



ABC 2020 Virtual Seminar

Up in Smoke! A look at environmental
contamination in the cabin claims

September 22, 2020



Air Quality Incidents

Abnormal odors, smoke, haze or fumes in the cabin which may arise from various internal or external sources in an aircraft

CAUSES	EFFECTS
<ul style="list-style-type: none">• Bleed air contamination• Reduced oxygen levels• De-icing fluids• Insecticides• Fuel vapor• Fumes from ground service vehicles or other aircraft	<ul style="list-style-type: none">• Chronic adverse health effects for passengers and crew<ul style="list-style-type: none">• Respiratory symptoms• Neurological and psychiatric symptoms• “Aerotoxic syndrome”

Newsworthy Events



Claims Against Airlines and Manufacturers



Passengers Claims



- Contaminated air event
- Target Defendant(s): Airlines and/or Manufacturer
- Irrelevant liability arguments
- Subjective injuries

Crew Claims



- Contaminated air event or repeated exposure
- Target Defendant: Manufacturer
- Recycled liability arguments
- Objective injuries



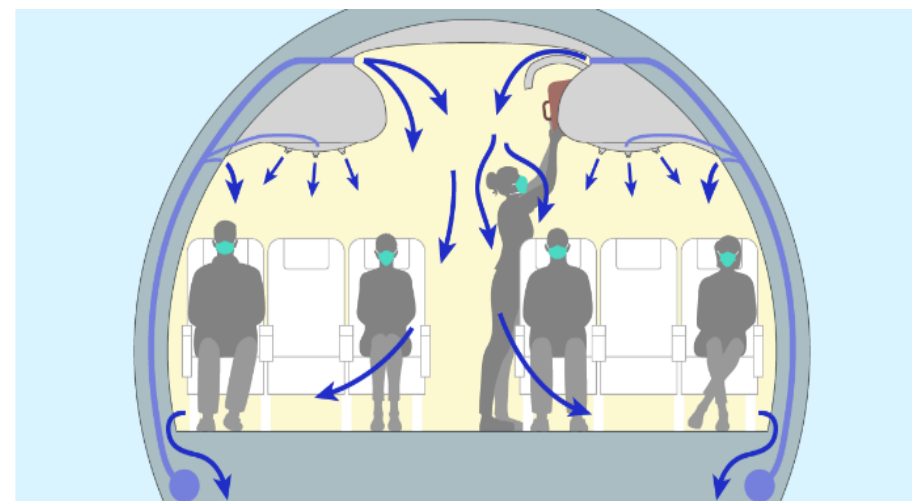
Industry Advancements

- No-bleed systems architecture
 - Electric driven compressors
- Advanced Cabin Air Filter (A-CAF)
 - Combines a High-Efficiency Particulate Air (HEPA) filter designed to remove microbial contaminants with a bespoke odor and volatile organic compound (VOC) reduction technology
 - Smells removed three to four times faster
 - 30% better cabin air quality



Cabin Air and COVID-19

- Airflow and filtration
 - Air flows into cabin vertically
 - HEPA filtration
 - Most efficient at capturing ultrafine particles below the 0.3-micron HEPA test standard¹
 - Virus that causes COVID-19 is approximately 0.125 micron in diameter
- Wear face covering
- Disinfecting airplane
- Socially distanced seating



¹ Submicron and Nanoparticulate Matter Removal by HEPA-Rated Media Filters and Packed Beds of Granular Materials, Available Online at <https://ntrs.nasa.gov/citations/20170005166>

The COVID-19 Docket



- To date, no complaints filed against airlines
 - Low likelihood of transmission
 - Various contamination points
- Multiple complaints against Princess Cruise Lines
 - Negligence
 - Gross Negligence
 - Negligent Inflection of Emotional Distress
 - Intentional Inflection of Emotional Distress



The COVID-19 Docket

Failure to have adequate medical personnel during the boarding process to determine whether to allow boarding to passengers and/or crewmembers; and/or

Failure to adequately sanitize and/or disinfect the vessel's common areas and passenger's cabin; and/or

