
Comments on DRAFT **Order 8130.21J:** ***Completion of FAA Form 8130-3 under Part 21***

Submitted to the FAA email to
joshua.ctr.warren@faa.gov
tracy.r.szczepaniak@faa.gov
June 6, 2025

**Submitted by the**
**Aviation Suppliers Association**
**2233 Wisconsin Ave, NW, Suite 503**
**Washington, DC 20007**

For more information,
please contact:
Jason A. Dickstein
General Counsel
(202) 628-6777

**Aviation Suppliers Association**
**2233 Wisconsin Ave, NW, Suite 620**
**Washington, DC 20007**
**Voice: (202) 347-6899**
**Fax: (202) 347-6894**
**Info@aviationsuppliers.com**

**Respond to: Jason Dickstein:**
**(202) 628-6777**
**Jason@washingtonaviation.com**

Comments on DRAFT **Order 8130.21J:** ***Completion of FAA Form 8130-3 under Part 21***

Submitted to the FAA email to
joshua.ctr.warren@faa.gov
tracy.r.szczepaniak@faa.gov
June 6, 2025

Joshua Warren and Tracy Szczepaniak
Federal Aviation Administration
Aircraft Certification Service, AIR-600
800 Independence Ave SW
Washington, DC 20024

Dear Mr. Warran and Ms. Szczepaniak

Please accept these comments in response to the DRAFT **Order 8130.21J:** ***Completion of FAA Form 8130-3 under Part 21***. Within each recommendation, where applicable, we have underlined proposed text to be added and struck-through proposed text to be removed.

## Contents

## 1. Who is ASA?

Founded in 1993, the Aviation Suppliers Association (ASA) represents the aviation parts distribution industry, and has become known as an organization that fights for safety in the aviation industry and marketplace.

ASA has over 1000 global members. ASA's members reflect the aircraft parts distribution community. Our members range from small businesses to household names like Boeing. Collectively, they lead critical logistics programs, purchasing efforts, and distribution of aircraft parts world-wide.

ASA members use FAA form 8130-3 every day to identify aircraft parts and to identify the airworthiness condition of aircraft parts. Ther 8130-3 form is very important to this community. Using the form for traceability purposes has been recognized as having a positive effect on safety. *E.g. Voluntary Industry Distributor Accreditation Program (AC 00-56): FY 2004 Audit Report*, p. 8 (FAA 2004) (finding that he FAA AC )0-56 program "has improved the level of certitude in aviation parts, and, therefore, has raised the level of safety through a cooperative effort").

ASA and its members are committed to safety. ASA frequently works with the United States Government on government policies affecting the aviation industry so that the government may work collaboratively to create the best possible guidance for the industry and the flying public. ASA has a long history of working with the FAA and other Federal Agencies toward common safety goals.

## 2. A Brief and Incomplete History of the FAA Form 8130-3

The FAA and its predecessors have been relying on documentation to record airworthiness for many decades. At least as early as the 1950s, the Civil Aeronautics Administration used the Form 186 to document airworthiness on new engines and propellers.[1] The Form 186 was eventually replaced by the FAA Form 8130-3.

In 1965, the FAA sought to better codify the standards for documenting airworthiness. The FAA issued a new rule classifying aircraft parts into three categories: class I (for aircraft, engines and propellers), class II (for major assemblies and TSOA articles) and class III (for all other parts).[2]

[1] *E.g.* Civil Aeronautics Administration Regulations section 410.34 (21 F.R. 5508-5510 (July 21, 1956)).
[2] *Certification Procedures for Products and Parts: Export Airworthiness Approval Procedures*, 30 F.R. 8464 (July 2, 1965).

The FAA also made available an export airworthiness approval form that would document airworthiness on class I and class II parts.[3] The FAA anticipated that class III parts would not need airworthiness approvals. During the notice-and-comment period, a manufacturer posited that it could conceive of a situation where they might desire an airworthiness approval for class III parts, so the final rule authorized production approval holders to apply to designees for such forms.[4]

In 1991, the FAA published instructions for completing the Form 8130-3.[5] These instructions reserved the 8130-3 tag for airworthiness approval of class II and class III Parts. The purpose fo the tag was to serve "as evidence of installation eligibility, airworthiness and/or conformity of newly manufactured and newly overhauled products."[6] The form was limited to use for parts issued from production approval system, and the guidance forbade issue of the tag for standard parts because they did not come from production approval systems.[7]

Also during the late 1980s and early 1990s, the FAA began signing bilateral agreements and implementation procedures that promised our trading partners that the U.S. would provide export airworthiness forms with exported parts. This became a problem because only manufacturers could obtain export 8130-3 tags for class III parts, while many exports had been accomplished by distributors. In order to solve this problem, the FAA planned to change the export airworthiness regulations to permit all exporters to be able to apply for export 8130-3 tags. This change would take over a decade to bring to final publication.

