



# Federal Aviation Administration

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## Memorandum

Date: AUG 15 2006

To: All Flight Standards Service Airworthiness Inspectors  
All Drug Abatement Inspectors

From: Manager, Aircraft Maintenance Division, AFS-300  
for Manager, Drug Abatement Division, AAM-800

Reply to the Attn of R. Domingo, AFS, (202) 267-3807 *for R. Domingo*  
K. Leamon, AAM, (202) 267-8442 *Karen C. Leamon*

Subject: Guidance—Maintenance and Preventive Maintenance

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There have been numerous questions regarding whether certain tasks are considered maintenance and/or preventive maintenance by the FAA's regulations. This memorandum will provide direction for these specific areas, but will also attempt to convey a general sense of direction to be used in determining when an action falls under the definitions of maintenance/preventive maintenance as defined in the regulations (14 CFR parts 1 and 43). Additionally, this memorandum will provide clarification of the oversight responsibility of the drug and alcohol testing program in 14 CFR part 121, appendices I and J.

It is important to note the primary responsibility for compliance with the drug and alcohol testing program and ensuring that all persons performing maintenance and/or preventive maintenance duties are covered at any tier, lies with the air carrier. Any work an air carrier traditionally performed themselves must be covered by a drug and alcohol program if that work is now outsourced (at any tier).

It is also important to remember, any maintenance or preventive maintenance an air carrier or employer would have performed in-house is still covered under the drug and alcohol testing program when the maintenance and/or preventive maintenance is outsourced at any tier.

Cleaning the Aircraft—The physical cleaning of an aircraft is not normally considered maintenance or preventive maintenance within the context of the regulations. However, there may be occasions where the preparation of the aircraft for the cleaning process requires removal of components or protection of components that fall under the definition of maintenance or preventive maintenance. For example, prior to cleaning an aircraft, it may be necessary to close and secure the upper and lower fan cowl doors on a transport

category aircraft. The FAA considers the closing and securing of the engine fan cowl doors maintenance. Additionally, after the cleaning process, it may be necessary to reapply lubrication compounds and preservatives to aircraft components, which could be considered maintenance/preventive maintenance. Conversely, cleaning of seat cushions/covers would not be considered maintenance.

Decorative Coatings—14 CFR part 43, appendix A defines the “refinishing of decorative coating of fuselage,...cabin, or cockpit interior...” as preventive maintenance.

Repair to Cargo Containers - Are repairs/maintenance to cargo containers loaded on the aircraft in cargo operations included? These are considered part of the airplane.

- Yes. These types of repairs/maintenance are covered under part 43 and must be performed by persons covered under a program.

Building Parts – Does the person who physically manufactures a part during the process of a repair to an aircraft have to be covered?

- No. The person who physically manufactures a part does not have to be a covered employee because manufacturing is not considered maintenance, or preventive maintenance. However, the person who takes that manufactured part and consumes it while repairing the next higher assembly must be covered under a program.

Line Service Maintenance – Do persons that an air carrier arranges with to perform servicing at line maintenance facilities or locations outside of their normal routes need to be covered?

- Yes, if those persons are performing line servicing functions that would be considered maintenance and/or preventive maintenance (as listed in part 43 appendix A).

Manufacturers – Is a manufacturer that performs a test on a component to determine the extent of repairs necessary or to determine the serviceability of a component required to be covered under a drug and alcohol program when performing work for a 121/135 air carrier?

- Yes. The testing is being performed to a standard required by the manufacturer or other standards acceptable to or approved by the Administrator. The testing standard may be part of an inspection requirement in the technical data being used in the testing process.

Mechanic's Helpers – Do non-certificated helpers that perform some maintenance duties, as part of a process under direct supervision, need to be covered even though they will not sign off the work?



- Yes. All employees who conduct maintenance or preventive maintenance are required to be covered by an FAA drug and alcohol testing program regardless of whether they sign off the work or not.

Third Level Subcontracting – If an air carrier makes an arrangement for an outsource maintenance provider to perform maintenance on its aircraft, or components thereof, and that provider contracts out portions of that maintenance (third level), does the third level contactor have to be covered under a drug and alcohol program?

- Yes. The regulations require any persons, at any level, to be covered under a program. It is the air carriers' responsibility to ensure that any maintenance contracted out is done with persons covered by a program. The air carrier cannot delegate its regulatory responsibility to ensure all persons who perform maintenance or preventive maintenance are covered.

**Anyone performing maintenance or preventive maintenance would fall under the requirements of part 121, appendices I and J.**

The definition of maintenance contained in 14 CFR part 1.1 states:

*"Maintenance means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance."*

Any person performing these functions is performing maintenance.

