

# Aviation Suppliers Association Quality Assurance Committee

## Government Affairs Updates

# Traceability

8130.21H; Incident-Accident ;  
UPN; TSA

## Order 8130.21H - What is it?

- The 8130-3 is the form by which the US verifies that an aircraft parts meets the airworthiness requirements when the US exports a part
- FAA Order 8130.21 provides the instructions for completing the 8130-3
- The FAA recently published the “H” revision, which becomes effective February 1, 2014

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## 8130.21H New Terminology

- Removes the term “Issuer” and replaces it with “Originator”
  - Clarifies that this is the person responsible for the approval process
    - FAA
    - FAA designee or ODA
  - Originator must confirm that the article meets the special import requirements of Japan; if Japan does not have special import requirements applicable to the article, then no special statement is required

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## 8130.21H Changes

- **Updates the look of the 8130-3 form**
  - Harmonized with TCCA and EASA forms
  - Removes the “eligibility” block
  - Changes the date format to dd/mm/yyyy
- **Reorganizes the Order**

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## 8130.21H Changes

- **Confirms that a distributor who is splitting a bulk shipment should keep the original 8130-3 form and ship copies with the split lot of parts**
- **For block 12 (remarks) the FAA has added new sample text to use:**
  - “If a specific batch or lot number is used to control or trace the product or article, enter the batch or lot number in this block”

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## Lot Splitting

- **Historically, there were two different concepts related to lot splitting:**
  - lot splitting by using a designee to issue a new 8130-3 (supplemental 8130-3)
  - lot splitting by providing a quality-assurance-controlled duplicate of the original 8130-3 tag

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## 8130.21H Concern

- **“H” revision suggests in 2-7(a)(1) that a “new 8130-3” is issued during lot splitting, when in fact typical lot splitting performed by post-production distribution would use a copy of the original form (rather than a newly issued form)**
- **FAA has pledged to correct this but will not be able to get it corrected before February**

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## Incident/Accident Statements

How does a National Transportation  
Safety Board definition affect your  
parts?

## Three Problems with Accident/Incident Certification

- **Problem 1: Availability**
- **Problem 2: Liability**
- **Problem 3: Usefulness**

## Problem 1: Availability

- **Problem 1: Availability**
  - Many sources of surplus parts are loathe to provide this sort of certification
  - Even when the seller is willing to provide the certification, this may be based on incomplete information
- **Problem 2: Liability**
- **Problem 3: Usefulness**

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## Problem 2: Liability

- **Assertion that part has not been involved in an accident or incident is a warranty**
- **Unless full history of the part is known, it is possible that the used part was installed on an aircraft that was involved in an accident or incident and YOU WON'T KNOW**
- **A subsequent problem on the aircraft could be blamed on the incorrect warranty**

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## Problem 3: Usefulness

- The terms “incident” and “accident” are not defined by the FAA
- The terms are defined by the NTSB
- The NTSB definitions do not address airworthiness of parts removed from such aircraft
  - They are primarily jurisdictional in nature

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## Aircraft Accident

NTSB Regs: 49 C.F.R. § 830.2

**Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage**

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## Incident

NTSB Regs: 49 C.F.R. § 830.2

**Incident means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations**

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## Incident or Accident?

*Aircraft crashed  
under unknown  
circumstances and  
sustained minor  
damage*

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## Incident or Accident?

*Aircraft crashed under unknown circumstances and sustained minor damage*

- INCIDENT
- Minor Damage to Aircraft
- No Significant Injury to Pilot, Crew or Passengers

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## Incident or Accident?

*Pilot was attempting to hand-prop the aircraft when he was struck by the propeller and sustained serious injuries*

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## Incident or Accident?

*Pilot was attempting to hand-prop the aircraft when he was struck by the propeller and sustained serious injuries*

- ACCIDENT
- Serious Injury to Person

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## Incident or Accident?

*Aircraft struck a coyote on take-off and sustained substantial damage to the left main outboard gear door*

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## Incident or Accident?

*Aircraft struck a coyote on take-off and sustained substantial damage to the left main outboard gear door*

- ACCIDENT
- Substantial Damage to Aircraft

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## Incident or Accident?

*GA Pilot forgot to lower gear and landed with minor damage to underside of aircraft and no injuries*

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## Incident or Accident?

*GA Pilot forgot to lower gear and landed with minor damage to underside of aircraft and no injuries*

- INCIDENT
- Minor Damage to Aircraft
- No Significant Injury to Pilot, Crew or Passengers

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## Incident or Accident?

*Aircraft was not in radio ATC but was observed squawking radio failure, aircraft landed on SR127 near SR420 south of Frankfort and was struck by a car causing minor damage to a wing*

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## Incident or Accident?