Before September 1999, Maintenance Designated Airworthiness Representatives (DARs) were permitted to issue 8130-3 tags for demonstrably airworthy parts, even when the applicant was not a manufacturer. The DAR would examine the documentation and other evidence to assure that there was adequate substantiation of having been produced under a FAA-approved production quality system (it was once airworthy), and the DAR would also examine the part to assure that there was no evidence of damage nor degradation since production (it is still airworthy). If the DAR found that the part was airworthy then the DAR would issue an 8130-3 tag to document the DAR's airworthiness finding. The primary market for this sort of work has been distributors, because they do not enjoy any FAA privileges that would permit issue of an 8130-3 tag under any other circumstances.

In September 1999, the FAA issued a memo restricting the exercise of this privilege for parts currently held by a distributor.[8] ASA responded that there appeared to be no safety or practical

[3] *Id*.
[4] *Id*. at 8465.
[5] *Procedure for Completion of FAA Form 8130-3 , Airworthiness Approval Tag*, FAA Order 8130.21 (June 21, 1991)
[6] *Id*. at ¶ 4(a).
[7] *Id*. at ¶ 3(b).
[8] *AIR-200 Policy Memorandum 99-10, Clarification to Order 8130.21B* (September 10, 1999).

basis for this memo and that DARs' work supported safety as well as good commercial practice so it should be permitted.

The FAA remedied this situation by issuing temporary guidance permitting FAA-DARs to issue export tags at a distributor's facility if the distributor was accredited under FAA AC 00-56.[9] The temporary guidance was reissued on an annual basis for several years (each time under a new Notice number).[10] The purpose of these Notices was to provide a mechanism for distributors to be able to apply for 8130-3 tags and then use them to export aircraft parts. The 8130-3 forms issued under these provisions were called "domestic tags," because they certified domestic airworthiness without identifying an export destination. The reason this was internationally acceptable was because at the time, no importing nation had a special condition that affected parts, so there was no practical need to certify any special condition of an importing nation. From a regulatory compliance standpoint, the domestic 8130-3 was considered at the time to be a creation of policy (not regulation) and thus it was considered to be unbound by the application requirements of the export 8130-3 tag.

Eventually the FAA wished to be able to issue true export 8130-3 tags for the distribution community. They knew that a regulation was forthcoming that would permit this and the FAA wanted to transition to that regulatory scheme. The FAA invited the Aviation Suppliers Association to file a petition for exemption that would exempt its members from the provision that limited (class III export 8130-3 tag) applicants to manufacturers. This was FAA exemption 8696, which was first issued in 2006.[11] This continued the ability of distributors to apply to DARs for 8130-3 tags, but now the tags were true export tags.

Meanwhile, though, the air carrier community had fallen in love with the 8130-3 tag as a traceability document. Since 1996, FAA AC 00-56 had strongly encouraged reliance on the 8130-3 as a traceability document, and by the time distributors were permitted by the exemption to apply for true export airworthiness tags, the industry saw value in the so-called domestic tag. Thus, the FAA made allowance to issue both domestic and export 8130-3 tags.

Other authorities issue only a single form of airworthiness approval (e.g. EASA Form 1 in Europe, TCCA Form One in Canada, etc.). In aa move designed to streamline processes and reduce unnecessary confusion caused by issuing more than one type of airworthiness approval, the FAA issued guidance explaining that it would no longer visibly distinguish between export and domestic 8130- 3tags, and that designees were forbidden from indicating "export" or otherwise designating an 8130-3 tag as an export tag that might be distinct from a domestic tag.[12]

---

[9] *Procedure for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*, FAA Notice 8130.70 (June 15, 2001).
[10] *E.g. Procedure for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*, FAA Notice 8130.71 (June 15, 2002).
[11] FAA Exemption 8696 [regulatory docket FAA-2005-21077] (March 23, 2006).
[12] *Issuance of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag and PAH Issuance of Authorized Release Documents for Export,* FAA Policy Memo AIR 100-16-110-DM04 (June 24, 2016).

The FAA also clarified that exporters (not DARs) were responsible for meeting the special import requirements of the importing nation. At the same time, the FAA issued letters announcing and explaining this change to all of our bilateral trading partners.

## 3. Specific Comments

### Section 8(a) [*information*]

Draft section 8(a) states:

> "The information placed on the form must be legible, in permanent ink or typed, and in the English language. FAA Form 8130-3 must be correlated with the shipment. The form may not be delivered before the product or article."

The current language would unnecessarily inhibit the creation of digital documentation. We recommend revising this to include computer-generated forms. There are at least two reasons for this proposed change. First, most 8130-3 tags today are generated using printers, so even paper forms are not typed. Second, by adding a description of a third category as "computer generated," this encompasses digital 8130-3 tags, which might never be printed (digital signatures are anticipated on such documents).

We also recommend removing the requirement to deliver the 8130- 3 form with the shipment. If the FAA wishes to support digital documentation, then it should embrace electronic transfer of documentation. In such a case, the 8130- 3 tag is not delivered with the shipment (because the tag is electronic while the shipment is not electronic), but the form is nonetheless correlated to the shipment.

