



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject: Voluntary Disclosure Reporting
Program - Hazardous Materials

Date: 10/25/2023
Initiated By: AXH

AC No: 121-37B

1. **PURPOSE.** This advisory circular (AC) provides guidance to holders of certificates under Title 14 of the Code of Federal Regulations (CFR) parts 119 and 125, and foreign air carriers issued operations specifications under 14 CFR part 129 (operators), and part 145 (repair stations) who voluntarily disclose to the Federal Aviation Administration (FAA) their violation(s) of certain hazardous materials regulations under this voluntary disclosure reporting program (VDRP). This also provides guidance on the process used to submit hazmat-related voluntary disclosures, which is closely aligned with the process used by the FAA's Flight Standards Service (FS).
2. **CANCELLATION.** AC 121-37A, Hazardous Materials Voluntary Disclosure Reporting Program, dated September 29, 2017, is canceled.
3. **RELATED CFR REGULATIONS.** Title 14 CFR parts 119, 121, 125, 129, 135, 145, and 49 CFR parts 171, 172, 173, and 175.
4. **SCOPE and APPLICABILITY.**
 - 4.1. This VDRP policy applies when an operator commits an apparent violation involving the offering, acceptance, or transportation, of hazardous materials under the following regulations:
 - 4.1.1. 14 CFR part 121, subpart Z
 - 4.1.2. 14 CFR part 135, subpart K
 - 4.1.3. 14 CFR § 145.165
 - 4.1.4. 49 CFR §§ 171.15, 171.16, 171.22, 171.23, 171.24, and 171.26 (including violation of the standards contained in the International Civil Aviation Organization Technical Instructions).
 - 4.1.5. 49 CFR part 172

- 4.1.6. 49 CFR part 173
- 4.1.7. 49 CFR part 175
- 4.2. This policy also applies to apparent violations committed by cargo and ground handling contractors of the operator during acceptance, loading, unloading, and transport, of hazardous materials on behalf of the operator. This includes the offering of company material (COMAT) on behalf of the operator. Any apparent violations committed by a contractor that relate to an activity performed on behalf of the operator may be disclosed by the operator for VDRP consideration.
- 4.3. Operators may not use the VDRP to report violations in which the violation has been part of an incident or accident involving death, injury, or property damage, or to report violations that the FAA has already become knowledgeable about through its own inspection or investigation.
- 4.4. This AC is divided into the main body, which addresses issues common to all operators utilizing the VDRP, and an appendix, which explains the processes and responsibilities of the operators using this policy, as well as the FAA.
- 5. **KEY TERMS.** The following key terms and phrases are defined to ensure a standard interpretation and understanding of the FAA's voluntary disclosure policy:
 - 5.1. **Comprehensive Fix.** A comprehensive fix is an action, or are actions, proposed by the operator and accepted by the Principal Hazardous Materials Inspector (PHI), to preclude reoccurrence of the apparent violation that has been voluntarily disclosed under this program.
 - 5.2. **Evidence.** For voluntary disclosure, evidence should generally be in the form of written documentation or reports that support an operator's analysis of the disclosed apparent violation, and the resulting elements (corrective actions) of the proposed comprehensive fix. Evidence generally consists of the following six categories:
 - 5.2.1. Shipping papers and other documents obtained from shippers, freight forwarders, or other entities involved in the offer, acceptance, or transportation, of hazardous materials;
 - 5.2.2. Operator manuals;
 - 5.2.3. Equipment examined;
 - 5.2.4. Activities observed;
 - 5.2.5. Information received from interviews; and,

5.2.6. Photographic evidence

5.3. **Hazardous Materials.** A substance or material that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR § 172.101), and materials that meet the defining criteria for hazard classes and divisions in part 173. In this AC, the term hazardous materials is synonymous with dangerous goods and the acronym hazmat.

5.4. **Operator.** For the purposes of this AC, “operator” refers to holders of certificates under 14 CFR parts 119 and 125, foreign air carriers issued operations specifications under 14 CFR part 129, and part 145 repair stations.

