

Reforming Inequities in Maintenance Information Policies

ARSA Position

Federal Aviation Administration (FAA) regulations require manufacturers of civil aviation articles to make maintenance information available to aircraft operators and maintenance providers. In response to requests to clarify and enforce these regulations, however, the FAA has recently issued guidance that has only made it more difficult for repair stations to obtain the information crucial to maintaining a safe and efficient aviation system. It is time for Congress to enact fair and reasonable legislation to ensure that basic aviation maintenance information is available.

Discussion

An existing Federal Aviation Regulation (14 CFR § 21.50(b)) requires design approval holders to make basic maintenance information (called "instructions for continued airworthiness" or ICA) available to airlines, maintenance providers and others required to comply with the regulations.

In recent years, in an effort to restrict competition for maintenance services and to push smaller, independent companies out of the maintenance market, some manufacturers have stopped providing these maintenance manuals. A recent survey revealed that 73 percent of repair stations have been refused ICA at least some of the time when requesting them from the manufacturer. For more than 30 percent of repair stations, manufacturers refuse requests for ICA more than half the time.

Many manufacturers have also started charging exorbitant prices for their ICA. One well-known aircraft manufacturer charged \$700 for its manuals less than a decade ago. Today those manuals cost more than \$18,000. Some repair stations pay upwards of \$70,000 or more for an ICA. These prices become even more unconscionable when one considers that over half the repair stations must purchase at least 100 ICA to perform their work and that over 20 percent of repair stations possess over 2,000 manuals.

In 2005, the FAA issued long-awaited guidance on the ICA regulations. Unfortunately, the guidance narrowly interpreted the requirements that ICA be made available, but left unchanged the stringent requirements that repair stations possess ICA both at the time the FAA certifies them as repair stations and at the time they perform work. This created a regulatory Catch-22: Repair stations are *required* to have this information, yet the manufacturers are *not required* to provide it to them at a fair and reasonable cost.

In 2003, the House of Representatives included language in its version of the aviation reauthorization bill that would have codified and clarified the existing ICA regulations and required the FAA to better define what information ICA must contain. However, the ICA language was not included in the final 2004 aviation reauthorization bill.

The FAA's failure to address the important safety and free market issues surrounding ICA policy has compelled ARSA to seek congressional involvement and perhaps a legislative resolution of this issue. ARSA will continue to work with its safety conscious allies on Capitol Hill to forge a fair and reasonable ICA policy.