

Advisory Circular 20.42D, Hand Fire Extinguishers for
use in Aircraft (draft)

Comments on the Draft Advisory Circular
Submitted by email to john.petrakis@faa.gov

**Submitted by the
Aviation Suppliers Association**
2233 Wisconsin Ave, NW, Suite 503
Washington, DC 20007

**For more information, please contact:
Jason Dickstein
General Counsel
(202) 628-6776**



Aviation Suppliers Association
2233 Wisconsin Ave, NW, Suite 620
Washington, DC 20007
Voice: (202) 347-6899
Fax: (202) 347-6894

Info@aviationsuppliers.com

Respond to: Jason Dickstein
Direct Dial: (202) 628-6776
Jason@washingtonaviation.com

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Submitted by email to john.petrakis@faa.gov

November 7, 2009

John Petrakis
FAA Technical Programs
& Continued Airworthiness AIR 120
950 L'Enfant Plaza, 5th Floor
Washington, DC 20024

Dear Mr. Petrakis:

Please accept these comments on the proposed AC, which was offered to the public for comment.

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Dear John:

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Thank you for providing ASA with this opportunity to comment on the draft Advisory Circular 20-42D, Hand Fire Extinguishers for use in Aircraft. 3

Chapter 2, section1(a) of the draft advisory circular states "[the FAA] approve[s] hand fire extinguishers to be used on aircraft under the provisions of 14 CFR § 21.305(d). 4

Many fire extinguishers contain chemical agents that are considered hazardous materials under Title 49 of the Code of Federal Regulations, such as compressed

<i>carbon dioxide. Such fire extinguishers are considered to be hazardous materials under Title 49.</i>	4
<i>Under 49 C.F.R. 175.3, hazardous materials are forbidden from being transported on an aircraft. Section 175.8(a)(2) provides an exception for hazardous materials required aboard an aircraft in accordance with the applicable airworthiness requirements and operating regulations. Fire extinguishers required by type design fit into this exception.</i>	4
<i>It is therefore important, when a new fire extinguisher is approved, that it be approved as a change in type design, even if it is just a minor change to type design.</i>	4
<i>For this reason, we recommend that chapter 2, section 1(a) of the advisory circular be revised to state “We approve hand fire extinguishers to be used on aircraft under the provisions of 14 CFR §§ 21.95 and 21.305(d).”</i>	4
<i>This section also features a note that reads:</i>	4
<i>Note: Although 14 CFR parts 91 and 125 don’t require our approval of hand fire extinguishers, we consider the information this AC acceptable for use by Part 91 and 125 operators.</i>	4
<i>We recommend changing this to the following</i>	4
<i>Note: Although 14 CFR parts 91 and 125 don’t require our approval of hand fire extinguishers, Title 49 Code of Federal regulations (C.F.R.) forbids the carriage of fire extinguishers categorized as hazardous materials, like those containing compressed gas, unless they are a part of the aircraft’s design. We consider the information this AC acceptable for use by Part 91 and 125 operators seeking to obtain approval of a fire extinguisher in order to meet the requirements of Title 49 C.F.R. 4</i>	
Conclusion	5

Who is ASA?

Founded in 1993, ASA represents the aviation parts distribution industry, and has become known as an organization that fights for safety in the aviation marketplace.

ASA and ASA’s members are committed to safety, and seek to give input to the FAA regarding FAA policies so that the aviation industry and the government can work collaboratively to create the best possible guidance for the industry and the flying public.

Summary of the Comments

Thank you for providing ASA with this opportunity to comment on the draft Advisory Circular 20-42D, Hand Fire Extinguishers for use in Aircraft. ASA applauds the FAA’s efforts to update this important guidance.

FAA approval of hand fire extinguishers is an important element of the legal authority under Title 49 to carry such hand extinguishers. If an extinguisher is not adequately approved as a change to type design (minor or major, as the case may) then it would be illegal to carry such an extinguisher on an aircraft.

Comments on the Rule

Chapter 2, section1(a) of the draft advisory circular states “[the FAA] approve[s] hand fire extinguishers to be used on aircraft under the provisions of 14 CFR § 21.305(d).

Many fire extinguishers contain chemical agents that are considered hazardous materials under Title 49 of the Code of Federal Regulations, such as compressed carbon dioxide. Such fire extinguishers are considered to be hazardous materials under Title 49.

Under 49 C.F.R. 175.3, hazardous materials are forbidden from being transported on an aircraft. Section 175.8(a)(2) provides an exception for hazardous materials required aboard an aircraft in accordance with the applicable airworthiness requirements and operating regulations. Fire extinguishers required by type design fit into this exception.

It is therefore important, when a new fire extinguisher is approved, that it be approved as a change in type design, even if it is just a minor change to type design.

For this reason, we recommend that chapter 2, section1(a) of the advisory circular be revised to state:

We approve hand fire extinguishers to be used on aircraft under the provisions of 14 CFR §§ 21.95 and 21.305(d).

This section also features a note that reads:

Note: Although 14 CFR parts 91 and 125 don't require our approval of hand fire extinguishers, we consider the information this AC acceptable for use by Part 91 and 125 operators.

We recommend changing this to the following

Note: Although 14 CFR parts 91 and 125 don't require our approval of hand fire extinguishers, Title 49 Code of Federal regulations (C.F.R.) forbids the carriage of fire extinguishers categorized as hazardous materials, like those containing compressed gas, unless they are a part of

the aircraft's design. We consider the information this AC acceptable for use by Part 91 and 125 operators seeking to obtain approval of a fire extinguisher in order to meet the requirements of Title 49 C.F.R.

Conclusion

Your consideration of these comments is greatly appreciated.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jason Dickstein". The signature is written in a cursive style with a large, looped "J" and "D".

Jason Dickstein
General Counsel
Aviation Suppliers Association