



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
Aviation Rulemaking Committee Charter

Effective Date: 4/15/24

**SUBJECT: Changed Product Rule Aviation Rulemaking Committee**

- 1. PURPOSE.** This charter establishes the Changed Product Rule (CPR) Aviation Rulemaking Committee (ARC), according to the Administrator's authority under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). The sponsor of the ARC is the Associate Administrator for Aviation Safety. This charter also outlines the ARC's organization, responsibilities, and tasks.
- 2. BACKGROUND.** Airworthiness standards (often referred to as airworthiness regulations) are continually amended to improve safety. Typically, changes to type certificates (TC) are required to meet the amendments of the airworthiness regulations in effect on the date of application. This includes a proposed change to a TC that is considered substantial and will require the entire product to meet the applicable airworthiness regulations in effect on the date of the application. However, there are some exceptions where the proposed design changes, and any areas affected by the changes, can be certificated to earlier regulatory amendments. The process for determining the applicable airworthiness requirements and amendments is governed by §§ 21.19 and 21.101 of Title 14 of the Code of Federal Regulations (CFR), commonly referred to as the Changed Product Rule. The CPR principles are to "enhance safety by incorporating the latest requirements to the type certification basis for the changed product, to the greatest extent practicable."<sup>1</sup>

Section 21.19 describes the circumstances in which an applicant for a TC of a changed product must apply for a new TC. Section 21.19 requires an applicant to apply for a new TC for a changed product if the Federal Aviation Administration (FAA) finds that the change in design, power, thrust, or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required.

Section 21.101 requires a change to a TC, and the area(s) affected by the change, to comply with the latest requirements on the date of application unless the change meets the criteria for the exceptions identified in § 21.101(b) and (c). The intent of § 21.101 is to enhance safety by incorporating the latest requirements into the type certification basis for the changed product to the greatest extent practicable.

- 3. OBJECTIVES OF THE ARC.** The CPR ARC will evaluate the need for new rulemaking as well as FAA policy and guidance development to ensure an adequate certification basis is established for changed products. The ARC will consider requirements from section 117 of the Aircraft Certification, Safety, and Accountability Act (Pub. L. 116-260, 134 Stat. 2309, hereafter referred to as ACSAA) and recommendations from the CPR International

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<sup>1</sup> Reference FAA Order 8110.48A.

Authorities Working Group (IAWG)<sup>2</sup>, including a review of the materials and public comments within Docket FAA-2023-0305<sup>3</sup>.

The ARC will identify any necessary amendments to § 21.19 to ensure an adequate certification basis is established for changed products, such as requiring a new TC, including any basis for such determination. The ARC will propose objective criteria to draw the distinction between “significant” and “substantial”<sup>4</sup> changes to type design during the classification of changes to a TC. The criteria will include examples to add to new and existing guidance materials.

The ARC will investigate the use of systems safety principles towards the identification of areas affected by proposed changes, examine how systems safety principles may play a role in changed product outcomes, and further develop the applicable guidance materials.

The CPR ARC’s recommendations will consider compatibility with the certification systems of other authorities with the purpose of supporting international harmonization and will also require coordination with the CPR IAWG chartered by the FAA in 2021.

**4. TASKS OF THE ARC.** The tasks of the ARC are to:

- a. identify any necessary amendments to § 21.19 and related guidance that the ARC finds appropriate to ensure an adequate certification basis is established for changed products, such as requiring a new TC. The ARC should provide an explanation for any identified amendments to § 21.19. CPR IAWG recommendations and usage of the *reference type design* definition<sup>5</sup> should be incorporated as much as possible.
- b. evaluate draft objective criteria developed by the CPR IAWG (Recommendation 1A1<sup>6</sup>) for determining if a proposed design change would result in a substantial change under § 21.19 and require a new TC application; perform an impact assessment for any proposed objective criteria using prior certification projects or new potential projects (amended TCs); propose revisions to objective criteria as necessary.
- c. identify additional guidance necessary, including practical examples of proposed design changes for inclusion within advisory material, to support the implementation of the classification criteria for substantial/significant changes; guidance material will include improving the definitions associated with the three criteria for the significant

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<sup>2</sup> *Changed Product Rule Recommendations*, dated September 2022 available at: [https://www.faa.gov/sites/faa.gov/files/IAWG\\_CPR\\_recommendations.pdf](https://www.faa.gov/sites/faa.gov/files/IAWG_CPR_recommendations.pdf).

<sup>3</sup> See Docket No., FAA-2023-0305-0001, *Input to Changed Product Rule International Authorities Working Group Recommendations*, available at: <https://www.regulations.gov/document/FAA-2023-0305-0001>.

<sup>4</sup> Significant changes as defined by § 21.101 and substantial changes are those that are so extensive that a substantially complete investigation of compliance with the applicable regulations is required in accordance with § 21.19.

<sup>5</sup> See footnote 1, pg. 1.

<sup>6</sup> See footnote 1, pg. 1.

change classification and evaluation of design changes at the product-level or system-level.

