



U.S. Department
of Transportation
Federal Aviation
Administration

Policy Statement

Subject: Guidance for Processing
Airworthiness Standard Non-
compliances

Date: (mm/dd/yy)

Initiated By: AIR-63A

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PS-AIR-21-02

1 SUMMARY

- 1.1 This policy statement establishes Federal Aviation Administration (FAA) policy for processing non-compliances with airworthiness standards. Its purpose is to provide guidance to FAA personnel and design approval holders (DAH) for consistent application, so that DAHs and applicants can expect predictable responses from the FAA. The policy provides criteria for what constitutes an airworthiness standard non-compliance, a process to determine if a discrepancy meets the non-compliance criteria, actions to close items that do not meet the criteria, and actions to address items that meet the criteria.
- 1.2 This is a guidance document. Its content is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with the guidance document is voluntary only. Nonconformity will not affect rights and obligations under existing statutes and regulations.
- 1.3 The contents of this policy statement do not have the force and effect of law and are not meant to bind the public in any way. This policy statement is intended only to provide guidance to the public regarding existing requirements under the law or agency policies.
- 1.4 This policy statement does not constitute a new regulation. Agency employees and their designees and delegations should not depart from this policy statement without the concurrence of the policy issuing office. The authority for FAA employees and designees to deviate from this policy is delegated to the Director of the Policy and Standards Division.
- 1.5 Additional information on the effect of FAA policy statements may be found in FAA Order IR 8100.16, Aircraft Certification Service Policy Statement, Policy Memorandum, and Deviation Memorandum Systems.

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2 APPLICABILITY

- 2.1 This policy applies to Aircraft Certification Service (AIR) personnel and DAHs, including DAHs that hold an Organization Designation Authorization (ODA), involved in processing potential airworthiness standard non-compliances that are discovered after the FAA’s issuance of a design approval. It also applies to DAHs, applicants for design approvals, and AIR personnel and designees involved in projects where the applicant wants to re-use previously-approved data to show compliance with an airworthiness standard, and that data is or is suspected to be invalid or deficient, as set forth in this policy.
- 2.2 This policy applies to the following design approvals: type certificates (TCs) and amended TCs (type design changes to TCs), supplemental type certificates (STCs) and amended STCs (type design changes to STCs), parts manufacturer approvals (PMAs), and articles approved under Title 14 Code of Federal Regulations (14 CFR) § 21.8(d).
- 2.3 This policy applies to design approvals (as noted in 2.2) that include installation of an article(s) authorized under a technical standard order (TSO), where such installation is required to comply with applicable airworthiness standards. It does not apply to processing of designs that do not comply with TSO minimum performance standards (MPS).¹
- 2.4 This policy does not apply to the analysis of suspected instances of a product or article that, as manufactured, appears to not conform to its approved design.²

3 CURRENT REGULATORY AND ADVISORY MATERIAL

- 3.1 The following regulations are referenced in this policy. You can download the full text of these regulations at the U.S. Government Printing Office e-CFR website. You can also order a paper copy by sending a request to the U.S. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-0001; by calling telephone number (202) 512-1800; or by sending a request by facsimile to (202) 512-2250.

The regulations applicable to the guidance in this policy include 14 CFR part 21 subparts A through E, K, and L. These subparts lay out the regulatory procedures for the applicant’s required showings regarding compliance with airworthiness standards in order for the FAA to find compliance and issue the design approval. Also applicable is 14 CFR part 183, subpart D. This subpart lays out requirements for applicants for ODA to obtain, and ODA holders to maintain, an ODA.

¹ For TSO MPS non-compliance processing, refer to FAA Order 8150.1D, *Technical Standard Order Program*.

² For a possible violation of 14 CFR § 21.146(c), process the non-conformance under Order 2150.3C, *FAA Compliance and Enforcement Program*. For a suspected unapproved part, process the non-conformance under Order 8120.16A, *Suspected Unapproved Parts Program*.

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3.2 The following advisory circulars (AC) are related to the guidance in this policy. The latest version of each AC at the time of publication of this policy statement is identified below. If any AC is revised after publication of this policy statement, you should refer to the latest version for guidance, which can be downloaded from the Internet at www.faa.gov/regulations_policies/advisory_circulars.

- AC 21-44, Issuance of Export Airworthiness Approvals Under 14 CFR Part 21 Subpart L
- AC 21-51, Applicant’s Showing of Compliance and Certifying Statement of Compliance
- AC 21.101-1B, Establishing the Certification Basis of Changed Aeronautical Products

3.3 The following orders are related to the guidance in this policy. The latest version of each order at the time of publication of this policy statement is identified below. If any order is revised after publication of this policy statement, you should refer to the latest version for guidance, which can be downloaded from the Internet at www.faa.gov/regulations_policies/orders_notices/.

