Regulations v. Reality
Tuesday, April 30, 2013 | 3:30 p.m. – 4:30 p.m.

PRESENTED BY:
Sarah MacLeod
Managing Member
Obadal, Filler, MacLeod & Klein, PLC
Regulation v. Reality

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Application of material is always dependent on the facts and circumstances involved and is therefore at your own risk.
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What will be presented

Lessons and updates on the basic regulations governing real life maintenance activities, i.e. parts 1, 43, 91, and 145.

Evaluating compliance in an international environment.
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What you should take away

• Tools for determining regulatory compliance.
• Tools for creating records.
• Confidence in making technical determinations.
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Tools for determining regulatory compliance

• Knowledge is power
  – Know the regulations
  – Know the guidance material
  – Know the official hierarchy for every
    • Government agency
    • Customer
  – Know the difference among and between
    • Commercial obligations
    • Regulatory obligations
    • Business reality
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Tools for determining regulatory compliance

• Clearly and firmly differentiate among and between
  – Government requirements v. expectations
  – Customer requirements v. expectations
  – The facts of the particular situation
  – The “human” elements involved in the
    • Fact gathering and analysis
    • Decision making process
      – Internal
      – External
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Tools for determining regulatory compliance

- Basic regulations
  - Design
  - Production
  - Operations
  - Maintenance, preventive maintenance, rebuilding and alteration
    - Part 1
    - Part 43
    - Part 65
    - Part 145

- http://arsa.org/regulatory/faa/

For another time!
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Tools for determining regulatory compliance

• The “maintenance” rules
  – Read them, reread them, read them every single time you are dealing with an issue!
  – Read the whole rule, not just a paragraph or section!
  – Read related regulations, don’t ever stop reading!
  – Read the actual words, not what you “think” it says!

• The very basic guidance material
  – Preambles to rules
  – Guidance to the public
  – Guidance to the government’s workforce

• http://arsa.org/regulatory/faa/
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Tools for determining regulatory compliance

• Managing the government requirements v. expectations
  – Know and understand the government’s organization (in this case the Federal Aviation Administration (FAA))
    • Flight standards v. aircraft certification
    • Operations v. maintenance
  – Know and understand the FAA’s hierarchy
    • The local office
    • The regional office
    • The national offices

• https://directory.faa.gov/appspub/National/EmployeeDirectory/FAADIR.nsf/?Open
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Tools for determining regulatory compliance

• Managing the government requirements v. expectations
  – Schedule regular meetings with each level of the hierarchy
    • Make it your time and agenda
    • Make it professional!
  – Invite the local office to every technical event
    • Not just “your” inspector, but supervisors and managers
    • Think of adding to company “social” events

• https://directory.faa.gov/appspub/National/EmployeeDirectory/FAADIR.nsf/?Open
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Tools for determining regulatory compliance

• When assessing any situation—before or after “an event”
  – Define each issue succinctly and in light of
    • The regulations
    • The “business” environment
    • Other issues
  – Gather and document facts
  – Differentiate between information that can be confirmed from that which is speculative
  – Be strong and ruthless—only verifiable facts
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Tools for determining regulatory compliance

• When assessing any situation—before or after “an event”
  – Evaluate the “human” element both internally and externally
    • *Who* is involved?
      – By organization, government, internal departments and customer departments
      – By name, title and “true” place in the hierarchy
    • *Why* is the organization and/or person involved?
      – Clearly and succinctly differentiate between requirements and expectations
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Tools for determining regulatory compliance

• When assessing any situation—before or after “an event”
  – Pay now or pay later?
  • Evaluate short, medium and long-term ramifications
  • Call experts BEFORE taking steps
  – Verify the conclusions are rational and supportable
  • External sources
  • Internal sources
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Tools for creating records

• Governments and bosses run on paperwork – know the requirements and the expectations
• Be factual, don’t speculate or use unnecessary adjectives!
• Be succinct, delete is your friend
• Be—
  – Brutally honest with yourself BEFORE putting anything in writing!
  – Careful, words you say are gone today; words you write are come back to bite!
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Tools for creating records

• Know and understand

  – “Operator” v. “maintenance” records
  – The person that approves the work for return to service is the “certificate holder” responsible for performance under part 43
  – The operator is responsible for the airworthiness of the aircraft \textit{operation} under part 91
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Making technical decisions in maintenance

• Know the certification and airworthiness standards – parts 21, 23, 25, 27, 29, et.al. – these are the technical requirements

• Know your position – what certificate are you evaluating?
  – Operator?
    • Part 91? Non-compensation and hire? Subpart K?
    • Parts 121, 125, 129, 135?
  – Maintenance provider
    • Part 65?
    • Part 145?
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Making technical decisions in maintenance

• Evaluate the records
  – Certification documents, e.g., type certificate data sheet, airworthiness directives
  – Maintenance documents for the products impacted
    • Instructions for continued airworthiness
    • Component manuals
    • Technical orders
  – Maintenance records for particular article and/or product
    • Major repairs
    • Major alterations under Form 337
    • Installed supplemental type certificates
    • Flight manual requirements or limitations
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Making technical decisions in maintenance

- Develop an evaluation record
  - Contemplated or accomplished action
  - Impact on product, article, process, procedure required or recommended by the designer and/or producer
  - Result of contemplated action
    - What technical data changed?
    - What is the technical result?
      - Equal to the original (or already altered) condition?
      - A technical change from the original (or properly altered) condition? That is, the article, process or product will not operate within the existing approved design.
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Documenting technical decisions in maintenance

• What is important?
  – The *condition* before and after the action
  – The *records* necessary to document:
    • What was done
      – Repair or alteration
      – Major or minor
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Documenting technical decisions in maintenance

• What is important?
  – The *records* necessary to document
    • What was done
      – Description of work performed in enough detail that a person unfamiliar with the work but familiar with the industry would know what was accomplished
    • The technical data (whether approved or not) as well as the methods, techniques and practices used to accomplish the actual work performed.
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Be confident

- Know the rules
- Know the facts
- If you don’t know either – find out!
- Technical information trumps subjective opinions
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What’s new

- Pending changes to part 145
- Pending changes to part 121 and 135
- Updated guidance material
- Ban on issuing foreign repair station certificates continues
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What’s new with you?
Obadal, Filler, MacLeod & Klein, P.L.C.

Sarah MacLeod
Attorney and Counsellor at Law

117 North Henry Street
Alexandria, VA 22314-2903
www.potomac-law.com

Tel. 703.299.0784
Fax 703.299.0254
Sarah.MacLeod@potomac-law.com
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