



## MEMORANDUM

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**To:** Miles Weaver  
**From:** Matt Solak  
**Date:** February 2022  
**Re:** MAAE Monthly Legislative Report

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### Airport Issues

During the MAAE Annual Conference in East Lansing the MAAE met with EGLE Director Liesl Eichler Clark to discuss the department's approach to PFAS at airports. The MAAE outlined the following items to EGLE in hopes of creating a more collaborative approach by the department.

1. The MAAE asked for a concentrated effort from EGLE and the Administration to push the Federal Aviation Administration (FAA) to develop and approve a new firefighting foam. A new foam is critical so airports can move away from foam containing PFAS as soon as possible.
2. The MAAE asked for EGLE and the Administration to push for federal funding for PFAS mitigation and clean-up. We outlined that airport revenue does not adequately cover costs for PFAS mitigation and clean-up. And even if airports could pay for the cost of removal, we are experiencing landfills refusing to accept contaminated materials. Further, Michigan landfills do not have capacity to receive the volume of PFAS impacted soils being identified around the state.
3. The MAAE requested a more collaborative approach from EGLE with airports on testing, mitigation, and clean-up. The MAAE outlined its view that EGLE has taken a punitive approach with airports on PFAS when the government itself mandated airports use the product. The MAAE requested EGLE approach airports differently, and less punitively as airports did not use this product by choice.
4. Finally, the MAAE requested a partnership to identify and pursue opportunities to research and test PFAS remediation solutions. With data in hand, the Michigan airport

industry is at the leading edge of understanding potential impacts of AFFF containing PFAS across the country. Utilizing our data, Michigan airports can become state and federal research locations and partners to identify and deploy mitigation strategies.

### PFAS—PFAS Action Act

The below language is from the PFAS Action Act. The AAAE is spearheading the exemption language on behalf of airports. The MAAE has begun the process of looking at similar exemption language at the state level. The federal language does not provide liability protection for non-Part 139 certificated airports. The MAAE is looking at routes to protect all member airports.

#### (c) AIRPORT SPONSORS.—

(1) IN GENERAL.—No sponsor, including a sponsor of the civilian portion of a joint-use airport or a shared-use airport (as such terms are defined in section 139.5 of title 14, Code of Federal Regulations (or a successor regulation)), shall be liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for the costs of responding to, or damages resulting from, a release to the environment of a perfluoroalkyl or polyfluoroalkyl substance designated as a hazardous substance under section 102(a) of such Act that resulted from the use of aqueous film forming foam agent, if such use was—

(A) required by the Federal Aviation Administration for compliance with part 139 of title 14, Code of Federal Regulations; and

(B) carried out in accordance with Federal Aviation Administration standards and guidance on the use of such substance.

(2) SPONSOR DEFINED.—In this subsection, the term “sponsor” has the meaning given such term in section 47102 of title 49, United States Code.

### PFAS—Equipment Cost Sharing

The MAAE is also actively engaging with Senator Gary Peter’s office on legislation to assist airports via cost sharing with PFAS/input-based testing equipment. The draft language changes are highlighted in yellow below.

Title: To temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the **“Preventing PFAS Runoff at Airports Act”**.

## SEC. 2. TEMPORARY INCREASED COST SHARE AUTHORITY FOR AQUEOUS FILM FORMING FOAM INPUT-BASED TESTING EQUIPMENT.

(a) In General.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(g) Special Rule for Covered Equipment.—

“(1) IN GENERAL.—The Government’s share of allowable project costs for covered equipment **and its installation** shall be 100 percent.

“(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term ‘covered equipment’ means aqueous film forming foam input-based testing equipment that **is is—**

**“(A) referenced in CertAlert 21-01, Aqueous Film Forming Foam (AFFF) Testing at Certificated Part 139 Airports, dated June 1, 2021; and**

**“(B) eligible for Airport Improvement Program funding based on PGL 21-01, titled ‘Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification’, dated October 5, 2021 (or any other successor program guidance letter).**

“(3) SUNSET.—The higher cost share authority established in this subsection shall terminate 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2)(B) terminates or is discontinued by the Administrator, whichever is earlier.”.

(b) Outreach Efforts.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct an outreach effort to make airports aware of the higher cost share authority established in section 47109(g) of title 49, United States Code, as added by subsection (a).

**(c) Forward-looking Airports.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that reviews—**

**(1) potential options for Congress to reimburse airports that—**

**(A) are certificated under part 139 of title 14, Code of Federal Regulations; and**

**(B) acquired covered equipment (as defined in section 47109(g) of title 49, United States Code) as added by subsection (a), without Federal funding;**

**(2) information relevant to estimating the potential cost of providing such reimbursement;**

**(3) the status of the Federal Aviation Administration’s outreach efforts as required under subsection (b); and**

**(4) any additional information the Administrator of the Federal Aviation Administration considers appropriate.**

### Peer-to-peer Carsharing Legislation (HB 4915-HB 4917) Tentatively Scheduled for Hearing

On March 22 bipartisan legislation to regulate peer-to-peer carsharing service companies is scheduled for a tentative hearing in the House Regulatory Reform Committee. These companies include Turo, Getaround and Maven. Peer-to-peer carsharing (also known as person-to-person carsharing and peer-to-peer car rental) is the process whereby existing car owners make their vehicles available for others to rent for short periods of time.

These companies may be operating without a service agreement at some airports in likely violation of those airport's ground transportation regulations. The MAAE Board has taken a position of support on this legislation as the bills require these companies to enter into operational agreements with airports and plan to testify in support of the bills at the committee hearing.

MAAE worked previously on a similar issue when Lyft and Uber wanted to operate on airport property without complying with any type of ground transportation agreement with airports or any payment to the airport like other ground transportation companies.