*Aircraft was not in radio ATC but was observed squawking radio failure, aircraft landed on SR127 near SR420 south of Frankfort and was struck by a car causing minor damage to a wing*

- INCIDENT
- Minor Damage to Aircraft
- No Significant Injury to Pilot, Crew or Passengers

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## Incident or Accident?

*Aircraft ground looped on landing at a grass strip and hit trees, other circumstances unknown*

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## Incident or Accident?

*Aircraft ground looped on landing at a grass strip and hit trees, other circumstances unknown*

- ACCIDENT
- Substantial Damage to Aircraft

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## Incident or Accident?

*Aircraft parts warehouse fire causes substantial damage to 15% of parts inventory but some areas of warehouse were untouched by flames and not subject to extreme heat*

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## Incident or Accident?

*Aircraft parts warehouse fire causes substantial damage to 15% of parts inventory but some areas of warehouse were untouched by flames and not subject to extreme heat*

- NEITHER AN ACCIDENT NOR AN INCIDENT
- Substantial Damage to Aircraft Parts was not Associated with the Operation of an Aircraft

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## Incident or Accident?

*America West Airlines aircraft was at 35,000 feet when it encountered turbulence, a flight attendant suffered minor injuries and was transported to a local hospital on landing, no other injuries were reported, no aircraft damage was reported, the aircraft landed without further incident*

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## Incident or Accident?

*America West Airlines aircraft was at 35,000 feet when it encountered turbulence, a flight attendant suffered minor injuries and was transported to a local hospital on landing, no other injuries were reported, no aircraft damage was reported, the aircraft landed without further incident*

- INCIDENT
- No Damage to Aircraft
- No Reported Injury to Pilot or Passengers
- Injuries to Crew not Significant

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## Incident or Accident?

*Delta Airlines aircraft was parked at the gate when it was struck by a baggage cart just forward of the rear cargo door, the aircraft sustained minor damage, no injuries were reported*

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## Incident or Accident?

*Delta Airlines aircraft was parked at the gate when it was struck by a baggage cart just forward of the rear cargo door, the aircraft sustained minor damage, no injuries were reported*

- INCIDENT
- Minor Damage to Aircraft
- No Significant Injury to Pilot, Crew or Passengers

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*Three days later...*

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## Incident or Accident?

*Continental Airlines aircraft was parked at the gate when it was struck by a catering truck, the aircraft sustained minor damage*

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## Incident or Accident?

*Continental Airlines aircraft was parked at the gate when it was struck by a catering truck, the aircraft sustained minor damage*

- **INCIDENT**
- **Minor Damage to Aircraft**
- **No Significant Injury to Pilot, Crew or Passengers**

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## Incident-Accident Statements

- **Has the part been installed on an aircraft involved in an incident or accident?**
  - NTSB definitions do not address airworthiness
  - Does not address subsequent remediation
  - Negative query exceeds the knowledge of most
  - Some customers may not accept limitations like to “the best of our knowledge”
- **There is a better way!**

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## What Does the FAA Say?

- **The FAA has never recommended that persons ask for a certification that the part was not involved in an accident or incident**
- **This is a commercial request**
- **The FAA recommends that persons disclose exposure to unusual heat or stress**
- **This disclosure permits a hidden damage inspection**

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## AC 20-62E

**8. INFORMATION RELEVANT TO USED PARTS.** The following information may be useful when assessing maintenance records and part status.

**C. Unusual Circumstances.** If a particular part was obtained from any of the following, then it should be so identified by some type of documentation (i.e., maintenance record entries, removal entries, overhaul records).

- (1) Noncertificated aircraft (aircraft without airworthiness certificate; i.e., public use, non-U.S., and military surplus aircraft).
- (2) Aircraft, aircraft engines, propellers, or appliances subjected to extreme stress, sudden stoppage, heat, major failure, or accident.
- (3) Salvaged aircraft or aircraft components.

## Responding to Requests for Accident/Incident Statements

- Show the customer AC 20-62E paragraph 8(c)(2), which recommends affirmative disclosure rather than warranty of a denial
- If you provide an accident/incident related statement:
  - Research the part's history thoroughly
  - Limit the scope of your warranty to the scope of your investigation

## Bottom Line

- **Disclosure of knowledge about unusual heat or stress is the FAA's recommendation**
  - If you have knowledge of such a condition, it is wise to make an affirmative disclosure
- **General denial of accident/incident is a COMMERCIAL CONCERN**
- **Treat demands for this denial like any other commercial request for terms of sale**



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## UPN

- **FAA published a UPN that declared that distributors had legal obligations for traceability**
  - Legally wrong
  - Also appeared to impose an obligation for which there were no metrics for compliance
    - Distributors would have a traceability obligation that could be impossible to meet

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## ASA Actions

- **ASA immediately contacted the FAA**
- **FAA concurred in our judgment but was unable to put together a response in a timely fashion**
- **ASA filed an appeal on the 60<sup>th</sup> day (the deadline for appealing)**
- **The FAA reissued the UPN without the offensive language**

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## TSA / Freight Forwarder Warning

- **TSA regulations require air carriers and freight forwarders to have security programs**
  - “Except as otherwise provided in its program, each aircraft operator ... must refuse to transport any cargo if the shipper does not consent to a search or inspection of that cargo ....”
  - “Each certified cargo screening facility must refuse to offer ... for transport on a passenger aircraft any cargo, if the shipper does not consent to a search or inspection of that cargo ....”