- FAA Order 2150.3C, FAA Compliance and Enforcement Program
- FAA Order 8000.72, FAA Integrated Oversight Philosophy
- FAA Order 8000.373C, Federal Aviation Administration Compliance Program
- FAA Order 8100.15C, Organization Designation Authorization Procedures
- FAA Order 8110.4C, Type Certification
- FAA Notice N8110.119, Submittal and Disclosure of Safety Critical Information by Applicants for Transport Category Airplane Type Certificates
- FAA Order 8110.52B, Type Validation and Post-type Validation Procedures
- FAA Order 8110.107B, Monitor Safety/Analyze Data
- FAA Order 8120.16A, Suspected Unapproved Parts Program
- FAA Order 8120.22A, Production Approval Procedures
- FAA Order 8130.2K, Airworthiness Certification of Aircraft
- FAA Order 8150.1D, Technical Standard Order Program
- FAA Order 1350.14B, Records Management

4 DEFINITIONS OF KEY TERMS

4.1 The following terms are defined to ensure a common understanding as they are used in this policy, which may differ from their use in other FAA documents (such as the documents identified in section 3.3). Terms in this list do not alter statutory or regulatory definitions, nor do they supersede any statutory or regulatory requirement.

4.1.1 Airworthiness Standard: Applicable design and performance standards, such as those found in parts 23 (including FAA-accepted consensus standards), 25, 27, 29, 31, 33, and 35. For purposes of this policy, airworthiness requirements issued as special conditions under 14 CFR § 21.16, special class criteria issued under 14 CFR § 21.17(b),

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compensating factors for equivalent level of safety (ELOS) findings under 14 CFR § 21.21(b)(1), and conditions and limitations imposed for grants of exemption from the design and performance regulations are also considered airworthiness standards.

- 4.1.2 Causal analysis: A structured approach that typically creates a diagram that shows the interconnection of causes and effects. The structured approach supports assumptions and conclusions used during the process and guides the documentation of the cause(s), effect(s), and the causal analysis report.
- 4.1.3 Compliance data: Any data that the applicant used to show or certify compliance with airworthiness standards (e.g., descriptive data, substantiating data, process specifications, flight manuals).
- 4.1.4 Corrective action: Activity to eliminate or mitigate the cause or reduce the effects of an airworthiness standard non-compliance and ensure future compliance.
- 4.1.5 Discover: To find or become aware of.
- 4.1.6 Isolated: Non-systemic in nature (i.e., not pervasive or repeatable, and does not represent a breakdown in the DAH’s system).
- 4.1.7 Root cause analysis: Determination of what caused a finding. The identification of the root cause is the key to the implementation of an effective corrective action. Items to consider when determining the root cause should include deficiencies in training, materials, procedures, empowerment, or management oversight.
- 4.1.8 Systemic: Characterized by underlying deficiency in a DAH’s system, practices, or procedures, or repeated occurrences with the same or similar processes, designs, or regulations.

5 BACKGROUND

- 5.1 The FAA prescribes minimum airworthiness standards³ required in the interest of safety. Prior to receiving a TC or other FAA design approval for its product, modified product, or article, an applicant must show and certify compliance with these minimum airworthiness standards,⁴ and the FAA or its designee(s) must find compliance.⁵ After issuing a certificate, the FAA may reexamine it, per 49 U.S.C. 44709, and suspend or modify it, per that statute and § 21.51.
- 5.2 AIR is responsible to oversee product safety and compliance by applicants and DAHs, by applying and implementing statutory and regulatory requirements, and employing its policies applicable to such oversight (reference 3.3). When an airworthiness standard

³ See Title 49 United States Code (49 USC) § 44701.

⁴ Per 14 CFR §§ 21.17, 21.20, 21.21, 21.29, 21.97, 21.303.

⁵ 14 CFR § 21.21, 49 USC § 44702.

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non-compliance on an approved design results in an unsafe condition, and the FAA requires a design change to correct the unsafe condition – per §§ 21.99(a) and 183.63(d) – the DAH must show compliance under part 21 (§ 21.20, etc.) for the FAA to find compliance and approve the design under § 21.21, for example. For discrepancies that do not raise a safety concern, the FAA lacks written policy to ensure consistent application among DAHs and certification branches to assess and close these items. Discrepancies may arise from a variety of sources, including ambiguous regulatory requirements, contrary technical interpretations, missing substantiation data, unclear compliance data or showings, and differing means of compliance applications.

- 5.3 While many potential non-compliances do not present or contribute to an unsafe condition, investigating reports of potential noncompliance with regulatory standards or inadequate safety risk controls are a key component of a safety risk management process. Further, both the FAA and DAHs would benefit from clear FAA policy for processing of airworthiness standard non-compliances. This policy includes criteria for what constitutes an airworthiness standard non-compliance, the process AIR will use to assess whether a potential non-compliance meets the criteria, the actions AIR will take for closing out items determined to not be a non-compliance, and the actions AIR will take for addressing items determined to be a non-compliance under the criteria, both for non-compliances that raise a safety concern and for non-compliances that do not create a safety issue.

6 RELEVANT PAST PRACTICE

- 6.1 Discrepancies found by the FAA or the DAH while reviewing data from a previous design approval often arise from an audit, or because the DAH or another applicant wants to use the data in a showing of compliance on a new or changed design. Previously, when such discrepancies were found or reported, the FAA worked with the DAH to address the problem, but the manner of doing so sometimes varied from one situation or DAH to the next.
- 6.2 Under the existing regulatory structure, an airworthiness standard non-compliance does not automatically invalidate the design approval. When a non-compliance (or other issue) results in an unsafe condition, the FAA takes action to address the unsafe condition, usually by issuing an AD⁶ or other mandatory action(s).
- 6.3 When the FAA receives or identifies an airworthiness standard non-compliance, it works with the DAH to identify and correct the underlying cause(s) that contributed to the non-compliance to ensure future compliance. Problems have arisen when a DAH has different expectations or understanding than the FAA in this regard.
- 6.4 Some DAHs are also ODA holders. As it relates to airworthiness standard non-compliances, the ODA holder is required by 14 CFR § 183.63 to investigate

⁶ See 14 CFR § 39.5

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airworthiness requirement non-compliances and report its findings, and actions taken or proposed, to the FAA. Sections 183.53 and 183.57 and Order 8100.15B require these activities to be included in, and accomplished in accordance with, the ODA holder's FAA-approved procedures manual.

