
FIRE DEPARTMENT SERVICE ANNOUNCEMENT

Bulletin #33, Cert 139, Where are you!?

Through the 2018 National Defense Authorization Act (NDAA), the Congress issued a directive to the Federal Aviation Association (FAA) to transition away from Aqueous Film Forming Foams (AFFF) to fluorine-free firefighting (F3) foams. That deadline date is October 5, 2021. Several airports have requested exemptions or a waiver to go ahead with a transition to F3 foams. These exemptions have not been granted although allowed for within the NDAA. The FAA updates airports through certifications it issues: Cert 139 in particular.

At present all certified airports in the US must use a Military Specification firefighting foam known as a MilSpec. At present, there is no standard for clean-out of decontaminated foam.

The City of LaCrosse, Wisconsin is now involved in several lawsuits due to the city owned airport's use of AFFF. Appleton, Wisconsin opened a new Airport Rescue and Fire Fighting (ARFF) training center which "is located at Appleton International Airport (ATW) in northeast Wisconsin."¹ The new \$14M new facility has annual live fire recertification and classes including standard FAA-required courses. Many airports in the US have been contaminated with AFFF.²

The DoD will need to replace its entire fleet of approximately 3,000 ARFF vehicles "which would cost \$4 to \$6 billion and may take over 18 years at current commercial product rates, assuming DoD could acquire 50 percent of current commercial production."³ DoD will be competing with airports on obtaining ARFF equipment. Commercial airports "employ a fleet of ARFF vehicles more than twice the size of DoD's..."⁴

Where is the updated Cert 139?

- 1 AirportImprovement, New ARFF Training Center at Appleton Int'l, Victoria Soukup, May-June, 2020, <https://airportimprovement.com/article/new-arff-training-center-appleton-int-l>
- 2 Dealing with AFFF Contamination at Certified Airports, A. Richart, et al., March 27, 2019, https://www.necaaae.org/assets/docs/3.29.19%201030%20CocTerr_NEC-AAEs-Airports-Conference-PPT-Draft-030419%20-%20Richart.pdf and Barnes & Thornburg LLP, Alerts, AFFF At Commercial Airports – The Blessings And The Curse Of PFAS, January 1, 2019, <https://btlaw.com/insights/alerts/2019/afff-at-commercial-airports-the-blessings-and-the-curse-of-pfas>
- 3 Department of Defense, Per- and Polyfluoroalkyl Substances (PFAS) Task Force Progress Report, March 2020, <https://media.defense.gov/2020/Mar/13/2002264440/-1/-1/1/PFAS-TASK-FORCE-PROGRESS-REPORT-MARCH-2020.PDF>
- 4 *ibid.*



It does not appear likely that the FAA will be meeting a Congressional mandate to have airports switch over to fluorine-free foams by the required October 5, 2021 deadline.