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April 14, 2022

Original Submitted Via: www.regulations.gov

U.S. Department of Transportation
Docket Operations
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RE: Comments on Airworthiness Directives; MARS A.S. Parachutes
Docket Nos. FAA-2022-0149 & FAA-2022-0289

On Feb. 25, the FAA [issued](#) an Airworthiness Directive (AD) for certain MARS A.S. emergency parachutes, which became effective on March 14. On March 21, the agency [superseded](#) the original AD, effective April 5, based on updated mandatory continuing airworthiness information (MCAI) from the European Aviation Safety Agency (EASA).

The FAA lacks authority to issue an AD against the subject parachute.

According to [14 CFR § 39.3](#), “FAA’s airworthiness directives are legally enforceable rules that apply to the following products: aircraft, aircraft engines, propellers, and appliances.”

Determining applicability of [14 CFR part 39](#) depends upon the general definitions set forth in [§ 1.1](#) for those named items. Section [1.1](#) states—

Aircraft means a device that is used or intended to be used for flight in the air.

Aircraft engine means an engine that is used or intended to be used for propelling aircraft. It includes turbosuperchargers, appurtenances, and accessories necessary for its functioning, but does not include propellers.

Appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine, or propeller.

Propeller means a device for propelling an aircraft that has blades on an engine-driven shaft and that, when rotated, produces by its action on the air, a thrust approximately perpendicular to its plane of rotation. It includes control components normally supplied by its manufacturer, but does not include main and auxiliary rotors or rotating airfoils of engines.

Parachute means a device used or intended to be used to retard the fall of a body or object through the air.

In addition to the definitions in [§ 1.1](#), neither [§ 91.307](#) or part [105](#) classify a parachute as a product to which part [39](#) is applicable. Though [§ 105.3](#) explains “[a]pproved parachute means a parachute manufactured under a type certificate or a Technical Standard Order,” the applicability of part [39](#) does not include all articles for which a TC or TSO exists, only those that fit the definition of appliance from [§ 1.1](#).

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In 2021, the Aeronautical Repair Station Association [sought clarification](#) from the FAA on its presumed authority to issue an AD against a parachute. In the exchange based on Docket No. [FAA-2021-0336](#), the agency cited the statutory definition of “appliance” in [49 U.S.C. § 40102\(11\)](#):

“appliance” means an instrument, equipment, apparatus, a part, an appurtenance, or an accessory used, capable of being used, or intended to be used, in operating or controlling aircraft in flight, including a parachute, communication equipment, and another mechanism installed in or attached to aircraft during flight, and not a part of an aircraft, aircraft engine, or propeller. (Emphasis added.)

The agency’s reliance on the clumsy inclusion of “parachute” as an example in this language fails to consider the prerequisites in both that definition and also [§ 1.1](#), which require the item—

- (1) Be used, capable of being used, or intended to be used in operating or controlling aircraft in flight.
- (2) Be installed in or attached to aircraft during flight.
- (3) Not be a part of an aircraft, aircraft engine, or propeller.

Parachutes utilized by the [Cirrus Airframe Parachute System \(CAPS\)](#) may meet those requirements. However, supplementary information in the *Federal Register* for the subject ADs noted they applied “to MARS A.S. ATL-88/90-1B (commercially known as ATL-15 SL) emergency parachutes.” According to public 3rd party [sales information](#) and a 2016 [Operation and Maintenance Manual](#), the model “is designed as personal parachute assemblies for flight crew equipment and for passengers in emergency situation (sic).”

Since such “personal parachute assemblies” are not installed in or attached to an aircraft nor are they used, capable of being used or intended to be used in operating or controlling an aircraft in flight, the device at issue fails to meet either the statutory or regulatory definition of “appliance.” Based on this analysis, the FAA does not have authority under [§ 39.3](#) to issue the subject ADs and must withdraw them.

Sincerely,



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