- 6.5 This policy is not intended to alter or contradict the requirements of any existing regulations or policies.

7 POLICY

7.1 Assessment of a Discrepancy

The FAA or a DAH might review previously approved compliance data for a variety of reasons (e.g., an audit - internal or external, investigation of an accident or incident, or reuse of the data for a showing of compliance on a new or changed design). If a discrepancy is found in the compliance data, it might indicate the potential for an airworthiness standard non-compliance. The FAA recommends that DAHs investigate these issues to determine if the discrepancy is an airworthiness standard non-compliance. The FAA, under its authority in 49 U.S.C. 44709 and 14 CFR § 21.99, may request from the DAH all data necessary for the FAA to determine whether the product meets the requirements for issuance of its design approval. In doing so, the FAA follows its compliance and enforcement procedures.

Alternatively, a DAH may elect to investigate to determine if the discrepancy is an airworthiness standard non-compliance.⁷ If the DAH chooses this option, the procedures in this policy apply.

- Section 7.2 provides the type of discrepancies a DAH should investigate.
- Section 7.3 provides the criteria the FAA will use to determine if a discrepancy is an airworthiness standard non-compliance.

7.2 Discrepancies that Indicate a Potential Airworthiness Standard Non-compliance

- Information brings the validity of the previously approved compliance data into question (e.g., data from an in-service event, a TSO article fails to meet applicable minimum performance standards (MPS) with possible effect on installation requirement(s), or data that challenges certification assumptions).
- A showing of compliance appears deficient (e.g., documentation of a showing is missing, data or documentation appears insufficient to confirm compliance or appears to have errors or omissions, or there are inconsistencies between the showing and the finding of compliance for an approved design).
- Inconsistency is found in interpretation or application of policy or regulations.⁸

⁷ FAA Order 2150.3C, *FAA Compliance and Enforcement Program*, encourages regulated parties to self-disclose potential non-compliances. See, e.g., Chapter 3, paragraph 2.

⁸ Use policy that is consistent with the applicable requirements and certification basis.

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7.3 **Airworthiness Standard Non-compliance Criteria**

For the purposes of this policy, an airworthiness standard non-compliance exists on an approved design upon discovery when, notwithstanding a prior finding of compliance on the approved design, one of the following are true:

1. The approved product or article design does not meet, and cannot be shown to comply with, the applicable airworthiness standard(s).
2. Due to an absence of sufficient, valid, or applicable compliance data, the FAA or a representative of the FAA cannot find compliance with an applicable airworthiness standard(s).

7.4 **Overview of the Airworthiness Standard Non-compliance Process Flow**

The following provides a high-level overview of the airworthiness standard non-compliance process flow, including considerations for DAH management of discrepancies (Figure 1) and the process for FAA and Airworthiness Standard Non-compliance Process Overview (Figure 2). Recommendations and details about the process are found in sections 7.6, 7.7 and 7.8. Note that in Figure 2 for the airworthiness standard non-compliance process, the numbered boxes generally match up with the specific steps detailed in Table 1 in section 7.8.

