



December 11, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science,
and Transportation
United States Senate
254 Russell Senate Office Building
Washington DC, 20510

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
254 Russell Senate Office Building
Washington DC, 20510

Dear Chair Cantwell and Ranking Member Cruz,

As you consider necessary legislation to reauthorize the Federal Aviation Administration (FAA), the undersigned associations are writing to respectfully urge the Committee to require the implementation of section 2209 of the FAA Extension, Safety, and Security act of 2016, as amended, 49 U.S.C. 44802 note, before any authority is granted allowing the carriage of hazardous materials by Unmanned Aircraft Systems (UAS).

Section 2209 required the Secretary of Transportation to establish a process to allow operators or proprietors of fixed-site facilities such as oil refineries, chemical facilities, critical infrastructure, to petition the Administrator of the FAA to prohibit or restrict the operation of unmanned aircraft in close proximity to their facility. Fixed sites should have the opportunity to establish a no-fly zone over the site, before UAS is granted permission to carry hazardous materials.

While progress towards implementing Section 2209 has occurred, the FAA has not issued a final rule, and currently, fixed-site operators have little authority to prohibit UAS incursions at their facilities. We strongly urge the Committee to not authorize Hazardous Materials Carriage by UAS before a final rule implementing Section 2209 is filed.

The risks to our facilities of overflights of hazardous materials by UAS are considerable. If new authority is given to UAS operators to transport even small quantities of hazardous materials before the FAA finalizes a Section 2209 rulemaking, our facilities will be put at even greater risk. As you consider granting new authorities to UAS operators to transport these materials (as granted in Section 617 of H.R.3935 and Section 816 of S.1939), we urge you to tie any new authorities to the completion of a final Section 2209 rulemaking.

Sincerely,
American Fuel and Petrochemical Manufacturers (AFPM)
American Chemistry Council (ACC)
Alliance for Chemical Distribution (ACD)