

United States Senate
WASHINGTON, DC 20510

March 14, 2023

Acting Administrator Billy Nolen
Federal Aviation Administration
U.S. Department of Transportation
800 Independence Avenue SW
Washington, DC 20591

Dear Acting Administrator Nolen:

Thank you for your commitment to the safety and security of our nation's airspace. We write today to express continued concerns about the impact of continued use of aqueous film forming foams (AFFF) at our nation's airports. Congress and the FAA have taken steps to facilitate the transition away from AFFF firefighting foams, which contain dangerous per- and polyfluoroalkyl substances (PFAS), and airports are eager to make the transition, and yet they are still without any fluorine-free foam alternatives. At Congress's direction, the FAA is developing a transition plan to fluorine-free alternatives, and we urge the agency to complete and submit the plan on time. Delay would be unacceptable, not only to our nation's airports, but also to the neighboring communities working to address PFAS contamination. FAA must also ensure Congress has time to act on any potential recommendations as we work to craft the upcoming FAA reauthorization bill.

Communities throughout the country are grappling with the challenges relating to PFAS contamination, and in Section 332 of the 2018 FAA reauthorization legislation (P.L. 115-254), Congress directed the FAA to no longer require the use of fluorinated chemicals to meet the performance standards for firefighting foams. In October 2021, the FAA removed the formal requirement that firefighting foams contain PFAS but has not yet been able to provide airports with an FAA-approved fluorine-free alternative. Since that time, the agency had been awaiting the release of a performance specification (MIL-SPEC) by the Department of Defense (DOD) for fluorine-free alternatives, which ultimately occurred on January 6, 2023.¹

In the Fiscal Year 2023 omnibus legislation (P.L. 117-328), Congress tasked FAA, in coordination with DOD and the Environmental Protection Agency (EPA), with developing a transition plan for part 139 airports to the MIL-SPEC within 120 days after the MIL-SPEC was released. That transition plan is due by May 6, 2023. As prescribed in House Report 117-402, the plan should include factors such as implementation plans for obtaining approved MIL-SPEC

¹ See <https://media.defense.gov/2023/Jan/12/2003144157/-1/-1/1/MILITARY-SPECIFICATION-FOR-FIRE-EXTINGUISHING-AGENT-FLUORINE-FREE-FOAM-F3-LIQUID-CONCENTRATE-FOR-LAND-BASED-FRESH-WATER-APPLICATIONS.PDF>.

products, acceptable environmental limits of PFAS, and best practices for decontamination of existing equipment used to deploy AFFF.

As Congress develops the next FAA reauthorization, it is critical for hundreds of communities across the country dealing with PFAS contamination that the FAA meet the deadline of May 6, if not sooner. It is vital that we continue to work together to accomplish the vital task of allowing our airports to move toward safer alternatives benefiting both airports and the communities in which they serve. We appreciate your attention to this matter.

Sincerely,



Tammy Baldwin
United States Senator



Shelley Moore Capito
United States Senator



Gary C. Peters
United States Senator



Jerry Moran
United States Senator