

Amended HR 3935 provisions related to unleaded AVGAS

SEC. 267. ELIMINATE AVIATION GASOLINE LEAD EMISSIONS.

(a) EAGLE INITIATIVE.—

(1) **IN GENERAL.**—The Administrator of the Federal Aviation Administration must partner with stakeholders who represent public health and the communities adversely affected by the use of leaded avgas and in consultation with industry in carrying out the mission of the Eliminate Aviation Gasoline Lead Emissions Initiative (in this section referred to as the “EAGLE Initiative”) to identify and overcome obstacles to the immediate transition to lead-free skies. [see (4) CONSULTATION, COORDINATION for list of stakeholders]

(2) **FAA RESPONSIBILITIES.**—In collaborating with stakeholders to carry out the EAGLE Initiative, the Administrator shall take action under the Administrator’s authority to ensure—

(A) the immediate transition from unsafe leaded aviation gasoline by piston-engine aircraft to safer unleaded avgas, providing appropriate assistance to “essential” aircraft missions currently using leaded gas for immediate transition, “essential” to be defined by existing municipal, county, state or federal program, policies, or rules;

(B) the approval, including providing financial and technical assistance in obtaining certifications from bodies other than the FAA, that FAA deems necessary for safety, of unleaded alternatives to leaded aviation gasoline for use in all piston engine aircraft types and piston-engine types, upon application by a supplier of unleaded gas that is recognized as safe by the FAA;

(C) the implementation of the requirements of section 431 as they relate to the continued availability of aviation gasoline only for a period of one year and upon application for designation as essential;

(D) unleaded aviation gasoline is immediately available to replace unleaded gas wherever it is used at airports;

and

(E) to assist in the carrying out of the above actions, the FAA shall report to the EAGLE every three months on where leaded fuel is used, the obstacles to immediately replacing it, and the steps it is taking to provide assistance in replacement where leaded gas is still being used.

(3) **ACTIVITIES.**—In carrying out the Administration’s responsibilities pursuant to paragraph (2), the Administrator, at a minimum, shall—

(A) develop and publish, as soon as practicable, a fleet authorization process for the efficient approval or authorization of additional unleaded aviation gasolines;

(B) review, update, and prioritize, as soon as practicable, certification processes and projects for aircraft engines and modifications, where needed, for such engines to operate with unleaded aviation gasoline, and assist aircraft users in obtaining them;

(C) evaluate and support programs that accelerate the creation, evaluation, qualification, deployment, and use of unleaded aviation gasolines;

(D) carry out, in partnership with the general aviation community, an ongoing campaign in coordination with the EPA, CDC, NIOSH, and Surgeon General, for training and educating aircraft owners and operators on how to safely transition to unleaded aviation gasoline and which provides opportunities for engagement between users of leaded gas and the public affected by it in an effort to educate concerning the need to transition and the reasons therefore and to solicit questions concerning the transition and announce the availability of financial and technical assistance as described in this section;

(E) if current certifications for unleaded gas are expected to result in changes in aircraft operation, such as during cold weather conditions, immediately assess whether such concerns exist and develop a plan for addressing them without delay. If such concerns do not exist, undertake an information campaign to correctly inform the general aviation community of the facts concerning the safety and reliability of unleaded gas and any changes in aircraft operation concerning which the community should be aware;

and

(F) immediately implement the necessary changes in Government policy, regulation and guidance, in order to:

(i) Establish, where it does not exist, a commercially viable supply chain for unleaded aviation gasolines.

(ii) Facilitate, using incentives to encourage rapid development, production and distribution of unleaded aviation gasolines.

(iii) Assist with the procurement of equipment required for the deployment, storage, and dispensing of unleaded aviation gasolines.

(4) CONSULTATION, COORDINATION and Oversight by RELEVANT STAKEHOLDERS.—In carrying out the EAGLE Initiative, the Administrator shall consult and coordinate with relevant stakeholders, designating members as described herein, ensuring that all reports to Congress and the public include EAGLE member comments if they wish them included and a summary of relevant comments received from the public as a result of publication of transition reports as described in this section. The members must meet at least once every three months, with the FAA providing travel funding and day expenses to compensate each member for their time. There shall be at least one in-person meeting before the first report is issued. Members shall be added by the FAA as necessary to conduct full assessments of all necessary aspects of prompting an immediate transition to unleaded fuels. Members must include—

(A) the affected public, who experience exposures to lead because of the use of leaded aviation gas

(B) Representatives of the affected population, who have positions of authority in local, regional and state government and who have demonstrated support for public health and environmental progress and particularly involvement in the effort to transition from leaded gas or opposition to airport expansion

(C) Representatives of the medical community with expertise on lead

(D) Representatives of the legal and mediating community, with expertise on seeking consensus

(E) Representatives of the academic or scientific community with technical expertise relating to fuels, independent of the fuels industry

(F) general aviation aircraft engine, aircraft propulsion, and aircraft airframe manufacturers;

(G) general aviation aircraft users, aircraft owners, aircraft pilots, and aircraft operators;

H) airports, heliports, and fixed-base operators;

(I) State, local, and Tribal airport officials or public agencies, with representation from both urban and rural areas;

(J) representatives of the petroleum industry, including developers, refiners, producers, and distributors of unleaded aviation gasolines;

and

(K) air carriers and commercial operators operating under part 135 of title 14, Code of Federal Regulations.