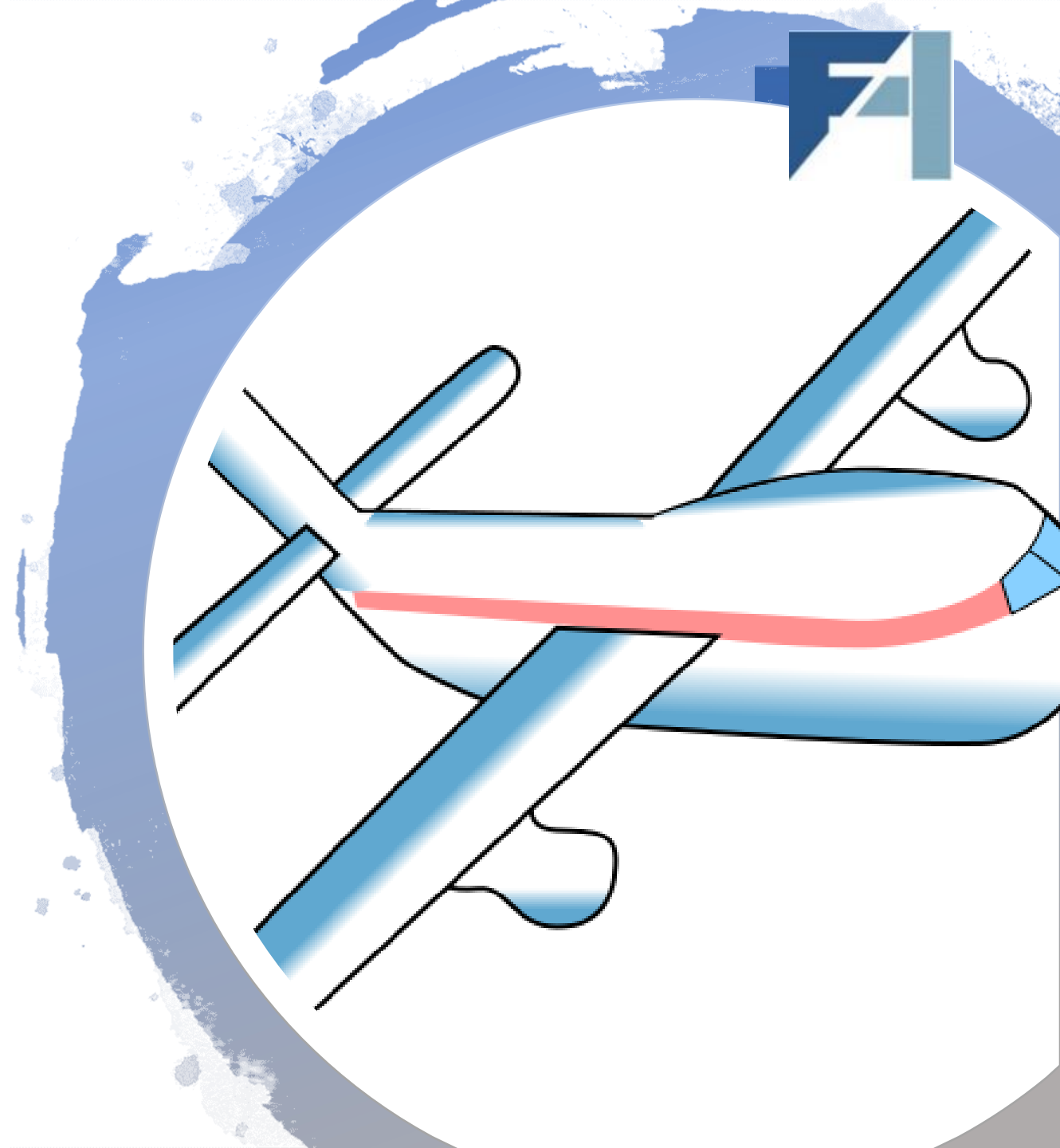
Failure to adequately examine a passenger's and/or crewmember's health condition before allowing them to board the vessel; and/or

Failure to promulgate and/or enforce adequate policies and procedures to ensure that safety would not be compromised for cost and/or profits;

Failure to provide adequate training, instruction, and supervision to the Defendant employees; and/or

Takeaways

- Toxic air incidents continue to result in litigation against airlines and manufacturers
- Damages, especially emotional injuries, are often difficult to prove
- Advances in filtration systems and technology should result in reduced claims
- The aviation industry's attempt to combat COVID-19 may have a collateral benefit on "smoke in the cabin" claims



Questions?



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