

118TH CONGRESS
1ST SESSION

H. R. 5356

To require the Secretary of Transportation to establish a PFAS replacement program at certain airports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2023

Mr. CARBAJAL (for himself, Mr. LAWLER, and Mr. VAN ORDEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Secretary of Transportation to establish a PFAS replacement program at certain airports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pollution-Free Avia-
5 tion Sites Act” or the “PFAS Act”.

6 **SEC. 2. PFAS-RELATED RESOURCES FOR AIRPORTS.**

7 (a) PFAS REPLACEMENT PROGRAM FOR AIR-
8 PORTS.—Not later than 90 days after the date on which
9 the Department of Defense approves a fluorine-free fire

1 fighting agent to the Qualified Products' List for products
2 meeting Military Specification MIL-PRE-32725, dated
3 January 12, 2023, the Secretary of Transportation shall
4 establish a PFAS replacement program, in consultation
5 with the Administrator of the Environmental Protection
6 Agency, and subject to terms, conditions, and assurances
7 acceptable to the Secretary, to reimburse eligible airports
8 for the reasonable and appropriate costs associated with
9 any of the following:

10 (1) The one-time initial acquisition by an eligi-
11 ble airport of fluorine-free firefighting alternatives
12 for—

13 (A) the capacity of all required aircraft
14 rescue and firefighting (ARFF) equipment list-
15 ed in the most recent FAA-approved Airport
16 Certification Manual, regardless of how the
17 equipment was initially acquired; and

18 (B) twice the quantity carried onboard
19 each required truck available in the fire station
20 for the eligible airport.

21 (2) The disposal of per- or polyfluoroalkyl prod-
22 ucts, including fluorinated aqueous film-forming
23 agents, to the extent such disposal is necessary to
24 facilitate the transition to an acceptable fluorine-free
25 agent, including, but not limited to, aqueous film

1 forming agents currently in fire-fighting equipment,
2 vehicles, and wastewater generated during the clean-
3 ing of fire-fighting equipment and vehicles.

4 (3) Cleaning or disposal of existing equipment
5 or components thereof, to the extent such cleaning
6 or disposal is necessary to facilitate the transition to
7 an acceptable fluorine-free agent.

8 (4) Any equipment or components thereof nec-
9 essary to facilitate the transition to an acceptable
10 fluorine-free agent.

11 (5) Replacement of aircraft rescue and fire-
12 fighting (ARFF) equipment as determined by the
13 Secretary as necessary to be replaced.

14 (b) DISTRIBUTION OF FUNDS.—

15 (1) GRANTS TO REPLACE ARFF VEHICLES.—

16 (A) IN GENERAL.—The Secretary shall re-
17 serve a portion of the amounts appropriated to
18 carry out the PFAS replacement program to
19 make grants to each eligible airport that is des-
20 ignated under part 139 as an Index A airport
21 and does not have existing capabilities to
22 produce fluorine-free foam, to replace aircraft
23 rescue and firefighting (ARFF) vehicles.

1 (B) AMOUNT.—No grant made to an eligi-
2 ble airport under subparagraph (A) shall exceed
3 \$2,000,000.

4 (2) REMAINDER.—

5 (A) DETERMINATION OF NEED.—With re-
6 spect to the amount of firefighting foam con-
7 centrate required for foam production commen-
8 surate with applicable aircraft rescue and fire-
9 fighting (ARFF) equipment required in accord-
10 ance with the most recent FAA-approved Air-
11 port Certification Manual, the Secretary shall
12 determine—

13 (i) the total amount of such con-
14 centrate required for all of the federally re-
15 quired aircraft rescue and firefighting
16 (ARFF) vehicles that meet index require-
17 ments under part 139 of each eligible air-
18 port, in gallons; and

19 (ii) the total amount of nationwide
20 firefighting foam concentrate, in gallons.

21 (B) DETERMINATION OF GRANT
22 AMOUNTS.—From the amounts appropriated to
23 carry out the PFAS replacement program that
24 remain after the application of paragraph (1),
25 the Secretary shall make a grant to each eligi-

1 ble airport of the amount equal to the product
2 of—

3 (i) the amount of such remaining
4 funds; and

5 (ii) the ratio of the amount deter-
6 mined under subparagraph (A)(i) for such
7 eligible airport to the amount determined
8 under subparagraph (A)(ii).

9 (c) PROGRAM REQUIREMENTS.—

10 (1) IN GENERAL.—The Secretary shall deter-
11 mine the eligibility of costs payable under the PFAS
12 replacement program by taking into account all en-
13 gineering, technical, and environmental protocols
14 and generally accepted industry standards that are
15 developed or established for fluorine-free foams.

16 (2) COMPLIANCE WITH APPLICABLE LAW.—All
17 actions related to the acquisition, disposal, and tran-
18 sition to fluorine-free foams, including the cleaning
19 and disposal of equipment, shall be conducted in full
20 compliance with all applicable Federal laws in effect
21 at the time of obligation in order to be eligible for
22 reimbursement under the PFAS replacement pro-
23 gram.

1 (3) GOVERNMENT SHARE.—The Government’s
2 share of allowable costs under the PFAS replace-
3 ment program shall be 100 percent.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is hereby authorized
6 such sums as may be necessary to carry out the
7 PFAS replacement program.

8 (2) REQUIREMENTS.—Amounts appropriated to
9 carry out the PFAS replacement program shall—

10 (A) remain available for expenditure for a
11 period of 5 fiscal years; and

12 (B) be available in addition to any other
13 funding available for similar purposes under
14 any other Federal, State, local, or Tribal pro-
15 gram.

16 (e) DEFINITIONS.—In this section:

17 (1) ELIGIBLE AIRPORT.—The term “eligible
18 airport” means an airport holding an Airport Oper-
19 ating Certificate issued under part 139.

20 (2) PART 139.—The term “part 139” means
21 part 139 of title 14, Code of Federal Regulations.

22 (3) PFAS REPLACEMENT PROGRAM.—The term
23 “PFAS replacement program” means the program
24 established under subsection (a).

○