VOLUME 14 COMPLIANCE AND ENFORCEMENT

CHAPTER 1 FLIGHT STANDARDS SERVICE COMPLIANCE POLICY

Section 1 Flight Standards Service Compliance Philosophy

14-1-1-1 GENERAL. In 2015, Federal Aviation Administration (FAA) Order 8000.373, Federal Aviation Administration Compliance Philosophy, was published, followed by Notice N 8900.323, Flight Standards Service Compliance Policy. New Volume 14, Chapter 1, Sections 1 and 2, were published to align Flight Standards (FS) policy with Order 8000.373, N 8900.323, and related changes to FAA Order 2150.3, FAA Compliance and Enforcement Program. Together, these changes enabled FAA program offices such as FS to become policy owners for Compliance Actions (CA)1 below the level of administrative or legal enforcement action. In 2017, FAA Order 8000.72, FAA Integrated Oversight Philosophy, was published. In 2018, Orders 8000.373A (changing “FAA Compliance Philosophy” to “FAA Compliance Program”) and 2150.3C were published. Volume 14 policy is updated to reflect these changes, the Future of Flight Standards (FFS) reorganization nomenclature described in Volume 1, Chapter 1, Section 1, and other previously published policy changes or clarifications.

A. Purpose. This section provides the philosophy behind the approach to safety and compliance and outlines FS expectations for supporting the FAA Compliance Program (CP). This section introduces the use of FS CA to address, when appropriate, safety concerns and actual or apparent deviations from regulations or standards discovered during inspections or surveillance. The FS CP directly supports the FAA CP, conserving FAA resources by using the most efficient and effective means to return an individual or entity to full compliance and to prevent reoccurrence.

B. Scope. The CP should be routinely applied to all FS interactions with airmen, certificated entities, noncertificated persons, and to all FS investigatory processes, using the procedural guidance in Volume 14, Chapter 1, Section 2. Except as described in the FAA CP, or as required by law and specific program commitments, the policy in this section must be followed. When in doubt as to the appropriate course of action or policy to follow, inspectors should work through their Front Line Managers (FLM), Office Managers (OM), and Safety Assurance (SA) divisions to contact the appropriate Office of Safety Standards divisions for clarification.

NOTE: FS must follow policy and process commitments made to Congress, the Department of Transportation (DOT) Office of the Inspector General (OIG), and other external parties. Inspectors must be mindful of these commitments and respect other critical processes outlined in FAA policy. Examples include, but are not limited to, Airworthiness Directives (AD)2, Aviation Safety Action Programs (ASAP)3, Aviation Safety Reporting Program (ASRP),4 flight operations quality

1 See Volume 14, Chapter 1, Section 2, subparagraph 14-1-2-3D3) for the definition of CA.
2 See Volume 3, Chapter 60, Section 1.
3 See Volume 11, Chapter 2, Section 1.
4 Refer to Order 2150.3, chapter 3.
assurance (FOQA), all noncompliance by military and foreign pilots, Special Emphasis Enforcement Programs, and Voluntary Disclosure Reporting Programs (VDRP). As time permits, FS will review and revise these commitments as necessary to align them with the FAA CP and FS Compliance Policy. See paragraphs 14-1-2-7 and 14-1-2-9 for additional ASAP and VDRP requirements.

14-1-1-3 BACKGROUND.

A. FAA Statutory Authority. The FAA’s statutory authority to prescribe, revise, and enforce standards is in Title 49 of the United States Code (49 U.S.C.), Subtitle VII, Chapter 447, Safety Regulation, and is the foundation for the purpose and mission of FS.

B. Shared Safety Duties and Responsibilities. The responsibility for aviation safety does not rest entirely with the FAA. All airmen, air carriers, aircraft owners and operators, air agencies, and certain airport operators who qualify for and accept an FAA certificate have statutory or regulatory safety duties. The safety of our National Airspace System (NAS) is based on each individual certificate holder’s duty and responsibility to provide for public safety and for air carriers to provide service with the highest possible degree of safety in the public interest. Aviation service providers must provide their services or products in a manner that is compliant with regulations and standards, and they must do so safely.

