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# United States Senate

WASHINGTON, DC 20510-3205

December 4, 2018

The Honorable Dan Elwell  
Acting Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Administrator Elwell,

I am writing regarding the implementation of Section 332 of the Federal Aviation Administration (FAA) Reauthorization Act of 2018 (P.L. No. 115-254) to remove the requirement that commercial airports use firefighting foam containing highly toxic fluorinated compounds, also known as per- and polyfluoroalkyl substances (PFAS). The continued use of firefighting foams containing PFAS at airports poses an urgent health risk to neighboring communities, and the FAA must act to fully implement Section 332 swiftly. Currently, there are PFAS-free foams being used safely and effectively in other countries and the FAA should act to bring the U.S. in line with other parts of the world.

As an author of this legislation, I am concerned that any delay in implementation will continue to exacerbate the potential contamination of ground and drinking water supplies by PFAS, seriously endangering human health in communities near airports. Furthermore, this contamination is creating millions of dollars of environmental liability for more than 500 FAA certified airports, hurting the financial standing of this critical public infrastructure. Therefore, I am requesting timely action on this newly passed legislation.

PFAS are a class of toxic chemicals affecting communities across the nation that have been linked to certain cancers, thyroid disease, reproductive problems, decreased immune function in children, and other serious adverse health effects. Due to their rigorous chemical properties that make them persistent in the environment, resistant to degradation, and prone to bioaccumulation, these compounds are often referred to as ‘forever chemicals.’ According to a study the Environmental Working Group conducted, as many as 110 million Americans are drinking water supplies contaminated by PFAS, making this a national crisis that deserves the utmost attention.

Commercial airports are beholden to requirements that their firefighting foam “shall consist of fluorocarbon surfactants,” meaning they must contain PFAS. According to a 2017 report by the Airport Cooperative Research Program (ACRP), managed by the Transportation Research Board (TRB) of the National Academies and sponsored by the FAA, 90 percent of airports conduct tests of their firefighting foam systems at least once per year. Of those, 69 percent discharge the

foam to the ground without containment. Similarly, 64 percent of airports have performed firefighter training using foams containing fluorinated compounds. Of those, 79 percent discharged fluorinated foam onto the ground. As such, use of fluorinated foam in testing and training continues to result in release of PFAS to the environment. In fact, about 75 percent of PFAS contamination sites listed on Northeastern University's PFAS Contamination tracker are likely related to firefighting foam use, according to an analysis by the Green Science Policy Institute.

While we continue to learn more about PFAS, the science is showing that these chemicals are more, not less, harmful to human health. PFAS contamination has afflicted communities throughout the U.S., and it will continue to do so unless we work actively and diligently to stop it. The FAA must work expeditiously to properly address this urgent public health threat so that it does not continue to spread. While the legislation says that you have up to three years to change your regulations, I urge you to act expeditiously in order to end the contamination of America's water systems with this toxic chemical. Therefore, I request that FAA:

- Provide specific actions FAA plans to take to complete the switch to PFAS-free foam and a proposed timeline for each action;
- Make all commercial airports in the U.S. aware of this change in requirements for firefighting foam immediately;
- Immediately prohibit the use of PFAS-containing foam for training purposes; and
- Immediately suspend the requirement to calibrate aircraft rescue and firefighting equipment annually by spraying PFAS-containing foam on the ground to demonstrate application rates, or approve equipment that would allow in-system demonstrations of application concentrations that is designed to contain PFAS during annual calibration testing.

I look forward to working with the FAA on this important issue.

Sincerely,



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Kirsten Gillibrand  
United States Senator

cc Anthony Butters, Manager, Airport Safety and Operations Division (AAS-300)  
Marc Tonnacliff, Senior Aircraft Firefighting Specialist