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## Aviation Group Client Update

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### NEW PART 23 RULE REVISES AIRWORTHINESS STANDARDS FOR SMALL AIRPLANES

On December 30, 2016, the FAA issued its amended [Final Rule](#) to overhaul airworthiness standards for Normal, Utility, Acrobatic, and Commuter Category Airplanes. This rule takes effect August 30, 2017. The delayed date is needed to allow time for training and guidance on performance based standards.

**Purpose.** This new Part 23 rule replaces current prescriptive design requirements with **performance-based airworthiness standards** for airplanes weighing less than 19,000 pounds with no more than 19 passenger seats. It reduces the time it takes to move safety enhancing technologies for small airplanes into the marketplace and will also reduce costs for the aviation industry.

**Summary.** Congress mandated an update in the Small Airplane Revitalization Act of 2013, which directed advancement in the safety and continued development of small airplanes by reorganizing certification requirements to streamline the approval of safety advancements. The rule also included recommendations from the Part 23 Reorganization Aviation Rulemaking Committee, for a more streamlined approval process for safety equipment on small general aviation aircraft.

Revisions include the addition of new certification standards to address general aviation loss of control accidents and in-flight icing conditions, as well as a more streamlined process for design approval holders applying for a type design change, or for a third-party modifier applying for a supplemental type certificate, to incorporate new and improved equipment in part 23 airplanes. It promotes regulatory harmonization among the FAA's foreign partners, including the European Aviation Safety Agency, Transport Canada Civil Aviation, and Brazil's Civil Aviation Authority which may help minimize costs for airplane and engine manufacturers and operators of affected equipment who seek certification to sell products globally.

It also amended Part 21 to allow FAA-approved production of replacement and modification articles for airplanes certificated under part 23, using methods not listed in § 21.9(a). This will reduce constraints on the use of non-required, low-risk articles, such as carbon monoxide detectors and weather display systems.

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If you have any questions or would like further information, please contact Shelley Ewalt. McBreen & Kopko's Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors' rights.