C. Historical Compliance and Enforcement Program Supports the FAA CP. Public law and agency policy allow FAA program offices to use discretion when taking action to resolve safety issues in the NAS. For several years, the FAA Compliance and Enforcement Overview (refer to Order 2150.3, chapter 3) has included the following or similar policy language:

1) Objectives of Compliance and Enforcement Program. “One aspect involves the promotion of safety and compliance by encouraging regulated persons to adopt practices to ensure compliance and, when violations occur, to disclose the violations to the FAA and the circumstances surrounding the violations.” “[T]he agency’s compliance and enforcement program fosters the implementation of permanent corrective measures to improve overall safety. The second aspect involves the responsibility of agency enforcement personnel to ensure that statutory or regulatory noncompliance is addressed promptly through the application of the FAA Compliance Program as appropriate, including the use of compliance action, administrative action, or legal enforcement action.”

2) Education. “FAA investigative personnel endeavor to strengthen the understanding of statutory and regulatory requirements by regulated persons during surveillance and inspection activities. The FAA also promotes education through public awareness programs and other special aviation educational efforts.”

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5 See Volume 11, Chapter 2, Section 2.
6 See Volume 7, Chapter 1, Section 2.
7 Refer to Order 2150.3, chapters 7 and 9.
8 See Volume 11, Chapter 1, Section 1.
3) FAA Responses to Noncompliance. “FAA enforcement personnel investigate and address every apparent violation of FAA statutes and regulations when appropriate and have a range of options available for addressing apparent violations, including compliance, administrative, and legal enforcement action. They select the appropriate action in accordance with this order and program office policy to prevent future statutory and regulatory violations.”

D. Regulatory Goals. The ultimate goal is to prevent deviation from regulatory standards, a goal primarily achieved through design and application of effective processes and practices; education and counseling designed to encourage awareness and understanding of risks; and voluntary compliance. All inspectors must become involved in this evaluation, education, and counseling process.

E. Voluntary Compliance and Collaboration. The high level of safety in the NAS is largely based on, and dependent upon, voluntary compliance with regulatory standards. Our safety record shows that the majority of NAS participants have a good safety culture. The success of FAA voluntary programs such as the ASAP and VDRP has demonstrated that a collaborative CP, supported by a positive safety culture, provides the highest levels of compliance with regulations, the most effective identification of hazards, and the most efficient management of risks.

14-1-1-5 EVOLUTION OF COMPLIANCE STRATEGIES.

A. FAA Strategic Initiatives:10

1) Risk-Based Decision Making. Build on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system level, risk-based decisions.

2) National Airspace System (NAS). Lay the foundation for the NAS of the future by achieving prioritized Next Generation Air Transportation System (NextGen) benefits, integrating new user entrants, and delivering more efficient, streamlined services.

3) Global Leadership. Improve safety, air traffic efficiency, and environmental sustainability across the globe through an integrated, data-driven approach that shapes global standards, enhances collaboration and harmonization, and better targets FAA resources and efforts.

4) Workforce of the Future. Prepare FAA’s human capital for the future by identifying, recruiting, and training a workforce with the leadership, technical, and functional skills to ensure the United States has the world’s safest and most productive aviation sector.

B. Increasing NAS Complexity. Traditional oversight relies on the assumption that if an airman/organization is fully compliant with the applicable regulatory requirements, then an adequate level of safety is achieved. However, the aviation environment has reached a level of

complexity where further safety improvements cannot be achieved by simple compliance with prescriptive rules.

C. Compliance Strategy Evolution. The FAA’s Strategic Initiatives, increasing NAS complexity, and unknown emerging hazards/risks require FS compliance strategies to evolve. The FS workforce must exercise interdependence, critical thinking, and consistency while working together with all NAS users to achieve a higher level of compliance and safety. Regulatory compliance must move beyond viewing the regulations simply as administrative or legal requirements; compliance entails effective control of clearly defined hazards, as intended in the rules.

14-1-1-7 COMPLIANCE PHILOSOPHY.

A. Greatest Safety Risk. The greatest systemic safety risk is from an airman or organization’s unwillingness or inability to comply with safety standards and, most importantly, operating contrary to the core principles of Safety Risk Management (SRM). FS must be efficient and effective in resolving deviations and must use the strongest responses for airmen/entities whose behaviors represent the greatest safety risk to the NAS.