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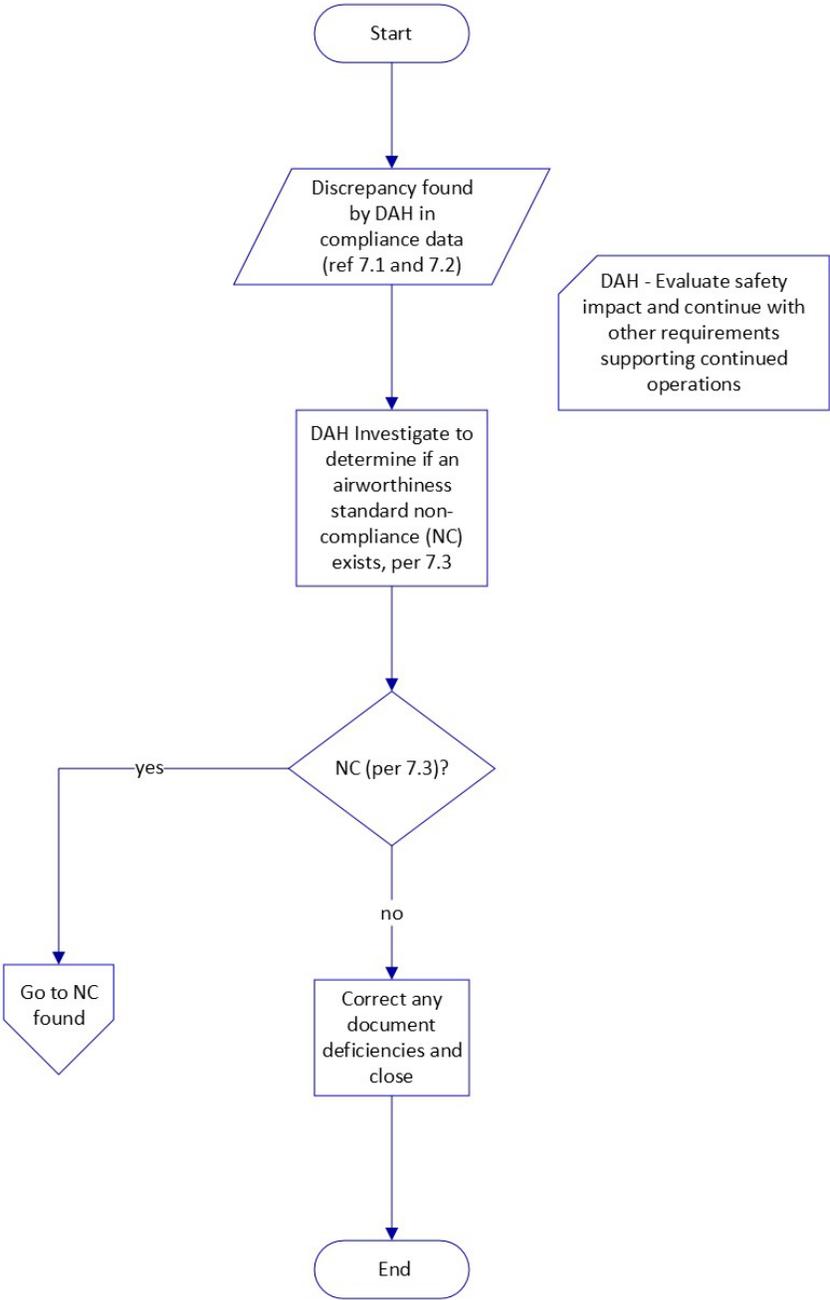
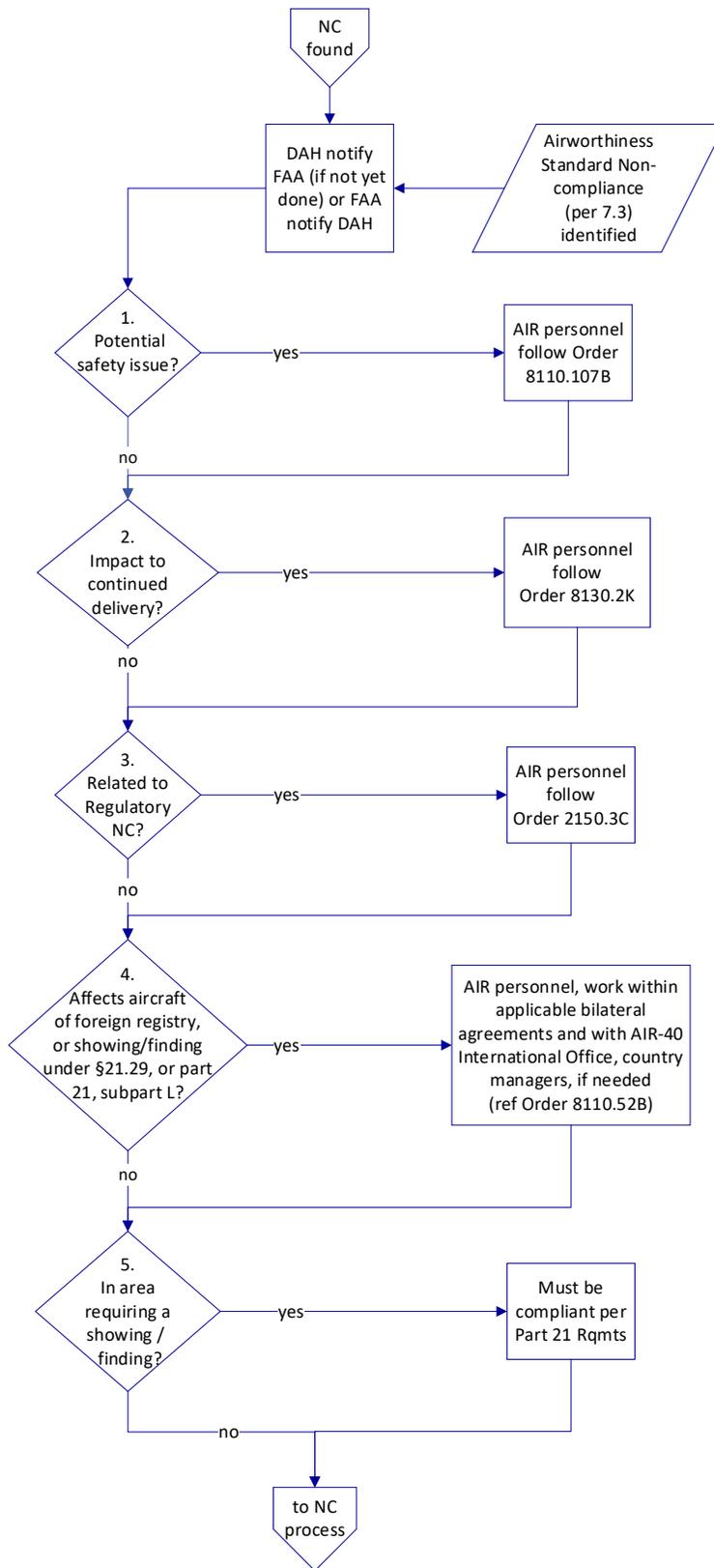


