



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-6677

March 15, 2024

The Honorable Thomas R. Caper, Chairman
Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

Honorable Shelley Moore Capito, Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Caper and Ranking Member Capito:

I am writing today because I understand this Honorable Body may be considering granting Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liability exemptions for federally mandated users of PFAS, and kindly request that airports be included within this exempted class.

For decades, the Federal Aviation Administration has required airports certified to receive commercial passenger service under Part 139 to use aqueous film-forming foam (AFFF) containing PFAS. As the EPA continues its process of considering the possible designation of PFOA and PFOS as hazardous substances under CERCLA, Part 139 airports should be granted an exemption from liability due to the fact that airports were compelled under federal law to use this product as a condition of their continued operation.

Related to this, airports are now beginning the process of transitioning from AFFF to Fluorine Free Foam (FFF). There are large costs associated with the transition to FFF, arising from vehicle and equipment cleaning, system modifications and additional training of firefighting professionals. Imposing such a burden upon the industry while it recovers from the impacts of COVID-19 makes it more difficult for airports to return to pre-pandemic conditions. Financial relief for airports undertaking these efforts should be considered.

Further, there should be a nationally coordinated approach to PFAS remediation and disposal practices needs at airports. Relevant federal agencies should coordinate their regulations to ensure that uniform best practices are utilized by all stakeholders involved in firefighting at federally regulated facilities.

I thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee Weitz", is written over a light blue circular stamp.

Lee Weitz
Director of Aviation