B. Goal. The goal is to identify safety issues that underlie deviations from standards and correct them as effectively, quickly, and efficiently as possible. Inspectors should use the most effective means to return an individual or entity that holds an FAA certificate, approval, authorization, or license to full compliance and to prevent reoccurrence. The CP requires FS personnel to engage in a solution-oriented, outcomes-based approach to identify safety issues and correct noncompliance. Inspectors are expected to use interdependence and critical thinking to evaluate the discrete facts of a particular situation, and then choose the best tool to fix the problem, consistent with regulations, policies, and the specific circumstances of each event. Followup is used to validate that the desired corrective actions were taken, and that they had the intended outcome for safety and compliance. This view of compliance stresses a problem-solving approach where enhancement of the safety performance of individuals and entities is the goal. This approach will more effectively address inadvertent deviations and conserve FAA enforcement resources for intentional, reckless, criminal, and uncooperative behavior. If the deviation does not involve intentional, reckless, or criminal behavior and the airman/organization is qualified and willing to cooperate, FS should resolve the issue through use of compliance tools, techniques, concepts, and programs.

C. Outcome of Noncompliance. Noncompliance may result in negative outcomes including incidents and accidents. The outcome of the noncompliance is not what determines whether the underlying behavior that led to the outcome is acceptable or unacceptable. Some noncompliance is discovered and addressed before a mishap occurs, such as aborting a takeoff or narrowly avoiding an airspace incursion. And some noncompliance results in no adverse

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11 See Standards of Professionalism in Volume 1, Chapter 3, Section 2. The Executive Director’s expectations for interdependence, critical thinking, and consistency are also discussed in the May, June, and July/August 2014 messages available at https://my.faa.gov/org/linebusiness/avs/offices/afx/afx1_messages.html.
12 See Volume 14, Chapter 3, Section 5.
outcome at all. In many cases the outcome of the event is more a reflection of happenstance and less of an indicator of underlying behavior.

1) When FS personnel focus on the outcome, the following undesirable events may happen:

a) In the case of a negative outcome, the FAA may unduly punish an individual or organization. This can result in the FAA expending resources on enforcement that would be better spent on others posing a higher risk to safety, as well as hamper a positive exchange of information between the FAA and the regulated entity.

b) In the case of no adverse outcome, the FAA may neglect to address a severe underlying deficiency that, left unresolved, could eventually result in a negative outcome.

2) However, the outcome of the event should not be ignored either. The end result of the noncompliance can provide insight into the following:

a) The root cause of the event. For example, an aircraft accident that occurs after improper maintenance of one system may indicate that other systems, designed to provide redundancy, were also improperly maintained. This may be evidence of a systemic failure of an organization and/or their contracted service provider.

b) The effectiveness of the airman or organization’s risk controls. Using the example above, if the pilots should have been aware of a malfunctioning system but failed to recognize it, this may be evidence of inadequate pilot training. Note that risk controls can either be:

1. Proactive, designed to prevent the noncompliance from occurring in the first place; or

2. Reactive, designed to prevent a negative outcome in the event the noncompliance actually occurs.

D. Most Deviations Can Be Corrected. Deviations by certificate holders often arise from factors such as flawed procedures, simple mistakes, lack of understanding, or diminished skills. The FAA believes that deviations of this nature can most effectively be corrected through Root Cause Analysis (RCA)\(^\text{13}\) and appropriate corrective actions by the airmen/entities involved, which are documented and verified by FS to ensure effectiveness. Inspectors must contemplate all the tools available and apply the remedy most appropriate to the specific circumstances. Possible remedies to address deviations include, but are not limited to: training/education, on-the-spot corrections, counseling, and remedial training. Improvements to systems, procedures, or training programs for organizations may also be appropriate. The inspector documents corrective actions taken by the airman/organization and verifies the actions were effective through appropriate follow-up.

\(^{13}\) See training resources listed in subparagraph 14-1-1-13D.
E. Effective Problem-Solving. The focus of the FS workforce should be to collaborate with the parties involved on correctly identifying and fixing the root cause(s) of deviations or noncompliance.

1) Fixing root causes is the best way to prevent reoccurrence. In the majority of cases, finding and fixing safety problems in all parts of the NAS can be done most effectively with a collaborative approach and the voluntary participation of all parties involved. FS inspectors and other staff can have a significant impact on safety by remaining focused on problem-solving, correctly identifying root causes, and recommending appropriate corrective actions to adequately mitigate the risks involved. Such a focused and unbiased approach will normally be a strong encouragement to collaboration and voluntary compliance from those involved.

2) Inspectors must use critical thinking in a problem-solving approach that stresses developing effective individual and organizational risk management (RM) environments. When appropriate, inspectors should engage collaboratively with airmen and organizations to encourage development of system-level risk mitigations on issues for which such methods may effectively ensure ongoing compliance.

