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August 7, 2008

VIA E-MAIL

James Ballough
Manager
Flight Standards Division (AFS-1)
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, DC 20591-0004

jim.ballough@faa.gov

Re: Clarification of the Association's Request to Change the Limitations on Issuance of Repairman Certificates

Dear Mr. Ballough:

On November 21, 2007, the Aeronautical Repair Station Association (ARSA) requested the Federal Aviation Administration (FAA) to remove the prohibition in Flight Standards Information Management System (FSIMS) paragraph 5-1193C.1 which forbids a repairman certificate being issued for an "airframe and/or powerplant rating".

BACKGROUND

The troublesome paragraph states:

- 1) In no instance should a repairman certificate be issued with an airframe and/or powerplant rating to circumvent the process of obtaining a mechanic certificate. If a repairman certificate has been issued with airframe and/or powerplant ratings, request that the airman surrender the certificate. Issue a repairman certificate with the appropriate privileges and limitations.

ARSA researched Title 49 United State Code (49 U.S.C.) to determine if the statute distinguishes between the types of individual certificates that may be issued by the FAA for performing certain maintenance duties and responsibilities. We were unable to find any support in the law for prohibiting the issuance of either a repairman certificate or a mechanic certificate provided an individual is appropriately qualified.

ARSA does not believe that the prohibition set forth in the FSIMS is justified by concern over air safety. Rather the Association believes it emanates from a misunderstanding of the term airman and the unsupported contention that a repairman certificate is an unfit substitute for a mechanic certificate.

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Section 40102 of 49 U.S.C. defines:

- (8) "airman" means an individual—
- (A) in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;
 - (B) except to the extent the Administrator of the Federal Aviation Administration may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or
 - (C) who serves as an aircraft dispatcher or air traffic control-tower operator.
(Emphasis added.)

The section, which is supported by 14 CFR parts 121, 135 and 145, requires individuals directly in charge of the performance of maintenance and alteration tasks to be certificated. Indeed, 14 CFR parts 121, 135 and 145¹ also require individuals authorized to approve work for return to service to hold a certificate under 14 CFR part 65.

Section 44703 of 49 U.S.C. provides direction on the issuance of airman certificates by stating:

- (a) **General.**—The Administrator of the Federal Aviation Administration shall issue an airman certificate to an individual when the Administrator finds, after investigation, that the individual is qualified for, and physically able to perform the duties related to, the position to be authorized by the certificate.
- (b) **Contents.**—
- (1) An airman certificate shall—
 - (A) be numbered and recorded by the Administrator of the Federal Aviation Administration;
 - (B) contain the name, address, and description of the individual to whom the certificate is issued;
 - (C) contain terms the Administrator decides are necessary to ensure safety in air commerce, including terms on the duration of the certificate, periodic or special examinations, and tests of physical fitness;
 - (D) specify the capacity in which the holder of the certificate may serve as an airman with respect to an aircraft; and
 - (E) designate the class the certificate covers. (Emphasis added.)

Section (b)(1) of the law does not distinguish between the types of certificates that may be issued to individuals that qualify for the specific duties. A mechanic certificate should

¹ See, 14 CFR §§ 121.378, 135.435, 121.709, 135.443, 145.153, and 145.157.

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certainly be preferable to an individual since it would allow s/he to work at any air carrier or repair station. However, if the person has the proper qualifications and does not wish to obtain a mechanic certificate, there is no legal prohibition against that person opting for a repairman certificate if the employer is in agreement.

Therefore, we requested that the FAA eliminate the paragraph reference above as well as paragraph 5-1193C.2 which lists the "types" of repairman certificates that can or should be issued.

To expedite accomplishment of this request, we attached a draft revision to FSIMS paragraphs 5-1191 through 5-1198 with tracked changes. The changes suggested clarified the fact that a repairman is an airman and also correct some typographical errors contained in the current version.

CLARIFICATION

The FAA responded to our request on December 10, 2007; the letter indicates that our request was misunderstood. In order to address our request vis-à-vis the FAA's response, we are reiterating the pertinent portion of the agency's letter in italics with our clarifications in bold.

The Federal Aviation Administration (FAA) has established, through the regulatory process, requirements for issuance of a repairman certificate. The current regulatory requirements are less stringent than the requirements established for issuance of an FAA mechanic certificate with airframe and/or powerplant ratings. Therefore, the repairman certificates by regulation are limited and/or restrictive to a specific work function as noted herein and as required by Title 49 United States Code section 44703(b)(1)(D).

Title 14 Code of Federal Regulations (14 CFR) section 65.79, Skill requirements, states, "each applicant for a mechanic certificate or rating must pass an oral and a practical test on the rating he seeks. The tests cover the applicant's basic skill in performing practical projects on the subjects covered by the written test for that rating. An applicant for a powerplant rating must show his ability to make satisfactory minor repairs to, and minor alterations of, propellers."

