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## **Statement for the Record**

**Submitted by the  
Aeronautical Repair Station Association**

**House Transportation & Infrastructure Committee**

**“FAA Reauthorization: Reforming and Streamlining the  
FAA’s Regulatory Certification Processes”**

**January 21, 2015**



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January 21, 2015

The Honorable Bill Shuster  
Chairman  
House Committee on Transportation  
& Infrastructure  
2167 Rayburn House Office Building  
Washington, DC 20515

The Honorable Peter DeFazio  
Ranking Member  
House Committee on Transportation &  
Infrastructure  
2167 Rayburn House Office Building  
Washington, DC 20515

**RE: Statement for the Record January 21 Hearing, "FAA Reauthorization: Reforming and Streamlining the FAA's Regulatory Certification Processes"**

Dear Chairman Shuster & Ranking Member DeFazio:

The Aeronautical Repair Station Association (ARSA) thanks you for the opportunity to submit a statement for the record about the Federal Aviation Administration's (FAA) certification process.

ARSA is an international trade association with a distinguished record of representing certificated aviation maintenance facilities before Congress, the FAA, the European Aviation Safety Agency (EASA), and other civil aviation authorities (CAAs). ARSA's primary members are companies holding repair station certificates issued by the FAA and other CAAs around the world. These certificates are our industry's "license to do business." They authorize companies to perform maintenance, preventive maintenance and alterations on civil aviation articles, including aircraft, engines, and propellers, and components installed on these products. Repair stations perform this essential work for airlines, the military, and general aviation owners and operators.

ARSA members are routinely plagued by the FAA's inconsistent application of its regulations; the lack of consistency threatens aviation safety, economic growth and job creation. The lack of regulatory standardization particularly impairs small businesses, which are predominant in the civil aviation industry.

**ARC 313**

In the FAA Modernization & Reform Act of 2012 (P.L. 112-95), Congress mandated that the agency develop plans to streamline its certification process and address regulatory inconsistencies.

Specifically, Sec. 313 required the agency to convene an advisory panel to determine the root causes of inconsistent interpretation of regulations by the FAA Flight Standards Service and Aircraft Certification Service and develop recommendations to standardize the application of its aviation safety rules.

To comply with Sec. 313, the FAA formed the Aviation Rulemaking Committee for the Consistency of Regulatory Interpretation (ARC 313). ARSA was an ARC participant, which was tasked with developing recommendations to:

- Address the findings in the October 2010 report by the Government Accountability Office (GAO) on certification and approval processes (GAO-I 1-14) and other concerns raised by interested parties, including representatives of the aviation industry;
- Improve the consistency of interpreting regulations by the Flight Standards Service and Aircraft Certification Service; and

- Increase communications between the administration's Flight Standards Service and Aircraft Certification Service and applicants, certificate holders, and approval holders for the identification and resolution of potentially adverse issues in an expeditious and fair manner.

On November 30, 2012, ARC 313 submitted its final report, which contained three root causes behind inconsistent regulatory application:

- **Need for Clear Regulatory Requirements:** When a regulation is unclear, its application varies from one inspector to another and compliance differs among certificate holders. Over time, better analytical tools, new technologies and best practices change compliance techniques, creating further ambiguity.
- **Regulatory Application Training:** Training in regulatory development methodology and standard application and resolution protocols have not kept pace with changes either at the FAA or in the stakeholder community.
- **Culture:** General reluctance and/or failure by both industry and the FAA to work issues of inconsistent regulatory application through to a final resolution. Timeliness of decisions and a "fear of retribution" contribute to accepting an inconsistent regulatory application.

After identifying root causes for the inconsistent application of regulations, the ARC developed six recommendations. The primary recommendation was:

FAA's Flight Standards Service (AFS) and Aircraft Certification Service (AIR) review all guidance documents and interpretations to identify and cancel outdated material and cross-reference (electronically link) material to its applicable rule. Further, the ARC recommends the FAA expand its current Aviation Safety Information Management System (AVSIMS) initiative to consolidate the service organization-level libraries into a single AVS master electronic database resource, organized by rule, to allow agency and industry users access to relevant rules and all active and superseded guidance material and related documents.

#### ***Implementation of Recommendation***

Despite ARC 313's specific recommendation for a single source of regulatory compliance information that would include not only the regulation and its preamble, but also internal and external guidance (orders, handbooks, advisory circulars, legal interpretations, court decisions, etc.), the FAA continues to delay. The agency states that consolidation of its regulatory compliance information would be problematic due to lack of resources to sort through the existing information and eliminate duplicity and inconsistency. The FAA's wish to "study" methodologies and existing databases to determine which would be most compliant with the recommendation is an example of the agency overcomplicating an ongoing issue rather than seeking an immediate, medium- and long-term solution.

The industry cannot wait for the agency; ARSA has developed a simple excel spreadsheet to test a process of consistent issue resolution. That spreadsheet will be used in conjunction with the FAA's Consistency and Standardization Initiative to refine a regulatory compliance database capable of gathering readily available interpretative material as well as later-discovered information. By constant monitoring and updating, the library will continue to grow while inconsistent, duplicative and incorrect information is identified for change or elimination.

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***Conclusion***

ARSA looks forward to working with Congress and the FAA to achieve consistency in regulatory application through currently available resources. Further agency delay is unacceptable.

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