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- The Consent to Screen letter authorizes an air carrier or freight forwarder to screen cargo as part of their TSA-required security program.
- **CONCERN:** Freight forwarders typically do not have ESD program nor do they have any training in how to handle aircraft parts.

## Some Concerns

- Ask for notification when TSA or a freight forwarder performs an inspection of freight.
  - Afford you an opportunity to ask the receiving party to confirm that the inspection has not resulted in damage that could adversely affect airworthiness
  - At present there is no means to obtain such notification short of making it a part of the contract with the freight forwarder
- Some freight forwarders actually include, as part of their standard consent to search form, a commitment from the shipper to indemnify and hold harmless the freight forwarder from damages, including in situations where the freight forwarder itself damages the shipment during the inspection.
  - If you don't like it then don't sign it – send your own consent to search form meeting the regulatory requirements

## Additional Recommendations

- **Have a standard consent to search form that meets the minimum standards of the regulations**
- **Communicate with your freight forwarder**
- **Record the condition of each part you ship using video or photographic evidence**
  - Have a system for retaining this information so it is easily retrievable
- **Make sure your shipments are adequately insured to reflect your risks**

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Questions?

**Thank You!**

**Jason Dickstein  
ASA General Counsel  
Washington Aviation Group  
2233 Wisconsin Avenue, NW, Ste 503  
Washington, DC 20007**

**jason@washingtonaviation.com  
Tel: (202) 628-6777 Fax: (202) 628-8948**

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## **SMS / Part 21 ARC**

**Rewriting the FAA's Manufacturing  
Regulations:  
What Does it Mean for Distributors?**

## ICAO Annex 8 Safety Management SARP

- States shall establish
  - Acceptable levels of safety
  - State Safety Programs for achieving acceptable levels of safety
- States shall require the following organizations to have Safety Management Systems:
  - Aircraft type design holders, and
  - Those who manufacture aircraft

## ICAO Annex 8 Safety Management SARP

- SMS programs shall:
  - Identify safety hazards
  - Implement remedial action to maintain safety performance
  - Monitor and assess safety performance
  - Aim to improve safety performance
  - Define clear lines of safety accountability within the organization

## FAA ARC

- **FAA has convened an Aviation Rulemaking Committee (ARC) to rewrite Part 21 (manufacturing rules) including the integration of SMS**
  - Safety Management Systems
  - Design Organizations
  - Oversight Theory
  - Cost-Benefit
  - Reporting of Issues
  - Rule Clean-Up

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## Safety Management Systems

- **ICAO mandates SMS regulations for**
  - Airports
  - Air carriers
  - Type certificate holders
  - Repair stations
- **Problem: Type certificate holders are not required to have an organization on which to hang SMS**

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## Design Organization

- **Design approval holders and applicants will have a more formal organization**
  - Greater overhead for holders and applicants
  - Greater privileges for holders and applicants

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## Organization Theory

- **Under current production quality theory, the FAA regulates the production system**
  - This gives the FAA confidence in the results
  - FAA trusts the system
  - The FAA does need to look at every part that comes out of the system

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## Design Organization Theory

- Today, design approval applicants show compliance and the FAA finds compliance for each compliance datum
- Under future design organizations rules, the FAA would regulate the design system
  - This gives the FAA confidence in the results
  - FAA trusts the system
  - The FAA does need to look at every element of each design that comes out of the system
  - Fewer FAA resources to achieve the same safety result

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## Design Organization Status

- DO rules are likely to apply to holders and applicants of
  - Type Certificates
  - Certain STCs
  - Certain PMAs
  - Possibly other design approvals

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## Privileges of a Design Organization

- **With the FAA able to oversee the system, the DO should be able to declare the conformity of its own designs**
- **Under the CDPO legislation, FAA will be permitted to rely on the declaration in issuing design approvals**

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## Possible Distribution Effects

- **FAA SMS rules will almost certainly influence AS9100 (which could affect AS9120)**
- **FAA SMS rules will likely influence quality assurance theory by more closely linking management systems to quality systems**
- **Design Organizations could be independent third parties that approve data and hold/issue certificates**

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Questions?

Thank You!