14-1-1-8 ENFORCEMENT ACTION. Order 2150.3, chapter 5, paragraph 1 requires that “[n]oncompliances by regulated persons unwilling or unable to comply or not cooperative in corrective actions must be addressed with enforcement action.” Paragraph 5 further identifies where FAA personnel are required, or may have the discretion, to take enforcement action as discussed below. Order 2150.3, chapter 5, paragraph 4 also provides the criteria for taking administrative action.

A. Required Legal Enforcement Action. The FAA views intentional, reckless, and some other types of conduct (as described in Order 2150.3, chapter 5, paragraph 5.a.(1)-(5)) as posing the highest risk to safe operation of the NAS, thus requiring strong enforcement. These matters are referred to the Office of the Chief Counsel (AGC)-300 for legal enforcement action:\footnote{We must never act arbitrarily or before considering all facts and circumstances. For example, an in-flight emergency may be a mitigating factor. See Volume 14, Chapter 3, Section 7.}

1) Intentional Conduct: A deliberate act (or failure to act) while knowing that such conduct is contrary to a regulation or statute, or is otherwise prohibited;

2) Reckless Conduct: An act (or failure to act) demonstrating a gross disregard for or deliberate indifference to safety or a safety standard (see Volume 14, Chapter 3, Section 5);

3) Failure to complete corrective action on terms satisfactory to the FAA;

NOTE: A failure to implement agreed-upon corrective action differs from implementing an agreed-upon corrective action that does not achieve its intended
purpose. In the latter case, further CA for additional/revised corrective action(s) may be appropriate.

4) Conduct that creates or threatens to create a significant risk to safety when the Executive Director determines that alternative means to address the noncompliance and to effectuate immediate and future compliance would not be sufficient. These instances are normally initiated by the Executive Director or their designee; and

5) Legal Enforcement Required by Law: The express terms of a statute or regulation require the initiation of a legal enforcement action.

6) Justified Exception. In unusual circumstances, FS may forgo referring a matter to AGC-300 for legal enforcement action evaluation even if it meets the criteria of Order 2150.3, chapter 5, paragraphs 5.a.(1)-(4) above, and instead take administrative action. The Executive Director or their designee must first coordinate with the Assistant Chief Counsel in accordance with Order 2150.3, chapter 5, paragraph 5.a.(6).

B. Discretionary Legal Enforcement Action. Discretionary matters are described in Order 2150.3, chapter 5, paragraph 5.b.(1)-(4) and are summarized below.

1) Repeated Noncompliances. FAA personnel have discretion to respond to repeated noncompliance by: (i) using CA or administrative action, or (ii) referring the matter to AGC-300 for legal enforcement action. Repeated noncompliance means:

   a) Multiple noncompliances with various sections or subsections of the same or similar regulations discovered during a single inspection;

   b) Reoccurring noncompliance with the same or similar section or subsection of a regulation discovered during multiple or successive inspections; or

   c) Noncompliance with different sections or subsections of a regulation arising from a common root cause.

   NOTE: See Volume 14, Chapter 1, Section 2 and Order 2150.3, chapter 5, paragraph 5.b. for details.

2) Accurate Data. Accurate data is the foundation of safety management processes and supports the timely development and implementation of appropriate risk mitigation measures. FAA personnel may take compliance, administrative, or legal enforcement action based on Volume 14, Chapter 1, Section 2 and Volume 17 policy as it pertains to evaluating the cause and impact of noncompliant safety management data systems and processes. However, statutory or regulatory noncompliance related to inaccurate or unreliable data resulting from intentional falsification or other intentional misconduct requires legal enforcement action.

3) Matters involving qualifications or competence of certificate holders will be addressed using compliance, administrative, or legal enforcement action. Follow appropriate policy in Volume 14, Chapter 1, Section 2 and Volume 14, Chapter 3, Section 2; Volume 5, Chapter 7; and Order 2150.3, chapter 5, paragraph 5.b.(3).
4) Law Enforcement-Related Activities. Regulatory violations involving criminal activity will be referred to FAA Security for coordination with the proper Law Enforcement Organization. FS personnel usually refer these matters to AGC-300 for legal enforcement, but may take compliance or administrative action depending on the facts and circumstances. See Volume 14, Chapter 1, Section 2, and refer to Order 2150.3, chapter 5, paragraph 5.b.(4) for details.

