended first line of defense against further complications.<sup>2</sup> While epinephrine may be administered through a traditional injection by a trained medical professional, auto-injector devices are commonly used in emergency situations and offer a quick-to-use, pre-measured method that a layperson can use to immediately administer the necessary treatment.<sup>3</sup>

Having an epinephrine auto-injector available is especially crucial in a setting like an airplane, where emergency medical personnel may not be present or immediately available. Under FAA rules, airlines are required to stock emergency medical kits on any flight requiring a flight attendant.<sup>4</sup> These kits must include specific medical equipment for use in an emergency.<sup>5</sup> But the current FAA rules – last updated in 2004 – do not include epinephrine auto-injectors as part of the required contents.<sup>6</sup> Numerous passengers have reported life-threatening emergencies involving travelers experiencing anaphylactic reactions who were fortunate enough to be on flights with trained medical personnel, or who were able to use auto-injectors that fellow passengers happened to have on hand and were able to provide.<sup>7</sup> These travelers were fortunate,

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<sup>1</sup> Asthma and Allergy Foundation of America, “Anaphylaxis in America: The Prevalence and Characteristics of Anaphylaxis in the United States,” Robert A. Wood et. al., February 2014, p. 467, <https://aafa.org/wp-content/uploads/2022/08/anaphylaxis-in-america-jaci-article-2014.pdf>.

<sup>2</sup> Harvard Health Blog, “Epinephrine is the only effective treatment for anaphylaxis,” Parul Kothari, July 9, 2020, <https://www.health.harvard.edu/blog/epinephrine-is-the-only-effective-treatment-for-anaphylaxis-2020070920523>.

<sup>3</sup> NBC News, “Allergies in the sky: Airlines are pressed to treat severe reactions,” Erika Edwards & Tom Costello, May 2, 2023, <https://www.nbcnews.com/health/health-news/movement-equip-airplanes-epipens-gaining-traction-rcna82392>.

<sup>4</sup> 14 CFR 121.803; Note: at least one flight attendant is required on any flight with 20 or more passengers, *see* 14 CFR 91.533.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*; Medscape, “Ever Treat a Patient on a Plane? Why Med Kits Need an Update”, Robert D. Glatter et. al., August 5, 2022, [https://www.medscape.com/viewarticle/976805#vp\\_2](https://www.medscape.com/viewarticle/976805#vp_2).

but we cannot continue to rely on good fortune to protect the 2.9 million passengers on every one of the 45,000 daily airline flights in the United States.<sup>8</sup>

The FAA has, in the past, required that flights include a number of single dose ampules of epinephrine (which would be injected by syringe in the case of emergency).<sup>9</sup> However, these ampules are designed to be used primarily in the event of a cardiac emergency.<sup>10</sup> For these ampules to be useful in an anaphylactic emergency, a trained medical professional would need to be on board to properly measure the correct dosage and administer the injection.<sup>11</sup> The glaring gap in FAA's regulations disregards the widely-accepted guidance by medical professionals who stress the importance of epinephrine auto-injectors in treating anaphylaxis, and puts airline passengers at risk.

Following the enactment of the FAA Reauthorization Act of 2018, the Aerospace Medical Association, having conducted an FAA-commissioned review of existing emergency medical kits, recommended that auto-injectors be included in the regular contents of each kit, among other suggested contents.<sup>12</sup> However, the FAA has not initiated a rulemaking to apply this recommendation.

Airlines are clearly capable of meeting this standard, should FAA require it. In fact, certain airlines stated they independently elected to provide auto-injectors on flights, but it is impossible to determine whether these airlines are consistently adhering to these voluntary commitments – and there is nothing that prevents them from dropping them altogether.<sup>13</sup>

We urge you to amend the current standing regulation to require that epinephrine auto-injectors be included in the emergency medical kit of every flight, as well as engage in regular review of medical kit requirements. We ask that you provide us with a staff-level briefing within 30 days

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<sup>7</sup> NBC News, "Allergies in the sky: Airlines are pressed to treat severe reactions," Erika Edwards & Tom Costello, May 2, 2023, <https://www.nbcnews.com/health/health-news/movement-equip-airplanes-epipens-gaining-traction-rcna82392>; Yahoo News, "Mom of Boy Who Suffered Near Fatal-Allergic Reaction on Flight Says Airline Didn't Do Enough," Elise Sole, March 2, 2018, <https://www.cbsnews.com/newyork/news/mid-flight-allergy-attack/>

<sup>8</sup> Boston Globe, "I learned the hard way that US airlines aren't required to have EpiPens," Lindsey Ulin, August 3, 2023, <https://www.bostonglobe.com/2023/08/03/opinion/epipen-airlines-flight/>; Good Morning America, "Doctor calling for FAA, Southwest changes after midair scare," Yi-Jin Yu, May 5, 2023,

<https://www.goodmorningamerica.com/wellness/story/doctor-anaphylaxis-flight-calls-faa-southwest-99073099>; CBS News, "Long Island Family Pushes For EpiPens On Planes After Mid-Flight Allergy Attack," Elise Sole, March 8, 2018, <https://www.cbsnews.com/newyork/news/mid-flight-allergy-attack/>; Federal Aviation

Administration, "Air Traffic By The Numbers," April 10, 2023, [https://www.faa.gov/air\\_traffic/by\\_the\\_numbers](https://www.faa.gov/air_traffic/by_the_numbers).

<sup>9</sup> 14 CFR 121, Appendix A to Part 121, Title 14.  
<sup>10</sup> Good Morning America, "Could life-saving emergency medication be missing from your flight? Here's what to know to stay safe," Sandra Temko, December 20, 2019, <https://www.goodmorningamerica.com/gma/story/life-saving-emergency-medication-missing-flight-stay-safe-67831354>; NBC News, "Allergies in the sky: Airlines are pressed to treat severe reactions," Erika Edwards & Tom Costello, May 2, 2023, <https://www.nbcnews.com/health/health-news/movement-equip-airplanes-epipens-gaining-traction-rcna82392>.


<sup>11</sup> *Id.*


<sup>12</sup> Aerospace Medical Association, "Guidance Document on Emergency Medical Kits," June 2019, <https://www.asma.org/asma/media/AsMA/Travel-Publications/FAA-med-kit-Guidance-Document-June-2019.pdf>.

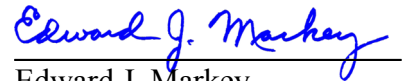
<sup>13</sup> Good Morning America, "Doctor Calling for FAA, Southwest Changes After Midair Scare," Yi-Jin Yu, May 5, 2023, <https://www.goodmorningamerica.com/wellness/story/doctor-anaphylaxis-flight-calls-faa-southwest-99073099>.

on this matter, and we thank you for your consideration of this request to ensure the safety and health of passengers across our nation's skies.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Charles E. Schumer  
United States Senator

  
Edward J. Markey  
United States Senator