

PFAS AT AIRPORTS:

Managing your responsibilities and liabilities

— More about PFAS

- PFAS are a group of several thousand man-made chemicals used in industry. Some are used in firefighting foams (including aqueous film forming foams or AFFF). These became the predominant form of firefighting foams since introduction in the 1960s.
- There is growing evidence that PFAS are harmful to human health as well as to animals and fish, and some bioaccumulate causing higher levels of exposure further up the food chain.
- Wherever firefighting foams have been deployed, including for training and testing, contamination of the surrounding environment with PFAS is likely to have occurred. PFAS can also get into site drainage and may present issues for surface water discharge and trade effluent.
- PFAS don't naturally degrade so historical source areas are likely to remain a problem even where replacement products have been in use for some time. PFAS are highly mobile in water and are now widespread in surface water courses and groundwater.
- With growing awareness of health and environmental risks, regulation of PFAS is increasing. The compounds PFOS and PFOA are now banned in firefighting foams. A wider suite of PFAS is now also coming under scrutiny.
- Firefighting foams containing shorter chain PFAS (C6 compliant foams) are currently still legal in the UK but, as risks associated with these compounds have become better understood, there is a new proposal to restrict firefighting foams containing any PFAS in the EU. The UK is now in the process of reviewing legislation relating to PFAS restriction under UK REACH.
- There are many challenges ahead for foam producers, users and site owners to navigate, with developing science and analytical capability, as well as rising global public and political pressure and upcoming regulatory changes.

Changing responsibilities and liabilities for aviation sites:

Permitting and Compliance	Current	Upcoming changes
	- Illegal to discharge contamination into the environment, including surface water and groundwater as well as to sewer. - Most current permits to discharge and trade effluent consents don't specify a requirement for monitoring for PFAS. - The Environment Agency (EA) has been monitoring surface waters upstream and downstream of airports for PFAS contamination and has identified a number of airports for further investigation.	- The EA will be approaching the identified airports with Reg 61 notice for further information, which may include requirement to produce a desktop site survey and monitoring data. - The EA plans to carry out a similar review of potential PFAS discharges to groundwater. - Environmental permit requirements are under review and some now include monitoring for PFAS. Permit conditions likely to tighten in the future for any site where a source of PFAS is identified. - Trade effluent consents also likely to be reviewed with monitoring for PFAS compounds likely to be required.
Land Contamination	Current	Upcoming changes
	- Site owners and operators have legal responsibilities and potential third-party liabilities associated with land contamination (current and historical). - Local Authorities (LAs) have power to investigate potential contaminated land under Part 2a of the Environmental Protection Act (EPA), and to impose contaminated land conditions on planning applications. - The EA is running a large-scale risk screening project, identifying high risk sites, and has produced some new guidance for regulators on managing PFAS contamination.	- LA officers and regional EA teams are becoming more aware and better informed about PFAS. - PFAS contamination will need to be considered as part of a planning application and could lead to development constraints/ increased development costs. - With growing public awareness, there is potential for third party action. Large scale claims have been made internationally. - PFAS contamination could impact land value and hinder land transactions.
Use and storage of foams containing PFAS	Current	Upcoming changes
	- From Jan 23 PFOA containing foams can't be used unless ALL releases can be contained. - Stockpiles of more than 50kg of foams containing PFOA must be reported to the EA. - C6 compliant foams are currently allowed in the UK. These contain PFAS but not those PFAS specifically regulated at present. However, the DWI now requires water companies to routinely monitor for 47 different PFAS, including short chain compounds.	- In the EU, a proposal to restrict ALL PFAS in firefighting foams under REACH has been submitted. If accepted, municipal fire services in Europe will have 18 months to transition to fluorine free foams. - The UK's independent chemical regulatory framework (UK REACH) has carried out a regulatory management options analysis which recommended the use of UK REACH restrictions for PFAS in fire-fighting foams. Next steps are underway. - Many fire services around the world are transitioning, or have transitioned, to fluorine free foams.
Management Systems and Insurance	Current	Upcoming changes
	- CSR/ ESG, Environmental Management Systems and environmental and sustainability policies generally commit to environmental betterment through a process of regular monitoring and review. - Insurance cover may be affected where potential PFAS contamination is identified and some policies exclude PFAS contamination.	- Environmental and sustainability policies may need updating to address management of PFAS risks. - Following large pay outs around the world, many insurers will exclude PFAS contamination from policies. - Some insurers may include PFAS, but information will be key to obtaining cover.

How to assess and minimise your risk

Through our ongoing work with airports, fire services and regulators, we've established a tried and tested approach to assessing and minimising risk associated with current and historical use of foams containing PFAS.

If you are keen to address your PFAS concerns, our three-step plan can get you moving in the right direction.

1

Produce an overarching **PFAS Management Strategy** to:

- Address current and future practices and management actions
- Demonstrate intent and commitment to all interested parties
- Build positive relationships with regulators
- Set your narrative and start assessing risk.

2

Carry out a **site survey/desktop study and preliminary risk assessment** to:

- Get a better picture of the overall risk at the site
- Establish the potential key PFAS sources areas on site
- Identify how and where PFAS might be moving off site including via permitted discharges and trade effluent
- Take a proactive step towards fulfilling obligations under Part 2A of the EPA and permitting and consenting regimes.

3

Review current foam use and options for **foam transition** to:

- Future proof your operations
- Ensure you select compliant alternatives, C6 or fluorine free?
- Manage existing foam stockpiles
- Identify and implement appropriate equipment decontamination.

With PFAS regulation under the spotlight and changes on the horizon, our project experience and technical expertise make us well placed to help airports navigate the challenges that lie ahead. We can help you implement our three-step plan to manage your risks and ensure you are prepared and ready to respond to any practice or regulatory changes that may come your way.

How can we help?

Get in touch to find out more:



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