March 12, 2019

Mr. Daniel Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue SW
Washington DC 20591

CC: Marc Tonnacliff, Senior Aircraft Firefighting Specialist

Dear Mr. Elwell:

We, the undersigned, are writing regarding Sec 332 of the FAA Reauthorization Act of 2018 (PL: 115-252) and the requirements for the use of fluorinated (containing per- and polyfluorinated substances, or PFAS) foams at certain airports. More specifically, the law states:

> *"Not later than 3 years after the date of enactment of this Act, the Administrator, using the latest version of National Fire Protection Association 403, 'Standard for Aircraft Rescue and Fire-Fighting Services at Airports', and in coordination with the Administrator of the Environmental Protection Agency, aircraft manufacturers and airports, shall not require the use of fluorinated chemicals to meet the performance standards referenced in chapter 6 of AC No: 150/5210–6D and acceptable under 139.319(l) of title 14, Code of Federal Regulations."*

Airports around the country have been using PFAS foams for decades and there are a growing number of PFAS-contaminated sites and drinking water sources.[1] These chemicals are linked to serious health impacts including kidney and testicular cancer, liver damage, immune suppression, and effects on lipid metabolism.[2] It is urgent that safer alternatives to PFAS foams be identified and put into use at airports.

We are asking for the following:

1) **Please provide the Federal Aviation Administration's (FAA's) plan, including a specific timeline, to remove the requirement for PFAS foams and allow airports to meet the ICAO B standards in accordance with the latest version of the *National Fire Protection Association 403 standards*.**

While the legislation allows up to three years for FAA to finalize action, we are concerned about additional harm that may occur because of continued use of PFAS foams between now and 2021. There is already contamination from old generation PFAS foams and now newer generation PFAS foams are being used that also contain ingredients that are, or can break down into, highly persistent and mobile compounds making it likely they will find their way into groundwater and drinking water.[3] Washington state recently enacted a PFAS firefighting foam ban that includes the entire class of PFAS chemicals, not just the older generation chemicals. We expect more states to adopt laws banning all PFAS firefighting foams in 2019.

The current FAA requirements are putting airports and airport fire departments in the position of increased liability and costs when it comes to cleanup of PFAS contamination, waste disposal and PFAS-associated diseases including cancer and other health problems for members of the fire service. As more and more states and the EPA begin to regulate PFAS chemicals as a class, it will result in expensive

remediation and treatment requirements. Firefighters experience a higher than average cancer rate for particular cancers, including testicular cancer, which is nearly double the rate of the general population.[4] As mentioned above, PFAS exposure is linked to testicular cancer. It is extremely important that preventing the use of these chemicals be a priority.

Outside of the United States, major airports have adopted PFAS-free foams that meet the ICAO B standard. There is nothing to prevent FAA from immediately making this change to allow US airports to meet this standard. If the agency believes there is, please provide the rationale.

2) **Allowing alternative equipment for airports to demonstrate calibration of aircraft rescue and firefighting equipment annually instead of spraying AFFF on the ground is a step in the right direction, but airports should be investing now in safer PFAS-free foams.**

We appreciate FAA's recent decision to allow airports to use alternative equipment when conducting their annual testing requirements. This is a step in the right direction to keep AFFF out of the environment, however, the costs associated with this equipment are quite high. It makes more sense for airports to invest in safer, PFAS-free foams, not control equipment that will still result in occupational exposure and eventual release into the environment through disposal (e.g. incineration).

3) **Immediately issue guidance to airports to use PFAS-free foams for training purposes.**

There are PFAS-free foams specifically designed for training purposes. The foam manufacturers also consider this a best practice and state: "Use training foams that do not contain fluorosurfactants for training purposes." FAA should issue a CertAlert guidance on using PFAS-free foams for training purposes. All training with PFAS foam has been banned in Washington state as of July 2018.

4) **Work with any airports that want to transition to PFAS-free foams in advance of the final regulatory changes.**

Sea-Tac Airport in Washington state is poised to become the first airport in the nation to switch to PFAS-free firefighting foam. The Port of Seattle and Port Fire Chief Randy Krause have previously asked FAA to remove the PFAS foam requirements and more recently asked to allow for a more rapid transition because new fire trucks are coming on-line in 2019. This makes it a perfect time for FAA to allow for some regulatory flexibility so Sea-Tac's new trucks do not have to carry PFAS foams; the airport would continue to have PFAS foam in older trucks. Allowing Sea-Tac Airport a variance to include PFAS-free foam in their two new Aircraft Rescue Vehicles coming in July 2019 would complement and add to their current inventory of vehicles and equipment that already exceeds FAA AFFF requirements. If allowed this variance to add two vehicles with PFAS-free foam, the airport would not replace the existing fleet until a permanent PFAS-free foam is identified and approved by FAA. In addition to concern about regularly testing equipment, there are concerns that new trucks will become contaminated with PFAS, which will be very difficult to clean when switching them to PFAS-free foams three years from now. FAA and Sea-Tac could also use this as a pilot program so that other airports can learn from their experience.

We would like to be kept informed about FAA's ongoing work to transition airports away from PFAS-containing firefighting foams and consulted as you plan changes to fire standards and policies. Please consider regular meetings with representatives from our organizations and contact Laurie Valeriano at Toxic-Free Future at (206) 200-2824 if you have any questions.

Thank you for your consideration and we look forward to your response.

Sincerely,

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