

March 15, 2024

The Honorable Thomas R. Carper  
Chair  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

I am writing today to provide the Metropolitan Washington Airports Authority's (Airports Authority) perspective on granting Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), liability exemptions for federally mandated users and ask that you include airports where federally mandated per- and polyfluorinated substances (PFAS) usage is the result of providing services for the public good. The Airports Authority is a public body politic created by interstate compact between the Commonwealth of Virginia and the District of Columbia with the consent of the United States Congress. The Airports Authority's Reagan National and Dulles International facilities serve as gateways to the greater Washington, DC metropolitan area.

For decades, the Federal Aviation Administration (FAA) has required airports certified to receive commercial passenger service under Part 139 to use aqueous film-forming foam (AFFF) containing PFAS. AFFF formulations have varied significantly over their use and have contained hundreds of both long carbon-fluorine chain and short carbon-fluorine chain PFAS. Pre-2002 AFFF contained a significant percentage of the compound known as perfluoro-octane sulfonic acid (PFOS). By definition, newer AFFF foam formulations still contain short-chain PFAS, which may be in the form of precursors that are known to transform in the environment to generate long-chain perfluoroalkyl acids (PFOA), as terminal end products.



The Honorable Thomas R. Carper, Chair  
The Honorable Shelley Moore Capito, Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Page 2

The Airports Authority is committed to being a responsible community partner by following legal requirements to operate our facilities in environmentally responsible ways. Because the federal government mandated airports use AFFF containing PFAS, airports should not bear liability for using these chemicals in good faith to keep the travelling public safe. As the Environmental Protection Agency continues its process of designating PFOA and PFOS as hazardous substances under the CERCLA, Part 139 airports should be granted a liability exemption, as proposed in S. 1433, the Airport PFAS Liability Protection Act.

Relatedly, there are other issues that airports are facing with transitioning from AFFF to Fluorine Free Foam (F3). There are provisions in S. 1939, the FAA Reauthorization Act of 2023, that will help airports tackle some of these challenges outlined below. The Airports Authority supports sections 626 and 627 of S. 1939 that require updates by the FAA every six months to Congress on the transition plan and authorizes \$350 million to assist airports in their transition to F3. To date the Department of Defense (DOD) has updated the qualified products list (QPL) to include two different firefighting agents, kicking off the process for the military and airports to transition from AFFF to F3. Below are several outstanding issues that remain for airports:

- **Vehicle and Equipment Cleaning Practices:** Vehicle and equipment cleaning remain significant issues for airport operators that are seeking to use F3 in vehicles or equipment that have carried AFFF. The DOD has led research efforts in this topic. The Airports Authority is interested in utilizing the findings and recommendations from these efforts to ensure our practices are supported by this science-based research.
- **Existing ARFF Vehicle Proportioning System Modifications:** ARFF vehicles equipped with fixed orifice plate proportioning systems will require time-consuming and labor-intensive modifications in order to discharge F3 at appropriate concentrations. Retrofitting these vehicles with electronic foam proportioning (EFP) systems instead offers a more promising and versatile approach for vehicles being modified for F3 use. To speed F3 transition and facilitate future transitions to improved F3 products, these retrofits should be made eligible for AIP grant funding or similar federal financial assistance.
- **Fire Training and Tactics:** The two F3 products currently on the DOD QPL perform differently than AFFF and will necessitate use of different firefighting tactics, post application monitoring, and foam reapplication. Accordingly, training in the effective use of F3 will be critical for ARFF staff. It will also be

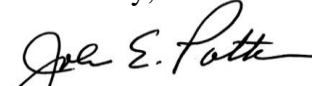
The Honorable Thomas R. Carper, Chair  
The Honorable Shelley Moore Capito, Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Page 3

key that FAA update regional training centers so that ARFF personnel can be professionally trained.

- **Environmental Remediation at Contaminated Sites:** Even after the transition to F3, there is still the large issue of remediation at contaminated sites. The federal government should begin to develop a national, coordinated approach to remediation and disposal needs at airports. Relevant federal agencies should ensure that best practices regarding soil testing, disposal, and remediation are shared and utilized by all stakeholders involved in firefighting. Since airports have been required by the federal government to use AFFF containing PFAS, the federal government should be responsible for remediation at airports.

We appreciate your consideration of this matter. If we can be of any assistance or provide additional information, please contact our federal government affairs program manager Maria Matthews at [maria.matthews@mwa.com](mailto:maria.matthews@mwa.com) or (703) 417-8669.

Sincerely,



John E. Potter  
President and Chief Executive Officer

JEP:mm