To implement this, we recommend the following language for section 8(a):

> "The information placed on the form must be legible, in permanent ink ~~or~~, typed, or computer generated, and in the English language. FAA Form 8130-3 must be correlated with the shipment. ~~The form may not be delivered before the product or article.~~"

### Section 8(f) [*Splitting bulk shipments*]

Section 8(f)(2) clarifies that "any person" who owns or controls a bulk shipment may split it. Subsections 8(f)(2)(a) and 8(f)(2)(b) require the "name, physical address, date, and contact information of the *individual* splitting the shipment." Typically an individual *does not* own or

control a bulk shipment. Instead, it is typically a business entity that owns or controls a bulk shipment. Thus this is an inconsistency.

We recommend that the requirement for identification of the person who split the bulk shipment be harmonized to the scope clause describing who can split a bulk shipment. Because it is often entities - not individuals - who are splitting the bulk shipment, ASA recommends replacing the term "individual" with the term "person."

ASA also recommends including the disjunctive "or" at the end of this subsection, to reflect the disjunctive lead-in "either" that appears before the subsection.

The resulting text in subsection 8(f)(2)(a) would look like this:

> "Indicate on each copy of the form (front or back side) the number of aircraft engines, propellers, or articles being shipped, tracking number for the portion being shipped, and the name, physical address, date, and contact information of the ~~individual~~ person splitting the shipment, or."

The resulting text in subsection 8(f)(2)(b) would look like this:

> "Make a statement on a separate document accompanying each copy that includes: the tracking number of the original form, tracking number for the portion being shipped (tracking number assigned to the new statement by the person responsible for splitting the bulk shipment), number of aircraft engines, propellers, or articles being shipped (under this new statement), and the name, physical address, date, and contact information of the ~~individual~~ person splitting the shipment."

## Section 8(g) [*Issuer no longer available*]

This section implies that the issuer is an individual. This is inaccurate.

- When the form is issued by a production approval holder under 14 C.F.R. § 21.137(o), the issuer is the production approval holder (not any individual). In such a case it is the production approval holder who enjoys the issuer authority under the regulation.
- When the form is issued by an FAA employee or a designee, then the issuer is the Administrator (not any individual). This is clear from the fact that the designee does not enjoy his or her own authority to issue a document like the 8130-3 tag, but rather enjoys an authority delegated to him or her by the Administrator. E.g. 49 U.S.C. § 44702(d)(1). This is analogous to the delegated authority enjoyed by FAA employees. *See, e.g.* 14 C.F.R. § 13.1 (re-delegation of enforcement authority).

Thus, the issuer is typically a corporate or government entity. We recommend revising this better reflect that the issuer is a corporate or governmental entity and to clarify who may act in the place of such entities (which will be a more rare occurrence than changes in individuals exercising authority). One way to do this is to revise the language as follows:

> "Issuer no longer available. If the Form was issued under 14 C.F.R. 21.137(o) then the issuer (the production approval holder) may issue a new corrected form or copy the form. This includes issue by an authorized representative of the issuer, even if it is a different authorized representative from the original authorized representative. If the production approval holder who issued the ARD is no longer available, then the Administrator (or the Administrator's designee) may issue a new corrected form or copy the form. When a corrected form is issued, the issuer shall ensure that the corrected form references the incorrect form's tracking number and provides an explanation of the corrections in block 12. If the above terms cannot be met, then a new form reestablishing that the item conforms to its approved design and is in a condition for safe operation is required."

## Section 8(i)(3) [*Reissued Form*]

Draft section 8(i) states:

> "New items returned to a PAH may be eligible for a new FAA Form 8130-3 if the following conditions are met:
>
> (1) Items were produced under the PAHs production approval,
>
> (2) PAH maintains a procedure to accept aircraft engines, propellers, and articles back into its quality system, and
>
> (3) Tests and inspections are performed in accordance with procedures contained in the PAHs quality system to determine that the returned item still meets the original type design under which it was produced and is in a condition for safe operation.
>
> Note: If the original FAA Form 8130-3 is returned with the items, the issuer should retain the form on file with, or reference, the new FAA Form 8130-3."

PMA and TSOA manufacturers are production approval holders (as well as being design approval holders). Articles produced under these approvals are subject to FAA design approval but it is misleading to call such design approvals "type design." Type design also implies that

only TC holders (and not other design approval holders) have privileges related to their corollary production approvals. Therefore, we recommend using the phrase "FAA-approved design," instead of "type design."

We recommend changing the language of subsection 8(i)(3) to clarify that PMA and TSOA manufacturers are production approval holders:

> "(3) Tests and inspections are performed in accordance with procedures contained in the PAHs quality system to determine that the returned item still meets the original ~~type~~ FAA-approved design under which it was produced and is in a condition for safe operation."