In the performance of an overhaul, 14 CFR part 43.2 states:

(a) No person may describe in any required maintenance entry or form an aircraft, airframe, aircraft engine, propeller, appliance, or component part as being overhauled unless—

(1) Using methods, techniques, and practices acceptable to the Administrator, it has been disassembled, cleaned, inspected, repaired as necessary, and reassembled; and

(2) It has been tested in accordance with approved standards and technical data, or in accordance with current standards and technical data acceptable to the Administrator, which have been developed and documented by the holder of the type certificate, supplemental type certificate, or a material, part, process, or appliance approval under Sec. 21.305 of this chapter.

Therefore, performing all these functions (when testing is required by the type certificate holder, STC holder, or approval under § 21.305) constitutes an overhaul and is considered to be maintenance. Some have interpreted cleaning to be maintenance because cleaning components is part of an overhaul, and overhaul is maintenance. However, when cleaning is performed as *part* of the overhaul "process," it is the overhaul that is defined as



maintenance. Cleaning by itself is not considered maintenance. This is evident in the case of cleaning seat covers, which, as explained above, is not considered maintenance.

The definition of preventive maintenance in 14 CFR part 1.1 states:

*“Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.”*

Appendix A (c) 14 CFR part 43 lists the work the FAA has long considered preventive maintenance, provided it does not involve complex assembly operations. Any person performing the listed functions is performing preventive maintenance.

If maintenance and/or preventive maintenance duties are being performed on an aircraft that is operating under a 14 CFR part 121 or part 135 certificate or an airplane or rotorcraft that is operating under section 135.1(c), the individuals performing those maintenance and/or preventive maintenance duties, directly or by contract, including by subcontract at any tier, must be included in FAA-mandated drug and alcohol testing programs (14 CFR part 121, appendices I and J) no later than October 10, 2006.

If there is a need for further clarification on the above points, contact your local Flight Standards Manager. Questions regarding what is or is not maintenance or preventive maintenance should not be transferred to the Drug Abatement Division in the Office of Aerospace Medicine.

The oversight responsibility for FAA-mandated drug and alcohol testing programs resides solely with the FAA Office of Aerospace Medicine, Drug Abatement Division, AAM-800. Airworthiness Inspectors conducting certificate management responsibilities must defer all concerns and questions regarding FAA-mandated drug and alcohol testing programs to the following Drug Abatement managers:

- Karen Leamon, Manager of the Special Investigations and Enforcement Branch (202) 267-8442
- Virginia Lozada, Acting Manager of the Eastern Compliance and Enforcement Center, (305) 716-3560
- James Ronan, Manager of the Central Compliance and Enforcement Center, (817) 222-5327
- Andrew Monetti, Manager of the Western Compliance and Enforcement Center, (310) 322-2066, ext. 10

Additionally, there are no requirements for 14 CFR part 145 air agencies to submit and acquire FAA-mandated drug and alcohol testing programs. **Airworthiness inspectors must not require repair stations to obtain these programs.**

An air carrier operating under 14 CFR part 121 and/or part 135 cannot use any contractor to perform safety-sensitive functions unless the contract employee is covered under that air carrier's FAA-mandated drug and alcohol program or covered under the contractor's

own FAA-mandated drug and alcohol program. If a 14 CFR part 121 or part 135 certificate holder uses a 14 CFR part 145 air agency to perform maintenance/preventive maintenance work, the 14 CFR part 145 air agency can comply with the drug and alcohol testing regulations by choosing one of the following:

- It may be included in the 14 CFR part 121 or part 135 certificate holder's drug and alcohol program for whom they are performing safety-sensitive duties;
- It may choose to have a drug and alcohol program by obtaining an A449 paragraph in their Operations Specifications; or
- It may choose to have a program registration obtained from the Drug Abatement Division that may cover multiple certificates, locations, or functions for the same company.

The current 14 CFR part 145 Operations Specifications paragraph A004 states that the certificate holder is not authorized to conduct operations for 14 CFR part 121 or part 135 certificate holders without the issuance of paragraph A449. AFS-300 will be revising paragraph A004 to correct any restrictions on a 14 CFR part 145 certificate holder from performing safety-sensitive functions when that 14 CFR part 145 certificate holder chooses not to have a paragraph A449 because it has complied with an FAA-regulated drug and alcohol testing program in one of the ways listed above.

To avoid any confusion in the future, any non-standard paragraph language within Operations Specifications paragraph A449 must be coordinated with Diane J. Wood, Manager of the Drug Abatement Division, AAM-800.

If you have any further questions, please contact your manager.