| **CHANGE** | **U.S. DEPARTMENT OF TRANSPORTATION**
FEDERAL AVIATION ADMINISTRATION

National Policy | ORDER
2150.3B
CHG 7
Effective Date:

01/05/15 |

SUBJ: Compliance and Enforcement Bulletin 2014-3: Use of Informal Actions to Address Regulatory Non-Compliance; Aircraft Certification Service (AIR) Compliance and Enforcement Process

1. Purpose. This change to FAA Order 2150.3B, Compliance and Enforcement Program, implements a new decision process for informal actions for the Aircraft Certification Service (AIR).

2. Who this change affects. The change affects all agency personnel who investigate, report, or process enforcement actions involving regulations governing the design, production, and airworthiness of civil aeronautical products.

3. Disposition of Transmittal Paragraph. Retain this transmittal sheet until the directive is cancelled by a new directive.

PAGE CHANGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
		Appendix H, H-11 through H-13	01/05/15

4. Administrative Information. This Order change is distributed to divisions and branches in Washington headquarters, regions, and centers and to all field offices and facilities.

Michael P. Huerta
Administrator

COMPLIANCE/ENFORCEMENT BULLETIN NO. 2014-3

SUBJECT: Use of Informal Actions to Address Regulatory Non-Compliance; Aircraft
Certification Service (AIR) Compliance and Enforcement Process

BACKGROUND: Since October 2009, the Enforcement Decision Process (EDP) outlined in
Appendix F of this order has been used to guide FAA enforcement personnel in determining
whether informal action, administrative action, or legal enforcement action should be taken to
address noncompliance. Having used the EDP since that time, several program offices have
expressed the desire to develop a more tailored, program-specific approach to informal actions,
including oral or written counseling or on-the-spot correction. AIR has developed a policy and
process for determining those instances of noncompliance for which informal action should be
taken. That process and policy is implemented through this bulletin.

DISCUSSION: The EDP was primarily implemented as a tool for use by FAA program offices
to achieve greater consistency and standardization in how violations are addressed and to ensure
consistency across program offices in the process used to assess when informal actions are more
appropriate than administrative actions. After analyzing the use of the EDP over the last few
years, AIR has determined that the EDP is being used inconsistently and does not provide its
organization a standard approach to addressing apparent violations. The EDP and the associated
risk tool were made for multiple business processes, but have not been effective within AIR.
The entities and the processes that AIR oversees are typically far removed from what could be
foreseen as catastrophic or critical events because any noncompliance is, ordinarily, found at the
beginning of the aircraft life-cycle. Unless the apparent violation is an immediate safety issue,
the majority of apparent violations discovered by AIR typically fall in the "low" category of the
EDP Risk Assessment and Enforcement Action matrix ("risk matrix") which allows for either
administrative or informal action. The risk matrix, however, does not explain the differences
between each type of action which has resulted in confusion in determining which action is the
most appropriate to achieve compliance. Because the risk matrix does not distinguish between
administrative action and informal action, AIR found that offices were choosing different levels
of action (some informal, some administrative) for the same apparent violation.

AIR has developed a set of informal action criteria that will function as a piece of AIR's
compliance and enforcement process. This will create more consistency and standardization in
how apparent violations are addressed, and will assist in a progressive approach to enforcement.
The informal action criteria will help establish a distinction between apparent violations that
require administrative action versus informal action based on their criticality and complexity.
The informal action criteria will also establish standard points of data that AIR can track and
trend for how a decision to take informal action was reached. In addition, the informal action
criteria allows for informal action to be used for apparent violations of internal procedures not
required by part 21.

As of the effective date of this bulletin, AIR will no longer use the EDP in Appendix F of this
order and instead will use the informal action criteria, outlined below, in conjunction with the
administrative action criteria established in Chapter 5, paragraph 4 of this order to determine the

appropriate level of enforcement action for noncompliance with regulations governing the
design, production, and airworthiness of civil aeronautical products.

ACTION: AIR personnel follow the guidance in this bulletin for determining and processing the
appropriate type of enforcement action for all manufacturing and engineering related
noncompliances, including apparent violations of Organization Delegation Authorization (ODA).

    1. Informal Actions. To be eligible for informal action, the apparent violation(s) must be
non-safety related and meet all criteria for administrative action (see Chapter 5, paragraph 4 of
this order) plus a minimum of one of the following criteria:

        1.1.1. The violation is not systemic in nature.

        1.1.2. The violation was to an internal procedure.

        1.1.3. Compliance can be achieved with relative ease.

        1.1.4. The violation requires correction before the issuance of a certificate, approval, or
authorization.

Informal actions can be either verbal or in writing. The type of informal action taken is based on
the investigative personnel's discretion and/or local office policy.

Verbal Informal Actions. The investigative personnel will discuss the condition found with the
alleged violator and request correction be taken to obtain compliance. The investigative
personnel must verify the correction has been satisfactorily completed before closing the action.

Written Informal Actions. The investigative personnel will initiate a letter to the alleged violator
documenting the condition found and requesting correction be taken to obtain compliance.
Investigative personnel must verify the correction has been satisfactorily completed before
closing the action.

To identify trends and to support national, regional, and local systems safety analysis, AIR field
offices must track the following items for informal actions:

    1.2.1   Name of the business/individual.

    1.2.2   Certificate/authorization type and number (as applicable).

    1.2.3   Name and title of person notified.

    1.2.4   Date of known violation.

    1.2.5   Have administrative and informal criteria been met?

    1.2.6   Brief description of how an informal criterion was met.

    1.2.7   Type of informal action (verbal or written).

    1.2.8   Regulations/procedure involved (include section, paragraph, and subparagraph).

    1.2.9   Brief description of the noncompliance.

      1.2.10   Brief description of the correction taken.

      1.2.11   Date informal action was verified and completed.

2. Administrative or Legal Enforcement Actions. Administrative or legal enforcement action is taken for violations that may be safety related and that do not meet the criteria for informal actions. Administrative action may be taken for a violation when all criteria for taking such action in chapter 5, paragraph 4 of this order are met. If all administrative action criteria are not met, the apparent violation(s) is addressed with legal enforcement action. The directorate manager may approve a deviation from legal enforcement action in accordance with AIR policy, if justified.

3. Multiple Violations. Investigative personnel finding multiple violations during a single inspection or audit of which the most serious violation warrants legal action will follow guidance for processing legal enforcement actions. Only the violations warranting legal action will be included in the sanction calculations; all other violations should be included in EIR Section B, "factors affecting sanction" as aggravating factors.

For multiple violations found during a single inspection or audit of which the most serious violation warrants administrative action, it is at the discretion of the local office on whether or not violations that warrant informal action should be included in the letter of investigation (LOI).