

Environmental Group Sues EPA To Get The Lead Out Of Aviation Gasoline

Clean Air Act requires EPA to act as lead emissions from aviation fuel continue to endanger public health
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Washington, D.C. —

Friends of the Earth, a leading advocate for a healthy environment, filed a lawsuit against the Environmental Protection Agency today after the agency did not reply to a May 2011 Notice of Intent to sue. The lawsuit challenges EPA's failure to respond to a 2006 petition from Friends of the Earth asking for the regulation of lead emissions from general aviation aircraft under the Clean Air Act.



Aviation is the single largest source of lead emissions in the U.S. and poses a significant threat to public health—especially in communities located near airports where general aviation operates and avgas is used.

The petition specifically asked EPA to find that lead emissions from aircraft using leaded aviation gasoline (avgas) may endanger public health. Nearly six years later, despite continuing to acknowledge that there is no safe threshold for lead exposure, EPA has taken no final action with regard to Friends of the Earth's petition.

“EPA has repeatedly concluded that lead is extremely toxic to humans, wildlife and the environment and causes health effects even at low doses,” said Marcie Keever, legal director for Friends of the Earth. “EPA’s continuing failure to do what the law requires and address this pollution leaves us no choice but to take this critical public health issue to the courts. The health of airport workers, pilots, passengers, and surrounding communities from continued exposure to leaded aviation gasoline hangs in the balance.”

While lead was phased out of automobile gasoline more than 15 years ago, it persists as a constituent of avgas in general aviation airplanes. Aviation is the single largest source of lead emissions in the U.S. and poses a significant threat to public health—especially in communities located near airports where general aviation operates and avgas is used.

Two facts mandate immediate corrective action by EPA:

1. According to EPA estimates, sixteen million people reside and three million children attend school in close proximity to the 22,000 airports where leaded avgas may be used.
2. There is no “safe” threshold for lead exposure.

A July 2011 study from Duke University published in the journal *Environmental Health Perspectives* directly supports concerns about the severe and negative public health consequences caused by lead in aviation fuel. The report found that children living within 500 meters of an airport at which planes use leaded avgas have higher blood lead levels than other children. This apparent effect of avgas on blood lead levels was also evident among children living within 1 kilometer of airports. The researchers concluded that there is a significant association between potential exposure to lead emissions from aviation gasoline and blood lead levels in children.

“EPA needs to stop excusing the largest source of airborne lead emissions from regulation. Taking all of the evidence together, we must address this critical health issue and start phasing out lead in aviation gas now,” said Deborah Behles, Associate Professor and Staff Attorney at the Environmental Law & Justice Clinic at Golden Gate University School of Law.

Recently, members of the aviation community have come on board calling for more immediate action. A group of pilots known as the Aviation Fuel Club have started a grassroots movement to make unleaded fuel available at airports.

“Given concerns about the impact of lead on public health, EPA’s failure to take timely action on Friends of the Earth’s petition is inexcusable. We are simply asking the EPA to move more quickly and definitively in establishing regulations that would protect millions from ill health caused by the known toxic effects of lead,” said Marianne Engelman Lado, the lead Earthjustice attorney representing Friends of the Earth.

Earthjustice and the Environmental Law and Justice Clinic at Golden Gate University School of Law are representing Friends of the Earth in this challenge of the EPA’s failure to respond to Friends of the Earth’s 2006 petition.

Background for reporters:

Reinforcing the need for immediate action, in November 2010, EPA identified 16 regions in the United States that fail to meet clean air standards for airborne lead

emissions. All of these regions either contain or are next to airports that use leaded avgas.

Even at low doses, lead is highly toxic and causes a variety of adverse health effects. These include death and brain damage due to high levels of exposure, and learning disabilities, lower IQ levels, increased blood pressure, and/or nerve damage at lower exposures. Children are at higher risk than adults because they absorb larger amounts of lead and are more sensitive to lead induced toxicity. Lead exposure presents a particular danger to the development of children's nervous systems.

And the National Toxicology Program—which includes parts of the National Institutes of Health, the Centers for Disease Control and Prevention, and the Food and Drug Administration—classifies lead and lead compounds as “reasonably anticipated to be human carcinogens.”

Airborne lead is also known to travel far from its original source, and as such is an environmental pollutant that finds its way to fields, forests, streams and waterways. While commercial airlines use unleaded jet fuel, general aviation aircraft using avgas account for about half of the national inventory of lead emitted to air and are the largest single source. In total, EPA estimates that approximately 14.6 billion gallons of leaded avgas were consumed between 1970 and 2007, emitting approximately 34,000 tons of lead.

Contrary to the doomsday scenarios of avgas proponents, EPA and the Federal Aviation Administration could phase out lead additives with limited disruption, and move the country toward cleaner fuel. Currently 70 percent of small planes could be using unleaded fuel or a modified alternative without any additional technology.

For the approximately 30 percent of piston engine airplanes that are not able to use unleaded gas, a meaningful plan by EPA to ban leaded fuel—with deadlines—is needed to spark investment in alternative technologies. But for decades since the EPA began regulation of lead emissions from other sources, it has excused the general aviation community.

[Read the final complaint.](#)

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