



COMMITTEE ON AVIATION ENVIRONMENTAL PROTECTION (CAEP)

STEERING GROUP MEETING

Brussels, Belgium, 8 to 12 July 2024

Agenda Item 3: Integrated Dual Stringency Analysis

CHANGED PRODUCT RULE INFORMATION

(Presented by the United States of America)

1. INTRODUCTION

1.1 In December 2020, the Aircraft Certification, Safety, and Accountability Act (ACSAA) was signed into United States' law. Section 117 of ACSAA, focused on the Changed Product Rule (CPR),¹ requires the Federal Aviation Administration (FAA) to revise and improve the policy and standards related to the amended type certificate process. The FAA is tasked to reevaluate the existing assumptions and practices inherent in the amended type certificate process and assess whether such assumptions and practices are valid, including current practices to ensure that proposed changes to an aircraft are evaluated from an integrated whole aircraft system perspective. The FAA is specifically tasked to consider whether a fixed time beyond which a type certificate may not be amended would improve aviation safety and whether certain design characteristics, such as a new or revised flight control system, should preclude the issuance of an amended type certificate.

1.2 The outcomes and deliberations of the CPR has significant importance to not only those authorities that are States of Design (SoD), but also to those authorities who have a substantial stake in the validation of those products and those that engage in the practical application of their own design changes. In an effort to reduce multiple international certification approaches, it is imperative that authorities work collectively to harmonize their respective rules and associated guidance. The ACSAA mandates the FAA to form an international team to address areas of concern related to the CPR. Therefore, the FAA established the Changed Product Rule (CPR) International Authorities Working Group (IAWG), consisting of civil

¹ 14 CFR § 21.19 requires the application for a new type certificate for a changed product if the change in design, power, thrust, or weight is found by the FAA to be so extensive that a substantially complete investigation of compliance with the applicable regulations is required. Such changes are referred to as "substantial changes." In addition, 14 CFR § 21.101(a) requires a change to a type certificate to comply with the latest requirements, unless the change meets the criteria for certain, limited exceptions. Taken as a whole, this process constitutes the "Changed Product Rule."

aviation authorities engaged in the certification and validation of aviation products. Participating authorities include the FAA, EASA (Europe), TCCA (Canada), ANAC (Brazil), CAAC (China), and JCAB (Japan).

1.3 The CPR IAWG developed a series of recommendations that can be found in their final report.²

2. RECENT UPDATES

2.1 The FAA Reauthorization Act of 2024³ included Section 344 “*Changed Product rule reform*” with additional direction to the Federal Aviation Administration.

2.1.1 This section requires FAA to publish a Notice of Proposed Rulemaking within 18 months to revise section 21.101 of title 14 Code of Federal Regulations to achieve the following objectives:

2.1.1.1 For any significant design change, as determined by the Administrator, to require that the exception related to impracticality under subsection (b)(3) of such section from the requirement to comply with the latest amendments of the applicable airworthiness standards in effect on the date of application for the change be approved only after providing public notice and opportunity to comment on such exception.

2.1.1.2 To ensure appropriate documentation of any exception or exemption from airworthiness requirements in Title 14 of the Code of Federal Regulations, as in effect on the date of application for the change.

2.1.2 In addition, Section 344 requires FAA to publish a Final Rule within three years.

2.2 FAA established an Aviation Rulemaking Committee (ARC) in April 2024 to address specific aspects of the Changed Product Rule and several CPR IAWG recommendations.

2.2.1 An ARC is unique to the FAA and authorized under Title 49 of the United States Code (49 U.S.C. § 106(p)(5)). It is exempt from the requirements of the United States Federal Advisory Committee Act (FACA). However, the FAA must adhere to the United States Administrative Procedure Act (APA) (5 U.S.C. §§ 551-559) requirements if the activities affect a rulemaking project.

2.2.2 The CPR ARC Charter⁴ includes the objectives, tasks, and procedures for the ARC as well as a timeframe for their work to conclude. The ARC is tasked to deliver its recommendations report within six months from their first meeting, and subsequent recommendations reports may be requested prior to the ARC’s 24 month planned duration.

² https://www.faa.gov/sites/faa.gov/files/IAWG_CPR_recommendations.pdf

³ <https://www.congress.gov/118/bills/hr3935/BILLS-118hr3935enr.pdf>

⁴ https://www.faa.gov/sites/faa.gov/files/Charter_Changed-Product-Rule-ARC_signed04152024.pdf

3. **DISCUSSION**

3.1 As noted above, FAA's work and timelines regarding the Changed Product Rule are beyond the CAEP/13 work cycle and do not impact plans to complete the Integrated Dual Stringency at CAEP/13 next year.

3.2 The United States will continue to provide relevant updates to CAEP as this work progresses over the next several years.

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