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Traceability: Do You Need It?

Recently, I received an e-mail from an AEA member with a question about traceability. The member, a repair station owner, pointed out that FAA Order 8130.21F provides a mechanism for issuing 8130-3 tags to reflect an inspection to confirm new condition. This procedure includes a requirement for the repair station to confirm “traceability to an FAA-approved source of manufacture.”

In our industry, traceability often is thought of as documentation showing a part was subject to an airworthiness determination at a prior time in the chain

bench work on a unit, is the repair station required to affirm trace back to an FAA-approved source of manufacture before using the 8130-3 as an approval for return-to-service? Can a repair station install a part that has evidence of airworthiness but does not have complete trace documentation back to the original production approval holder?

First of all, it is important to remember Order 8130.21F is an FAA order, and as such, it does not directly apply to the private-sector industry. FAA orders are meant to be instructions for FAA employees (and designees) — not instructions

The FAA would not be permitted to enforce Order 8130.21F as if it were a requirement because the Paperwork Reduction Act forbids an agency from bringing an enforcement action for a recordkeeping requirement unless that recordkeeping requirement has been approved by the Office of Management and Budget. Although the OMB has approved the 8130-3 tag, the instructions found in Order 8130.21F have not, and the OMB has approved only the 8130-3 tag pursuant to its use as an export airworthiness approval under Part 21.

The fact is, the FAA’s regulations are not the only standards that apply to our industry. Many companies in our industry engage in business practices that far exceed the standards set by the FAA. Because companies regularly exceed the safety standards set by the FAA’s regulations, it sometimes can be confusing to tell the difference between a regulatory requirement and an industry norm.

Industry documentation and traceability practices reflect an excellent example of the way industry practices exceed the standards of the regulations. Many air carriers read Order 8130.21F as if it were a regulation. This is especially true when servicing Part 121 air carrier customers because the scope of their operations requires them to set general standards that allow them to certain all of its employees are following the same guidelines. This sort of slavish adherence to FAA orders

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of commerce. A paperwork chain showing a part was made by a FAA-approved production approval holder reflects one form of traceability. A paperwork chain showing a part was confirmed to be airworthy by a repair station or other party authorized to make the determination is another form of traceability.

The member’s question was how this “traceability requirement” in Order 8130.21F affects his business. Can a repair station work on an article if it does not have complete traceability documentation? If the repair station performs

to the industry. They do not go through the normal internal FAA review process (including legal and economic review) normally associated with rules and advisory circulars. The reason they do not go through this review process is because they do not affect the public directly.

Because 8130.21F is an internal FAA order, when a repair station uses the 8130-3 form as the base document for an approval for return-to-service to meet the requirements of 14 CFR § 43.9, Order 8130.21F is, at best, merely persuasive guidance; it is not required.

and other advisory guidance is found less often in the general aviation industry where companies tend to pay attention to single aircraft rather than entire fleets, and therefore, can examine the airworthiness of a particular aircraft without imposing additional non-regulatory standardization.

When a customer desires adherence to 8130.21F, it is not the same thing as a regulatory requirement. Under the regulations, an operator is required to keep certain maintenance records, and a repair station must keep records of the work it performs, but a repair station generally is not required to receive traceability records for parts.

Some people believe the regulations require a repair station doing bench work to confirm trace back to an FAA-approved source of manufacture of new products and parts. However, there is no FAA requirement for traceability. This fact was confirmed in a chief counsel's opinion signed by Ken Quinn in the 1990s. Therefore, the FAA has no basis to mandate traceability. Because the FAA cannot mandate a repair station to confirm traceability, the FAA cannot legally mandate traceability be a required prerequisite for approval for return-to-service.

Traceability remains a useful tool to assist a repair station in determinations of airworthiness, but traceability alone is not an indication of airworthiness. A part with perfect traceability that has been damaged in transit might no longer be airworthy, just as a part that has lost its documentation might be perfectly airworthy — a fact that might be confirmed through tests published by the manufacturer. Thus, during receiving inspection, it is important for receiving inspectors to scrutinize the arriving parts and components, not just the accompanying paperwork.

Order 8130.21F, Section 3.3, provides a mechanism for confirming a part is in

new condition. These provisions state Form 8130-3 can be used for this purpose as long as the repair station follows the conditions of the section, which includes confirming back-to-birth traceability.

The FAA cannot require back-to-birth traceability under its current regulations; however, the FAA is permitted to announce acceptable methods, techniques and practices.

Under the FAA's regulations (14 CFR § 43.13a), a repair station must use methods, techniques and practices acceptable to the FAA, which is what you find in Order 8130.21F, Section 3.3 — an acceptable method. But it need not be the only acceptable method.

An FAA internal order is not permitted to direct it to be the only way a station can confirm new condition; it cannot impose a limitation not supported by the existing regulatory framework. Therefore, it is possible to inspect to new condition using an alternative method. If a repair station is planning to confirm and document airworthiness condition of a part using a mechanism that diverges from Order 8130.21F, Section 3.3, it is wise to obtain some indicia of FAA-acceptability. OEM manuals, for example, could have tests, inspections or processes to help confirm current airworthiness. These would reflect acceptable methods.

In examining whether or not a repair station needs to confirm traceability to a PAH as a component of tagging the part as being in new, unused condition (or other airworthy condition), it is important to consider practicality and commercial requirements. The repair station must ask itself, as a practical matter, whether it is able to confirm the part is in new, unused condition without reference to the original standards to which it was manufactured. The answer to this question might depend on the nature and complexity of the part, as well as on the volume of data published

about the part, which could be used to assist the repair station in making an airworthiness decision, including acceptable methods, techniques and practices for making such a determination.

As a commercial matter, the repair station must ask itself whether the repair station's customers will accept 8130-3 tags completed in a manner that does not comply with Order 8130.21F, despite the fact the 8130-3 tags are in compliance with the law otherwise. This will vary based on customs of the industry sector in which the repair station works and based on the regulatory education of the customer. A customer who understands the terms of the regulations and the limits of the FAA's orders is more likely to accept other FAA-acceptable methods — more so than the customer who has read only 8130.21F and has interpreted it in a vacuum with no other guidance.

Being legally correct is a cold comfort when no one will accept your work for commercial reasons.

When following the practices laid out in 8130.21F, a repair station should follow them as they are written; however, it is possible to follow some other acceptable method to arrive at the same result. Thus, when inspecting to new or overhauled condition, a repair station needs to take sufficient steps to come to a reasonable and justifiable technical conclusion, and those steps must be based on methods, techniques or practices acceptable to the FAA (including manufacturer's manuals).

Traceability can be a useful tool for making airworthiness decisions, but it is only one of the tools in your airworthiness toolbox — you should not rely on it as your only factor in making an airworthiness determination. □

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