

November 22, 2022

VIA EMAIL

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

Dear Administrator Nolen:

SUBJECT: Per- and Polyfluoroalkyl Substances (PFAS); Airports and Federal Aviation Administration (FAA) Requirements

States like Michigan, Wisconsin, Illinois, and Minnesota have set up PFAS-specific teams to address the threats of PFAS contamination to protect public health and ensure the safety of land, air, and water, while facilitating inter-agency coordination, increasing transparency, and developing standards to ensure accountability.

Over the past five years, States have worked to identify and prioritize potential PFAS sources. These investigations have specifically identified airports where Aqueous Film Forming Foam (AFFF) was used and stored as a significant source of PFAS contamination to our states. In Michigan, 19 commercial service airports have been evaluated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), and all have PFAS contamination resulting from AFFF releases. Several communities burdened by PFAS in Wisconsin have requested waivers for PFAS-free AFFF alternatives at airports, but these waivers have not been granted.

The contamination left behind from historical AFFF use at airports across the nation requires resources to contain the PFAS contamination and address environmental and human health risks. States are doing their part: for example, the Michigan Legislature has already provided over \$15.5 million to help airports conduct PFAS investigations and remedial work in Michigan. And in Wisconsin, funding for the collection and disposal of AFFF was approved in Governor Tony Evers' 2021-2023 state budget, with collections scheduled to begin in the fall of 2022. In Illinois, recent legislation calls for limits on the use of AFFF for training purposes, requires increased reporting of any use of AFFF immediately after discharge or release, limits the future manufacture and use of AFFF containing PFAS in the state, and specifies proper means of AFFF disposal. Minnesota law generally prohibits the use of AFFF for training and testing purposes and requires reporting use of AFFF in other situations.

But the costs of addressing the harms from PFAS cannot be shouldered by the States alone. The undersigned States seek a commitment from the FAA to secure federal funding to support airports' efforts to investigate the extent of PFAS contamination and put in place appropriate controls to address the risks posed by PFAS at and around commercial service airports. States also urge the FAA to consider supporting commercial service airports by:

1. Establishing new sources of federal funds and increasing Airport Improvement Program (AIP) funds and general airport funds, along with allowing them to be used for testing, mitigation, and remediation of existing contamination that originated on airport property, including contamination that has migrated off airport property. Also ensure that existing limited airport development funds, such as AIP, are not depleted.
2. Continuing to pursue an alternative AFFF (PFAS-free foam) that will meet the requirements of the performance standards specified by the FAA.
3. Collaborating with commercial service airports and State agencies to seek ways to minimize and/or eliminate PFAS uses at airports.
4. Partnering with States to identify and pursue opportunities to research and test PFAS remediation solutions.

These matters are urgent, not only for continued operations at commercial service airports around the country, but also to reduce the spread of PFAS to the environment.

The undersigned States are requesting a meeting with the FAA and representatives of the nation's commercial service airports to begin discussions on these important topics. Please contact Abigail Hendershott, Executive Director for the Michigan PFAS Action Response Team, at HendershottA@Michigan.gov or 616-888-0528, to discuss a meeting date.

Thank you for your continued work toward these common goals.

Sincerely,



Liesl Eichler Clark, Director
Michigan Department of Environment,
Great Lakes, and Energy



John J. Kim, Director
Illinois Environmental Protection Agency



Preston Cole, Secretary
Wisconsin Department of Natural
Resources



Katrina Kessler, Commissioner
Minnesota Pollution Control Agency



Jim Macy, Director
Nebraska Department of Environment
and Energy



Jason Brune, Commissioner
Alaska Department of Environmental
Conservation