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Federal Aviation Administration,
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SUBJECT: Comments to FAA-2021-0419: NPRM, Safety Management Systems

The Aircraft Electronics Association (AEA) as well as the Aeronautical Repair Station Association (ARSA) jointly do not support the FAA's proposed expansion of 14 CFR part 5 to repair stations certificated under 14 CFR part 145. Together the AEA and ARSA represent over one-third of all FAA certificated repair stations.

While the membership of both associations is passionate about safety, the addition of part 5 to the extensive safety standards already governing repair stations is redundant, expensive, and unnecessary. The regulations governing repair stations already require the highest level of safety. They require every product worked on to be returned to a safe condition. In addition, the regulations also require continuous improvement. With respect to repair stations, this Notice of Proposed Rulemaking is a solution looking for a problem.

The repair station industry represents approximately 4,900 certificated Air Agencies, roughly 10% of the repair stations are rated to perform aircraft maintenance on transport category aircraft, while approximately 20% additional repair stations perform work on aircraft utilized for commuter and on demand operations. More than half of the certificated repair stations are small businesses with little to no direct impact on commercial or international commerce.

The implementation of 14 CFR part 5 in 2015 was estimated to cost $135.1 million According to the FAA "as of January 6, 2012, there were 90 part 121 certificate holders." This equates to an implementation cost on average of $1.5 million per air carrier. The FAA offset this excessive implementation cost with perceived benefits from provisions of the rule and any consequent safety mitigation actions at $1.1 to $2.7 million.

While 90 part 121 certificate holders represents less than 2% of the total repair station population extrapolating the FAA's implementation cost to 4,900 certificate holders the cost would exceed $7.3 billion. In addition, evaluating the FAA's 2001 repair station final rule the FAA estimated that updating an existing repair station's manuals would cost $3,000 annually (adjusted for inflation). The current required repair station quality management system is highly effective, provides redundant quality checks and produces safe products. There simply are no

benefits from provisions of the rule and any consequent safety mitigation actions to remotely offset the high implementation costs of a redundant management system.

FAA Request for Comments:

- Should the FAA consider a future rulemaking project to expand the applicability of part 5 to include repair stations certified under Part 145?
  - No.

- Should the FAA consider applying part 5 to all certificated Part 145 repair stations?
  - No.

- Should applicability be limited to a subset of part 145 repair stations?
  - No.

The Notice of proposed rulemaking is misleading. As published in the NPRM, the "FAA proposes to update and expand the requirements for safety management systems (SMS) and require certain certificate holders and commercial air tour operators to develop and implement an SMS." However, based on the questions asked, the agency assumes that SMS and part 5 are synonymous. This is not the case and should not be assumed. Part 5 was developed and published as a means of compliance for the implementation of a Safety Management System for air carriers.

According to the FAA's final rule, Safety Management Systems for Domestic, Flag, and Supplemental Operations Certificate Holders dated 01/08/2015 (80 FR 1307), part 5 "is part of the FAA's efforts to continuously improve safety in air transportation by filling gaps through improved management practices. SMS's proactive emphasis on hazard identification and mitigation, and on communication of safety issues, will provide air carriers with robust tools to improve safety."

Part 5 is the wrong application for part 145 repair stations. Unlike the identified "gaps" in the management practices of Domestic, Flag, and Supplemental Operations Certificate Holders as identified in the 2015 rulemaking, the management practices of part 145 repair stations are contained within 14 CFR part 145, and the FAA has not identified any "gaps" in the management practices of repair stations that the adoption of part 5 would resolve.

A repair station is already required to establish and maintain a quality control system to assure airworthiness (14 CFR 145.211(a)). Airworthy means the aircraft conforms to its type design and is in a condition for safe operation (14 CFR section 3.5). Therefore, every repair station is already required to assure that every article to which it performs maintenance on "is in a condition for safe operation." The only justification for enhancing the existing "safety" system of a repair station would be to identify significant, unidentified quality escapes which simply do not exist.

Part 145 already has a robust quality management system as required by 14 CFR section145.209 and 211. This is not to assume that the quality management system is perfect and that it could not be enhanced with continuous improvement however, the FAA is already overseeing repair station certification and operations through its Safety Assurance System with many of the

elements contained within SMS such as risk assessment and management, change management, and promotion and outreach.

The FAA should declare 14 CFR part 145 combined with the Agency safety assurance oversight of repair station to be SMS complaint. Only slight changes in part 145 to include promotion and communications of the quality management system could be enhanced.

Recognizing that 14 CFR part 145 and the FAA's SAS requirements is compliant with ICAO annex 19 satisfies several requirements. First, it shows the FAA's leadership position in developing cost-effective safety regulations. Second, by recognizing that the certificated repair stations are already SMS compliant, large multi-discipline organizations that implement a part 5 corporate management system can recognize that the repair station regulations meet the part 5 requirements.

Sincerely,

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Vice President, Government & Industry Affairs   Executive Director
Aircraft Electronics Association   Aeronautical Repair Station Association