

Congress of the United States
Washington, DC 20515

January 22, 2020

The Honorable Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Administrator Dickson:

We write with deep concern regarding the January 14, 2020 release of jet fuel by Delta flight 89 over our communities in Los Angeles. While we are grateful that flight 89 made a safe landing at Los Angeles International Airport (LAX), we are troubled that this jet fuel was dumped over populated areas, including at least six elementary schools. The impact of this fuel dump on our communities and children has yet to be fully realized. We ask for your assistance in answering fundamental questions regarding the protocol that a pilot and air traffic control must follow in order to dump fuel in anticipation of an emergency landing.

We request that your agency respond to the following questions by January 31, 2020. We also request that your agency keep us apprised of any developments that arise out of the investigation into the January 14, 2020 fuel dump by Delta flight 89.

1. What are the scenarios when a pilot would be expected or justified in dumping fuel?
2. What are the scenarios when a pilot would be expected or justified to dump fuel over a populated area?
3. What are the procedures and regulations for controllers and for pilots regarding dumping fuel? Please include fuel dumping procedures for flight crews, technical information regarding altitude at which fuel dumping should occur, and any information regarding lasting effects of fuel dispersed over a given area.
4. Were those procedures and regulations followed by both the controllers and the pilots regarding the January 14 fuel dump by Delta flight 89?
5. Is there a required or preferred area in the vicinity of LAX for the dumping of fuel in anticipation of an emergency landing?
 - a. If yes, how are these areas determined?
 - b. What type of consideration is given to any population density within the areas identified for use for fuel dumping?
6. If an aircraft dumps fuel over a populated area during an emergency, is the pilot required to inform air traffic control?
7. In a situation where air traffic control knows that a fuel dump will occur over a populated area, is air traffic control required to warn the communities that may be impacted in order to allow them to take cover?
 - a. If yes, why were the communities not warned in this case?
 - b. Under current law, is FAA authorized to require notification of fuel dumps to communities that could be affected?

8. It is our understanding that the flight crew on flight 89, after declaring an emergency, was asked if they needed to dump fuel before returning to LAX. The flight crew indicated at that time that they did not need to dump fuel. We now know that during the approach to LAX, the flight crew decided to initiate a fuel dump.
 - a. Why did the flight crew decide to dump fuel on approach to LAX despite initially declining to dump fuel when asked by air traffic control?
9. If an aircraft dumps fuel over a populated area during an emergency, is that air carrier required to contact any of the communities affected by the release?
 - a. What action, if any, is the air carrier expected to take to clean up the fuel and assist the affected communities following the fuel dump?
10. What was the flight path of flight 89 during the time period when the fuel was being dumped? Please include the cities and communities above which the fuel was dumped and the approximate altitudes of the plane for various locations along the flight path.
11. What are the lasting health and environmental impacts of the dumping and dispersal of fuel under the conditions in which this fuel dump occurred?
 - a. What actions can local communities and public health and environmental officials take to minimize these impacts?
12. Are airlines required to file and/or disclose the chemical composition of the jet fuel used in domestic flights?
 - a. Please provide the safety data sheet (or equivalent disclosure of chemical composition) for the fuel used on board Delta flight 89, including any additives.
 - b. If any components of the fuel used by Delta are propriety, please provide a list of substances and/or chemicals approved for use as jet fuel additives, as well as any substances and/or chemicals specifically banned from use as jet fuel additives.
13. What is the standard FAA procedure and timeline for investigating an incident such as the January 14, 2020 Delta flight 89 fuel dump?

We appreciate your prompt response to this incident which has affected the health and safety of our communities.

Sincerely,

LUCILLE ROYBAL-ALLARD
Member of Congress

MAXINE WATERS
Member of Congress

NANETTE DIAZ BARRAGÁN
Member of Congress

LINDA T. SÁNCHEZ
Member of Congress