C. Administrative Action Criteria. As provided in Order 2150.3, chapter 5, paragraph 4.a., FAA personnel take administrative action when:

1) Compliance action will not remediate noncompliance and ensure future compliance; and,

2) Legal enforcement action is not required or warranted.

14-1-1-9 FS COMPLIANCE EXPECTATIONS FOR NAS USERS.

A. Regulatory Risk Controls. The FAA establishes regulatory standards to ensure safe operations in the NAS. When an airman’s behavior or performance, or an organizational system’s behavior or performance, presents an unacceptable risk, the FAA may propose new risk controls, which are established through a public process as regulations. Therefore, behaviors or performance contrary to a regulatory standard represents a previously identified unacceptable risk.

B. Managing Operational Risks.

1) Regardless of how robust and compliant a system is, risk still exists; developing rules for every possible situation is ineffective, if not impossible. Although compliance is still a minimum expectation, experience has shown that simple compliance with regulations does not guarantee safety. Operational risks must still be managed through positive system-level action by the airmen and organizations themselves. It is important to recognize that this obligation includes a duty to develop and use processes and procedures that will prevent deviation from standards and enhance safety.

2) In some situations based on unique equipment, conditions, experience, training, or type of operation, even behaviors or performance within regulatory standards may present unacceptable risk. In those cases, the FAA expects individuals or entities to proactively identify and manage those risks. For example, in private, personal, or recreational aviation, the FAA promotes the best practice of pilots setting their own personal weather minimums to manage individual safety risks. In commercial aviation, the FAA expects organizations to manage their unique risks through specialized training or with procedural tools like formal hazard identification and risk assessments. In short, every participant in the NAS has a duty to manage the safety risks unique to that participant, with those risks mitigated to a level appropriate to the public interest involved.
C. Safety Management Systems (SMS). SMS has been adopted worldwide as a standardized approach to managing risk. The goal is to ensure that all potential associated hazards are identified and analyzed, and that the risk is either accepted or mitigated to an acceptable level through controls. See Volume 17 for additional information.

1) In the Title 14 of the Code of Federal Regulations (14 CFR) part 121 air carrier environment, the FAA now requires the use of SMS. Title 14 CFR part 5 specifies a basic set of processes integral to an effective SMS but does not specify particular methods for implementing these processes. The FAA expects each air carrier to develop an SMS that works for its unique operation.

2) To reach the highest level of safety and compliance with regulatory standards, the FAA is implementing SMS constructs as a best practice throughout the NAS based on comprehensive safety data sharing between the FAA and the aviation community. In essence, the FAA will be evaluating other organizations’ SRM processes and procedures to see how well they identify hazards and control risks. Safety data shared by NAS participants through voluntary safety programs such as company internal hazard reporting, ASAP, Aviation Safety Reporting System (ASRS), VDRP, and others have contributed significantly to FAA and industry knowledge of risks in the NAS. These data collection and sharing programs should be encouraged and expanded to mitigate such risks before they lead to mishaps. At the individual airman level, the same safety benefits can be realized using the CP with open conversations and collaborative problem solving to properly identify root causes and permanently fix safety issues.

3) The SMS approach is applicable to individual airmen as well as to large and complex organizations. It offers a problem-solving approach where individuals and organizations have the primary responsibility for safety performance enhancements. Good safety management practices are expected of all airmen and organizations.

D. Human Factors and Human Error.

1) Human beings commit errors. Even the most dedicated professionals can inadvertently drift from full compliance with policies, processes, and procedures due to complacency or shortcomings in the larger systems in which they work. Unfortunately, the complexity of today’s aerospace system means that even inadvertent and unintentional errors (honest mistakes) can have a serious adverse impact on safety.

2) To address the risk of human error, an airman or organization must account for the inevitability of human error through effective safety barriers and risk controls that focus on prevention, detection, and the mitigation of error consequences on the NAS. Deviations must be identified and resolved by airmen/organizations, collaborative/voluntary programs, or by FS surveillance and followup. In addition, there must be expectation of, and appreciation for, self-disclosure.

14-1-1-11 COMPLIANCE EXPECTATIONS FOR FS EMPLOYEES.

A. Policy. Inspectors will follow the Compliance Action Decision Process (CADP) in Volume 14, Chapter 1, Section 2. CA records in the Program Tracking and Reporting Subsystem (PTRS) or Safety Assurance System (SAS) must hold up under internal and external review.
B. **Professionalism.** The FAA must demonstrate a high level of professionalism and cooperation while engaged in CA. Each inspector’s acts, communication, and behavior should reduce the fear of unreasonable FAA actions and nurture or reinforce effective safety reporting from airmen/organizations.

