

ORDER

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

8620.2

11/2/78

SUBJ: APPLICABILITY AND ENFORCEMENT OF MANUFACTURER'S DATA

1 PURPOSE. This order provides information to field personnel concerning the manner in which manufacturer's maintenance manual material, including service letters and service bulletins, could be enforced. This order also discusses conditions for enforcement of the type certificate data sheet or specification.

2 DISTRIBUTION. This order is distributed to Flight Standards in Washington Headquarters; the regions, and the Aeronautical Center to the branch level; to all General Aviation, Air Carrier, Engineering and Manufacturing, and Flight Standards District Offices; and to all International, International Aviation, and Aeronautical Quality Assurance Field Offices.

3. BACKGROUND. There exists a difference of opinion among field inspectors concerning the manner in which manufacturer's maintenance manual material, including service letters and service bulletins, could be enforced by the FAA. FAR 43.13 requires all persons to use methods, techniques, and practices acceptable to the Administrator while performing aircraft maintenance. The manufacturer's maintenance manuals, service bulletins, and service letters have always been regarded as a source of acceptable data for complying with FAR 43.13(a) and (b); however, such acceptability does not, in itself, impose an enforcement or mandatory compliance requirement.

4. ENFORCEMENT. The office of the Chief Counsel has advised that the provisions of the manufacturer's manuals, letters, and bulletins, with relation to specific inspection procedures, may be enforceable by means of an airworthiness directive (AD) or other specific rule. In addition, manufacturer's data contained in a type certificate data sheet or specification may be enforceable under FAR 43.13.

a. An example of an AD is Piper AD 77-23-09, wherein Piper Service Bulletin No. 530 becomes mandatory and enforceable by the following statement contained in the AD: "The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and are made a part hereof pursuant to 5 USC 552(a)(1)." (Ref. Handbook 8040.1A, Airworthiness Directives.)

b. An example of a rule that establishes manufacturer's maintenance inspection criteria as mandatory and enforceable would be FAR 43.15(b), wherein certain inspection criteria for rotorcraft must be performed in accordance with the maintenance manual of the manufacturer concerned. FARs 43.15(c)(2) and 43.16 are other specific examples of regulatory requirements that make manufacturer's procedures mandatory.

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5. TYPE CERTIFICATE DATA SHEET. The type certificate data sheet or **specification** contains conditions, limitations, and terms pertinent to the issuance of a particular type certificate. These limitations are issued under authority of Section **603(a)(2)** of the **FA Act**. The data sheets or specifications are themselves a part of the type certificate per FAR **21.41** and may require adherence to manufacturer's maintenance manual material. FAR **43.13**, in pertinent part, requires that each person maintaining or altering, or performing preventive maintenance, shall use methods, techniques, and practices acceptable to the Administrator and do that work in such a manner and use materials of such a quality, that the condition of the aircraft, airframe, aircraft engine, propeller, or appliance worked on will be at least equal to its original or properly altered condition. In general, this means that persons performing maintenance are obligated to establish airworthiness by compliance with the conditions and limitations appearing on the type certificate data sheets or specifications. Thus, enforcement of FAR **43.13(a)** and/or **(b)** is quite possible and feasible against maintenance personnel for noncompliance with the data sheets.

6. DATA SHEET NOTES. The language on some data sheets is subject to close evaluation to determine whether or not it is mandatory or informative. A note that typically reads "maintenance information may be found in the **xyz manual**" is informative and not mandatory. Thus, the notes on data sheets must be carefully read to determine their true impact.

7. EQUIVALENT PROCEDURES. In a hearing on an enforcement action involving a required maintenance procedure prescribed in a type certificate data sheet, the FAA could be faced with a defense that while the data sheet was not strictly adhered to, an equivalent procedure was employed. This possibility must be considered before initiating enforcement action involving a manufacturer's recommended maintenance practice.

8. LIFE LIMITS AND PLACARDING. Nonadherence to life limits or failure to follow placarding instructions specified in type certificate data sheets are typical examples of where sound enforcement action can be taken against maintenance entities, under FAR **43.13(a)** and **(b)**.

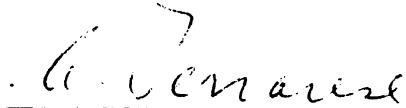
9. ENFORCEMENT AGAINST THE AIRWORTHINESS CERTIFICATE. While mechanics are subject to FAR **43** and are expected to establish compliance with type certificate data sheets, owners/operators are not expected to be fully knowledgeable of data sheet requirements. Thus, upon discovering nonadherence to the type certificate data sheets, enforcement action should be directed against the airworthiness certificate of the aircraft. Exceeding life limits of parts or not maintaining the aircraft according to a specific required mandate are examples of causes for action against the airworthiness certificate.

10 ENFORCEMENT AGAINST THE OWNER/OPERATOR. It should be noted that certain operators are given notice to comply with type certificate data sheets through FAR **91.217**. Failure of an owner/operator to comply after being duly notified, in the regulations, **is** cause for action against the individual owner/operator. Action against the airworthiness certificate is also possible under this condition.

11. SUMMARY. To sum up, compliance with manufacturer's maintenance ~~instructions~~ is required when:

a. Made mandatory by an AD or other specific rule within the FAR.

b. Made mandatory by a type certificate data sheet, Only maintenance ~~people are~~ subject to this requirement since they have been advised to comply through FAR 43; however, caution must be exercised since an equivalent procedure could be found to be acceptable at an enforcement hearing. The FAA case should show that an equivalent level of safety was not attained. Noncompliance with life limits, placarding instructions, or component configurations specified on a data sheet is always acceptable ground for initiating enforcement action. The enforcement action would be taken against a maintenance entity, the aircraft airworthiness certificate, or both.



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