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Non-disclosure clause for former KLM pilot regarding toxic air on airplanes Neurologist: KLM were "highly irresponsible" when allowing this pilot to continue to fly

KLM banned former pilot Willem Felderhof, in a non-disclosure clause, from ever discussing the presence of toxic fumes on board airplanes. The pilot suffers from headaches, disrupted balance and delayed response times. His neurologist is convinced that Felderhof's symptoms are caused by what's known as 'aerotoxic syndrome', because of which he is no longer able to fly. When his contract was terminated, KLM drew up detailed non-disclosure clauses. Felderhof is prohibited from offering "his opinion, his views and the facts regarding the air quality in KLM airliners in connection with his health condition, employment conditions and 'aerotoxic syndrome'." Should Felderhof breach the clause, the penalty compels him to refund his severance pay of €300.000 to KLM.

The contract has come into ZEMBLA's hands. If 'third parties' discuss Felderhof, he will also be required to repay his severance package in full. Doctor and former KLM pilot Michel Mulder is mentioned by name. Mulder: "It's a one-sided ban, because I never agreed to it." Mulder has been conducting research into airline crew who became ill after unknowingly inhaling poisonous oil fumes on board. According to Mulder, KLM turned deaf ears to the complaints of these crew members, himself included.

KLM had this to say to ZEMBLA about the non-disclosure clause: "A settlement is designed to conclude a protracted discussion with an employee. It's common business practice for many companies to include a confidentiality clause in their service termination contracts".

If Mulder breaks the unilateral ban, the terms of the contract mean that KLM can oblige Felderhof to file a complaint with the medical regulatory body. According to employment lawyer Inge de Laat, such sweeping non-disclosure clauses are highly unusual.

Convinced

Neurologist Gerard Hageman of the Medisch Spectrum Twente calls Willem Felderhof one of the best documented cases. The neurologist is convinced that the occupational disease is very real. Hageman: "We can name dozens of people whom we believe are suffering from aerotoxic syndrome, as it's called."

KLM declines to answer ZEMBLA's questions concerning the number of employees who are too sick to work. The Dutch national cabin air advisory group, founded in 2015 by state secretary Mansveld, claims to have no idea how many people's health might be affected. Chairman Pieter Jan Biesheuvel: "We've never sat down and looked at the hard figures." ZEMBLA is privy to documents in which a KLM company doctor states that "there is a large number of employees presenting with similar symptoms."

Reputation damaged

A doctor of the Netherlands Employees Insurance Agency, or UWV, told the KLM that in future, Felderhof should be employed in an environment that was free of organophosphates. To which KLM Health Services responded by filing a complaint with the UWV. This letter of complaint has also been passed on to ZEMBLA. In the letter, director Brinio Veldhuijzen van Zanten writes that the advice "has damaged the reputation of KLM Health Services [...]."

Connection

KLM asserts that there is no connection between the health complaints and the cabin air. Nor is the aerotoxic syndrome recognised by the Dutch government.

They base their assertion on an array of research studies. One of which was financed by KLM and partly conducted by KLM staff. Another survey was carried out by the Netherlands Centre for Occupational Diseases (NCVB). In the programme, the researcher admits that his research relates solely to the five persons who took part in the survey and not to whether or not the occupational illness exists. However, KLM uses the research findings for that very purpose: in Felderhof's file, KLM refers to the NCVB study to bolster its claim that there is no evidence to support the existence of any such occupational disease.

After reviewing Felderhof's journals, the NCVB researcher agrees that the former pilot's illness is work-related.

Aerotoxic syndrome

Aerotoxic syndrome is an – as yet unacknowledged – illness that affects pilots, cabin crew and frequent flyers. The complaints range from headaches to paralysis, disrupted balance, poor memory and shaking hands. The symptoms are comparable to those caused by organophosphate poisoning. Organophosphates are toxic substances found in engine oil. Small quantities of engine oil leak into the cabin air and are unknowingly inhaled by crew and passengers. So-called 'fume events' have been documented – instances when a substantially higher amount of oil enters the air. The exact percentage of concentrations leaked has never been researched.

ZEMBLA examined this topic earlier, in 2010 and 2013. Now ZEMBLA is devoting two programmes to it, airing on 8 and 15 November at 21:15 on NPO2.

