



News from the Hill

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AEA's Wide World of Shorts: Short Takes on the Government Issues Affecting Avionics Repair Stations

There is plenty going on in the world that affects us this month, so this month's article is a survey of some of the most salient regulatory and legislative changes that will affect avionics shops.

Some of these blurbs are updates of continuing issues while others are brand new issues facing the avionics community. All of them are likely to affect AEA's membership in significant ways.

New 145 Manual Guidance

In case you haven't noticed the flurry of emails on this subject, the FAA published Advisory Circular 145-9 on July 3. This is the long awaited repair manual guidance that is meant to help repair stations develop the new manuals that will take the place of the Inspection Procedures Manual (IPM)

You can find a copy of this AC at <http://www.aea.net/AC145-9.pdf>. If you have not yet obtained this critical piece of guidance, then get it now!! AEA expects to make other compliance tools available very soon.

145 Implementation Deadline

The new 145 rule is scheduled to go into effect on October 3. This date

represents a postponement of the original implementation date based on a petition that AEA filed. AEA has filed another petition asking for an extension because the advisory guidance came out so late—just three months before the implementation date (by this date the new manuals must be complete and ready for implementation). We were joined on this petition by several other industry trade associations as well and we will make sure that if the FAA grants our extension, we will send word out to the AEA members.

Maintenance Manual Law

Many people were closely watching the maintenance manual provision in the FAA Reauthorization Bill (HR 2115). The clause would have required the FAA to enforce the existing rule that requires manufacturers to create and make available their maintenance manuals. Arguably, the new law might have expanded the scope of what must be made available and to whom it must be made available.

AEA had members who supported that language and members who opposed it. The provision was dropped by Congress in this year's

bill, although supporters of the provision have vowed to keep up the fight in the next Congress.

New Hazmat Training for Repair Stations

The industry has until September 5 to comment on a proposed hazmat rule that would expand the hazmat training requirements for many repair stations.

Under the current rules, any person who makes decisions concerning the transportation of hazardous materials is required to be trained in hazmat topics. The rules covering the curriculum for this training are fairly comprehensive. This has been less of an issue for avionics repair stations, simply because there are fewer hazmats in an avionics shop than there are in other types of repair stations. For example, in an engine shop, any part that has residual fuel in it is considered to contain hazmat. In an avionics shop, most of the hazmats are likely to be things like cleaning solutions or solvents.

The proposed rule would require all new repair stations to certify that their personnel are in compliance with the hazmat training requirements. This appears to be an additional requirement that supplements the existing

hazmat record-keeping requirements.

More importantly, the proposed rule expands the scope of who is required to be hazmat-trained—adding all personnel involved in acceptance, rejection, and handling of material owned or used by an air carrier customer. The proposed regulation contradicts itself by requiring personnel to be trained according to the repair station's own program, but also according to the program of each carrier for which the repair station does work (effectively requiring redundant separate training for each air carrier customer). This dual training standard could make things difficult for repair stations with a significant air carrier business.

Finally, there is an ambiguous employee notification requirement that requires employers to tell all of their employees (not just hazmat employees) about carrier hazmat specs. This particular section remains ambiguous—it is not limited to carriers that are customers of the repair station—so it could be enforced to include carriers used for transportation of parts, as well. Obtaining these operations specifications could be a problem for some repair stations.

This is a problematic proposal—affected members (and the new proposed regulatory language will greatly expand the scope of who is affected) should file comments with the FAA before the September 5 deadline.

Design Organization Certificates

There have been many complaints about the FAA's ability to keep up with the demands of certification programs. The FAA has relied more and more heavily on the designee programs to make certification findings and decisions. Congress has recognized this trend and authorized the FAA to 'take the next step' in delegating certification decisions to the specialized designees.

In 2010, the laws will change to establish a design organization certificate. Congress has given the FAA seven years to prepare for this new certificate. As part of the preparation process, the FAA is required to give Congress a plan for the development and oversight of a system for certification of design organizations to certify regulatory compliance for type certificates (this plan is due by the year 2007).

Under this rule, design organizations would be able to effectively take the place of the FAA on rote engineering analysis and approval, leaving the FAA free to concentrate on oversight. This would free up FAA resources so that other areas requiring a greater degree of discretion (like enforcement) may become a higher priority for the FAA.

The regulatory underpinnings for this program have already been created—the Aviation Rulemaking Advisory Committee created (and recommended to the FAA) regulations for Organizational Delegated Authority several years ago (AEA was represented on this committee by Terry Pearsall and Jason Dickstein). AEA has been intimately involved in this program—AEA's ADEOS program was a demonstration project to prove that such a program could work. ADEOS showed that such a program effectively assuring compliance under FAA supervision while reducing the FAA's workload and permitting scarce FAA resources to be devoted to other priorities.

A&P Mechanic Curriculum Standards

Congress is now requiring the FAA to update and revise the training standards and curricula for A&P mechanics. This is a significant step toward making this curriculum meet the needs of the modern repair station (and avionics) community.

The FAA shall perform its initial assessment in the next year and thereafter shall be responsible for updating the curricula every three years. This is meant to assure that training standards reflect current technology and maintenance practices. AEA has already collected ideas about maintenance training from its members, but if you have any additional ideas, please communicate them to the Association and to the FAA.

Increased Emphasis on FAA Inspector Training

Congress has also commissioned two studies—one to assess FAA inspector workload and one to assess FAA inspector training. Both of these are due in one year.

The Comptroller General shall conduct the training study, which will focus on whether FAA inspectors are getting the training on new technologies that they need (the ones that attend AEA's Annual and Regional Meetings are!). The National Academy of Science shall conduct the workload study and shall help develop staffing models that will allow the FAA to better staff important projects.

Foreign Repair Stations

AEA has many non-U.S. repair station members, and many of them hold Part 145 certificates issued by the FAA. A new law will affect those members' relationships with the United States government.

Under the new law, the U.S. government shall perform a security review and audit of foreign repair stations that are certified by the FAA under Part 145, and that work on air carrier aircraft and components.

There are no standards yet for what a repair station's security program should include. Regulations establishing these standards should be issued within 240 days after the date of enactment.

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ment (in about eight months). After the regulations are promulgated, non-U.S. repair stations will have 18 months to get audited. If the United States is unable to complete all of the security audits within the 18 month window, then the United States will be barred from issuing foreign repair station certificates until the audits of existing repair stations are complete – this could be quite serious for non-U.S. repair stations, since they are generally required to be recertificated on an annual or bi-annual basis.

The United States does not issue Part 145 repair station certificates to Canadians – instead the U.S. accepts maintenance performed by Canadian Aviation Maintenance Organizations

(AMOs) under the existing U.S. regulatory scheme. This means that Canadian AMOs will not be subject to these security audits (yet).

There is currently no security audit requirement for domestic repair stations—it would not be surprising if foreign governments retaliated by imposing additional requirements on U.S. repair stations wishing to perform work on foreign certificated repair stations (particularly some of the JAA/EASA nations).

Increase in Civil Penalties

The FAA Reauthorization Bill increases the amount of civil penalties from \$1000 per violation to \$25,000 per violation (\$10,000 for individuals and small businesses). This makes compliance especially

important – which makes your AEA membership even more valuable. If you have a compliance question, be sure to contact me at jason@aea.net or AEA's Vice President of Government Affairs Ric Peri at ricp@aea.net. Our role in AEA is to protect your business and help you comply with the regulations, so be sure to make use of the resources that AEA has available! q



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