

Significant Changes to Part 5

Aviation organizations participating in the SMSVP and existing part 121 certificate holders need to meet the updated requirements specified in part 5. Part 121 and existing SMSVP participants have 12 months after the effective date of May 28, 2024 to meet this requirement. Changes include the following:

§ 5.3 Updated the definition of Hazard to incorporate incidents and to move the language closer to ICAO Annex 19 and §830.2 language. The new definition is: “Hazard means a condition or an object that could foreseeably cause or contribute to an incident or aircraft accident, as defined in 49 CFR 830.2.”

§ 5.7(a) In the final rule, existing part 121 operators with acceptable SMS are required to make revisions to their SMS. However, in alignment with the requirements for new part 121 applicants, part 135 operators, and LOA holders under § 91.147, FAA acceptance of the SMS and revisions made by existing part 121 operators will not be required.

§§ 5.9(a)&(b), Requires aviation organizations to submit a Declaration of Compliance stating they meet the requirements of part 5. This was changed from a statement of compliance in the NPRM.

§§ 5.9(a)(1) & (2) Changed from the NPRM to extend the timeline for compliance from 24 to 36 months after the effective date of May 28, 2024.

§ 5.9(e) Some SMS requirements have been determined not to be applicable to certain single-pilot sole individual operators. New § 5.9(e) enumerates the exceptions for certain single-pilot operators.

§ 5.11, § 5.13, § 5.15, § 5.17 and § 5.19 do not apply to Flight Standards and are required for AIR certificated entities:

§ 5.11 Requirements for production certificate holders that are holders or licensees of a type certificate for the same product. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.13 Requirements for type certificate holders or licensees applying for a production certificate for the same product. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.15 Requirements for type certificate holders that allow another person to use the type certificate to obtain a production certificate or a foreign production approval for the same product. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.17 Organizational system description. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.19 Implementation plan. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.21(a)(7) (Safety Policy Code of Ethics), Added a new requirement for a Code of Ethics to be part of the Safety Policy. The new language is “A code of ethics that is applicable to all employees, including management personnel and officers, which clarifies that safety is the organization’s highest priority.”

§5.53(b)(5) (Safety Risk Management Interfaces), Added a requirement for aviation organizations to consider the interfaces when conducting a system analysis.

§ 5.57 (Notification of hazards to interfacing persons), Added new requirement if an aviation organization required to have an SMS identifies a hazard in the operating environment, they are required to provide notice of the hazard to any interfacing person that, to the best of the identifying organizations knowledge, could address the hazard or mitigate the risk.

§ 5.71(a)(7) (Employee Confidential Reporting System), Added language to the confidential employee reporting requirement stating the program must ensure employees can report without concern of reprisal for reporting.

§5.71(a)(8) Added a new requirement for aviation organizations that are notified of a hazard by an external source they are required to investigate that hazard. This is a way for external hazard notifications to get into the receiving organization’s SMS.

§ 5.71(c) Any person that holds both a type certificate and a production certificate issued under part 21 of this chapter for the same product must submit a summary of the confidential employee reports received under paragraph (a)(7) of this section to the Administrator once every 6 months. **Does not apply to Flight Standards. AIR only requirement.**

§ 5.97(d) (SMS Records), added a requirement to retain communication of hazard information sharing from § 5.57 for a minimum of 24 months.

§ 91.147 (b)(3) Added requirement for applicants to comply with the applicable requirements of part 5 of this chapter.

§ 119.8 Updated requirement for certificate holders authorized to conduct operations under part 121 or 135 of this chapter must have a safety management system that meets the requirements of part 5 of this chapter.