## Section 8(m) [*commercial and standard parts*]

Draft section 8(m) states:

> "m. Standard or commercial part. A standard or commercial part is eligible for issuance of an FAA Form 8130-3, provided it is part of the FAA-approved design. Refer to FAA Order 8110.118, Commercial Parts."

First, Order 8110.118 does not authorize issue of an 8130-3 tag for a commercial part. Th reference to Order 8110.118 is misleading to the extent it implies that the Order authorizes issue of an 8130-3 Form for commercial parts.

Second, the point of a commercial part is that it can be produced by a non-PAH because its failure would not degrade the level of safety of the product. 14 C.F.R. 21.50(c)(2)(i). "Commercial parts [] are not subject to the rigorous quality control requirements for PAHs." *Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments*, 74 F.R. 53368, 53374 (Oct. 16 2009). Thus, the airworthiness condition of a commercial part may remain unknown because it is not relevant to safety. For this same reason, though, the FAA has typically refrained from issuing airworthiness approvals for commercial parts. There does not seem to be a good policy reason for confirming airworthiness on a part that – by its very nature – can be non-compliant without affecting airworthiness.

Third, the regulations used to specifically authorize issue of 8130-3 tags for standard parts, as they were part of the definition of class III parts in section 21.321. This authorization was removed from the regulations because the FAA wanted to generally limit 8130-3 tags only to parts produced under production approval. This allowed the FAA to rely on the production approval as a baseline for the finding of airworthiness. Because of the specific intent of the FAA when standard parts were removed, adding them back to the class of parts eligible for 8130-3 tags probably requires them to be added back into the regulations.

In addition, this seems to reflect bad policy, because both standard parts and commercial parts are manufactured outside of the scope of a PAH environment, so there is no FAA control of their production mechanisms – thus the FAA may not have a practical basis for assuming the airworthiness of such articles.

The industry has gotten along without 8130-3 tags for standard and commercial parts. Adjusting this now would create chaos in the industry because existing standard and commercial parts typically bear certificates of conformity instead of 8130-3 tags. This proposed change would cause chaos in the industry and does not seem to add any safety value, so ASA recommends removing draft section 8(m).

## Section 9(a)(1) [*Use of 8130-1 for Application*]

Draft section 9(a)(1) states:

> "a. To obtain an export airworthiness approval, complete the following, unless a bilateral agreement specifies otherwise:
>
> > (1) Application. Under § 21.327, any person may apply for an export airworthiness approval for an aircraft engine, propeller, or article by completing FAA Form 8130-1, Application for Export Certificate of Airworthiness, per instructions in appendix A, or by making an oral request to an appropriately authorized FAA representative or designee. To ensure applicants provide complete and accurate information, use Form 8130-1.
> >
> > **Note**: Any person may submit Form 8130-1 electronically instead of completing and retaining it in the paper format."

We recommend removing the sentence that reads "To ensure applicants provide complete and accurate information, use Form 8130-1." We make this recommendation because the language is inconsistent, and also because this sentence violates the FAA's obligations under the Paperwork Reduction Act.

First, the immediately prior sentence authorizes oral application for 8130-3 tags. This sentence (that we recommend removing) seems to invalidate that oral application authorization, by implying that completing the 8130-1 may be the only way to ensure true and correct information. In fact the typical application requesting an 8130-3 tag to be issued for a part must include sufficient data to allow the designee to make appropriate airworthiness findings. The 8130- 1 is thus superfluous to the designee's review in support of whether an 8130- 3 tag can be issued, and adds nothing to the truth or correctness of the data that is submitted in support of the application.

The statement that we are proposing to remove is thus technically inaccurate.

Also, this language violates the Paperwork Reduction Act's requirement for OMB approval. The current OMB approval of Form 8130-1 is made in conjunction with the approval of 5 other forms. That OMB approval anticipates 46,032 uses of the six collectively-approved forms, with an average form completion time of 30 minutes.

The average 8130-3 tag takes more than 30 minutes in total support time because of the record retention and recordkeeping requirements to support the issue of the form. You must take into account the staff time for collecting the supporting data in addition to the designee's time for reviewing that data and issuing the tag. If the 8130-1 is not required for such an application, then the OMB requirements do not apply.

ASA conducted a survey in 2017 of distributors. The respondents reported holding approximately $4 billion worth of inventory. This is one of the communities that is applying for export 8130-3 tags from designees. The volume of applications that would need to be supported by 8130-1 would outstrip the OMB estimates for numbers of all six documents, so an effort to reimpose a requirement for the 8130-1 (in lieu of oral application) would render the FAA's OMB approval inaccurate because of a dramatic undercounting.

The statement that we are proposing to remove is thus inconsistent with FAA's current OMB approval for the 8130-1 form.

Thus, ASA recommends removing the sentence in section 9(a)(1) that reads "To ensure applicants provide complete and accurate information, use Form 8130-1."