5.5. **Principal Hazardous Materials Inspector (PHI).** For purposes of this AC, this designated FAA official is the main point of contact for the oversight of an operator’s hazardous materials transportation safety program. The PHI could also be the Hazardous Materials Division Manager, Front Line Manager, or other designated FAA official.

5.6. **Reckless or Intentional Conduct.** Voluntary disclosures of an apparent violation involving reckless or intentional conduct are excluded. Reckless conduct is an act (or failure to act) demonstrating a gross disregard for, or deliberate indifference to, safety or a safety standard. Intentional conduct is an act (or failure to act) while knowing that such conduct is contrary to a regulation or statute, or is otherwise prohibited.

5.7. **Satisfactory Fix.** A satisfactory fix is a comprehensive fix in which all corrective measures have been completed on schedule, have been scrutinized for efficacy using a self-audit, and are satisfactory to the PHI.

5.8. **Self-Audit.** A self-audit is an internal compliance review to evaluate the effectiveness of changes to systems and/or processes implemented as corrective actions following disclosure of regulatory noncompliance.

6. **BACKGROUND.**

6.1. Civil penalties under the FAA’s enforcement program, have always been considered a means to promote compliance with the FAA’s regulations, not an end in themselves. In addition to the deterrence achieved by the appropriate use of civil penalties, the public interest is also served by positive incentives to promote and achieve compliance. Indeed, the FAA believes that aviation safety is well served by incentives for operators to identify and correct their own instances of noncompliance, and to invest more resources in efforts to preclude their reoccurrence. The FAA’s policy of forgoing civil penalty actions when one of these entities detects violations, promptly discloses the

violations to the FAA, and takes prompt corrective action to ensure that the same or similar violations do not reoccur, is designed to encourage compliance with regulatory standards, foster safe operating practices, and promote the development of Internal Evaluation Programs (IEPs). This “policy” is consistent with the FAA’s compliance program, FAA Order 8000.373, which states, in part:

When deviations from regulatory standards do occur, 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 reoccurrence.

- 6.2. **Internal Evaluation Programs (IEPs):** Operators are expected to have robust means for monitoring their operations to discover violations. Under a well-functioning Safety Management System (SMS), operators must continually monitor their operations, and be cognizant of the regulations, company policies, and procedures, to ensure that the highest level of safety and security are maintained. They may voluntarily disclose apparent violations, in accordance with this AC, even though a formal internal evaluation program has not been established. Guidance on IEPs is contained in the current version of AC 120-59, Air Carrier Internal Evaluation Programs.

7. **VOLUNTARY DISCLOSURE POLICY.**

- 7.1. **Violation Sharing.** The FAA believes that the open sharing of reports of apparent violations by operators with the FAA encourages cooperation and communication optimal for solving problems and will enhance and promote aviation safety. Although it may not be entirely clear that an actual violation has occurred at the outset, the perception that there is an appearance of a violation should inspire the operator to share that information with the FAA. If the facts subsequently unveiled lead to a determination that no violation has occurred, that fact can be documented, and the disclosure subsequently closed with no action.

Note: The FAA will only accept submissions made by an employee of an operator, in accordance with Appendix A, paragraph A.3.7 or A.3.8 of this AC. Submissions by individuals not employed by the operator will not be accepted.

- 7.2. **Violation Evaluation.** In evaluating whether an apparent violation is covered by this policy, the FAA will ensure that the following six conditions for acceptance are met:
- 7.2.1. The operator has notified the FAA of the apparent violation within 72 hours after detecting it, and before the Agency has learned of it by other means. However, the FAA may accept disclosures that exceed the 72-hour policy if the FAA determines that a later submission is justified based on the specific circumstances.
- 7.2.2. The apparent violation was neither reckless nor intentional.
- 7.2.3. The apparent violation does not indicate a lack, or reasonable question, of qualifications to hold a certificate.

