The FAA’s “New” Compliance Philosophy

Tuesday November 1 | 4:00pm to 5:00pm

PRESENTED BY:

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FAA’s “Old” Compliance Philosophy
FAA’s “Old” Compliance Philosophy

Legal Enforcement Action

- Certificate Action
- Suspension.
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Legal Enforcement Action

• Certificate Action
  - Revocation.
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Legal Enforcement Action

• Civil Penalty.
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Administrative Action

• Warning Notice.

Figure A-10. Sample Warning Notice.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
[Date] EIR Number

Mr. Fred Smith
1075 Victory Boulevard
Los Angeles, California 90009

Dear Mr. Smith:

On May 26, 2004, you were the pilot in command of a Beech Baron N13697 that landed at the City Airport. At the time of your flight, it appears that you did not have in your personal possession a pilot certificate or photo identification in your possession or readily accessible to you in the aircraft. This conduct is allegedly in violation of 14 C.F.R. § 61.5(a).
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Administrative Action

• Letter of Correction.

Figure A-11. Sample Letter of Correction.

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

[Date]

ABC Repair Station Company
Attention: Mr. J. A. Jones, President
1200 International Way
Newark, New Jersey 22180

Dear Mr. Jones:

From June 14-18, 2004, the Federal Aviation Administration inspected your repair station's organization, systems, facilities, and procedures for compliance with 14 C.F.R. part 145. At the end of that inspection, we advised you of the following findings:
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Administrative Action

• “709” Request for Re-examination.


CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dear __________________:

The FAA has conducted an investigation of an accident/incident that occurred at ___________________________. Based on that investigation, the FAA has reason to believe that your certification as a certificated airman is in question, and that reexamination of your qualification to be the holder of an airman certificate is necessary in the interest of safety. Therefore, under the authority in 49 U.S.C. § 44709, the FAA requests...
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U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER 8000.373
Effective Date:
08/29/15

SUBJ: Federal Aviation Administration Compliance Philosophy

1. Purpose of This Order. This order sets forth the Federal Aviation Administration Compliance Philosophy as the overarching guidance for implementing the FAA’s strategic safety oversight approach to meet the challenges of today’s rapidly changing aerospace system.

2. Audience. This order applies to the compliance and enforcement programs and activities of all FAA offices that have regulatory responsibilities. These offices include the Flight Standards Service, Aircraft Certification Service, Office of Aerospace Medicine, Air Traffic Safety Oversight Service, Office of Airports, Office of Security and Hazardous Materials Safety, and Office of Commercial Space Transportation.
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“the FAA's goal is to use the most effective means to return an individual or entity that holds an FAA certificate, approval, authorization, permit or license to full compliance and to prevent recurrence”
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Which FAA Offices?
FAA’s “New” Compliance Philosophy

ALL OF THEM!
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- Flight Standards.
- Aerospace Medicine including Drug Abatement.
- Aircraft Certification.
- Commercial Space Transportation.
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- Administrative Action.
- Legal Enforcement Action.
- Compliance Action.
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Compliance Action

• Flawed Procedures.
• Simple Mistakes.
• Lack of Understanding.
• Diminished Skills.
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Compliance Action

• Root Cause Analysis.
• Training.
• Education.
• Improvements to Procedures or Training Programs.
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• Certificate Holder Must Be Willing.
  AND
• Certificate Holder Must Be Able.
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Compliance Action

• Oral or Written Counseling
• Remedial Training
• Written up in PTRS (Program Tracking and Reporting Subsystem)
• Not Part of Airman File
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What Does This Mean For FAA Inspectors?

1. Deal With Risk
   - Investigate
   - Learn “How” and “Why”
   - Assume Compliance Action
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What Does This Mean For FAA Inspectors?

1. Deal With Risk
   - Investigate
   - Learn “How” and “Why”
   - Assume Compliance Action

2. Determine If Violation Has Occurred
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What Does This Mean For Certificate Holders?

Less Risk Of Legal Enforcement If You Meet The Criteria For A Compliance Action
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Aviation Safety Reporting Program

• AC 00-46E.

• The person proves that, within 10 days after the violation, or the date when the person became aware or should have been aware of the violation, he or she completed and delivered or mailed a written report of the incident or occurrence to NASA.
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Aviation Safety Reporting Program

• http://asrs.arc.nasa.gov