NTSB Investigation No. ERA23FA239

Date of Accident: _5/21/2023

Accident Location: Palm City Farms, Florida

CERTIFICATION OF PARTY REPRESENTATIVE[1]

I acknowledge that I am participating in the above-referenced accident or incident investigation, on behalf of my employer who has been named a party to the National Transportation Safety Board (NTSB) safety investigation, for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities. I understand that as a party participant, I and my organization shall be responsive to the direction of NTSB personnel and may lose party status for conduct that is prejudicial to the investigation or inconsistent with NTSB policies or instructions. No information pertaining to the accident, or in any manner relevant to the investigation, may be withheld from the NTSB by any party or party participant.

I further acknowledge that I have familiarized myself with the attached copies of the revised NTSB Accident/Incident Investigation Procedures (49 C.F.R. Part 831) and "Information and Guidance for Parties to NTSB Accident and Incident Investigations," and will comply, and, if the party coordinator for my party, take all reasonable steps to ensure that the employees and participants of my organization comply, with these requirements. This includes, but is not limited to, the provisions of 49 C.F.R. §§ 831.11 and 831.13, which, respectively, specify certain criteria for participation in NTSB investigations and limitations on the dissemination of investigation information.

No party coordinator or representative may occupy a legal position or be a person who also represents claimants or insurers. I certify that my participation is not on behalf of either claimants or insurers, and that, although factual information obtained as a result of participating in the NTSB investigation may ultimately be used in litigation (at the appropriate time, and in a manner that is not inconsistent with the provisions of 49 C.F.R. § 831.13 and 49 U.S.C. § 1154), my participation is to assist the NTSB safety investigation and not for the purposes of preparing for litigation. I also certify that, after the NTSB Investigator-in-Charge (IIC) releases the parties and party participants from the restrictions on dissemination of investigative information specified in 49 C.F.R. § 831.13, neither I nor my party's organization will in any way assert in civil litigation arising out of the accident any claim of privilege for information or records received as a result of my participation in the NTSB investigation.

[redacted] 5/19/25

Signature Date

David Harsanyi, Air Safety Investigator

Name & Title

Lycoming Engines

Party Organization/Employer

[1] In aviation investigations this form may also be referred to as "Statement of Party Representatives to NTSB Investigation."

NATIONAL TRANSPORTATION SAFETY BOARD (NTSB)
WASHINGTON, D.C.

INFORMATION AND GUIDANCE FOR PARTIES TO NTSB ACCIDENT AND INCIDENT INVESTIGATIONS

I. Introduction

This guidance is intended to familiarize participants in NTSB accident and incident investigations with the NTSB investigative process, and the NTSB's expectations regarding the roles and responsibilities of organizations and individual employees of those organizations assigned to work in support of an NTSB investigation.

The Independent Safety Board Act of 1974, as amended, sets forth the powers and responsibilities of the NTSB, and all participants are encouraged to review its provisions. A recent compilation of these statutory provisions can be reviewed on the NTSB's website: http://www.ntsb.gov/alj/2003_Statute.PDF .

In addition, participants should be familiar with the NTSB's regulations governing accident and incident investigation procedures: 49 C.F.R. Part 831. These and other NTSB regulations can be viewed on the Government Printing Office's website: https://www.gpo.gov/fdsys/pkg/CFR-2016-title49-vol7/pdf/CFR-2016-title49-vol7-subtitleB-chapVIII.pdf.

II. The NTSB and the Investigative Process

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation—railroad, highway, marine, pipeline and hazardous materials—and issuing an official determination regarding probable cause and, as appropriate, safety recommendations to prevent future accidents. The NTSB also investigates certain incidents that present significant safety issues. The NTSB strives to accurately identify and report all relevant facts, conditions, and circumstances relating to each accident or incident it investigates.

Safety recommendations are the most important product of an NTSB investigation. NTSB safety recommendations are based on findings of the investigation and may address deficiencies that do not pertain directly to what is ultimately determined to be the probable cause of the accident. The NTSB may issue safety recommendations before the completion of a specific investigation and may designate some recommendations as "urgent."

For major accidents, the NTSB dispatches a "Go Team." The purpose of the NTSB Go Team is to deploy NTSB investigators to the accident scene as quickly as possible and assemble the broad spectrum of technical expertise that is needed to investigate complex transportation accidents.

The NTSB designates other organizations whose employees, functions, activities, or products were involved in the accident or incident as parties to the NTSB investigation to facilitate the rapid and complete acquisition of all relevant factual information. Except for the Federal Aviation Administration (FAA) and the Coast Guard, which by law are automatically designated a party to an NTSB investigation in their respective mode, the NTSB has complete discretion over which organizations it designates as parties to an investigation. Only those organizations that can provide technical expertise or knowledge to an NTSB investigation are granted party status, and only those persons who can provide the NTSB with needed technical expertise or specialized knowledge are permitted to participate in an investigation.