## Section 9(a)(2) [*Conformity*]

Draft section 9(a)(2) states:

> "Conformity. Under § 21.331, the applicant may obtain an export airworthiness approval for new aircraft engines, propellers, or articles that were manufactured under Part 21, if the applicant establishes conformity to approved design and condition for safe operation. Similarly, the applicant may obtain an export airworthiness approval for used aircraft engines, propellers, or articles if applicant establishes conformity to approved design and condition for safe operation. The applicant must demonstrate these used item(s) were maintained or altered under 14 CFR Part 43. The applicant is responsible for demonstrating conformity to approved design and condition for safe operation in accordance with §§ 21.146(c) and 21.316(c) or § 21.616(c)."

The current language only lists the production approval holder responsibilities for ensuring airworthiness (for PC, PMA and TSOA respectively). It is problematic because it is structured so that it references the PC obligation and either the PMA or the TSOA obligation (normally, a production approval holder should only meet one of those three standards). But it is also problematic because it omits the finding described under the export airworthiness regulation for parts and engines (14 C.F.R. § 21.331).

Note that sections 21.146(c), 21.316(c), and 21.616(c) impose an obligation to make a finding of airworthiness but do not describe how to make such a finding.

Our proposed correction adds the actual export airworthiness regulation to the reference list of standards.

Technically the ARDs issued by PAHs do not arise under subpart L (so they do not belong here) but referencing these regulations is consistent with the FAA's policy removing the distinction between export and domestic tags (e.g. FAA Policy Memo AIR100-16-110-DM04 (June 24, 2016)) as well as the 2016 notifications to our bilateral partners, so we have left the PAH ARD citations untouched.

ASA recommends changing the last sentence of the paragraph to include section 21.331(a). The changed version would read as follows (for clarity, we have provided a final version rather than a redlined version):

> "The applicant is responsible for demonstrating conformity to approved design and condition for safe operation in accordance with §§ 21.146(c), 21.316(c), 21.331(a) or 21.616(c)."

## Section 9(a)(2)(c-d) [*Conformity*]

Section 9(a)(2)(c) and section 9(a)(2)(d) These two paragraphs both appear to apply to all engines, propellers and articles. The only appear to identify the articles as "new" or "used" in the second sentence. The second sentence in each case provides guidance on accomplishing an inspection.

It is clear from context that subsection (c) is intended to apply to new things and subsection (d) is intended to apply to used things. The scope clause contained in the first sentence of each fails to make this clarification. This results in confusion because the lead sentence in each paragraph fails to distinguish the more limited intent of the paragraph.

To remedy this, we recommend identifying each paragraph's first sentence with the words "new" or "used" as appropriate. The proposed language would look like this:

"(c) Evidence that the new aircraft engine, propeller, or article is in a condition for safe operation. An inspection must ensure that new aircraft engines, propellers, or articles have not been damaged nor suffered noticeable degradation (such as degraded seals or o-rings, etc.) since production, and are still in an unused condition.

(d) Evidence that the used aircraft engine, propeller, or article is in a condition for safe operation. An inspection must ensure that used aircraft engines, propellers, or articles have not been damaged nor suffered noticeable degradation (such as degraded seals or o-rings, etc.) since the approval for return to service was issued."

## Section 9(a)(2)(e) [*Conformity*]

The existing language clarifies the scope of ADs. Despite this, the industry continues to experience confusion about whether ADs can be issued against non-appliance articles.

ADs apply to products and appliances (14 C.F.R. § 39.3). They do not apply to non-appliance articles. Requirements to check for ADs have caused confusion in some cases, where such a requirement appears to be applied to non-appliance articles. To avoid that confusion in this case, we suggest explicitly noting that ADs do not apply to non-appliance articles. ASA recommends the following language for 9(a)(2)(e):

"Ensure there are no airworthiness directives (AD) outstanding against the aircraft engine, propeller, or appliance. 14 CFR 39.3 does not authorize the FAA to issue ADs against non-appliance articles."

## Section 9(b) [*Chain of Commerce*]

Section 9(b) uses the phrase "chain of command." This is used in the context of stating that some person must meet the importing country's legal requirements. It describes this person as the "exporter or someone else in the chain of command." "Chain of command" simply does not make sense.

There is no chain of command in a civil aviation operation. Chain of command is a concept from defense operations.

We think that the drafter intended this to be the "chain of commerce," which makes much more sense, and is consistent with normal industry practices. We thus recommend changing the language as follows:

b. Section 21.335(a) states for the exporter to "forward to the importing country or jurisdiction all documents specified by that country or jurisdiction." Typically, as a condition of the importing country's acceptance, an exporter or someone else in the chain of ~~command~~ commerce must ensure that the aircraft engine, propeller, or article meets any special requirements of the importing country, or that the importing country accepts any deviations. These requirements are in the importing countries' bilateral agreement on the FAA website at:

## Section 9(c) [*export*]

The third sentence of paragraph 9(c) states

> "However, no provisions allow the export of a used article that does not meet the requirements of § 21.331(c)."

This appears to prevent export under circumstances that inaccurately portray the FAA"s role in exporting.