C. **Active Communication.** Inspectors will communicate with the parties involved in an apparent deviation or noncompliance and seek agreement on a corrective action plan (CAP) that adequately addresses the root cause(s) that led to the noncompliance. Airmen/organizations should be given a reasonable time to implement corrections with a clear suspense date and expectation of followup from FS. The agreed-upon corrections will be implemented and monitored to ensure future compliance. If the corrective measures are later determined to be inadequate, inspectors will continue to communicate with the airmen/organizations to adequately mitigate remaining risks.

D. **Foundational Expectations.** Inspectors will use interdependence and critical thinking to evaluate the discrete facts of a particular situation and then choose the best tool(s) to fix the problem, ensuring the outcome is consistent with regulations, policies, and the specific circumstances of each event.

E. **Just Culture.** FS must be fair, reasonable, and just. Inspectors must consider all circumstances relating to the facts and allegations. They must make a good faith effort to understand the position of the airman/organization, and also to communicate the agency’s position. FS must promote and implement a just safety culture approach. Errors must be identified, reported, and analyzed in a non-blaming manner so that appropriate remedial or system-wide corrective action can be taken based on the specific facts and circumstances of each case. Inspectors must understand the difference between accountability, which accepts responsibility and looks forward, and blame, which focuses on punishment for what has already occurred. Key to a just safety culture is the ability to determine where the line should be drawn between blameless unsafe acts that can be effectively addressed through use of compliance tools and unacceptable behavior that requires use of enforcement action.

F. **Consistent Application.** To be effective, the FS CP must be applied consistently across FS.

1) Every situation is different. Inspectors must recognize there are many ways for regulated entities to comply with regulations and operate safely. The consistent result should always be effectively managed risk. In this context, consistency means interdependently
evaluating each discrete set of facts and anchoring our work in rules and standards, consistent with rule and policy interpretations, and ensuring that safety risks are effectively managed.

2) CA may be utilized when a deviation from standards arises with an airman/organization and the inspector can reasonably be assured that future compliance can be achieved through the action. The decision to use CA may be made by the inspector during the course of observation, surveillance, inspection, investigation, etc.

3) Inspectors must emphasize to each airman/organization that it is their responsibility to develop and take corrective actions to remain in compliance. When in doubt as to the effectiveness or appropriateness of any airman/organization corrective actions, inspectors must work interdependently with colleagues to determine whether, and how, the airmen/organization can mitigate risk to the extent needed to meet their current and future compliance obligations. In other words, make sure the problem is fixed.

G. Due Process Considerations. The below explanations and example scenario are provided to illustrate the interrelationship between CAs, Enforcement Actions, and the Pilot’s Bill of Rights (PBR) written notification requirements. The scenario is not intended to represent the workflow or process used to address a pilot deviation (PD). Regardless of any FAA action taken, the primary focus of the inspector in every case should be stopping any noncompliance and mitigating any safety risks in the NAS. Safety mitigation steps have been left out of the below paragraphs for clarity of the due process illustration.

NOTE: In PTRS and SAS records and in communications with the certificate holder, clearly identify the findings and required actions that have a regulatory basis and any other nonregulatory FAA concerns/recommendations to make improvements or use best practices. Document these nonregulatory recommendations per Volume 14, Chapter 1, Section 2, subparagraph 14-1-2-9B).

1) CA. When an inspector discovers safety concerns or an apparent or actual deviation from standards, ensures the deviation has stopped, and concludes that CA is appropriate (using the CADP in Volume 14, Chapter 1, Section 2), successful completion of the FAA’s CA documentation (in the PTRS and/or SAS) may be all that is necessary to close the issue.

   a) The CP supports open and transparent safety information sharing between the FAA and airmen/organizations. CA is a method to correct unintentional deviations or noncompliance that arise from factors such as flawed procedures, simple mistakes, lack of understanding, or diminished skills. Its only purpose is to restore compliance and to identify and correct any underlying cause(s) that led to the deviation.

   b) Aviation safety inspectors (ASI) must consider restoring compliance and mitigating the safety risk as the overall purpose of any inquiry involving a potential noncompliance. Although the investigation may reveal that action needs to be taken with an airman, addressing the overall safety issue remains the target of the investigation.
2) **CP and the PBR.** A Brochure has been developed with information on the CP that also includes content meeting the PBR Act written notification requirements when executed by FS personnel in accordance with Volume 14, Chapter 1, Section 3.

   a) The Brochure is available in this volume’s Appendix 14-1, Compliance Program and Airman Rights Brochure, and at https://www.faa.gov/go/cp. All ASIs are encouraged to provide the Brochure at public aviation events, and through any other opportunity to share safety or policy information.

   b) See Volume 14, Chapter 1, Section 3 for PBR policy and required uses of the Brochure for investigatory and other airman contacts.