Parties, and party representatives or participants, to an NTSB investigation only participate directly in the fact-finding phase of an NTSB investigation. Although parties are encouraged to submit their own proposed findings and analysis regarding an accident, at the appropriate time, NTSB staff independently conducts its own analyses of the factual information developed during the investigation.

Persons occupying legal positions, pursuing litigation interests, or representing claimants or insurers, are not permitted to be involved in an NTSB investigation.

III. Role and Responsibilities of Parties to the Investigation

At the discretion of the investigator-in-charge (IIC), the NTSB may invite various qualified and interested organizations whose employees, functions, activities, or products were involved in the accident or incident, and who can provide suitable qualified technical personnel actively to assist in the investigation, to participate as parties to the fact-finding phase of the NTSB investigation. Participation as a party to an NTSB investigation is a privilege and confers no rights or benefits. The "party system" utilized by the NTSB to investigate accidents has been in use for decades, primarily because it is the most effective investigatory process for major transportation accidents. Parties are asked to participate in an NTSB investigation because the IIC believes they have unique knowledge or technical expertise, relevant to the investigation, that will assist NTSB staff in developing the most complete and accurate factual record. Only those party employees who have suitable and needed technical qualifications will be permitted to work on the NTSB investigation.

There are other, ancillary advantages to the "party system." In addition to the synergistic and cooperative effects that arise from use of the "party system," a collateral purpose is to ensure that, with appropriate coordination with the NTSB, responsible officials of party organizations whose products or services were involved in the accident or incident will have access to information necessary to expeditiously initiate any necessary preventive and/or corrective actions.

Parties and party participants may not withhold any information pertaining to the accident, or in any manner relevant to the investigation, from the NTSB.

Parties and party participants in the investigation shall be responsive to the direction of NTSB personnel and may lose party status if they conduct themselves in a manner prejudicial to the investigation or do not comply with NTSB instructions.

Each participating party will designate a party coordinator (spokesman) for its organization. The party coordinator will be the NTSB's direct and official point-of-contact for the party and should, therefore, be available to the IIC at all times during the on-scene investigation and periodically available on short notice during the post on-scene phase of the investigation. This party coordinator must have sufficient status and authority within his/her organization to effect a complete and timely response with minimal need for higher approval or coordination in response to a request of the IIC. During the on-scene phase of the investigation, and any additional field investigation activities, party coordinators are responsible for the behavior of their organization's employees or representatives.

All participants in an NTSB investigation (with the exception of representatives from federal regulatory agencies and law enforcement agencies, and Accredited Representatives of foreign governments and their foreign Technical Advisors) will be required to sign the "Certification of Party Representative," which is a statement of compliance with NTSB investigation procedures, rules, and restrictions. Party coordinators are responsible for ensuring that all group participants from their organization sign the NTSB statement of compliance.

IV. (Aviation and Marine Modes Only) The Role of the FAA or Coast Guard in the Investigation

Pursuant to statute, the FAA is automatically afforded party status to all NTSB aviation investigations, "[i]n order to assure the proper discharge by the Secretary of Transportation of his duties and responsibilities[.]"

Also pursuant to statute, the Secretary of the department in which the Coast Guard is operating, generally through the Commandant of the Coast Guard, is automatically afforded party status to all NTSB marine investigations.

V. (Aviation Mode Only) Accredited Representatives of Foreign Governments

The Accredited Representative of a foreign government and his or her properly designated advisors will be afforded the courtesies and rights as outlined in Annex 13 to the Convention of International Civil Aviation. The NTSB restriction on dissemination of accident information applies to all those supporting an NTSB investigation as advisors to the NTSB on foreign-led accident investigations or to an Accredited Representative in NTSB-led accident investigations involving a non-U.S. State of Design/Manufacture, State of Operator, or State of Registration. [The Accredited Representative and foreign Technical Advisors are not required to sign the party form.]

VI. Assignment and Duties of Group Members

The IIC will assign and organize investigative groups to document specific aspects of the accident. Each group will be under the direction of an NTSB investigator who is designated as the Group Chairman. Individuals representing selected parties will be assigned to investigative groups as the IIC and Group Chairman deem necessary and for the duration of the investigation. Not all parties will have members on every group; only those parties who can provide needed specific expertise relevant to the focus of the group will be considered for group assignments. Because parties are invited to participate in an investigation on the basis of their specialized, technical, party-specific knowledge about their product or operations, the NTSB does not, except in extremely rare circumstances, allow the use of outside consultants as participants in investigative groups. Those selected as group members *must have expertise in their proposed area of investigation*. Those selected as group members must be prepared to remain with the investigation until completion of the on-scene investigation, as well as any additional field investigative work and the development of a factual report on the work of the group.

