

December 27, 2021

Original Delivered by Email
Delivery and Read Receipts Requested: steve.dickson@faa.gov

The Honorable Steve Dickson
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, D.C. 20591

RE: Proposed Aviation Rulemaking Advisory Committee Task – Instructions for Continued Airworthiness

Dear Administrator Dickson:

The Federal Aviation Administration's (FAA) enforcement of rules requiring aircraft manufacturers to provide, and maintainers to possess, maintenance information has been inconsistent for decades. We urge you to assign the Aviation Rulemaking Advisory Committee (ARAC) the enclosed proposed task directing a study of the issue and requesting a report with recommendations to address the regulatory concerns.

Title 14 CFR § [21.50\(b\)](#) and its [predecessors](#) require design approval holders (DAH) to prepare "instructions for continued airworthiness" (ICA or maintenance manuals) and to make that information available to persons required to comply with the ICA terms. Owners are required to ensure the information is followed; maintenance providers are required to possess and/or perform maintenance in accordance with the information (see §§ [43.13](#), [145.51](#) and [145.109](#)).

The lack of clear guidance regarding DAH obligations has led to the proliferation of practices that are inconsistent with the language and intent of ICA requirements, including absolute refusals to provide data, onerous licensing policies, and economically impractical pricing.

The situation negatively impacts many categories of regulated stakeholders. Repair stations (the majority of which are small and medium-size entities) are forced to forego business opportunities or expend considerable financial and human resources to obtain ICA. General and commercial aviation customers find maintenance options limited and prices increased to offset manual costs. DAHs that do create and make the information available are treated differently by the agency than those that are not following the requirements. Since some of the offenders are foreign DAHs, U.S. companies are disadvantaged internationally.

In establishing its rules, the agency determined that access to and possession of ICA is important to safety. However, FAA's nebulous enforcement regime represents a weak link in the airworthiness chain. The alternative for a repair station denied access to ICA is to develop its own maintenance instructions in a manner consistent with FAA rules. However, doing so is costly and the proliferation of numerous alternative repairs by

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multiple entities for the same product or article is inconsistent with a single safety standard. Assigning the task would initiate a process by which all impacted stakeholders engage with the agency to develop a workable regulatory and enforcement framework for maintenance data access that furthers the FAA's core safety mission.

To aid in prioritizing the assignment of this task, we point to President Biden's July 9, 2021 Executive Order (EO) ("[Promoting Competition in the American Economy](#)") establishing a whole-of-government policy to address overconcentration, monopolization, and unfair competition. Agencies are directed to consider and address the impact of regulations on industries under their jurisdiction. The proposed task is consistent with and in furtherance of the EO's objectives.

With the foregoing in mind, the draft task directs ARAC, *inter alia*, to:

- Perform a comprehensive review of past and current FAA regulations and related internal and external guidance material and to explore how other federal agencies handle requirements to provide information like ICA.
- Develop a report with recommendations on guidance and/or regulatory changes to define the words and terms, clarify the DAH obligations to develop and make ICA available, create methods to identify and provide access to ICA, and create mechanisms to accept complaints, resolve disputes and enforce obligations.

The undersigned organizations support the assignment of the task to ARAC so the issue may be vetted and resolved by interested parties.

Thank you for your consideration.

Sincerely,

Sarah MacLeod
Executive Director
Aeronautical Repair Station Association
121 North Henry Street
Alexandria, VA 22314-2905
703.739.9543 Ext. 114
sarah.macleod@arsa.org

Ric Peri
Vice President, Government & Industry
Affairs
Aircraft Electronics Association
601 Pennsylvania Ave, NW
Suite 900, South Building
Washington, DC 20004-3647
202.589.1144
ricp@aea.net

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Jim Coon
Senior Vice President, Government Affairs
and Advocacy
Aircraft Owners and Pilots Association
50 F Street, NW
Suite 750
Washington, DC 20001-1578
202.851.7501
jim.coon@aopa.org

Robert Ireland
Managing Director, Engineering &
Maintenance
Airlines for America
1275 Pennsylvania Avenue, NW
Suite 1300
Washington, DC 20004-2450
202.626.4228
rireland@airlines.org

Michele Dickstein
President
Aviation Suppliers Association
2233 Wisconsin Avenue, NW
Suite 503
Washington, DC 20007-4104
202.347.6896
michele@aviationsuppliers.org

Crystal Maguire
Executive Director
Aviation Technician Education Council
Post Office Box 234
Jenks, OK 74037-0234
703.548.2030
crystal.maguire@atec-amt.org

Yvette Rose
Senior Vice President
Cargo Airline Association
1620 L Street, NW
Suite 610
Washington, DC 20036-5605
202.293.1030
yrose@cargoair.org

Zac Noble
Director, Maintenance & Technology
Helicopter Association International
1920 Ballenger Avenue
Alexandria, VA 22314-2898
703.683.4646
zac.noble@rotor.org

Jason Dickstein
President
Modification and Replacement Parts
Association
2233 Wisconsin Avenue, NW
Suite 503
Washington, DC 20007-4104
202.628.6777
jason@washingtonaviation.com

George Paul
Vice President, Technical Services
National Air Carrier Association
1735 North Lynn Street
Suite 105
Arlington, VA 22209-2013
703.358.8063
gpaul@naca.aero

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John McGraw
Vice President, Regulatory Affairs
National Air Transportation Association
818 Connecticut Avenue, NW
Suite 900
Washington, DC 20006-2733
202.774.1535
jmcgraw@nata.aero

Stewart D'Leon
Director, Director, Environmental &
Technical Operations
National Business Aviation Association
1200 G Street, NW
Suite 1100
Washington, DC 20005-3814
202.737.4479
sdleon@nbaa.org

John Goglia
Chairman
Professional Aviation Maintenance
Association
Post Office Box 1245
Sangus, MA 01906-1245
703.597.4502
gogliaj@gmail.com

Bill Whyte
Vice President, Aviation Operations
and Technical Services
Regional Airline Association
1201 15th Street, NW
Suite 430
Washington, DC 20005-2899
202.367.1212
whyte@raa.org

Enclosure: Draft ARAC Task Assignment Notice (Microsoft Word .docx formatting)

cc Mr. Chris Rocheleau chris.rocheleau@faa.gov
Associate Administrator, Aviation Safety (Acting)
Mr. Robert Carty robert.carty@faa.gov
Executive Director, Flight Standards Service (Acting)
Mr. Tim Adams timothy.adams@faa.gov
Executive Director, Office of Rulemaking (Acting)
Ms. Kate Howard, Deputy Assistant Administrator for katherine.howard@faa.gov
Government and Industry Affairs
Jana Lozano, Acting Deputy Administrator, Senior jana.lozano@faa.gov
Congressional Liaison Specialist (AVS)
Ms. Glendola Salisbury, Executive Staff Assistant, glendola.salisbury@faa.gov
Office of the Administrator