U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

December 21, 2023

Brett Levanto
Vice President of Operations
ARSA
121 North Henry Street
Alexandria, VA 22314-2903

Dear Brett Levanto:

This memorandum responds to your August 24, 2023, letter to FAA Aviation Safety Engineer Kevin Kung, questioning the agency's legal authority to issue Airworthiness Directive (AD) 2023-12-25 (Docket No. FAA-2023-0666).

The United Kingdom Civil Aviation Authority issued its AD for Survitec Group Limited life preservers in April of 2022 and, pursuant to its bilateral agreement with the FAA, subsequently notified the FAA of the unsafe condition. The FAA reviewed the relevant data and determined that air safety required adopting this AD as proposed. Accordingly, the FAA, after a 45-day public comment process that generated no comments, issued its own AD, which became effective on August 23, 2023. The AD is applicable to the same models of life preservers as the United Kingdom's AD.

You questioned whether a life preserver is, per the 14 CFR § 1.1 definition of an appliance, "used or intended to be used in operating or controlling an aircraft in flight." Like an emergency escape slide, emergency exit marking, aisle lighting, and post-crash fire suppression, the assurance provided by a life preserver is "used" by operators, manufacturers, and the FAA to ensure the safe operation of aircraft in flight. Therefore, certain operational regulations, including 14 CFR §§ 121.339, 135.167, and 136.9, require operators to maintain or use life preservers on board aircraft. To ensure the performance and availability of this safety equipment, the FAA has promulgated design standards, such as 14 CFR §§ 25.1415, 27.1415, and 29.1415.

The FAA also has general statutory authority to ensure aviation safety regardless of whether a particular item satisfies the definition of an appliance. *See, e.g.*, *Rocky Mountain Helicopters, Inc., v. FAA*, 975 F.2d 736, 737 (1992). The FAA has issued many ADs over the years to ensure the reliable performance of the safety function provided by life preservers and other equipment that, generally, is only used after an aircraft has ceased flight following an emergency.

If you have any additional questions regarding this matter, please contact Kevin Kung, Aviation Safety Engineer, at 781– 238–7244; email *9-AVS-AIR-BACOCOS@faa.gov.*

Sincerely,

LAURA JANE MEGAN-POSCH

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Laura Megan-Posch
Assistant Chief Counsel for Regulations

Cc: Marshall S. Filler, Managing Director & General Counsel, ARSA