

# Federal Aviation Regulation

## ▼ Sec. 21.3

Part 21 CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS	
Subpart A--General	

### Sec. 21.3

Reporting of failures, malfunctions, and defects.

(a) Except as provided in paragraph (d) of this section, the holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any failure, malfunction, or defect in any product, part, process, or article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) The holder of a Type Certificate (including a Supplemental Type Certificate), a Parts Manufacturer Approval (PMA), or a TSO authorization, or the licensee of a Type Certificate shall report any defect in any product, part, or article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

- (1) Fires caused by a system or equipment failure, malfunction, or defect.
- (2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.
- (3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.
- (4) A malfunction, failure, or defect of a propeller control system.
- (5) A propeller or rotorcraft hub or blade structural failure.
- (6) Flammable fluid leakage in areas where an ignition source normally exists.
- (7) A brake system failure caused by structural or material failure during operation.
- (8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).
- (9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.
- (10) An engine failure.
- (11) Any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates the flying qualities.
- (12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.
- (13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to--

- (1) Failures, malfunctions or defects that the holder of a Type Certificate (including a

Supplemental Type Certificate), Parts Manufacturer Approval (PMA), or TSO authorization, or the licensee of a Type Certificate--

- (i) Determines were caused by improper maintenance, or improper usage;
  - (ii) Knows were reported to the FAA by another person under the Federal Aviation Regulations; or
  - (iii) Has already reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.
- (2) Failures, malfunctions or defects in products, parts, or articles manufactured by a foreign manufacturer under a U.S. Type Certificate issued under Sec. 21.29 or Sec. 21.617, or exported to the United States under Sec. 21.502.
- (e) Each report required by this section--
- (1) Shall be made to the [Aircraft Certification Office] in the region in which the person required to make the report is located within 24 hours after it has determined that the failure, malfunction, or defect required to be reported has occurred. However, a report that is due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;
  - (2) Shall be transmitted in a manner and form acceptable to the Administrator and by the most expeditious method available; and
  - (3) Shall include as much of the following information as is available and applicable:
    - (i) Aircraft serial number.
    - (ii) When the failure, malfunction, or defect is associated with an article approved under a TSO authorization, the article serial number and model designation, as appropriate.
    - (iii) When the failure, malfunction, or defect is associated with an engine or propeller, the engine or propeller serial number, as appropriate.
    - (iv) Product model.
    - (v) Identification of the part, component, or system involved. The identification must include the part number.
    - (vi) Nature of the failure, malfunction, or defect.
- (f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit the data necessary for the issuance of an appropriate airworthiness directive to the [Manager of the Aircraft Certification Office for the geographic area] in which it is located.

Amdt. 21-67, Eff. 10/25/89

#### ▶ **Comments**

#### ▼ **Document History**

**Notice of Proposed Rulemaking Actions:**

Not Applicable.

**Final Rule Actions:**

Final Rule. Docket No. 26020; Issued on 09/15/89.