Additional restrictions apply concerning information obtained from on-board image or audio recording devices. Participants on NTSB investigative groups working with these recorders will be briefed on these additional restrictions and required to sign additional documents confirming their agreement to comply with these restrictions.

Under the direction of the Group Chairman, one or more sets of group notes, termed "field notes," will be developed by each investigative group. Preparation of the field notes is a collaborative effort by the investigative group but managed by the NTSB Group Chairman leading the group. Field notes should include all relevant factual information developed by the group and will typically also include appendices of supporting documentation, photographs, or other records collected by the group. It is the responsibility of the NTSB Group Chairman to ensure that an accurate and complete set of field notes is compiled while the group is on-scene, or, as applicable, during follow-on investigative activity, and that each group member signs the completed field notes before being released from their on-scene duties. In addition, the IIC must approve the field notes before group members may be released from their on-scene duties. Accordingly, each group member must participate in a complete review of the field notes for technical accuracy and adequacy of the scope of the investigation of the group and affirm agreement with the contents of the field notes by signing them. If there is disagreement over the accuracy of any information documented in the field notes, or their scope, the NTSB Group Chairman will make all reasonable efforts to focus the group on resolving any such issues to the collective satisfaction of the group members. In the rare case that a disagreement of one member cannot be resolved, that member is expected to sign the field notes verifying their general agreement with the notes and annotating their specific objections to the disputed content in the notes. The NTSB Group Chairman is responsible for providing a copy of the signed group field notes to the IIC, who will ensure that each party coordinator receives a copy of the field notes from each investigative group.

Each NTSB Group Chairman will later prepare a Group Chairman Factual Report, which will draw extensively on the information in the field notes. A copy of the Group Chairman's draft factual report will be provided to participating group members for

comment. It should be understood, however, that the final factual report is the NTSB Group Chairman's responsibility and concurrence by the entire group is not required. Any dissent regarding the factual accuracy or completeness of the factual report should be communicated to the NTSB Group Chairman, and, if necessary, will be discussed formally during a technical review meeting later in the investigative process.

VII. Flow and Dissemination of Investigative Information

All information obtained by members of an investigative group will immediately be brought to the attention of the Group Chairman. All information obtained during the investigation by the various groups will be passed to the IIC by the Group Chairmen.

No information may be passed to others within the party's organization, beyond those individuals actually participating in the NTSB investigation, without the approval of the IIC. If necessary for public safety, and with the IIC's permission, party coordinators may release information to their respective organizations provided the information is factual, neutral and objective in tone, and without purported NTSB characterization of the matter's contribution to the underlying accident. If a party's organization has a need, in the interest of safety, to transmit information to operators utilizing their products regarding issues related to the investigation, they must first provide the IIC with a written draft of the proposed correspondence and obtain the IIC's permission before its release.

The limitations on the release of factual information (within the party's organization) obtained from participation in the investigation shall normally end once the fact-finding phase of the investigation is complete. Limitations on parties commenting publicly on possible findings of the investigation, including the probable cause of the accident, will remain in effect until after the Board adopts the final report.

VIII. Release of Information

Prior to the NTSB's adoption of the final report, only appropriate NTSB personnel are authorized to publicly disclose investigative findings, and, even then, the release shall be limited to verified factual information identified during the course of the investigation. In addition, party participants or their respective organizations must refrain from providing opinions or analysis of the accident outside of the participants in the investigation. Failure to abide by these requirements may lead to removal of a party from the investigation. Any questions on this policy may be directed to the NTSB's IIC on an investigation, or to the NTSB's Office of Media Relations at 202-314-6100.

IX. Proprietary, Commercially Sensitive, and Export-Controlled Information

The NTSB has rules published at 49 C.F.R. § 831.6 governing identification and treatment of proprietary and commercially sensitive records and information. All records provided to the NTSB must be clearly marked if they contain proprietary or commercially sensitive information pursuant to 49 C.F.R. § 831.6(c).

Parties are also obligated to inform the NTSB, in writing, when materials and information provided to the NTSB, verbally or in writing, or in any other format, are subject to Export Administration Regulations (EAR), International Traffic in Arms Regulations (ITAR) and/or their participation in the investigation may be impacted by sanctions programs administered by the U.S. Department of the Treasury Office of Foreign Assets Control (OFAC) or other U.S. Government sanctions programs. All export-controlled records provided to the NTSB must be clearly and appropriately marked. All participants in the NTSB investigation who acquire or handle such materials must do so in compliance with the law and NTSB rules.