3) **Reconsideration After Starting CA.** If an initial attempt is made at CA, but facts and circumstances later indicate that enforcement action is required, a Letter of Investigation (LOI) should be sent, including PBR written notification and Privacy Act information for airmen. An LOI is not required if an airman has already provided adequate input to determine that Administrative Action is appropriate, in which case a Streamlined Administrative Action, Warning Notice, or Letter of Correction can be sent without an LOI. PBR written notification must still be provided to airmen by the ASI for locally generated Administrative Action letters. Even if CA is terminated and Administrative Action or Legal Enforcement Action is taken, FS personnel must remain focused on resolving the safety issues at hand, which could include ongoing communication with the airman/organization to stop any noncompliance, mitigate risk, and prevent reoccurrence.

4) **Administrative Action.** Sufficient evidence must exist to prove an apparent deviation or noncompliance in order to take Administrative Action, but that evidence need not meet the same standards required for Legal Enforcement Action.

   a) For example, FS receives notification from the Air Traffic Organization (ATO) of a suspected PD, and ATO automatically retains some data on the event in the Knowledge Services Network (KSN) system. The inspector assigned to review the suspected PD can print, save, and review this data and make a determination that CA is appropriate.

   b) If the involved airman/organization’s performance or behavior becomes unacceptable as described above in paragraph 14-1-1-8, or the agreed-upon corrective action is not implemented, a Warning Notice may be appropriate if the saved KSN data substantiates noncompliance. For the newly unacceptable compliance performance/behavior, inspectors are encouraged to continue communicating with the airman/organization through an LOI, including clarifying that Enforcement Action is now the minimum FAA response based on the unacceptable behavior or insufficient corrective action.

   c) An LOI (with PBR written notification and Privacy Act information for airmen) is normally required when, despite the inspector’s reasonable efforts to communicate and restore compliance, the airman/organization’s behavior or performance is unacceptable per paragraph 14-1-1-8 and the inspector has (or believes he or she can obtain) sufficient evidence to legally prove all elements of an apparent violation. An LOI is not required if an airman has already provided adequate input to determine that Administrative Action is appropriate, in which
case a Streamlined Administrative Action, Warning Notice, or Letter of Correction can be sent without an LOI. PBR written notification must still be provided to airmen by the ASI for locally generated Administrative Action letters.

5) **Legal Enforcement Action.** Our first priority is always to solve the safety problem. It is important to solve the majority of safety problems at the appropriate level through CA whenever possible, which supports and improves the already good safety culture in the NAS. As a matter of policy, FS accepts the fact that we may sometimes lose the opportunity to take Legal Action because the opportunity to collect perishable evidence was missed. Completed and terminated CAs and Administrative Actions are still documented with PTRS or SAS records, which can be used to establish a pattern of behavior in the future. An LOI (with PBR written notification and Privacy Act information for airmen) is required when, despite the inspector’s reasonable efforts to communicate and restore compliance, the airman/organization’s behavior or performance is unacceptable per paragraph 14-1-1-8, or when Legal Enforcement Action is otherwise required by law or policy.

NOTE: Airman statements are not the only evidence available to support Legal Action. For example, if a mechanic admits (before receiving PBR notification) to deliberately installing an incorrect part because the correct one was not available, the installed part and the approval for return to service logbook entry are sufficient evidence to move forward with a 14 CFR part 43, § 43.13(a) case even though the admission may not be used to cite § 43.12(a)(1).

6) **Nature of Investigation and Specific Activity on Which It is Based.** If you have provided PBR written notification and then discover a new area of investigation or a new apparent noncompliance involving a different activity, you must provide a new PBR written notification to the airman. Similarly, if the new area or activity is discovered after an LOI is sent, an updated LOI must be sent that identifies the new information. For example, if you provided a Brochure with PBR written notification or an LOI on an operational issue, then later determined the involved aircraft was unairworthy, the Brochure or LOI would have to be provided again to include the new nature of the investigation or specific activity. Refer to Order 2150.3, chapter 4, paragraphs 4.b.(2), 4.b.(6), and 6.d.(2) for additional details.

