

Congress of the United States
Washington, DC 20515

February 23, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Buttigieg,

As Members of Congress representing the residents of Santa Clara County, California, we write to express our grave concerns regarding the harms of leaded aviation gasoline (“avgas”), and the Federal Aviation Administration’s (FAA) lack of cooperation with local governments, such as the County of Santa Clara (“Santa Clara County”), to protect low-income communities of color from lead poisoning. Lead exposure from avgas is an environmental justice crisis. We urge you to make nationwide elimination of leaded avgas a priority, and to instruct the FAA to take the necessary actions to support efforts by local governments, like Santa Clara County, to protect vulnerable communities from exposure, rather than interfering with these efforts.

Lead exposure from avgas is an environmental justice crisis.

The U.S. Environmental Protection Agency (EPA) and Centers for Disease Control and Prevention (CDC) agree that there is no safe blood lead level in children.¹ At even the lowest detectable levels, childhood lead exposure can cause irreversible cognitive impairment, harm academic performance, and increase risk for behavioral disorders and adult-onset physical health problems.² In adults too, lead exposure is associated with a host of physical impairments, including harm to cardiovascular, reproductive, and immune systems and kidney damage.³

Avgas, the fuel used by piston-engine aircrafts, is the last remaining leaded transportation fuel and accounts for a shocking 70% of lead air pollution nationwide. The impacts of avgas fall hardest on communities surrounding the 20,000 general aviation airports where piston-engine aircraft operate, as well as on workers who service them. Some 16 million people live within a kilometer of a general aviation airport – a distance linked to increased blood lead levels – and over 160,000 children attend school nearby.⁴

Over 60% of the 50 highest emitting airports are located in communities with larger racial minority populations than the national average. Reid-Hillview Airport in Santa Clara County – one of the busiest general aviation airports in the nation – embodies this trend. Of the 52,000

¹ US EPA, *Protect Your Children* (2022), available at <https://www.epa.gov/lead/protect-your-children>.

² US EPA, *Learn about Lead* (2022), available at <https://www.epa.gov/lead/learn-about-lead#effects>.

³ *Id.*

⁴ Transp. Rsch. Bd. et al., *Options for Reducing Lead Emissions from Piston-Engine Aircraft* at 47-48 (National Academies of Sciences, (2021); U.S. Env’tl. Protection Agency, *National Analysis of the Populations Residing Near or Attending School Near U.S. Airports* at 13 (2020).

people living within 1.5 miles of the airport, 97% identify as nonwhite and 79% speak a primary language other than English at home. *A recent peer-reviewed study found that children living nearby the airport experienced blood lead level increases on par with or even worse than those found at the height of the Flint Water Crisis.*⁵

Ending lead exposure from avgas requires leadership from the FAA.

The FAA has an opportunity to take a leadership role in ending the avgas environmental justice crisis. To date however, the FAA's response to local efforts to protect communities from the harms of avgas has been contrary to these efforts. For example, when Santa Clara County eliminated sales of leaded avgas at the airports it operates effective January 1, 2022, the FAA initiated an investigation and suggested that it may take legal action to block the ban on avgas sales. This apparent retaliation is unconscionable and is seemingly intended to deter other airport proprietors from instituting protective measures. Similarly, in a 2017 settlement, the FAA prohibited the City of Santa Monica from restricting the sale of leaded fuel.⁶

We are concerned that the FAA's actions are hindering local governments' attempts to discontinue sale of the very fuel that is poisoning disadvantaged communities of color with lead, rather than assisting with efforts to protect these communities from harm. This flies in the face of the Biden Administration's Justice40 Initiative, which directed the U.S. Department of Transportation (DOT), along with other federal agencies, to work with local governments to prioritize investments in disadvantaged communities to advance environmental justice.

Santa Clara County joined a nationwide coalition of community groups led by Earthjustice, in August of 2021, petitioning the U.S. Environmental Protection Agency (EPA) to make an endangerment finding under section 231 of the Clean Air Act that avgas contributes to air pollution that harms public health and welfare. Recognizing the damage caused by airborne lead, the EPA announced on January 12, 2022 that it would open a long overdue rulemaking to propose an endangerment finding for leaded avgas.⁷ This is a necessary and important step in removing lead from aviation fuel nationwide, and it is critical that the FAA coordinate with the EPA to adopt a nationwide ban on leaded avgas as soon as possible. While this is a welcome development, communities of color that continue to suffer from leaded avgas cannot wait years for new rules to take effect – the harms to their health will persist as long as they are exposed.

We respectfully request that you work with the FAA to assist efforts to protect communities from leaded avgas exposure with all possible speed. This includes:

⁵ Mountain Data Group, *Leaded Aviation Gasoline Exposure Risk at Reid-Hillview Airport in Santa Clara County, California* 1 (2021), available at <https://news.sccgov.org/sites/g/files/exjcpb956/files/documents/RHV-Airborne-Lead-Study-Report.pdf>.

⁶ Settlement Agreement/Consent Decree, *City of Santa Monica v. USA*, January 30, 2017, available at https://www.faa.gov/airports/airport_compliance/santa_monica_settlement/media/Santa-Monica-settlement-stipulation-and-order-consent-decree-2017.

⁷ US EPA, *Petitions and EPA Response Memorandums related to Lead Emissions from Aircraft* (2022), available at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-and-epa-response-memorandums-related-lead>.

- Closing the investigation and related administrative actions involving Santa Clara County's restrictions on leaded avgas storage, sales, and dispensation.
- Coordinating with and supporting airport proprietors in taking measures to mitigate lead exposures from piston engine aircraft operations.
- Supporting the EPA in issuing an affirmative endangerment finding for avgas and coordinating with the EPA to expeditiously issue emission and fuel composition standards that will ban use of lead in aviation fuel as soon as feasible.
- Accelerating research, development, testing, and certifications for unleaded fuels to ensure access for all piston-engine aircraft.

For the communities suffering daily from lead exposure due to avgas emissions, federal leadership to address this environmental justice crisis is long overdue. Thank you for your attention to this matter. We look forward to receiving responses to our abovementioned requests by or before April 1, 2022.

Sincerely,



Zoe Lofgren
Member of Congress



Anna G. Eshoo
Member of Congress



Ro Khanna
Member of Congress



Jimmy Panetta
Member of Congress