X. Organizational Meeting

The initial investigative meeting on-scene is designated as the "organizational meeting." It is during the organizational meeting that the IIC introduces him/herself, explains his/her expectations for the investigation and the participants working with the NTSB, and introduces the NTSB Group Chairmen who will lead the anticipated investigative groups. During the organizational meeting, the parties to the investigation will be formally named, party coordinators will be formally assigned, and various individual group members will be vetted and assigned to appropriate investigative groups.

An attendance roster will be circulated, and everyone in the room must sign the roster and provide the requested contact information.

At the beginning of the meeting, all persons present will be required to identify themselves, including their affiliation and routine role within their organization. Persons responsible for managing litigation or insurance interests, members of the media, and, generally, corporate executives who will not be providing needed technical expertise as participants on an NTSB investigative group are not permitted to participate in an NTSB investigation.

XI. On-Scene Progress Meetings

A "progress meeting" is typically held at the end of each workday to review significant information obtained by each investigative group and to identify additional investigative activity to be pursued. These meetings also provide an opportunity to address investigative issues that require higher-level resolution or coordination, changes to the investigative plan, need for additional investigative support, or, possibly, an evaluation of whether urgent safety recommendations are needed.

Party coordinators must attend each progress meeting. For other participants in an NTSB investigation, attendance at each progress meeting is generally encouraged, but individual group members should communicate with their NTSB Group Chairman on a case-specific basis as to whether they are needed at the progress meeting, whether other group investigative activities will take precedence, or whether they have been released from further on-scene participation. No persons other than those specifically designated by the IIC during the organizational meeting may attend progress meetings.

Each investigative group may also hold daily meetings that include participation from all group members. The responsibility for arranging these meetings is that of the Group Chairmen. Each group member is expected to raise in a timely manner any concerns, facts, and suggestions for proper consideration by the entire group so as to ensure maximum precision and thoroughness of the group's investigative efforts. In addition, group members may pass factual information to their respective party coordinators only after the information has been made known to the Group Chairman.

Finally, the IIC may meet daily with all of the NTSB Group Chairmen and, sometimes separately, with all of the party coordinators. These meetings are conducted as a means of encouraging open discussion and resolution of problems of concern to any party coordinator or Group Chairman.

XII. Safety Precautions During Investigations

Access to the site of an accident may be hazardous because of debris and hazardous or toxic materials. Participants are expected to arrive on-scene, or at field investigation activities, with appropriate personal protective equipment, supplied by their respective organizations. All participants must comply with safety procedures established by the on-scene incident command, the local organization(s) in charge of the accident site security and safety. Participants must exercise good judgment, use necessary personal protective equipment, and use caution in working at the site. All party participants should be instructed by their respective party coordinators to not exceed their physical limitations.

If you have questions concerning the existence of hazards, consult your Group Chairman. Any perceived hazards should be brought to the immediate attention of the appropriate Group Chairman and the IIC.

The NTSB does not assume responsibility for personal injuries received during the course of participation in an investigation.

The party coordinator or party participant will inform the IIC of any safety concerns regarding any on-scene activities, to include actions requested by the IIC, that the party coordinator or participant believes have material safety risks.

XIII. Dissemination of Information to Media

Contacts with news media concerning the investigation will be made **only** by the NTSB, through the Board Member if on-scene, the NTSB's representative of its Office of Media Relations, or the IIC. The guiding policy is that the NTSB is a public agency engaged in the public's business and supported by public funds. The agency's work is open for public review, and the Act under which it operates makes this mandatory. The NTSB believes that periodic factual briefings to the news media are a normal part of its investigation and that, for the public to perceive the investigation as credible, the investigation should speak with one voice, that being the independent agency conducting the investigation.

Therefore, the NTSB insists that it be the sole source of public information regarding the progress of an accident investigation.

Parties are encouraged to refer media inquiries to the NTSB's Office of Media Relations. In any case, release to the media of investigative information at any time is grounds for removal as a party.

XIV. Public Hearing

After completion of the on-scene phase of the investigation, formal depositions or a public hearing may be conducted. Parties to the on-scene investigation may be consulted for their views on the value of conducting a hearing and may also be requested to participate in these activities. Parties to a public hearing may be different than those participating during the on-scene phase of the investigation. A public hearing or formal depositions may be held prior to completion of all field work, such as component testing, simulator runs, etc.

XV. Party Recommendations as to Findings, Conclusions, and Recommendations

Any party to an investigation may, and is encouraged to, submit to the NTSB proposed findings of fact and conclusions that the party believes should be drawn from the evidence obtained during the investigation. A party may also propose safety recommendations for preventive action. All submissions should be made in writing and parties should serve copies of submissions on all other parties. The IIC will provide a date by which such submissions must be made.