

**Testimony of Stacey Friedman
Sister of Erin Reed (d. September 29, 2005)
Safemedflight: Family Advocates for Air Medical Safety**

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**Committee on Transportation and Infrastructure
U.S. House of Representatives
Subcommittee on Aviation
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Oversight of Helicopter Medical Services

I want to thank Chairman Costello and members of the subcommittee for inviting me to speak on behalf of the families of Safemedflight, a group whom have lost loved ones in air medical accidents.

My name is Stacey Friedman. I am not a pilot, flight nurse, or flight medic. I don't work for an air medical program, the FAA, or the NTSB. Yet I am *uniquely qualified* to speak on this topic for one very important reason: because my sister, Erin Reed, is dead. And, the helicopter crash that killed her was preventable.

It's been three years since Erin died, and 45 more victims have followed her in death; thirty-five of them between December 2007 and October 2008. These pilots, nurses, medics and their patients died despite the NTSB's recommendations to the FAA in 2006, they died despite a costly investigation of this industry by the Government Accounting Office, they died despite safety board hearings and FAA notices, and they died despite "safety summits" in which industry leaders met to determine the least possible regulation their pocketbooks could handle.

The FAA and the industry originally claimed that safety changes were unnecessary, too costly, and impossible to implement. So the families of victims went to Congress for help. Congressman John Salazar (CO) and Senator Maria

Cantwell (WA) championed this important public safety cause and authored legislation to protect flight crews and their patients.

So, are the families of victims really asking the impossible?

No. If we were asking the impossible, Sandy Hellman would be here, asking you to bring back Todd to help raise their eight adopted children with no life insurance or lawsuit payout. Mason, Weston, and Jackson Taylor would ask for their Dad back so he could take them to a major league ball game. ER physician Stacey Bean would ask that you restore her faith in air medicine, faith she lost completely after the death of her husband Dr. Darren Bean. Stacey Bean no longer practices emergency medicine because she will not, in good conscience, put a patient aboard an air medical aircraft. The Mann family would like to see their son and brother Bill Mann finally get that boat slip on Lake Michigan, (despite the six year wait list), so he could take his loving family for a sail. Susan McGlew would ask that you bring her brother Bill Podmayer home so he could say goodbye to their parents both of whom recently died. Cece Terry would no longer feel the acute loss of her twin sister Amy Reibe because Amy would be by her side. The Stumpff family would have you erase the thoughts of their son and brother John Stumpff's last moments; surviving a helicopter crash in icy Alaskan waters only to succumb to hypothermia and drown. Jeannine and Robert Carter would ask that you heal the grief they feel over the loss of their only son, 24-year-old Lance Carter who also died on that doomed Alaskan helicopter. The

Blockingers would not second-guess their decision to put baby Kirstin on that helicopter, because Kirstin would be safe at home with her parents and big brother Colin. Michele Battiato, widow of Ron, asks for nothing. She and her six young children survive on faith and memories of their beloved husband and father. More than anything, Cindy Swank would ask to share one more laugh with her brother Roger, an experienced pilot with an easy-going style, who was always ready to lend a helping hand to the down and out. And, Adam Wells would expect you to bring back his wife and first love, Jenny so they could start a family.

Bringing our people home: That would be asking the impossible.

Instead, we are asking the FAA and the industry to do the four things included in Congressman Salazar's Bill, HR 1201.

First, we ask that all operators fly the higher weather minimums and comply with the pilot duty rest time in Part 135. Why the FAA ever allowed flight crews to fly in less safe weather conditions under Part 91, just because there wasn't a patient on board is incomprehensible. The FAA's move to amend their Ops Specs effective February 2009 to reflect higher weather minimums on all legs is years too late. And, as we've seen time and again, it's also no guarantee that operators will not push weather minimums especially when accountability for violating such specifications is completely missing. Pilot and crew fatigue also remain a concern. The loophole that allows operators to count pilot duty time only on the

patient leg must be closed to prevent manipulation of this practice.

Second, we ask that operators use a risk assessment prior to accepting a flight. Despite claims that last year's fatal accidents were "unfortunate" anomalies, the risks of EMS flights are well known and documented. They include poor weather, obstacles and terrain, nighttime flight, spatial disorientation, and pressure to take a flight.