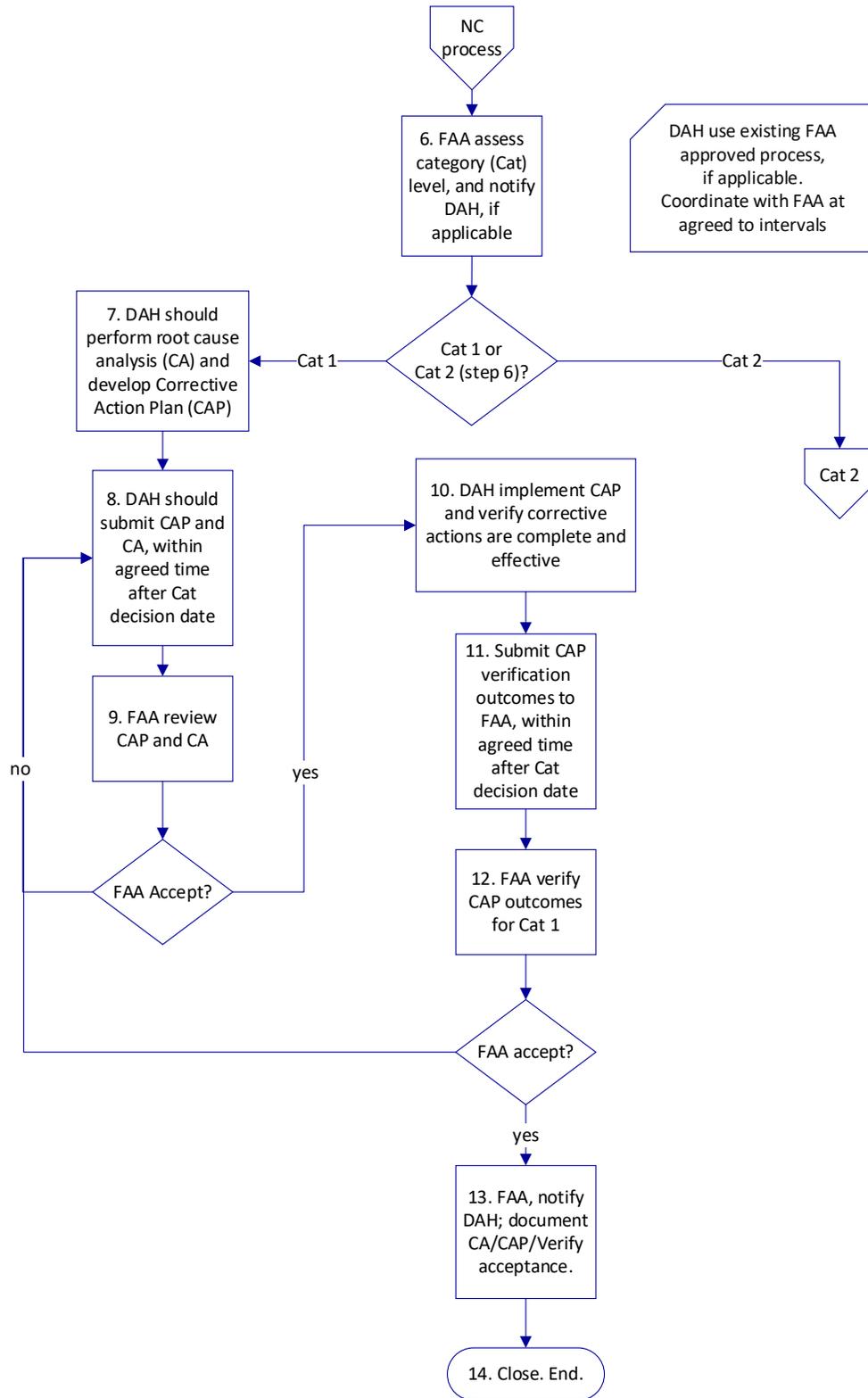
Figure 1. DAH Management of Discrepancies

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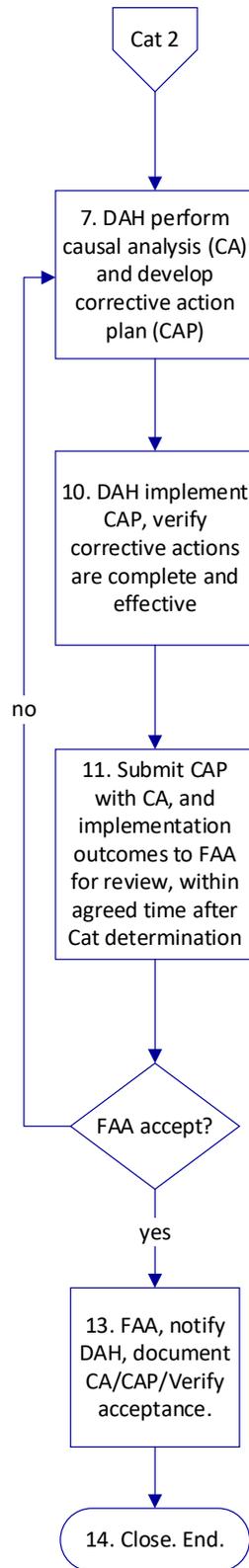
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Figure 2. Airworthiness Standard Non-compliance Process Overview (page 1 of 3)



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Figure 2. Airworthiness Standard Non-compliance Process Overview (page 2 of 3)



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Figure 2. Airworthiness Standard Non-compliance Process Overview (page 3 of 3)

7.5 Required Correction of Airworthiness Standard Non-compliances

The following are situations when corrective or other mandatory action must be taken on an airworthiness standard non-compliance, in order to restore compliance.