- d. develop guidance material for affected areas to include incorporating the use of system safety principles (Recommendation 1BG3<sup>7</sup>); ensure that guidance addresses the need for proposed changes to an aircraft to be evaluated from an integrated whole-aircraft system perspective (i.e., examination of the integration of proposed changes with existing systems and the associated impacts); ensure guidance also includes considerations for the need to weigh certain airworthiness requirements within the CPR process, such as those pertaining to flight deck and human factors effects, and safety critical information.
- e. within six months from the first meeting after the effective date of the charter, submit a recommendation report. This recommendation report should document both majority and dissenting positions on the findings and the rationale for each position. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement. The FAA co-chair may task the ARC with subsequent recommendation reports with deadlines prior to the ARC's sunset date.
  - i. The Industry Co-Chair sends the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.
  - ii. The FAA Co-Chair determines when the recommendation report and records, pursuant to paragraph (8), will be made available for public release.

## **5. ARC PROCEDURES.**

- a. The ARC acts solely in an advisory capacity by advising and providing written recommendations to the FAA Co-Chair.
- b. The ARC may propose related follow-on tasks outside the stated scope of the ARC to the FAA Co-Chair.
- c. The ARC may reconvene following the submission of the recommendation report for the purposes of providing advice and assistance to the FAA, at the discretion of the FAA Co-Chair, provided the charter is still in effect.

## **6. ARC ORGANIZATION, MEMBERSHIP, AND ADMINISTRATION.** The FAA will set up a committee of members from the aviation stakeholder community. Members will be selected based on their familiarity and experience with the application of the Changed Product Rule in the amended type certificate and supplemental type certificate processes. Membership will be balanced in viewpoints, interests, and knowledge of the committee's objectives and scope. Subject matter experts from the FAA, other federal agencies, and foreign civil aviation authorities may be requested to participate as observers and to provide technical support to the ARC members.

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<sup>7</sup> See footnote 1, pg. 1.

The provisions of the August 13, 2014, Office of Management and Budget (OMB) guidance, “Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions” (79 FR 47482), continue the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their “individual capacity.” The revised guidance allows registered lobbyists to participate on Agency Boards and Commissions in a “representative capacity” for the “express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.” For further information, refer to the OMB Guidance at 79 FR 47482.

Membership is limited to promote discussion. Attendance, active participation, and commitment by members is essential for achieving the objectives and tasks. When necessary, the ARC may set up specialized and temporary working groups that include at least one ARC member and invited subject matter experts from industry and government.

a. The Sponsor, the Associate Administrator for Aviation Safety, will designate the FAA Co-Chair. The FAA Co-Chair will:

- 1) Select and appoint industry members and the FAA participants,
- 2) Select the Industry Co-Chair from the membership of the ARC,
- 3) Ensure FAA participation and support from all affected lines of business,
- 4) Provide notification to the members of the time and place for each meeting, and
- 5) Receive any status report and the recommendations report.

b. The Industry Co-Chair will be appointed from the aviation stakeholder community. Once appointed, the Industry Co-Chair will:

- 1) Coordinate required ARC meetings in order to meet the objectives and timelines,
- 2) Establish and distribute meeting agendas in a timely manner,
- 3) Keep meeting notes, if deemed necessary,
- 4) Perform other responsibilities as required to ensure the objectives are met,
- 5) Provide status reports, as requested, in writing to the FAA Co-Chair, and
- 6) Submit the recommendation report to the FAA Co-Chair and the Executive Director of the Office of Rulemaking.

**7. PUBLIC PARTICIPATION.** Meetings are not open to the public. Persons or organizations outside the ARC who wish to attend a meeting must get approval in advance of the meeting from the Industry Co-Chair and the FAA Co-Chair.

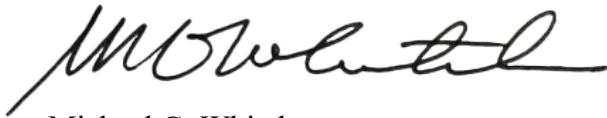
**8. AVAILABILITY OF RECORDS.** Subject to applicable Freedom of Information Act (FOIA) Exemptions pursuant to Title 5, U.S.C., § 552, the FAA will make records provided by the ARC to the FAA available for public inspection and copying. Available records will be located at the Office of Aircraft Certification Service, FAA Headquarters, 800 Independence Ave. SW, Washington, D.C. 20591. Fees will be charged for information

furnished to the public according to the fee schedule published in Title 49 of the Code of Federal Regulations, part 7.

You can find this charter on the FAA Committee Database website at:  
[http://www.faa.gov/regulations\\_policies/rulemaking/committees/documents/](http://www.faa.gov/regulations_policies/rulemaking/committees/documents/).

9. **DISTRIBUTION.** This charter is distributed to the Office of the Associate Administrator for Aviation Safety, the Office of the Chief Counsel, the Office of Assistant Administrator for Policy, International Affairs, and Environment, the Office of the Assistant Administrator for NextGen, and the Office of Rulemaking.
10. **EFFECTIVE DATE AND DURATION.** The ARC is effective upon issuance of this charter and will remain in existence for a maximum of 24 months unless the charter is sooner suspended, terminated, or extended by the Administrator.

Issued in Washington, D.C. on April 15, 2024.

A handwritten signature in black ink, appearing to read "M. Whitaker", written in a cursive style.

Michael G. Whitaker  
Administrator