In contrast, applicants for repairman certification under 14 CFR section 65.103, employed by repair stations or air carriers, are not required to pass an FAA knowledge or skill test. The regulations only require practical experience of at least 18 months or formal training appropriate for the position, as well as to the satisfaction of the Administrator, as the basis for issuance of a repairman certificate.

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The regulatory qualifications to obtain the certificates are different; however, the requirement to have a certificate does not distinguish between the types of certificate. Further, each certificate carries privileges and limitations commensurate with the required qualifications.

The point of the Association's request is that parts 121, 125, 135 and 145 all require certain positions to be filled by persons certificated under part 65. Further, 14 CFR § 145.159 specifically allows a repair station to use repairman for any of the positions requiring certification under part 65. Under the repair station and air carrier requirements, the individual certificate is merely one of many qualifications.

As the FAA noted, the qualifications for a repairman are specific to the position. To meet those qualifications, some individuals will have more, different and even better knowledge, experience and training than is required to obtain a mechanic certificate. Under parts 121, 125, 135 and 145, the qualifications, ratings, privileges and limitations of both repairman and mechanics are commensurate with the repair station or air carrier certification requirements, privileges and limitations.

For example, in a repair station environment, a supervisor or person authorized to approve work on articles for return to service must first be evaluated and provided the necessary training to ensure s/he is capable of performing the assigned tasks per 14 CFR §§ 145.151, 145.153(a)², 145.163 before the employer can certify eligibility under 14 CFR § 145.159(b).

Similarly, in an air carrier environment, a certificated mechanic may only be authorized to perform required inspection item inspections or sign an airworthiness release or logbook entry after being properly trained. In all cases, holding a certificate under part 65 is only one hurdle to clear before being authorized to perform certain job functions.

It should also be noted that even certificated mechanics do not exercise the privileges of the part 65 certificate when maintenance, preventive maintenance or alteration is performed; rather the certificated repair station or air carrier will be responsible for the performance of the work.

² A supervisor must be capable of overseeing work of persons unfamiliar with the methods, techniques and practices, aids, equipment, and tools used to perform the maintenance, preventive maintenance or alterations. Ergo, the supervisor must have the knowledge, experience or training to meet the qualifications for his/her specific job. A person that merely possesses a mechanic's certificate with one or both available ratings will not qualify to be a supervisor unless the specific knowledge, experience or training is evidenced by the employer.

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Additionally, per FAA Order 8900.1, repairman certificates are stated to be reserved for applicants who have special skills, such as:

- *Argon heliarc welding*
- *Cylinder plating*
- *Nondestructive testing*
- *Propeller overhaul*
- *Electrical system analysis and repair (this type of certificate should be reserved for specific systems only, such as flight guidance data bus and power distribution)*
- *Radio and/or instrument repair (for these repairman certificates, the applicable privileges may be entered as "radio and instrument" or "radio" or "instrument")*

ARSA appreciates that the current guidance limits the types of repairman certificates that may be issued. The request for a change to that guidance was initiated because the part 145 rule now indicates that repairman certificates must be issued for supervisors and persons authorized to approve work for return to service.³ Further, we would point out that there are no "special skills" associated with propeller overhaul, radio and instrument repair. All of these actions can only be accomplished by certificated repair stations or air carriers, since a mechanic certificate does not provide that privilege.

Therefore, as the law points out, the FAA may dictate the requirements for issuance of both the mechanic and repairman certificates. The Association is merely urging that the FAA take this opportunity to adjust its guidance to the current requirements of directly related regulations.

CONCLUSION

The Association is not attempting to denigrate the mechanic certificate. It is merely trying to ensure that appropriately qualified persons may be certificated as required by part 145 so they may be assigned to perform certain job functions.

The Association understands the FAA's reluctance to use the terms "airframe" or "powerplant" to describe a "rating" issued to a repairman, however, appropriately qualified persons should have the ability to obtain appropriate repairman ratings for the specific jobs required by repair stations and air carrier certificates.

³ See, 14 CFR § 145.159.

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To that end, the Association submits another rewrite of Order 8900.1 that fully explains the need and requirements for repairman certificates and provides direction on the appropriate method for issuing such certificates.

After your team has had an opportunity to review the tracked change Word document, we would appreciate a meeting to fully vet the issue and develop a workable solution.

Sincerely,

A handwritten signature in blue ink that reads "Sarah MacLeod". The signature is fluid and cursive, with the first name "Sarah" and last name "MacLeod" clearly legible.

Sarah MacLeod
Executive Director

Enclosure: FSIMS-RepairmanCertification-ARSARRecommendedChanges-08072008.doc

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