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Kevin Kung
Aviation Safety Engineer
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1600 Stewart Avenue
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RE: Authority for Issuance of Airworthiness Directive; Docket No. FAA-2023-[0666](#)

Dear Mr. Kung:

On July 19, the FAA [issued](#) an Airworthiness Directive (AD) for certain Survitec Group Limited (RFD Beaufort Ltd.) Life Jackets, which became effective on Aug. 23. This letter questions the agency's authority to mandate the action.

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." Based on the [statute](#) and the regulatory definitions provided in [§ 1.1](#), a life jacket is certainly not an [aircraft](#), [aircraft engine](#), or [propeller](#), so it must be considered against the three-part definition of "[appliance](#)." Though an individual [flotation device](#) (1) can be attached to an aircraft and (2) is not part of an airframe, engine, or propeller, it is not clear how one is (3) [used](#) or intended to be used in operating or controlling an aircraft in flight.

Title [14 CFR](#) includes numerous obligations related to "life preservers" in the form of airworthiness standards, e.g., §§ [25.1415](#), [27.1415](#), [29.1415](#), and operating requirements, e.g., §§ [91.509](#), [121.339](#), [135.167](#). The rules mandate equipment of approved life preservers for extended overwater operations, but requiring an item as prerequisite for an operation does not equate to utilization "for the purpose of air navigation" (see the definition of "operate" in [§ 1.1](#)).

While it is possible for a seemingly non-aviation device, such as a [clock](#) necessary for navigation under instrument flight rules (see Nkugba, Legal Interpretation, [2016](#)) to qualify as an appliance, not all items required for operation can meet the necessary standards. For example, [§ 121.137](#) prohibits operation "unless either the 'No Smoking' passenger information signs are lighted during the entire flight, or one or more 'No Smoking' placards...are posted during the entire flight segment." Such signs and placards are surely required for the subject operation but are not used in operating or controlling the aircraft in flight (a search of the agency's Dynamic Regulatory System returns only one AD impacting placement of a placard, which related to use of a particular [Terrain Awareness Warning System](#) in VOR navigation).

Considering the relevant statutory and regulatory definitions and the scope defined by part [39](#), ARSA questions the agency's authority to issue the subject AD.

Sincerely,

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