- 7.5.1 The FAA issues an AD when an unsafe condition exists, and the condition is likely to exist or develop in other products of the same type design (14 CFR § 39.5). This determination is made by the FAA in accordance with Order 8110.107B and other guidance and information. If the FAA finds that a design change is necessary to address the unsafe condition resulting from the non-compliance, the DAH is required to submit an appropriate, compliant design change for FAA review and approval (14 CFR §§ 21.99(a)(1) and 183.63(d)).
- 7.5.2 Notwithstanding any previously issued approval, compliance data that does not show compliance cannot be used to prove compliance on a new or revised proposed design. This includes areas affected by a change (which includes limitations/conditions).⁹ This applies both on the product or article design affected by the non-compliance and on the use of the previously approved compliance data (e.g., similarity) on another proposed design. For a design to be approved, such compliance data must be revised or supplemented, and compliance shown with applicable airworthiness standards.¹⁰ If the design cannot be shown compliant and if a compliant design change is not feasible, a petition for exemption from the applicable airworthiness standard (per part 11, subpart A) or an equivalent level of safety (ELOS) finding (per 14 CFR § 21.21(b)(1)) with the applicable airworthiness standard(s) is required for design approval.
- 7.5.3 For foreign validation of products and articles, both inbound and outbound, compliance (and the Statement of Compliance) must meet the requirements of the validating authority.¹¹

7.6 DAH Management of a Discrepancy

- 7.6.1 A discrepancy might come from a variety of sources,¹² and the DAH should follow its procedures and processes to investigate these to determine if an airworthiness standard non-compliance exists with the product or article design, by applying the criteria set forth in section 7.3. This is in addition to the DAH evaluation of potential safety impact and other requirements supporting continued operations. Follow existing FAA

⁹ Refer to AC 21.101-1B *Establishing the Certification Basis of Changed Aeronautical Products*.

¹⁰ Reference AC 21-51, *Applicant's Showing of Compliance and Certifying Statement of Compliance* and FAA Order 8110.4C, Section 2-6.

¹¹ Refer to https://www.faa.gov/aircraft/air_cert/international/bilateral_agreements/baa_basa_listing and Order 8110.52B, and consult with the applicable AIR-040 country manager as needed.

¹² Some possible sources of information indicating a discrepancy: service difficulty reports; continued operational safety activity; internal/external audits; FAA designee or DAH employee notification; attempts to reuse approved data; communication from FAA, foreign authority, or operator.

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requirements for timing to report safety concerns (e.g., 14 CFR § 21.3) or other mandatory reporting (e.g., part 183, subpart D).

- 7.6.2 In the interest of safety, DAHs should complete investigation of a discrepancy as soon as possible or as agreed to with the FAA. Best practice is to complete this investigation within 30 days. Agreed-to DAH processing and submittal times, and FAA response times, can be negotiated with the FAA in advance and included in a Partnership for Safety Plan or an ODA procedures manual, for example.
- 7.6.3 During the investigation, the DAH, or any applicant, should not use the questionable compliance data for a compliance showing on any proposed design without revising or supplementing such data. For compliance to be found by the FAA or its designee on any new or changed product or article, the applicant must use sufficient valid and applicable compliance data to show compliance with the applicable airworthiness standards.¹³
- 7.6.4 If the DAH investigation reveals that the design is, in fact, compliant with the applicable airworthiness standards, the DAH should correct any deficiencies in its documentation and close its investigation.
- 7.6.5 If the DAH investigation was not successful in showing that the design is compliant, then notify the FAA. Best practice is to provide this notification within 3 days of completing this investigation.
- 7.6.6 If a discrepancy is determined to be an airworthiness standard non-compliance under the *airworthiness standard non-compliance criteria* in section 7.3, the DAH and the FAA should follow the process in sections 7.7 and 7.8.
- 7.7 **Processing an Airworthiness Standard Non-Compliance, General**
The DAH should notify the FAA of an airworthiness standard non-compliance as required (e.g., per 14 CFR § 21.3) or as agreed to with the FAA (e.g., for an ODA holder, follow the FAA-approved ODA procedures manual). This notification should include:
- airworthiness standards impacted (including paragraph and amendment level),
 - description of the non-compliance,
 - effects of the non-compliance on the product, article, and/or system(s),
 - potential safety impact,
 - affected products or articles,
 - date the non-compliance was first discovered,
 - date the design with the non-compliance was first placed into service, and
 - a contact person for further questions by AIR personnel.

¹³ Reference FAA Order 8110.4C, Section 2-6.k.