First, the regulation does not prevent export of used articles – it merely fails to offer a mechanism for issuing an 8130-3 tag to support such exports. FAA permission is not necessary to export an article, and suggesting that no provision allows export implies that the FAA has the power to prevent an export. Such a power has been specifically assigned to the Departments of Commerce, State and Treasury by statute, so it would be inappropriate for the FAA to assume such a power without any statutory authority.

The FAA's power is one of facilitation of exports. *Part 21 – Certification Procedures for Products and Parts*: *Export Airworthiness Approval Procedures*, 30 F.R. 8464 (July 2, 1965).

Second, some countries will accept FAA 8130-3 when issued as an approval for return to service (especially those without U.S. BASAs and those with smaller aviation industries).

Third, the Chinese government has issued new guidance that permits US companies to export used parts to China under certain standards (this activity will still not require an 8130-3 tag). CAAC AC 145-FS-2019-017 (April 22, 2019). This guidance is in the process of being implemented and the "R1" update to this Chinese guidance is expected later this year.

Finally, the use of the term "article" is sufficient in this context (without the additional text) because the definition of "article" in section 21.1 is distinct from the definition of "product."

We recommend replacing this with language that focusses on issue of the Form, rather than prevention oof export:

> "However, no provisions allow the issue of an export airworthiness approval for a used article (although a used article may be issued an approval for return to service following performance of a maintenance activity performed under the standards of 14 C.F.R. Part 43)."

## Section 9(d) [*foreign CAA variance*]

Paragraph 9(d) states:

> "When an exporter notifies the FAA that it cannot comply with § 21.331(a) or (c), and before issuance of FAA Form 8130-3, the FAA will request a written statement from the importing CAA indicating the CAA's acceptance of the aircraft engine, propeller, or article. Governmental authorities will transmit and receive requests for acceptance before export. The FAA ASI, FAA-authorized designee, ODA-UM, or FAA PAH will not issue export documentation without first receiving a written statement of acceptance from the importing CAA. The FAA will notify the exporter or designee of the CAA's written response."

This language requires "a written statement of acceptance from the importing CAA." The actual regulation, though, accepts any statement from the importing CAA that is acceptable to the FAA. In some cases, this might a policy statement or regulation issued by the importing authority. Such a statement or regulation would have general applicability, and would negate the need for a "statement of acceptance" that is directed to the specific transaction.

An example would include the existing language of CAAC AC 145-FS-2019-017 (April 22, 2019), which includes a policy accepting foreign used parts, as well as the planned expansion of that guidance which will provide a more general acceptance of certain foreign used parts.

ASA recommend that the FAA revise this guidance so it better supports the regulatory language, and so it does not unnecessarily foreclose foreign market opportunities based on a non-regulatory limit. This is the proposed new language:

> "When an exporter notifies the FAA that it cannot comply with § 21.331(a) or (c), and before issuance of FAA Form 8130-3, the FAA will request a written statement from the importing CAA indicating the CAA's acceptance of the aircraft engine, propeller, or article, which may take the form of CAA policy or regulations. ~~Governmental authorities will transmit and receive requests for acceptance~~ Such a statement must be obtained by the exporter before export. The FAA ASI, FAA-authorized designee, ODA-UM, or FAA PAH will not issue export documentation for a used part without first receiving a written

statement of acceptance (or a copy of the CAA's applicable regulation or policy) from the importing CAA. Where applicable, the ~~The~~ FAA will notify the exporter or designee of the CAA's written response."

## Section 9(f) [*NEW: Compliance with Bilateral Agreements*]

This is a new proposed section that is intended to solve an existing problem.

Current bilateral agreements with EASA and the UK CAA require that the 8130-3 tag make a criticality statement (not critical, licensed or subject to STC) for FAA-PMA parts.[13] This statement is required to be placed in block 12.[14]

When a FAA-PMA part has been exported to another jurisdiction, the associated documentation typically would not include the language form the EASA implementation procedures. This would inhibit the transmission of such new parts to the European Union, even though such a part might be otherwise eligible for import into the European Union. There needs to be a mechanism for including the required statement in block 12 (when it is accurate) after the part has entered in the chain of commerce.

This statement is the responsibility of the exporter. For example, if an aircraft part is exported from the U.S. to Singapore, and then it is subsequently exported to France, then the initial 8130-3tag is unlikely to include the language from the EASA implementation procedures. In order to allow the part to be imported into the EU, the 8130-3 tag for the part must bear the required language, which means that someone must be empowered to add this language.

We recommend allowing for the alteration using this language in a new subsection 9(f):

"(f) An exporter (or re-exporter) is permitted to amend the 8130-3 by adding language that is required by a bilateral agreement, or by adding language that is required by the implementation procedures for a bilateral agreement. The exporter (or re-exporter) must do the following:

(1) Confirm that the conditions for placing the applicable language are met (i.e. that the applicable language is true);
(2) Add the applicable language required by the bilateral agreement, or the implementation procedures, to the space on the form on which it is required;

[13] *Technical Implementation Procedures For Airworthiness and Environmental Certification*, ¶ 7.11 (rev 7 - Oct 19, 2023) (requiring each statement to be in the remarks block). *See id*. at ¶ 3.3.4 (accepting PMA parts that fall within these parameters).
[14] *Id*. at ¶ 7.11.

