Aeronautical Repair Station Association

121 North Henry Street
Alexandria, VA 22314-2903
T: 703 739 9543 F: 703 739 9488
arsa@arsa.org www.arsa.org

April 28, 2008

By E-Mail: Dan.Bachelder@faa.gov

Dan Bachelder
Manager
Repair Station Branch, AFS-340
Federal Aviation Administration
Flight Standards Services
800 Independence Avenue, SW
Washington, DC 20591-0001
Dan.Bachelder@faa.gov

RE: Emergency Medical Kits

Dear Dan:

Several Aeronautical Repair Station Association (ARSA) members have submitted questions concerning the original approval of and proper procedures for refilling emergency medical kits (EMKs). After diligent review of Title 14 CFR § 121.803[1], Advisory Circular (AC) 121-33B and many conversations with Federal Aviation Administration (FAA) personnel, there are several issues that need written clarification.

The relevant published information about EMKs include § 121.803(c)(3) that states air carriers must carry "an approved emergency medical kit." Advisory Circular 121-33B (answer to question 9 on page 4) states that an "[a]pproved EMK means that the FAA Principal Operations Inspector assigned to the holder of an operating certificate exercises approval for the Administrator, as appropriate, of equipment to be carried aboard a certificate holder's aircraft."

Also, § 121.803(b) states that "[e]ach equipment item listed in this section (1) [m]ust be inspected regularly in accordance with inspection periods established in the operations specifications to ensure its condition for continued serviceability and immediate readiness to perform its intended emergency purposes." Advisory Circular (AC) 121-33B (answer to question 14 on page 6) states that "[y]ou must regularly inspect emergency medical equipment in accordance with inspection periods established in your operations specifications and maintain it according to manufacturers' specification." Answer to question 14 goes on to discuss procedures for inspection stating that "[f]light attendants perform a routine preflight inspection … to assure that it is on board the aircraft, secured, and ready if needed for use."

[1] Unless otherwise specified, all regulatory citation are to Title 14 CFR.

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While the AC and regulation describe what an approved kit must contain, there is no guidance on who may create or produce an EMK. Nor is there written guidance on whether or not inspection relates back to the definition of maintenance in section 1.1 ("*Maintenance* means **inspection**, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance" [emphasis added]).

Unfortunately, our research also indicates that the FAA uses the Maintenance Time Limitations Section (MSPEC/OPSPEC D089) of a carrier's Operations Specifications to track EMK currency. This certainly would lead one to believe that EMK tracking is indeed maintenance, while the AC language states that a flight attendant may inspect the EMK.

EMKs are unique equipment required to be carried aboard an aircraft and are not easily compared to other required or approved equipment. From all indications, the FAA did not intend to require the production and periodic validation of EMKs to fall under the requirements of parts 21 and 43.

To ensure that the EMKs and similar articles are not subject to the requirements of parts 21 or 43, we strongly recommend the development of a separate Operations Specifications paragraph for all carried aboard equipment needing periodic validation that would not be considered maintenance (as defined in section 1.1). Alternatively, we recommend making clear under D089 that EMKs are not validated as part of a maintenance program but are tracked to ensure the contents are not past the useful life of included medicines and continue to meet the requirements of section 121.803(b) for "serviceability and immediate readiness to perform [the] intended emergency purposes."

In addition, we request confirmation of the following:

1. Any person (including a repair station or other certificate holder) that creates or produces an EMK may do so without having to comply with part 21.
2. Any person that creates an EMK is the manufacturer for the purposes of determining replacement and/or validation intervals.
3. Any person (including those certificated under 14 CFR) that refills an EMK is ***not*** performing maintenance as defined in § 1.1 and therefore, is not required to meet the maintenance record requirements of part 43, including §§ 43.9 and 43.13.
4. Any person that either creates or refills an EMK may issue a certificate of conformity as assurance the kit meets the requirements listed in the air carrier Operations Specifications and the medicines are useable for a stated period of time.

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If you require further information, please do not hesitate to contact me.

Sincerely,

Sarah MacLeod
Executive Director

cc: Rebecca MacPherson Rebecca.MacPherson@faa.gov