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- 7.7.1 If the FAA informs the DAH that compliance with the airworthiness standard(s) cannot be found or that an airworthiness standard non-compliance exists on its product or article design, the DAH should work with the FAA to address it.
- 7.7.2 Compliance data that does not show compliance cannot be used to prove compliance on a proposed new or revised design unless it is updated or supplemented. In accordance with part 21, design approval requires compliance with the applicable airworthiness standards, or an ELOS or exemption that applies directly to the non-compliance, and with the terms of such relieving documents.
- 7.7.3 AIR personnel who process airworthiness standard non-compliances must keep airworthiness standard non-compliance records updated and made available to the certification branches for use in evaluating new or changed designs. This helps to ensure valid showings of compliance and prevent the reuse of deficient data. A non-compliance with airworthiness standards might also warrant the DAH ‘flagging’ the compliance data in its document control system to avoid its re-use in any new or changed design.
- 7.7.4 AIR personnel who process airworthiness standard non-compliances must evaluate each one for its relationship to, or effect on, other FAA processes or regulatory requirements (reference Table 1). FAA personnel should work closely together, as warranted, sharing relevant information as it becomes available.

7.8 Airworthiness Standard Non-compliance Process, Detail

7.8.1 Table 1:

Airworthiness Standard Non-compliance Process Steps
1. If not yet accomplished, AIR Continued Operational Safety (COS) personnel determine whether the airworthiness standard non-compliance poses an unacceptable safety risk, in accordance with Order 8110.107B. AIR personnel who process airworthiness standard non-compliances, working with the DAH, continue coordination with COS personnel, as warranted. Continue the non-compliance process.
2. The airworthiness standard non-compliance might have an impact on continued delivery of aircraft (depending on the safety risk). If so, notify and work with the certificate management section as it follows its processes, providing support if needed. Continue the non-compliance process. NOTE: Sections 21.329(b)(2), 21.331(b)(2), and 21.331(d)(2) require the export airworthiness approval to list, as an exception, any difference between the product or article to be exported and its approved design, which includes airworthiness requirement non-compliances. See AC 21-

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<p>44, Issuance of Export Airworthiness Approvals Under 14 CFR Part 21 Subpart L for further guidance.</p>
<p>3. Review the non-compliance and determine if a regulatory violation (e.g., with 14 CFR part 5, 21 (including §§ 21.20 or 21.97), 26, 34, 36, 38, or 183) has occurred. If so, process it through the compliance and enforcement process in Order 2150.3C. Provide support and coordination as needed. Continue the airworthiness standard non-compliance process.</p>
<p>4. If the airworthiness standard non-compliance affects a showing or finding of compliance for foreign validation of an FAA approval under 14 CFR § 21.29 or part 21 subpart L, or is related to a foreign-registered aircraft, process the non-compliance per Order 8110.52B (reference section 5-3.b), consult the applicable bilateral agreement(s), and coordinate as required with the AIR-040 International Office country managers and the applicable foreign civil aviation authority. Continue the non-compliance process.</p>
<p>5. If the airworthiness standard non-compliance is in an area that requires a showing and finding of compliance on any proposed new or changed design, the applicant must revise or supplement the data to comply with applicable part 21 requirements (including 14 CFR §§ 21.97 and 21.101) and either show compliance with applicable airworthiness standards or obtain an ELOS finding or grant of an exemption from the applicable airworthiness standards. Continue the non-compliance process.</p>
<p>6. AIR personnel who process airworthiness standard non-compliances evaluate the non-compliance to determine the level (category) of complexity and FAA involvement. When an airworthiness standard non-compliance exists, the DAH should work with the FAA to appropriately address it based on this categorization, which will be used to drive the level of rigor for DAH causal analysis and the level of FAA involvement in the process.</p>
<p>a. There are two categories of airworthiness standard non-compliances. Category 1 (Cat 1) is the default category. Category 2 (Cat 2), which may be proposed by the DAH in its submittal, is based on specific criteria and calls for less rigor and less FAA involvement than Cat 1 (as noted in process steps).</p>
<p>b. If a DAH does not propose Cat 2, the decision date for the Cat 1 level is the day the FAA receives the non-compliance notification, and the non-compliance will be processed as Cat 1.</p>

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<p>c. If a DAH proposes that a potential non-compliance be processed as Cat 2, the FAA will make the decision. The decision date for the category level, either Cat 1 (proposal denied) or Cat 2 (proposal accepted), is the date the FAA notifies the DAH of its decision.</p>
<p>d. Process for Cat 1 (default or Cat 2 proposal denied):</p>
<p>i. The DAH should conduct a root cause analysis for Cat 1 non-compliances.</p>
<p>ii. AIR personnel will actively manage the resolution of these non-compliances (beginning at step 7).</p>
<p>e. Process for Cat 2 proposal accepted by the FAA:</p>
<p>i. The DAH should conduct a causal analysis, to determine cause(s) and contributing factors for the non-compliance.</p>
<p>ii. AIR personnel will not actively manage the resolution of the non-compliances for Cat 2 (beginning at step 7), but will review, verify, and record actions taken, once complete.</p>
<p>f. Cat 2 may be used, at FAA discretion, when a non-compliance meets all of the following criteria:</p>
<p>i. The FAA has determined that the non-compliance does not warrant mandatory correction (e.g., an AD due to safety risk; validation requirement by foreign state of registry).</p>
<p>ii. The non-compliance is isolated, i.e., non-systemic.</p>
<p>iii. The non-compliance is not a repeat of a past non-compliance.</p>
<p>iv. The non-compliance is not the result of a failed corrective action for a non-compliance.</p>
<p>v. The non-compliance is not, and does not affect, safety critical information as defined in FAA Notice N8110.119, <i>Submittal and Disclosure of Safety Critical Information by Applicants for Transport Category Airplane Type Certificates</i>.</p>
<p>vi. The non-compliance does not affect an approved airplane flight manual, rotorcraft flight manual, or flight manual supplement.</p>
<p>vii. The non-compliance is not related to an airworthiness limitation (including airworthiness limitation inspections).</p>
<p>viii. The non-compliance is not related to a certification maintenance requirement.</p>
<p>7. FAA considers root cause analysis a best practice for airworthiness standard non-compliances. The DAH should conduct a causal analysis to</p>

