



Federal Aviation Administration

Memorandum

Date: March 16, 2023

To: Office of Airports Regional Directors, AXX-600s
Regional Airport Planning & Programming, AXX-610s
Airports District Office Managers, XXX-ADOs

From: Evelyn Martinez, Director (Acting), Airport Planning and Programming,
APP-1 **EVELYN J MARTINEZ** Digitally signed by EVELYN J MARTINEZ
Date: 2023.03.16 15:32:58 -04'00'

Subject: PGL 23-01: Increased Federal Cost Share for Input-Based AFFF Testing
Equipment

On December 20, 2022, the President signed into law S. 3662, the Preventing PFAS Runoff at Airports Act (the Act) (P.L. 117-254). The Act modifies 49 U.S.C. § 47109 to temporarily increase to 100% the Federal share of acquiring standalone input-based aqueous film forming foam (AFFF) testing equipment. This Program Guidance Letter (PGL) provides guidance on implementing provisions in the Act.

Guidance

PGL 19-01, "AFFF Testing Equipment," established eligibility for acquisition of standalone input-based AFFF testing equipment,¹ to sunset on November 1, 2021. PGL-21-01, "Extension of Eligibility for Stand-alone Acquisition of Input-based Testing Equipment and Truck Modification,"² extended the period of eligibility until November 1, 2023.

Before enactment of the Act, the Federal share for standalone, input-based AFFF testing equipment was based on 49 U.S.C. § 47109 and guidance provided in FAA Order 5100.38D, the Airport Improvement (AIP) Handbook. Congress provided specific authority in the Act for a 100% Federal share of appropriated funding, beginning with funds first made available for use in Fiscal Year (FY) 2023 or later, including Airport

¹ https://www.faa.gov/airports/aip/guidance_letters/aip_pgl_19_01

² https://www.faa.gov/airports/aip/guidance_letters/aip_pgl_21_01

Improvement Program (AIP) and Airport Infrastructure Grant (AIG) funds (allocated in FY 2023 or later).

For equipment acquisitions using funds first made available in FY 2023 until the authority expires, there is no local match requirement and equipment can be fully funded by FAA. Funds from the following programs made available before FY 2023 cannot be used to fully fund these acquisitions: Coronavirus Aid, Relief, and Economic Security (CARES) Act; Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA); American Rescue Plan Act of 2021 (ARPA); AIG funds allocated in FY 2022; or any AIP funds appropriated before FY 2023.

The increased Federal share provided by the Act expires 180 days after standalone acquisition eligibility expires. At the time of writing this PGL, eligibility expires November 1, 2023, 180 days after which is April 29, 2024.³

The Act defines covered equipment as AFFF input-based testing equipment eligible for AIP funds based on PGL 21-01, which in turn references justification criteria in PGL 19-01. These criteria allow for one set of external equipment per airport and also allow for other types of input-based testing when acquiring new Airport Rescue and Fire Fighting (ARFF) vehicles. PGL 19-01 limits modifications of existing ARFF vehicles to in-line proportioner equipment and associated direct installation costs.

Outreach

The Act requires the FAA to conduct an outreach effort to make airports aware of this higher cost share authority. This PGL is publicly available and accessible to airports. Regional Airport Divisions and District Offices are encouraged to notify impacted airport sponsors of this increased cost share.

³ For acquisitions made before November 1, 2023, in accordance with the eligibility requirements of PGL 19-01 or PGL 21-01, sponsors may request reimbursement between November 1, 2023 and April 29, 2024, subject to specific funding source reimbursement rules.