## Compliance Action

The Compliance Philosophy represents a focus on using—where appropriate—non-enforcement methods, or "Compliance Action." Compliance Action is a new term to describe the FAA's non-enforcement methods for correcting unintentional deviations or noncompliance that arise from factors such as flawed systems and procedures, simple mistakes, lack of understanding, or diminished skills. A Compliance Action is not adjudication, nor does it constitute a finding of violation.

A Compliance Action is intended as an open and transparent safety information exchange between FAA personnel and you. Its only purpose is to restore compliance and to identify and correct the underlying causes that led to the deviation. Examples of Compliance Actions include on-the-spot corrections, counseling, and additional training (including remedial training).

Generally, if you are qualified and both willing and able to cooperate, the FAA will resolve the issue with compliance tools, techniques, concepts, and programs. Only on discovery of behavior indicating an unwillingness or inability to comply, or evidence that, for example, supports an intentional deviation, reckless or criminal behavior, or other significant safety risk, does the FAA consider an individual ineligible for a Compliance Action.

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## Working Together

Non-punitive information-sharing programs provide feedback on how aviation systems are working, and allow system improvements to occur on an ongoing basis, rather than as a result of a major mishap or investigation. Through voluntary safety efforts such as Commercial Aviation Safety Team (CAST), General Aviation Joint Steering Committee (GAJSC), Aviation Safety Information and Sharing (ASIAS), Aviation Safety Reporting System (ASRS), Aviation Safety Action Program (ASAP) and Air Traffic Safety Action Program (ATSAP), to name just a few, we've seen the benefits of a non-blaming, problem-solving, collaborative approach to solving safety problems.

We prefer to work with you to correctly identify and fix the root causes of a deviation. In all cases, we investigate the matter on behalf of the public's safety interest. Working together, we in the aviation community have achieved a safety record that is unsurpassed. We must continue to set the gold standard when it comes to safety. We must focus on the most fundamental goal: find problems in the NAS before they result in an incident or accident, use the most appropriate tools to fix those problems, and monitor the situation to ensure compliance now and for the future.

***Working together for a safer National Airspace System***

Federal A

# Compliance Philosophy

## and

# Airman Rights

***The FAA is evolving:***
To establish a just safety culture.

***Why the change?***
To foster an open and transparent exchange of safety information.

To obtain a higher level of safety and compliance with regulatory standards.

***What are your rights?***
Pilot's Bill of Rights

## Compliance Philosophy

In 2015, the FAA in an effort to embrace a "just culture" implemented a new Compliance Philosophy. A "just culture" is one that has both an expectation of, and an appreciation for, self-disclosure of errors. A "just culture" allows for due consideration of honest mistakes, especially in a complex system like the NAS. But even unintentional errors can have a serious adverse impact on safety, and so we must ensure that the underlying safety concern is fixed in all cases.

Our objective is to identify safety issues that underlie deviations from standards and correct them as effectively, quickly, and efficiently as possible. Our view of compliance stresses a problem-solving approach (i.e., engagement, root-cause analysis, transparency, and information exchange) where the goal is to enhance the safety performance of individual and organizational certificate holders. An open and transparent exchange of information requires mutual cooperation and trust that can be challenging to achieve in a traditional, enforcement-focused regulatory model.

## Airman Rights

This philosophical evolution towards a "just culture" is not intended to mislead or deny you of your rights. You are free to exercise your Airman Rights without repercussions. Refusal to speak or correspond with FAA personnel, or obtaining legal counsel immediately after an event, does not rule out Compliance Action.

Under the compliance philosophy, we hope to work with you to resolve any noncompliance with the regulations (14 CFR) without the need for a legal enforcement action. While legal enforcement action is generally not anticipated, the Pilot's Bill of Rights (Public Law 112-153) requires that you receive this information:

The nature of this investigation is to identify safety issues that underlie the apparent regulatory noncompliance in connection with:

_____

_____

_____

If we confirm your noncompliance with FAA regulations, we will use the information gathered in this investigation to determine the most efficient and effective means to return you to full compliance and to prevent recurrence.

Any response you make to an inquiry by a representative of the FAA Administrator in connection with this investigation may be used as evidence if legal enforcement action becomes necessary.

## Airman Rights (cont'd)

You are entitled to access or otherwise obtain air traffic data in the possession of the FAA that would facilitate your ability to productively participate in a proceeding relating to this investigation.

You are also entitled to obtain air traffic data in the possession of a government contractor providing operational services for the FAA (e.g., contract control tower and flight service station), provided that you submit a request to the FAA that describes the facility at which such information is located and you identify the date on which such information was generated.

Anytime during this investigation, you may submit your request to access or obtain air traffic data by contacting the FAA personnel working with you to resolve the deviation. Because air traffic data is routinely destroyed or disposed of in the ordinary course of business, it is important that you submit your request for such data as soon as possible.

If this investigation results in a legal enforcement action against your airman certificate, rating, or inspection authorization, the releasable portions of the Administrator's investigative report will be made available to you upon your written request addressed to the FAA's legal counsel handling the enforcement action.