



## **Aerotoxic Association**

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### **Office of the Prosecutor**

The International Criminal Court The Hague

### **Information & Evidence Unit**

PO Box 19519

2500 CM The Hague

The Netherlands

October 11, 2018

### **Toxic Air in Public Transport Aircraft Cabins**

Dear Madam, Ladies and Gentlemen

As chairman of the Aerotoxic Association (AeA)\*, I am writing to the ICC to provide it with crucial evidence in a matter of public interest concerning Health and Safety in jet aircraft.

In May 2018 the AeA called for updates, evidence and testimonies from the international public and aircrew, in addition to the countless testimonies already received since 2006 concerning the issue of toxic substances contaminating cabin air in Public Transport aircraft.

You are possibly aware of the on-going public Tribunal de Grande Instance Paris Court action in France which began in 2016 between French based easyJet aircrew and easyJet (the British airline).

The above criminal case is due to be judged in 2019 which, amongst other expected rulings concerning public air transport health and safety, should lead to the long-disputed

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(occupational) acute and chronic illness termed ‘Aerotoxic Syndrome’ (AeS) being formally acknowledged by the relevant authorities. This will have serious repercussions for the airline industry worldwide.

Cabin air, knowingly polluted by highly toxic, thermally degraded substances, is in direct violation of the WHO guidelines “Right to Healthy Indoor Air” - European Health 21/Targets 10&13 – “Air quality guidelines, Global update 2005. Particulate matter, ozone, nitrogen dioxide and sulfur dioxide.” (Copenhagen: WHO Regional Office for Europe; 2006.) Inhalation of toxic gasses can cause acute and chronic multi-symptom illness, a condition with serious consequences.

The airline industry acts with malice and knows or should know that the bleed-air supply to the breathing air in aircraft cabins is dangerous, and fails to warn customers about the risks, while claiming that ‘human health is always a priority’, but there are no provisions made for protection from toxic fumes for passengers or crew.

Instead, over the past six decades, it has been repeatedly argued by the industry, Authorities and Regulators (such as the FAA and CAA), supported by inactive politicians, that there is ‘no positive evidence’. These denials are made despite the presented science and world experts’ testimonies concerning the health risks, despite successful lawsuits, despite countless medical reports of evidence of jet engine fluids’ chemical substance poisoning in aircraft, despite expert witness statements, international ‘Cabin Air’ conferences and published academia dating back to 1944. These are grave breaches of the Geneva Convention: *"Wilfully causing great suffering or serious injury to body and health"*.

With reference to: *„(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health“*, the comparison with Gulf War soldiers who have suffered severe ill-health and bodily and mental (brain) injury after exposure to organophosphate containing gases in warfare agents (i.e. Sarin) is not far, with similar symptoms and consequences, and is an act of: *Article 7 (2) (a) “Attack directed against any civilian population”*.

Commercial air travel and the aircraft itself constitutes a means of public transportation. The aviation industry is knowingly breaching EASA regulation CS25.831 which states: *“Crew and passenger compartment air must be free from harmful or hazardous concentrations of gases”*.

Our ‘Call to Action’ for both public evidence and a Public Investigation follows a relentless build-up of reported evidence concerning ‘fume events’ and/or continual and persistent toxic chemical ‘smells or odours’ on board. The subsequent, often acute in-flight ill-health or incapacitation of the flight crew can put the safety of any flight and its on-board human life into unnecessary danger. Such situations have already caused countless ‘Mayday’ and urgency ‘Pan’ calls leading to unplanned emergency landings, which have, in Germany in recent years been logged by the ‘BFU’ (Federal Bureau of Aircraft Accident Investigation) as

‘Accidents’. In the UK, ill health in humans following an acute fume event is now being acknowledged by the CAA (Civil Aviation Authority), but illogically not yet for repeated ‘low’ level long-term exposures. The same applies to other countries.

Therefore, we have decided to submit our international evidence of witness statements, testimonies, peer-reviewed independent science, reports, litigation cases & court rulings to reflect the urgency of this global danger to the flying public. As you will note, many are from professional aircrew who have been and are deeply concerned about the health & safety of the public.

It must be emphasized that frequent flyers, pregnant women, children and older persons are especially endangered by toxic air, which contains carbon monoxide, organophosphates and Volatile Organic Compounds (VOC’s) from many other toxic, carcinogenic and fertility damaging substances, which should not be present in cabin (indoor) air, especially when the environment is an hermetically sealed space. Frequent flyers usually do not connect symptoms they experience after a latency period some time later with the possibility of having been exposed to toxic aircraft cabin air.

Experience from lawsuits confirm that long periods of High Court time play a significant factor, due to industry using technicalities such as postponement of dead-lines, which results in years or even decades of deliberate delay – whilst ignoring all survivor testimonies. In the meantime, passengers suffer inexplicable health issues and countless aircrew worldwide are medically retired, lose their licences to fly and even die following ill-health from poisoning by highly toxic fumes from unfiltered breathed-in air. To this effect several post mortems have taken place, all with the same results and UK-Coroners have yet to take long overdue action following several cases. There are hundreds of cases worldwide, but many end with a settlement and hush money, which does not solve the problem, but instead only makes them disappear from public view.

Other proceedings - because of the inactivity of authorities and inactive politicians who are supposed to control these authorities - result in many cases ending to the disadvantage of the injured parties. All of this looks increasingly like a gigantic „cartel of silence“. Transparency International would describe this system as "institutional corruption".

Please review the evidence presented, which demonstrates the aviation industry’s wilful negligence. By not recognising and rectifying the cause of this international large-scale health and safety issue, they are participating in fraudulent and unlawful, criminal activity.

Until the cause of ill-health referred to as ‘Aerotoxic Syndrome’ comes out into the open, many people suffering unnecessarily will continue to be misdiagnosed and wrongly treated.

It is in the public interest that the aviation industry corrects these serious mechanical and design flaws and makes the necessary changes by installing the known and available technical solutions of: 1) Changing to less toxic oil, 2) Filtering bleed air, 3) Installing toxic air

detectors instead of relying on human noses. Better still, by the manufacturers following the example of the Boeing 787 Dreamliner and eliminating bleed-air systems altogether.

Protecting the health, welfare and safety of their flying customers and workforce, the industry can no longer be permitted to keep throwing this issue into the long grass. Under the statutory principle of Duty of Care, it is a legal requirement that they deal with poisonous cabin air without further delay.

The timely investigation by use of your international, democratic legal process is essential. My colleagues and I at the Aerotoxic Association have a public duty to further this important public health matter by involving the ICC and we are available to assist you by adding extra evidence should it be required or answering any queries you may have.

Thank you.

Yours respectfully,



John Hoyte

**Aerotoxic Association**  
Chairman and Founder  
Former BAe 146 Training Captain



Bearnairdine Beaumont

**Aerotoxic Association**  
AeA Swiss Branch  
Former Training-/Purser

Enclosed:

Folder No1: Evidence, testimonies, witness statements by airline crew and passengers with medical and legal documentation. (Some are also in Folder No2)

Folder No2: Several professional pilots' and expert presentations, lawsuits, documentaries, literature and supporting science.

*\*The Aerotoxic Association was founded by Captain John Hoyte and others on 18th June 2007 at the Houses of Parliament in London, UK*

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