



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

**ORDER
8620.2B**

Effective Date:
3/15/19

SUBJ: Applicability and Enforcement of Manufacturer's Data

1. Purpose of This Order. This order provides information and guidance to aviation safety inspectors (ASI) regarding the applicability and enforcement of Original Equipment Manufacturer's (OEM) data listed on the Federal Aviation Administration's (FAA) Type Certificate Data Sheet (TCDS). Information and guidance are also provided regarding OEM maintenance manual material; Service Letters (SL) and Service Bulletins (SB); and other maintenance or flight operations information, including any material that has been identified or labeled by an OEM as "Mandatory."

2. Audience. The primary audience for this order is the Flight Standards Safety Assurance offices' aviation safety inspectors (ASI). The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Order. You can find this order on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this order through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Air carriers (operators) can find this order on the FAA's website at <http://fsims.faa.gov>. This order is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. What This Order Cancels. FAA Order 8620.2A, Applicability and Enforcement of Manufacturer's Data, dated November 5, 2007, is canceled.

5. Distribution. This order is distributed to all Flight Standards divisions, branches, and offices. This order is distributed electronically only.

6. Background. Title 14 of the Code of Federal Regulations (14 CFR) part 43, § 43.13(a) and (b) outline the performance standards for accomplishing non-air-carrier maintenance, preventive maintenance, and alterations on U.S.-registered aircraft. This order provides clarification and guidance about the applicability of those regulatory performance standards when maintenance documents and maintenance requirements have been identified and labeled as mandatory by the OEM.

7. Related Regulations and Guidance (current editions).

- a. Title 14 CFR Part 43.
- b. Title 14 CFR Part 91.
- c. FAA-IR-M-8040.1, Airworthiness Directives Manual.

8. Applicability.

a. Section 43.13(a) states, in part, “Each person performing maintenance, alteration, or preventive maintenance on an aircraft, engine, propeller, or appliance shall use the methods, techniques, and practices prescribed in:

- (1) The current manufacturer’s maintenance manual or;
- (2) Instructions for Continued Airworthiness prepared by its manufacturer, or;
- (3) Other methods, techniques, and practices acceptable to the Administrator.”

b. The language of § 43.13(a) clearly provides a person with three permissible options when performing maintenance, alterations, or preventive maintenance on a product. Section 43.13(a) does not provide an order of precedence for these three options. Further, although § 43.13(a) does not specifically address SBs or SLs, an OEM may legitimately incorporate an SB or SL into one of its maintenance manuals by reference. If it does so, the data specified, and the method, technique, or practice contained therein, may be acceptable to the Administrator. However, unless any method, technique, or practice prescribed by an OEM in any of its documents is specifically mandated by a regulatory document, such as Airworthiness Directive (AD), or specific regulatory language such as that in § 43.15(b), those methods, techniques, or practices are not mandatory.

9. TCDS. Consistent with 14 CFR, a TCDS is part of a product’s type certificate (TC). A TCDS is a summary of the product’s type design. It is used primarily by authorized persons during initial or recurrent issuance of a Standard Airworthiness Certificate. It is neither a regulation, a maintenance requirements document, or a flight manual document. As such, for aircraft holding a valid and current Airworthiness Certificate, a TCDS should not be used as a sole source to determine what maintenance is required or what the flight operations requirements are. Any language on a TCDS, by itself, is not regulatory and is simply not enforceable. There must be a corresponding rule to make any language on the TCDS mandatory. For example, there is a mention of “operating limitations” on most TCDS. The corresponding rule for “operating limitations” is part 91, § 91.9(a), which states, “Except as provided in paragraph (d) of this section, no person may operate a civil aircraft without complying with the operating limitations specified in the approved Airplane or Rotorcraft Flight Manual, markings, and placards, or as otherwise prescribed by the certificating authority of the country of registry.” Without § 91.9, the TCDS requirement to comply with operating limitations would not be enforceable.

10. TCDS Notes. TCDS notes are intended primarily to provide information on the various requirements for issuing an Airworthiness Certificate as well as the type and location of various technical documents used to operate and maintain the product. Some OEMs have placed mandatory language such as “shall,” “must,” and “will” on their TCDS that imply that compliance with TCDS notes is mandatory. However, in the absence of regulatory language or an AD that makes such TCDS notes mandatory, compliance with such notes is not mandatory. It would mean that FAA regulations effectively authorize OEMs to issue “substantive rules,” i.e., it would enable an OEM to impose legal requirements on the public that differ from the

14 CFR requirements. This would be objectionable for two reasons. First, the FAA does not have the authority to delegate its rulemaking authority to an OEM. Second, “substantive rules” can be adopted only in accordance with the notice and comment procedures of the Administrative Procedure Act (APA), which does not apply to an OEM.

11. Life Limits and Placarding. Adherence to component life limit retirement times listed on a TCDS is required by § 43.16 or § 91.409(e), and a requirement to follow placard instructions is required by § 91.9(a).

12. Summary. Consistent with 14 CFR, a TCDS is part of a product’s TC. As such, for aircraft holding a valid and current Airworthiness Certificate, a TCDS should not be used as a sole source to determine what maintenance is required or what the flight operations requirements are. Any language on a TCDS, by itself, is not regulatory and is simply not enforceable.

13. Directive Feedback Information. Direct questions or comments to the Aircraft Maintenance Division (AFS-300) at 202-267-1675. For your convenience, FAA Form 1320-19, Directive Feedback Information, is the last page of this order. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this order on FAA Form 1320-19.



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Deputy Executive Director, Flight Standards Service



U.S. Department
of Transportation
**Federal Aviation
Administration**

FAA Form 1320-19, Directive Feedback Information

Please submit any written comments or recommendations for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: FAA Order 8620.2B, Applicability and Enforcement of Manufacturer's Data

To: Flight Standards Directives Management Officer, AFB-140 Directives Mailbox
(9-AWA-AFB-140-Directives@faa.gov)

(Please check all appropriate line items)

An error (procedural or typographical) has been noted in paragraph _____ on page _____.

Recommend paragraph _____ on page _____ be changed as follows:
(attach separate sheet if necessary)

In a future change to this directive, please include coverage on the following subject
(briefly describe what you want added):

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: _____ Date: _____

FTS Telephone Number: _____ Routing Symbol: _____