

December 14, 2023

The Honorable Maria Cantwell
Chair, Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

The Honorable Ted Cruz
Ranking Member, Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

Dear Chair Cantwell and Ranking Member Cruz,

As the Committee considers the 2023 Federal Aviation Administration Reauthorization Act, the undersigned groups, representing millions of supporters and members nationwide, strongly urge that you include a provision to prohibit intentionally added per- and polyfluoroalkyl substances (PFAS) – hazardous forever chemicals – in firefighting foam used at Part 139 airports (airports certified under part 139 of title 14, Code of Federal Regulations.). In doing so, we can continue to make positive progress toward ending one of the biggest sources of PFAS contamination.

A growing body of scientific research has found that PFAS have been linked to an increased risk for some cancers, low birth weight, immune system suppression, and other serious adverse health effects. Scientists are most concerned about the cumulative impact resulting from exposures to contaminated drinking water across the country.

This is an urgent matter for communities like Airway Heights (Spokane, WA) where the levels of certain PFAS in residents were [found to be 56 times](#) the national average.

As you know, Section 332 of the 2018 FAA reauthorization law allowed, but did not require, airports to use PFAS-free firefighting foams once the Navy had certified them. Fire services at airports in the 12 states that have legislated to ban foams with PFAS have been waiting for this action to move forward. In September 2023, the [FAA issued a "cert alert" to airports](#) to let them know that the Navy had added a PFAS free foam to the Navy's approved Qualified Products List (QPL).

Making this change to S. 1939 would make the requirements on FAA and commercial airports consistent with the military obligation to phase out PFAS in the 2020 National Defense Authorization Act (NDAA.) When Congress passed the 2020 NDAA, it put the Department of Defense on a timetable to phase out the use of firefighting foams containing PFAS chemicals. The military is on track to meet the October 2024 phase out timeline – first by publishing a new military specification for PFAS-free foam and then by adding firefighting foam without PFAS to the QPL.

When Congress passed the 2018 FAA Reauthorization with its historic provision allowing the use of firefighting foams without PFAS chemicals, few people understood how pervasive these chemicals were, and how much damage their use had already done to water systems across the country. Since then, our understanding of PFAS and the consequences of its pollution has grown. And the amount of money being spent – by ratepayers and taxpayers – to filter water and clean up the mess has grown exponentially.

While Sections 626 and 627 of S.1939 contain very welcome measures that support airports in their transition to foams without PFAS, we strongly urge that the Committee take this opportunity to adopt a measure that will prohibit the use of foams containing PFAS.

Thank you for your attention to this important issue. Please be in contact with Liz Hitchcock at Toxic-Free Future with any further questions.

Sincerely,

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