(3) Create an attachment to the 8130-3 identifying the information that was added or altered, identifying the person responsible for the additional language, identifying the date on which the alteration was made, and identifying the reason for the alteration (such as a reference to an implementation procedure). This completed attachment must be provided with the altered 8130-3."

## Section 11(d)(3) [*PAH number*]

When an 8130-3 is created after release from the PAH facility, then paragraph 11(d)(3) provides guidance directing the inclusion of the PAH number in block 12. This creates a problem when that number is not readily available. As a matter of common practice, it is quite common to see 8130-3 tags that do not include the PAH number.

When an 8130-3 is created outside of the PAH environment (e.g. by a DAR at a distributor's facility), there is no way to readily identify PC holder production approval numbers, nor TSOA production approval numbers. This also means that such numbers cannot be confirmed. Note that the FAA makes it possible to identify PMA production approval numbers in the PMA database, so this could serve as a future model for making this information available to the industry. These PC and TSOA production approval numbers are not listed in the DRS database nor do they appear to be listed elsewhere in the FAA's publicly available materials.

Because PC and TSOA production approval numbers are not listed in any publicly available source, like the DRS database, placing them on the 8130- form does not add any safety value for the public. Because of this lack of safety value afforded by the data, the requirement should be dropped.

PAH numbers are typically not revealed in manufacturer's commercial documentation so there is no commercial mechanism to identify this number when the 8130-3 tag is issued by a DAR. We have also spoken with PAHs who – as a matter of normal practice – do not place the PAH number on their 8130-3 tags. Thus, this is a non-standard practice that is not uniformly implemented.

The requirement for a PAH number is also inconsistent with the guidance found in paragraph 11(l)(2), which is the relevant instruction for block 12. That instruction only requires the PAH's name.

Also, the term used in the PMA database is the "PMA Holder Number." If we want to reference PAH numbers then we should harmonize the term used between the guidance and the database, to avoid confusion.

Our primary recommendation is to eliminate paragraph 11(d)(3) in its entirety. As a fall-back position, we recommend (a) using the term "PMA Holder Number" and (b) making the TSOA and PC numbers available to the public.

## Section 11(l) [*block 12 BASA statements*]

As written, the requirement in section 11(l) makes it seem as though the entire bilateral agreement should be added into block 12. Our proposed correction would clarify that the statement (and not the agreement) is entered into block 12. We also recommend changing the term from "box" to "block" to match usage throughout the Order (and thus to maintain consistency). Elsewhere, the term "box" is used to mean a check box, so using the term "box" in this context is potentially confusing.

ASA recommends replacing the second sentence in this paragraph ("Bilateral agreements that require certain statements to be added for export purposes must be entered in this box") with the following text:

> "If bilateral agreements require certain statements to be added for export purposes, then the statements should be entered in this block."

## Section 11(l) [*export*]

The "non-export" language in the fourth sentence of this text is taken from FAA Policy Memo AIR100-16-110-DM04. The reason for that memo was because the FAA chose to eliminate distinctions between the so-called "domestic" tags and the export tags. A major reason for this was a finding that such a distinction "needlessly complicates" the tag and hinders global commerce without adding any safety value. In 2016, the FAA also shared letters with our bilateral trading partners explaining this change.

As it has been implemented in this section, the language lacks clarity in its intent. In particular, it could permit language that is distinct but that achieves the ends meant to be precluded by the Policy Memo. We therefore recommend adding the following language to clarify the intent:

> "Do not add statements that distinguish the airworthiness approval as if it were used for export or restricted from export, e.g., "Domestic shipment only," "Not an export approval," or "Export airworthiness approval." "

## Section 11(l)(1) [*purpose of conformity inspection*]

As written, the statement in section 11(l)(1) seems to require a description of the use of the product or article. From the examples that follow, it is clear that the description is meant to describe the intended purpose of the inspection. We recommend revising the language so that the intent is clear.

ASA recommends that the FAA replace the first clause in this paragraph ("When used for conformity inspection, enter an explanation of the aircraft engine, propeller, or article's use …") with the following text:

> "When used for conformity inspection, enter an explanation of the purpose of the aircraft engine, propeller, or article's conformity inspection ~~use~~ …"

## Section 11(l)(8) [*any other purpose*]

8130.21H section 2.8.l.2.(k) states that block 12 can be used for "(k) Any data not appropriate in other blocks."

8130.21J does not include this note for block 12. This is implied by the lead in sentence ("Enter in this block, either directly or by reference, information that may help the user or installer to determine the airworthiness of an aircraft engine, propeller, or article."); however the removal from the list of statements is likely to lead to the conclusion among some readers that the FAA has removed the authority to add useful airworthiness information.