In their 2006 study of 55 EMS accidents, the NTSB found that none of the programs studied required completion of a standardized flight risk evaluation matrix prior to the fatal flight. A long standing FAA Notice 8000.301 (August 2005) requires operators to complete a risk assessment, yet between December 2007 and October 2008, at least two fatal accidents killing eight people involved operators who failed to comply with this notice. Why are operators who violate FAA notices and kill flight crew and patients allowed to operate?

Third, we ask that flight-dispatch and flight-following procedures be required and that dispatchers have aviation-specific knowledge. EMS flight operators are not required to have dispatch staff with expertise in or an understanding of the requirements of flight or landing procedures, particularly at night or in adverse conditions. EMS flight operators are not required to provide information to pilots regarding landing information, weather updates, or location of nearby aircraft or obstacles; information that is required of dispatchers in general aviation

operations. In June, a mid-air collision of two EMS helicopters in Arizona killed seven. Both aircraft were scheduled to arrive at the same helipad within minutes of each other yet neither pilot received this information.

Additionally, EMS dispatchers are not required to track flights to provide updated weather or terrain information or provide flight-locating services. If flight-following and immediate notification were in place following September's fatal crash in Maryland, a more timely search and rescue operation could have resulted.

Fourth, we ask that EMS operators carry cockpit-recording technology to determine the cause of accidents and produce answers to the questions of family members so we can move forward.

Unlike commercial aircraft, EMS aircraft are not required to carry cockpit voice recorders (CVRs) on board. As a result, the factors that cause many EMS accidents are never fully known. Investigators must reconstruct the flight path from radar data and notoriously unreliable eyewitness accounts. The failure to require CVRs and Flight Data Recorders (FDRs) on EMS flights continues to hamper crash investigations.

The NTSB has studied the installation of cockpit image recorders in EMS aircraft to provide information in accident investigations. Such systems, estimated to cost less than \$8,000 installed, typically consist of a camera and microphone located in

the cockpit to continuously record cockpit instrumentation, the outside viewing area, engine sounds, radio communications, and ambient cockpit sounds. As with conventional CVRs, data from such a system is stored in a crash-protected unit to ensure survivability.

We endorse Mr. Salazar's bill, but ask that the committee carefully consider two additional safety measures: Night Vision Goggles (NVGs) and Terrain Awareness Warning Systems or (TAWs).

One technology that could improve EMS flight safety is the use of Night Vision Goggles (NVGs). NVGs provide visibility for pilots flying in darkness. A 2006 study conducted by The Bloomberg School of Public Health's Department of Health Policy and Management and Center for Injury Research and Policy found that "darkness more than triples the risk of fatalities when EMS helicopters crash." In January 2006, the NTSB cited NVGs as mitigation for night accidents yet did not make a formal recommendation to the FAA requiring NVGs. Since the NTSB's 2006 findings were released, 51 people died in EMS accidents. Two-thirds of those accidents occurred at night.

In 2008, the National EMS Pilots Association (NEMSPA) conducted a survey of nearly 400 EMS pilots on the utility of NVGs. Over 80 percent of pilots responding prefer to fly with NVGs yet fewer than 1/3 of them have night vision

technology. A few of the hundreds of pilot respondent's comments are listed below. A full copy of the survey is available at www.nemspa.org.

"NVGs are the single biggest safety enhancement to come to the EMS market. I believe the FAA's position and reservations in regard to NVG usage is based on outdated and inaccurate data."

"From what I've heard from pilots that have used them (and I wish I were one of them), they are a huge safety tool. We fly in west Texas where there is very little surface lighting at all and there are times when we are essentially on the gauges and hoping there is no un-forecast weather out in front of us. NVGs are the best and most cost effective way to enhance safety in the black holes that we operate in."

"Despite declarations to the contrary, the FAA has not helped get NVGs into the industry as recommended by the NTSB. It would be good if industry had the freedom and help to make NVGs happen independently, but perhaps mandatory NVG usage is the way to go. It is unfathomable that managers and regulators apparently think that flying "aided" is somehow more dangerous than flying "unaided."

"Congress should pass legislation requiring the use of NVGs for all non-IFR HEMS operations conducted at night."

"I am still highly disappointed in this industry's weak attempts to make NVGs mandatory. Come on guys, lets move out of the 70's and embrace this technology."