(L) All meetings shall be facilitated by professional facilitators or mediators with experience in ensuring that all parties are heard, discussions are kept civil and constructive, and on track to complete the mission of safe and comprehensive replacement using the full set of tools of governance to accomplish the transition to lead-free skies as soon as technically feasible, using the most cost-effective means that will accelerate the process that current market conditions are not motivating.

(5) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the assessment and recommendations of EAGLE, including all the individual statements of members, if any, and its own report on how it will ensure the rapid transition to lead-free skies. The report shall

(i) contain an updated strategic plan for developing a fleet authorization process for ending the use of leaded gas as soon as possible and ensuring that safe replacement is available where needed;

(ii) describe the actions and effectiveness of the plan and the structure and involvement of all Federal Aviation Administration offices that have responsibilities described in paragraph (2); and

(iii) identify cost-effective policy initiatives, regulatory initiatives, legislative initiatives and incentives used or planned which are necessary for immediate transition of the piston-engine aircraft fleet.

(iv) report on expenditures and gaps in need, where unleaded fuels are not available, and how that gap will be closed within the next year.

(B) ANNUAL REPORTING.— Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate its report on the replacement of all leaded aviation gas and how it was achieved. If the goal of total replacement has not been achieved, the FAA shall request from Congress what it needs in order to achieve the goal of this act as soon as technically feasible. This provision shall remain in effect as long as leaded aviation gas remains in use.

(b) TRANSITION PLAN TO UNLEADED FUELS.—

(1) IN GENERAL.—In developing the transition plan under subsection (a)(2)(E), the Administrator shall adopt the mission of the most rapid (immediate) transition to lead-free skies, and use the resources available to the agency to ensure the success of:

(A) Efforts undertaken by the EAGLE Initiative, including progress towards—

- (i) immediately replacing the use of leaded aviation gasoline by piston-engine aircraft without adversely affecting the piston-engine aircraft fleet;
- (ii) approving unleaded alternatives to leaded aviation gasoline for use in all piston-engine aircraft types and piston-engine types; and
- (iii) facilitating, using funding, training, education, and other assistance, efforts to completely replace the use of leaded aviation gas with unleaded aviation gasoline at all airports.
- (iv) investigate the use of new airplane technologies, such as electric planes, and the infrastructure needed for electric plane use.

(B) Survey each airport to evaluate and develop the necessary airport infrastructure, including fuel storage and dispensing facilities, to support the distribution and storage of unleaded aviation gasoline.

(C) The establishment of best practices for piston-engine aircraft owners and operators, airport managers and personnel, aircraft maintenance technicians, and other appropriate personnel for protecting against exposure to lead containment when—

- (i) conducting fueling operations;
 - (ii) disposing of inspected gasoline samples;
 - (iii) performing aircraft maintenance;
- and
- (iii) conducting engine run-ups.

(D) Efforts to address supply chain and other logistical barriers inhibiting the timely distribution of unleaded aviation gasoline to airports.

(E) Outreach efforts along with other coordinating agencies listed in (4) CONSULTATION, COORDINATION, to educate and update piston-engine aircraft owners and operators, airport operators, and other members of the general aviation community on the potential benefits, availability, and safety of unleaded aviation gasoline, and the necessity of ceasing the contamination of the environment and the harm to people from using leaded aviation gas.

(2) CONSULTATION.—In developing such transition plan, the Administrator shall consult, as described above, in great detail with the affected as well as the regulated population and conduct all activities transparently, using open meetings and publishing frequent updates for the public at large, as well as with all members of EAGLE. The FAA shall not have meetings with the industry without also providing an

opportunity for representatives of the public to attend or providing the option and assistance to all EAGLE members to attend.

(3) PUBLICATION; GUIDANCE.—Upon completion of developing such transition plan, the Administrator shall—

(A) make the plan available to the public on an appropriate webpage of the Administration;

and

(B) provide all necessary assistance, using funds it has and requesting funds it needs, to support the implementation of the transition plan.

(4) COORDINATION WITH EAGLE INITIATIVE.—

In developing such transition plan and associated guidance pertaining to the implementation of such transition plan, the Administrator shall consult and coordinate with individuals carrying out the EAGLE Initiative.

(5) MAPPING UNLEADED AVIATION GASOLINE.—The Administrator shall develop and continuously update websites, brochures, and other communication materials associated with such transition plan to clearly convey the availability of unleaded aviation gasoline at airports.

(6) BRIEFING TO CONGRESS.—Not later than 90 days after the publication of such transition plan, the Administrator shall brief the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate on such transition plan and any efforts or actions pertaining to the implementation of such transition plan.

(A) The FAA shall brief Congress on the plan it is developing with EAGLE to provide assistance to the general aviation and fuel industry where needed. In developing this plan the FAA must use standards of need that avoid rewarding actions that would have taken place without incentives, and how to target incentives most efficiently, including whether an applicant demonstrates responsibility as well as capacity to use the funding as intended, and where because of justice priorities for funding exist.

(B) The FAA shall report on its affirmative efforts to transition the market as rapidly as possible every three months after the first briefing, including how well it is achieving the transition through these considerations of justice, public and environmental health, as well as cost efficiency and effectiveness in achieving the transition to unleaded skies.