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January 25, 2024

The Honorable Michael Whitaker  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, D.C. 20591

Dear Administrator Whitaker,

Earlier this month, passengers on Alaska Airlines Flight 1282 experienced the near-catastrophe of a mid cabin door plug separating from the plane during the flight. The heroic actions of the plane's pilots and flight attendants delivered all the passengers to safety on the ground, but the incident raises many serious questions. Troublingly, shortly after the National Transportation Safety Board (NTSB) arrived on the ground in Portland, they found the data from the plane's cockpit voice recorder (CVR) was overwritten – despite the plane having been in the air for less than two hours.<sup>1</sup> This underscores the need for the Federal Aviation Administration (FAA) to update its rules on CVRs. I write pursuant to Docket No. FAA-2023-2270, 25-Hour Cockpit Voice Recorder (CVR) Requirement, New Aircraft Production. This proposed rule is a step in the right direction, but the final rule must go further and require a 25-hour recording time for all covered aircraft, not just new ones.

CVR data is critically important to the NTSB's accident investigations. In 2018, following a series of incidents where valuable CVR data was overwritten, the NTSB issued a Safety Recommendation Report, Extended Duration Cockpit Voice Recorders, that recommended the FAA require all new aircraft have “a minimum 25-hour recording capability” and “retrofit these CVRs on existing aircraft required to have flight recorders.”<sup>2</sup> The current 2-hour recording requirement is insufficient: the report cited more than thirty incidents of lost CVR data to justify its recommendations, and there have been eleven more incidents since then. As the NTSB said in its report, “recent safety investigations have been hampered because relevant portions of the recordings were overwritten.”<sup>3</sup> Increasing the recording time requirement would also align the FAA with the European Union and International Civil Aviation Organization

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<sup>1</sup> Gregory Wallace, “Cockpit voice recorders only record 2 hours at a time. The NTSB chair wants it to be 25 hours,” *CNN*, January 8, 2024, <https://www.cnn.com/2024/01/08/us/ntsb-chair-calls-for-longer-memory-in-cockpit-voice-recorders/index.html>.

<sup>2</sup> National Transportation Safety Board, “Safety Recommendation Report: Extended Duration Cockpit Voice Recorders,” <https://www.ntsb.gov/investigations/AccidentReports/Reports/ASR1804.pdf> (accessed January 24, 2024).

<sup>3</sup> *Ibid.*

standards of 25 hours. It is encouraging this proposed rule follows through on the first of the NTSB's recommendations, mandating this 25-hour recording time for new aircraft.

However, it is imperative the final rule also include the NTSB's second recommendation, retrofitting aircraft. The NTSB report makes clear that retrofitting is an essential part of a safety investigation, and it recommends a deadline of January 1, 2024, for the retrofit to be complete. I note – and strongly disagree with – the FAA's conclusion about this recommendation in the proposed rule: “in an effort to provide the increased benefit of making more substantive data available to accident investigators while maintaining the lowest economic impact on operators, the proposed rule would apply to newly manufactured aircraft only.”<sup>4</sup> The FAA's mandate is safety, not economic impact on operators. You cannot put a price on safety. In fact, if the NTSB's original recommendation of retrofitting planes with a CVR capable of recording 25-hours had been met, the CVR for Alaska Airlines Flight 1282 may not have been lost.

Thank you for your consideration of my comment. I look forward to working with the FAA on a final rule that contains the strongest possible safety standard – equipping all covered aircraft with CVRs with 25-hours of recording time, regardless of the plane's manufacturing date.

Sincerely,



Richard Blumenthal  
United States Senate

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<sup>4</sup> Federal Aviation Administration, “25-Hour Cockpit Voice Recorder (CVR) Requirement, New Aircraft Production,” *Federal Register* 88, no. 231 (December 4, 2023), 84092, <https://www.federalregister.gov/documents/2023/12/04/2023-26144/25-hour-cockpit-voice-recorder-cvr-requirement-new-aircraft-production>.