"The difference between flying with or without NVGs 'well when you drive your car at night you like to have your headlights on right?' They make that much difference."

"NVGs DO save lives. We will look back at these pre-NVG times as the "Dark Ages." It's now up to the powers that be to decide how many more will die and at what cost. Too bad we'll lose a few more before getting the goggles industry-wide."

Numerous studies have shown that controlled flight into terrain is a common factor in EMS accidents. (Source: HAI). The use of Terrain Awareness Warning Systems (TAWS) can help pilots avoid terrain with an aural message that sounds warnings at regular intervals prior to impact with terrain, water and obstacles. In the NTSB's 2006 review of 55 accidents, the Safety Board found that in 17, a TAWS system would have provided sufficient warning to the pilot to avoid the accident. The FAA has already required TAWS on turbine-powered airplanes with six or more passenger seats. The FAA also requires airlines to have two warning systems: TAWS to provide flight crews with an alert to obstacles or terrain, and TCAS (Traffic Alert Collision Avoidance Systems) to warn other aircraft of nearby aircraft and take avoidance action. Requiring TAWS on EMS flights would provide this safety benefit to flight crew and patients, yet the FAA has failed to require H-TAWs on EMS flights.

Some of the best programs currently operate using both NVGs and TAWs systems, and they operate at this higher safety level despite industry and FAA protestations for feasibility studies and technical standards to prove these existing technologies are "viable."

We are not asking the impossible. We are asking operators to keep our people safe. If their response is "We can't afford it," than they shouldn't be in a business that rests its reputation on saving lives.

In closing, I'd like to tell you what I believe happened on Sept. 29, 2005, a night that changed everything for our family and left me without a sister. My sister was a heroine in my eyes, not because of what she did for a living but because of the joy, freedom, and *integrity* in which she lived her life.

On the evening of September 29, 2005, I believe Steve Smith did everything he could to keep my sister and Lois alive. I believe the circumstances of that evening got the best of them. I believe that if the technology and safety systems in HR 1201 and the others I mentioned were available to them, they would be alive today. And I believe dozens of other people would be alive as well.

Thank you for allowing the families of victims this opportunity to express our opinions. This is the first opportunity we've had to speak in a public forum about our losses, our beliefs, our disappointments and most importantly our hope that HR 1201 will pass, so others don't have to know our pain.

In Memory

Below are the names of those known to have died in air medical accidents. This is not a full list as there is no single agency or group that maintains a complete database of all known fatalities aboard air medical aircraft.