**Jason Dickstein**  
**ASA General Counsel**  
**Washington Aviation Group**  
**2233 Wisconsin Avenue, NW, Ste 503**  
**Washington, DC 20007**

**[jason@washingtonaviation.com](mailto:jason@washingtonaviation.com)**  
**Tel: (202) 628-6777 Fax: (202) 628-8948**

## EASA Supplier Oversight

New Recognition for  
AC 00-56 and ASA-100

## Background

- Europe had a long-standing action item to examine distributor oversight and control
- ToR/Workgroup 145.017
- NPA 2012-03. “*Control of suppliers of components and material used in maintenance.*”

## Rule Development Mechanism

- **Six participants on the EASA Working Group (started middle of 2011)**
  - ASA
  - EASA
  - UK CAA
  - Austrian CAA
  - Rolls-Royce
  - Alenia

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## Net Result

- **EASA recognizes accreditation as a means by which 145 organizations can**
  - Better assure the quality level of their suppliers
  - Be more confident in the quality of the parts

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## EASA 145.A.42 (a)

### New Text

- *(a) The organisation shall establish procedures for the acceptance of components and material.*
- A request for such procedures is already found in the advisory material, which establishes this as an element of the Maintenance Exposition

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## New AMC 145.A.42 (a)

- **AMC 145.A.42 (a) Acceptance of components**
- The procedures for acceptance of components should have the objective of ensuring that the supplied components and material are in satisfactory condition and meet the organisation's requirements. These procedures may be based upon:
  - 1) incoming inspections which include:
    - physical inspection of components and/or material;
    - review of accompanying documentation and data, which should be acceptable in accordance with 145.A.42(e).
  - 2) supplier evaluation and control.

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## New AMC 145.A.42 (b)

- **Requires the 145 organization to establish a procedure to determine eligibility before installation. The procedure should specify how the organization:**
  - Ensures the component is in satisfactory condition,
  - Ensures compliance with the applicable Critical Design Configuration Control Limitations (CDCCLs),
  - Ensures Airworthiness Directive compliance, and
  - Ensures proper modification status.

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## GM 145.A.42 (a)(1)

Elements and procedures to identify during supplier' audits:

- Access to regulations, specifications and standards;
- Training and competency assessment;
- Shelf-life control;
- ESD;
- Source identification;
- Purchasing (including documentation);
- Receiving inspection;
- Measuring equipment control and calibration;
- Adequate storage;
- Packing and shipping;
- SUPs detection and reporting;
- Scrap parts
- Batch splitting;
- Customer notification of non-conformities;
- Recall control;
- Self-audit.

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## GM 145.A.42 (a)(2)

- Suppliers certified to officially recognised standards that have a quality system that includes the elements specified in 1) may be acceptable; such standards include:
  - a. EN/AS9120 and listed in the OASIS database;
  - b. ASA-100;
  - c. EASO 2012;
  - d. FAA AC00-56.
- The use of such suppliers does not exempt the organisation from its obligations under 145.A.42 to ensure that supplied components and material are in satisfactory condition and meet the applicable criteria of 145.A.42(e).

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## Questions?

## ITAR Change!

- As of October 15, a significant change to the export regulations removed many articles from the ITARs and move them to the Commerce Department's regulations
  - Most dual use items are transferred to Commerce
  - Non-aviation items may not be affected by this change

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## Examples of "New" USML Articles

- Certain articles (and their parts) that are specially designed for controlled aircraft:
  - Inertial navigation systems (INS)
  - Inertial Measurement Units (IMUs)
  - Attitude and Heading Reference Systems (AHRS)
- Parts for DoD-funded developmental aircraft
- Parts for B-1B, B-2, F-15SE, F/A-18E/F/G [*parts for earlier models are subject to the EAR*], F-22, F-35, F-117
- Parts found in a positive list
  - Published at 22 C.F.R. 121.1 - VIII(h)
  - Articles with defense-specific purposes, like threat-adaptive flight control systems, wing folding systems, etc.

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## BIS Rule

- The government moved many defense-related aircraft articles to Commerce Department oversight instead of State Department oversight
  - This means that some of these items may no longer require a license to go to close allies like Canada
  - Licensing process should be easier in many cases
  - New 600-series ECCNs will cover certain former USML and Wassenaar Arrangement items

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## New "600 Series" ECCNs

Item	ECCN
• Military gas turbine engines	—9A619
• Post-1946 aircraft designed for military use but not ITAR controlled	—9A610
• Articles specially designed for controlled aircraft	—9A610
• Military commodities outside the US that are derived from "600 series" controlled content	—0A919

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Questions?

Thank You!

**Jason Dickstein**  
**ASA General Counsel**  
**Washington Aviation Group**  
**2233 Wisconsin Avenue, NW, Ste 503**  
**Washington, DC 20007**

**[jason@washingtonaviation.com](mailto:jason@washingtonaviation.com)**  
**Tel: (202) 628-6777 Fax: (202) 628-8948**