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determine the cause(s) and any contributing factors for the non-compliance. Once the causal analysis has identified causes and contributing factors, the DAH should develop a corrective action plan (CAP). See “What’s in a CAP?” for details.

Note: DAHs might take containment or corrective action(s) prior to completing a causal analysis and CAP. Examples of containment action are providing data and service information for an FAA AD, conducting a used-on fleet search, and other actions not directly related to immediate safety, such as making process changes intended to stop future non-compliances.

What’s in a CAP?

The CAP for an airworthiness standard non-compliance outlines how the DAH ensures the cause(s) of the non-compliance is eliminated and, when required, substantiates compliance in the shortest reasonable timeframe. The CAP should include the following (an ODA holder opting to adopt this policy must update its FAA-approved procedures manual, which may require additional steps or actions):

- a. A description of the non-compliance, including the impacted airworthiness standard(s).
- b. Cause(s) of the condition, with a description of the investigation, details on the causal analysis, and identified cause(s) and contributing factors.
- c. Whether the problem is systemic or isolated, as defined in this policy:
 - i. Include impacted products and articles.
 - ii. Include any processes that are contributing factors to the non-compliance, if applicable.
- d. Proposed corrective actions. Include the following:
 - i. Any containment actions taken to mitigate or correct the non-compliance (e.g., process change, service information to support FAA AD).
 - ii. Actions to correct the non-compliance, if required.
 - iii. Action(s) suitable to correct associated cause(s) and contributing factors (if applicable, identify which cause(s)/contributing factor(s) are being addressed by the action).
 - iv. Responsible owner for each action.

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v. Expected completion date for each action.
vi. Verification plan and date (by DAH).
8. For Cat 2 skip to step 10. For Cat 1, the DAH submits the CAP along with the causal analysis to the FAA for review and acceptance, within a time period agreed to with the FAA, after the decision date for the category level, as defined in step 6. Best practice is to submit the CAP within 30 days of the category decision date.
9. The FAA reviews the submitted causal analysis and CAP for Cat 1 non-compliances and notifies the DAH of its acceptability. During this review, FAA reviews the cause(s) and proposed corrective action(s) to confirm that corrective action(s), when complete, will be effective. The FAA may request more information during its review. If the CAP is not acceptable, the DAH should return to step 8 and work with the FAA to improve causal analysis and corrective action(s), as applicable, and continue until accepted by the FAA.
10. Upon FAA acceptance (for Cat 1) or DAH documentation (for Cat 2) of the causal analysis and CAP, the DAH should implement the plan and verify its completion and effectiveness.
11. For both Cat 1 and Cat 2 non-compliances, the CAP and its outcomes (DAH implementation and verification) should be provided to the FAA. All corrective actions and verifications should be completed and submitted to the FAA within 6 months of the decision date for category level, as defined in step 6, unless otherwise agreed to by the FAA.
12. The FAA should verify the actions taken for completion and effectiveness for Cat 1 submittals.
13. Once the FAA verifies that the CAP is implemented and effective, AIR personnel should notify the DAH of acceptance, record the Cat 1/Cat 2 decision (if not yet done), causal analysis, CAP and results, and verification details. If not accepted, DAH should return to step 7 (Cat 2) or step 8 (Cat 1) and work with the FAA to improve causal analysis and corrective action(s), as applicable, and continue until accepted by the FAA.
14. Close the case and file records in accordance with applicable records management policies. ¹⁴

¹⁴ Reference FAA Order 1350.14, *Records Management*

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- 7.8.2 If at any time during the causal analysis and corrective action activity, an airworthiness standard non-compliance is found to be compliant with applicable airworthiness standards, the DAH should notify the FAA and provide the compliance data that shows compliance. The FAA will review the data and notify the DAH of its compliance determination. Upon FAA finding of compliance, the DAH should continue to complete actions that would prevent reoccurrence (if applicable) of the issues that led to the discovery of an airworthiness standard non-compliance (e.g., insufficient compliance data), and the case will be closed and records filed.
- 7.8.3 Both the FAA and DAH should share lessons learned from airworthiness standard non-compliances with COS, certification, policy, and oversight personnel.
- 7.8.4 Both the FAA and DAH should monitor the in-service fleet for airworthiness standard non-compliance trends or failed corrective actions and take additional action if warranted. Repeated non-compliances and failed corrective actions are subject to further FAA involvement, regardless of category.

8 CONCLUSION

The FAA and DAHs should employ the guidance described in this policy to identify and process discrepancies and airworthiness standard non-compliances. This policy provides criteria to identify an airworthiness standard non-compliance on an approved design and describes actions and methods to evaluate and address these non-compliances.

Daniel J. Elgas
Director, Policy and Standards Division
Aircraft Certification Service