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Session 205: Regulatory Ramifications

MRO Asia Pacific
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Sarah MacLeod, Executive Director

About the Aeronautical Repair Station Association

[ARSA](#) is devoted to the worldwide civil aviation maintenance industry—from its global corporations to the small, independent businesses. [ARSA](#) members are located on five continents and in nearly 20 countries.

The association's experts create tools for members to navigate the maze of government mandates while enhancing safety, efficiency and productivity.

[ARSA](#) is managed by the law firm of [Obadal, Filler, MacLeod & Klein, P.L.C.](#), which provides management, government affairs, and legal services to trade associations and transportation-centric companies.

About Obadal, Filler, MacLeod & Klein, P.L.C.

[OFM&K](#) is a boutique law firm based in Alexandria, Virginia (across the river from Washington, D.C.).

It provides management, government affairs and legal services to trade associations and transportation-centric companies with particular emphasis on international aviation safety regulations.

It helps clients navigate the maze of government mandates while enhancing safety, efficiency and productivity.

About the Presenter – Sarah MacLeod

[Sarah MacLeod](#) is managing member of [OFM&K](#) and a founder and executive director of the [Aeronautical Repair Station Association](#). She has advocated for individuals and companies on international aviation safety law, policy and compliance issues for 30 years.

Ms. MacLeod obtained a bachelor's degree from Evergreen State College, Olympia, Washington and a law degree from Catholic University of America.

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In addition, the application of this material is always dependent on the particular facts and circumstances involved. The use of this material is therefore at your own risk.

Questions Posed

How have regulatory extensions and waivers affected aftermarket operations, and what challenges does the inevitable “catch-up” phase present?

What opportunities have been created during the pandemic?

We are now seeing remote inspections, alternative audit procedures as well as other new measures from social distancing. How has this made the oversight process more efficient?

Regulatory Response – International Resources

- ICAO – www.icao.int/Security/COVID-19.
- EASA – www.easa.europa.eu/the-agency/coronavirus-covid-19
- TCCA – tc.canada.ca/en/initiatives/covid-19-measures-updates-guidance-issued-transport-Canada
- ANAC Brazil – www.anac.gov.br/en/news/2020/coronavirus-key-information-for-air-transport-sector
- UK CAA – www.caa.co.uk/COVID-19
- CASA (Australia) – www.casa.gov.au/about-us/covid-19-advice-industry
- CAAS (Singapore) – www.caas.gov.sg/covid-19-updates

Regulatory Response – The FAA

Flight Standards Information Management System (FSIMS)

COVID-19 Relief for Certificate Holders: Policy Deviations, Exemptions and Rule Changes

[fsims.faa.gov/Wdocs/AFS-1%20Memorandums/
COVID-19/COVID-19.htm](https://fsims.faa.gov/Wdocs/AFS-1%20Memorandums/COVID-19/COVID-19.htm)

Regulatory Response – The FAA

Key Updates

- (1) [Deviation from Maintenance Annex Guidance \(MAG\) renewal and change recommendations during COVID-19.](#)
- (2) [Operational Control Part 121 Air Carriers.](#)
- (3) Deviations to FAA Order 8900.1 for [14 CFR Part 145 Repair Stations](#) and [Repair Station Renewals.](#)
- (4) [Use of Video and Communication Technology \(VCT\)](#) and [Use of Remote Technology During the Performance of Inspections and Tests.](#)
- (5) Multiple exemptions for 121 and 135 operators regarding training, cabin crew and operational requirements.

Opportunity – Remote Connectivity

Pre-pandemic – In 2018, industry-wide coalition submits draft advisory circular to FAA “guidance for using remote connectivity technology and tools.” Agency agrees that rules allow for use of remote connectivity, promised guidance yet to materialize.

Pandemic-impact – White House directed U.S. government to “maximize telework...while maintaining mission-critical workforce needs.” In March/April 2020, both Flight Standards and Aircraft Certification release guidance. Bottom line: agency can allow any technology that achieves purpose of rules.

[arsa.org/remote-connectivity](https://www.arsa.org/remote-connectivity)

Opportunity – Overhauling Learning Standards

Pre-pandemic – Training entities forced to operate under rules requiring in-person instruction meeting time-based requirements.

Pandemic Impact – EASA and the FAA release guidance allowing virtual training opportunities for academic institutions; working groups continue towards certification standards focused on competency rather than seat time.

[arsa.org/covid19-international](https://www.arsa.org/covid19-international)

[arsa.org/part-147](https://www.arsa.org/part-147)

Opportunity – Workforce Growth

Pre-pandemic – Global aviation workforce (both flight crew and maintenance engineers) facing crisis-level career development challenges.

Pandemic Impact – Disruptions in passenger traffic and resulting fleet, supply and personnel cutbacks reduce global labor force. FAA following through on existing mandates to invest in workforce development, ARSA pressing on policies related to use of repairman certificates as mechanism to support technician career development.

[arsa.org/workforce](https://www.arsa.org/workforce)

[arsa.org/grant-program](https://www.arsa.org/grant-program)

[arsa.org/ac-65-30](https://www.arsa.org/ac-65-30)

[arsa.org/repairmen](https://www.arsa.org/repairmen)

Efficiencies Gained – Refocus on the Basics

Performance based rules

- Measure compliance based on outcome, rather than process alone.
- Example is in 14 CFR § 43.13(b) performance standard of “original or properly altered condition”.
- Afford flexibility to adapt to changing work demands while meeting basic standards.
- Reminds everyone that aviation connects the world and when it slows or stops economies suffer.

Efficiencies Gained – Focus on the Basics

In America – If It Isn't Prohibited, It's Allowed

- Regulatory standards are inclusive; certificate/approval holders may comply using a wide range of acceptable means.
- Agencies reluctant to allow change or innovation drives prescriptive compliance actions.
- Industry has a better opportunity to embrace new ways of designing, producing, operating or maintaining aircraft while meeting basic performance standards today and in the future because of this worldwide crisis.

Efficiencies Gained – Focus on the Basics

- Everything needs maintenance—thanks to every individual with the ability to work with their hands and the talent to be in aviation
 - Parked aircraft
 - Repositioned assets
 - Tools, tooling, equipment and test apparatus
 - Expanding knowledge and scope of work or customers (other industries)
- Taking the lessons into the future
 - Embrace “emerging” technologies—acknowledge the advantages and mitigate the disadvantages.
 - Be results oriented—there is always more than one way to get something done right.

ARSA's Anti-Viral Measures Page

For the use of its members and the larger aviation community, ARSA is maintaining this page as a resource for virus-related updates on policy initiatives and business needs. Please bookmark this page, as the association's team will use it as a central point of communication on the topic.

arsa.org/anti-viral-measures

ARSA Works Page

For the use of its members and the larger aviation community, ARSA constantly works toward the “world aviation regulations” – unfortunately, resources constrain the majority of the efforts toward the FAA, Transport Canada, EASA and the Brazilian ANAC. However, the work done in the United States certainly can impact the international aviation industry and without maintenance, pilots cannot fly.

arsa.org/arsa-works

Questions?



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