In practice, the industry adds data to block 12 when it supports airworthiness determinations. The nature of this added date is too varied to list every possible option. Thus, it is important to clarify to the industry that the FAA remains open to such airworthiness data. If we remove this authority (or appear to be removing this authority) then we may lose out on valuable airworthiness data, which may effectively diminish safety.

To correct this ASA recommends either retaining the "8130.21H" language ("(8) Any data not appropriate in other blocks") or adding more descriptive language consistent with the language in this "J" draft ("(8) Any other information that the applicant or issuer feels could provide safety value").

## Appendix B (Definitions), page A-3 [*definition of authorized person*]:

The definition of "authorized person" states:

> "Authorized Person. An FAA-authorized individual (e.g., FAA ASI or FAA-authorized designee), ODA-UM, or a PAH-authorized person to sign and issue FAA Form 8130-3. Each of these described in this definition are considered an issuer of the form."

The last sentence needs to be changed. When a PAH-authorized person signs an 8130-3 tag, then the issuer is the PAH; not the person. It is the PAH that has the authority to issue the 8130-3 tag under 14 C.F.R. § 21.137(o). Similarly, if an FAA-authorized individual signs the 8130-3 tag, then the issuer is the FAA and the individual acts on behalf of the FAA; the individual does not have independent authority to issue the 8130- 3 tag, so the issuer is not the individual. This becomes important because the issuer has obligations under the Order, like document retention. If the individual leaves their employment (either from the FAA or from the PAH) then the obligation to retain documentation should remain with the FAA/PAH – not with the individual. For these reasons, we recommend changing the definition of "authorized person" to the following:

> "Authorized Person. An FAA-authorized individual (e.g., FAA ASI or FAA-authorized designee), ODA-UM, or a PAH-authorized person to sign and issue FAA Form 8130-3. In the case of FAA-authorized persons including designees and ODA-UMs, the FAA is the issuer of the form. In the case of PAH-authorized persons, the PAH is the issuer of the form. Note that issuers may impose obligations on their authorized persons, but this does not relieve the issuer of its own legal obligations. ~~Each of these described in this definition are considered an issuer of the form.~~"

## Appendix B (Definitions), page A-3 [*definition of installation eligibility*]:

The term "*installation eligibility*" is defined in this section. This term does not appear to be used in the Order. Defining a term that is not used is unnecessary. In addition it can be dangerous in that other persons may use that definition as if it were a general definition, and it may be inapplicable in other circumstances. We recommend that this unnecessary definition be removed.

## Appendix B (Definitions), page A-3 [*definition of signature*]:

The definition of "signature" states:

> "Signature. Any form of identification used to acknowledge completion of an act and authenticate a record entry. A signature must be traceable to the individual making the entry, and it must be handwritten or be part of an electronic signature system or other form acceptable to the FAA."

We object to the FAA statement that a signature from someplace other than an electronic signature system must be handwritten. This is inconsistent with United States law concerning the definition of signature. For example, the Uniform Commercial Code (adopted in all 50 states) defines "signed" by explaining that the term "includes using any symbol executed or adopted with present intention to adopt or accept a writing." UCC § 1-201(37).

The UCC further explains 'signature' by saying:

> "A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing." UCC § 3-401(b).

The U.S. Code defines signature to mean ""signature" or "subscription" includes a mark when the person making the same intended it as such." 1 U.S.C. § 1.

U.S. and state law both recognize a broader definition of "signature." The FAA has no legal authority to narrow the definition of signature. This is important, because the Supreme Court has clarified that when Congressional intent is clear, an agency may not act contrary to the clear Congressional intent. *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, 842-843 (1984). For these reasons, we recommend that either (1) the FAA drop the proposed definition or (2) the FAA adopt language based on the existing statutory definition found in 1 U.S.C. § 1 (e.g.: "signature means a mark, including a digital representation, when the person making the same intended it as a signature").

## 4. Support for ARSA/AEA Approach

We understand that the Aeronautical Repair Station Association (ARSA) and the Aircraft Electronics Association (AEA) are drafting an alternative guidance document that would track with the relevant regulations while incorporating the existing guidance of 8130.21H. We understand that they intend their draft as a replacement to the proposed 8130.21J. We would like to reserve the right to review and support their draft once it is available in its final form.

If their draft is acceptable to the FAA, then we would also like to propose that the FAA convene a working group to review and complete the guidance consistent with the AEA/ARSA draft. We would propose that the FAA invite to the working group all parties who file comments on this

8130.21J draft guidance, that the working group be tasked with rapidly revising the guidance to better match FAA regulations, and that the resulting document be released for public comment, with the expectation that the result would garner relatively few comments once it was better harmonized to FAA regulations.

## 5. Conclusion

ASA believes that the proposals above will improve readability and improve compliance with appropriate statutory provisions.

Thank you for providing this opportunity to assist in the development of this guidance.

Respectfully Submitted,

Jason Dickstein
General Counsel
Aviation Suppliers Association