7) **Reconsideration After Starting Enforcement Action.** See Volume 14, Appendix 14-5, Guidance for Review of Enforcement Cases Under the FAA’s Compliance Program, for work instructions on FS or AGC changing the FAA’s response after an Enforcement Information System (EIS) entry has been made. These instructions were developed in coordination with AGC.

**H. SMS.** FS expects personnel to support and encourage the effective use of part 5 and voluntary SMS and other voluntary safety/reporting programs as described in subparagraph 14-1-1-9C above for NAS users. FS also expects personnel to follow and make full use of the Aviation Safety (AVS) SMS and available internal reporting programs to improve safety in the NAS and our own accountability and effectiveness. For questions on the SMS voluntary program, part 5 SMS, or FS external SMS policy, contact the SMS Program Office at 9-NATL-SMS-ProgramOffice@faa.gov. For questions on our internal SMS and other programs, see the relevant order in subparagraph 14-1-1-13A below.
I. Data Quality. Internal to the FAA, quality documentation of safety issues within FS data systems is essential to provide useful historical information and data for systemic analysis. FS personnel must keep safety management principles in mind when recording deviations (e.g., in the comments section of the PTRS or other data systems). Detailed reporting allows for a more complete map of risk factors and risk behaviors for analysis. The more we can learn about precursor risk factors, the greater the opportunity to drive down accident probabilities even further. A single event may seem minor, but multiple events may indicate increased risk. Habitually recording these minor events enables larger problems to be identified.

J. Consider All Compliance Tools. FS is confident that inspectors (following CA policy guidance, working interdependently, and using critical thinking) will correctly identify events, consider all the compliance tools available, and apply the remedy most appropriate to the specific facts and circumstances.

14-1-1-13 REFERENCES.

A. Additional Policy Guidance (current editions):

- FAA Order 8000.72, FAA Integrated Oversight Philosophy.
- FAA Order 8000.369, Safety Management System.
- FAA Order 8000.373, Federal Aviation Administration Compliance Philosophy.
- FAA Order 8040.4, Safety Risk Management Policy.
- FAA PTRS Procedures Manual (PPM) (which includes information on releasability under the Freedom of Information Act (FOIA)):
- FOIA Exemptions Summary Sheet:

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17 ASI compliance and risk mitigation tools (which can be used together or in combination per policy) include: communicating risks to certificate holders verbally and in writing, including making recommendations/suggestions; revising or withdrawing approval for operations specifications (OpSpecs), programs, manuals, or other authorizations and limitations; retargeting and/or increasing surveillance; elevating issues for higher-level FS support or additional resources; CAs per this volume; and Administrative or Legal Enforcement Actions per this volume and Order 2150.3.
B. Handbooks and Advisory Circulars (AC) (current editions):

- FAA-H-8083-2, Risk Management Handbook:
- Advisory Circular (AC) 120-92, Safety Management Systems for Aviation Service Providers.

C. Other Information:


D. Training Resources.

1) Root Cause Analysis (RCA) Introduction (Course FAA27000008). A 60-minute online course, the Introduction to Root Cause Analysis (RCA) course goal is for the workforce to gain an appreciation of RCA through an introduction of concepts, tools, and illustrative examples.

2) Root Cause Analysis Overview (Briefing FAA30120001). A 2-hour online briefing, including:
• RCA terms and definitions;
• Corrective and preventive action;
• Methods used to determine root causes;
• Techniques used for three RCA methods;
• Five whys; and
• Fishbone method examples.

3) **Root Cause Analysis Workshop (Workshop FAA30120002).** A 4-hour instructor-led workshop, including:

- RCA tools;
- Cause and effect diagrams;
- Fault trees;
- Five whys;
- Cause and effect analysis;
- Problem statement construction;
- Data collection; and
- Developing corrective and preventive actions.

4) **Root Cause Analysis for Quality Management (Course FAA24914).** An 8-hour instructor-led course offered AVS-wide, the course material directly supports the Quality Management System (QMS) and indirectly supports other investigation activities.

14-1-1-15 **FUTURE TASKS.** See Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure.

14-1-1-17 through 14-1-1-31 RESERVED.