Ron Battiato • William Mann • Delbert Waugh • Kirstin Blockinger • Tanya Mallard • Stephen Bunker • Mickey Lippy • Roger Warren • Sandra Pearson • Wade Weston • Shawn Shreeve • Pat Graham • James Taylor • Tom Clausing • Tom Caldwell • Wayne Kirby • Jana Bishop • Stephanie Waters • Steve Lipperer • Darren Bean • Mark Coyne • Robert Goss • Raul Garcia • Michael Sanchez • Tiffany Miles • Michael Baker • Allan Bragwell • Lance Brabham • Cameron Carter • John Stumpff • Dana Dedman • Ronnie Helton • Ric Miller • Brian Miller • Deanna Palmer • Ricky Byers • Bill Serra • Richard Lapensee • Dennis Hayes • Darcy Dengel • Paul Erickson • Vince Kirol • Diane Efaw • Maureen McGee • Katrina Kish • Jerald Miller • Paul Latour • James Vincent • Marlene Yomes • Brien Eisaman • Peter Miller • Heinz Schulz • Merrill Coplin • David Skala • Marshall Davis • Larry Littleton • Martha Collins • Beverly Cremin • Sharon Devine • Barbara Burdett • Karen Simpson • Barry Day • Alean Hartford • John Morris • Atha Solden • Charlie Deal • Tim Brosch • Brian Ehly • Robert Carlisle • Constance Geierman • David McKee • Linda Butler • Mark Symonds • William Podmeyer • Jim Saler • Scott Hyslop • Dave Linner • Tim Benway • Jennifer Wells • Joe Schaefer • Nikki Kielar • James Archer • Renee Johnson • John Lamphere • Karl Kolbe • Laura Womble • Donald Womble • Marco Villalobos • Robert Heighton • Jack Chase • Tom Palcic • Todd Hellman • Roger Morrison • Erin Reed • Lois Suzuki • Steve Smith • Lisa Landers • David Bacon Jr. • Glenda Tessnear • Bob Giard • Steve Heberle • Morris Morrow • Hayward Daisey • Barry White • Paul Lujan • Mickey Price • Jonathan Dye • Brandon Bow • Jennifer Hauptman • Mandy Shiraki • Joseph Villiaros • Ron Laubacher • Diane Coddling • Kelly Bates • Art Gotisar • Brent Cowley • Michael Russell • Mario Guerrero • Craig Bingham • Gail Ann Hauck • Andrew Willey • Masaaki Suzuki • Ana Coburn • Kalaya Jarbsinthie • Marshall Butler • Lori Schrempp • Pat Scollard • Phil Herring • Chuck Jerpe • Ray Watson • Kelly Conti • William Spence • Ron Jones • Robert Green • Renee Chapman • John Holland • Michael Elam • James Bradshaw • Alicia Betita Collins • Eric Hangartner • Mark Wallace • Lauren Stone • Terry Griffith • Ed Sanneman • Lynn Ethridge • John Pittman • Charles Atteberry • Sheila Zellers • Brian Hardin • Donald Greene • Ernest L. Jones • Leroy Shelton • James Bond Jr. • Kathy Betterman • Melissa Witty • Shannon Nolte • Merton Tiffany • Carlos DeLaFuente • Brenda Leinweber • Antonio Martinez • Eric Reiner • Michael Butler • Michael McComb • D. Shayne Carnahan • Timothy Hynes • Clifford Berg • Leslie Feldman • Elizabeth Barber • Peter Ablanalp • Don McLaud • David Edner • Christie Wilson • Russ Scholz • Brian Shaw • Jeffrey Burt • Lauren Parada • Karen Peebles • Stephen Tully • Vicki Collman • David Brooks • Amy Riebe • Marna Fleetwood • Lee Bothwell • Janice Nowacki Tobin • Terry Racicot • Richard Elliot • Richard Thompson • Jimmy Tucker • Sandy Sigman • Gary McCall • Karen Canada • Michael Travison • Donna L. Eaton • Anthony Barbee • Jere Little • Richard Niven • Thomas Rickert • Dennis Patrick • Thomas Wolf • Matthew Jeton • Donald MacIntyre • James Barnett Jr. • Terry Small • Demetri Tukker • Jennifer Hodges • Dale Matthews • Susan Newton • James Egan • Cathy Glatzel • Geoffrey L. Donovan • Alan Larson • Donnie Matteoni • Katherine Ohran • Daniel Murphy • Edward Soper • Deborah Nole • Mark Hausler • JM Jack Goodwin • James Moxan • James Layne • Wally Nitowski • Diane Lefler • Richard Mendolia • David Reichlitz • Armando Deleo • Sue Kainz • Pat Varea • Bob Siekerman • Lyn Gould • James Stettler • Jeff Cartledge • Claud Duvall • Stephanie Gasson Willoughby • Gerald Morgan • Katherine Ohnheiser • Jeanne Lackey • Juli Huttegger • Delmar Baer Jr. • Karen Scherer • Diane Saenz • Pat Koaldant • Linda Montgomery • Michael Grimes • James Meyer • Dori Berndt • Gary Stoick • John Lyszczk • Perry Reynolds • Pam Demaree • Mike McGinnis • Carey Poetzman • Gregory May • Rodney Hibberts • Timothy Parrish • Mary Jane Borrill • Mark Applewhite • Mark Moreland • John Coyle • Michael Myers • Craig Budden • Joan Brown • Nancy Brandon • John Harrison • Jeannie Hollister • Danny Brown • Harold Browning • Mary Haberle • Dee Dee Malouf • Charles Nolte • Henry Bochnke • George Milligan • Steven Troisin • Billy R. Sullivan • Elliot Strom • Louis Merz • Jessica Hilt • Chris Hasselfeld • Paul Kinsey • Bill Walker • Rick Fee • Tom Brown • Robert Hunt • Daniel Donker • Sherry Van Vechten • James Landis • Patricia Riccobono • Jeanette M. Christ • Melvin Cooper • Nick Roetnor • Maureen Griffen • Hallie Burns • Phillip L. Russ • Thomas Noyle