- 7.2.4. Immediate action, satisfactory to the FAA, was taken upon discovery to terminate the conduct that resulted in the apparent violation.
- 7.2.5. The operator has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the FAA. The comprehensive fix shall include a follow up self-audit to ensure that the action taken corrects the noncompliance. This self-audit is in addition to any audits conducted by the FAA.
- 7.2.6. The submission is not a “repeat” violation that is ineligible for acceptance as a voluntary disclosure in accordance with paragraph 9.

Note: The FAA ordinarily will not accept a voluntary safety disclosure if (1) the operator informs the FAA of the apparent violation during, or in anticipation of, an FAA investigation/inspection, or in association with an accident or incident, (2) the FAA has already independently obtained information about the violation, or (3) the violation is associated with an accident or incident.

- 8. **POLICY EXCEPTIONS.** Certain circumstances that may present exceptions to the criteria in paragraph 7.2.1 above.
 - 8.1. **Exception – Aviation Safety Action Program (ASAP) Report.** If the FAA has learned of an apparent violation by an operator from an ASAP report, as described in the current version of AC 120-66, Aviation Safety Action Program (ASAP), a voluntary disclosure can still be accepted by the FAA even though they have already learned of the violation from the ASAP.
 - 8.2. **Exception – Joint Audit.** If an operator voluntarily agrees to conduct a joint audit (inspection) with the FAA, during which an apparent violation is discovered either by the company or FAA members of the audit (inspection) team, the FAA may accept a voluntary disclosure submitted by the company even though the FAA has already learned of the apparent violation during the course of the joint audit (inspection).
- 9. **REPEAT VIOLATION.** If a repeated violation occurs, notwithstanding the fact that a prior comprehensive fix was satisfactorily completed and followed, the procedures outlined in this AC may apply to the disclosure of the repeated violation. Upon consideration of the facts and circumstances surrounding the repeat violation, the FAA will determine on a case-by-case basis whether a repeat violation will be covered under this policy. Operators conduct a root cause analysis to evaluate, in detail, the systemic issues and circumstances surrounding each apparent violation, which the FAA will evaluate. The FAA will confirm that a violation with the same root causes has not been previously discovered by an inspector or self-disclosed. This is particularly important when citing recurring violations of a common regulation. Depending upon the specific circumstances associated with the event, citations of a common regulation may not necessarily be indicative of a common systemic failure. The FAA will notify the

operator if its history of repeated violations with a similar root cause will result in non-acceptance of future VDRP submissions pertaining to the same issue.

10. **INVESTIGATIONS AND USE OF REPORTS.** Under the FAA's governing statute, regulations, and agency policy, the FAA investigates statutory and regulatory noncompliance and takes appropriate action in response to noncompliance.
 - 10.1. **Accepted Disclosures.** The FAA takes no action against an operator that submits a disclosure that is accepted (and not subsequently rejected). Such disclosures are closed with an FAA response to the submitter after the FAA determines to its satisfaction that the submitter has accomplished all elements of the comprehensive fix, including the operator's self-audit.
 - 10.2. **Rejected Disclosures.** If the disclosure does not meet the criteria of paragraph 7.2, above, the FAA will reject it. The FAA will investigate the noncompliance identified in the rejected disclosure. The FAA may use the entire content of the rejected disclosure as evidence in any FAA investigation and FAA action (except for disclosures that the FAA rejects based on its determination that no violation occurred).
11. **COMPLETION OF SATISFACTORY FIX.** The operator must complete the comprehensive fix and conduct a self-audit(s) to verify the effectiveness of the corrective action. Once the operator has implemented the fix, and found their fix to be satisfactory, the FAA will verify satisfactory completion of the comprehensive fix and close the voluntary disclosure record. The FAA communicates the satisfactory completion of the comprehensive fixes taken by the operator in lieu of compliance action or enforcement action for instances of noncompliance that are voluntarily disclosed to the FAA in accordance with the procedures set forth in this AC.
12. **CLOSED CASE: CONDITIONS FOR REOPENING.** If, following FAA closure of the investigation resulting from a voluntary disclosure, the same or similar violations are discovered to have occurred prior to the submission of the associated voluntary disclosure, the FAA does not reopen the case, unless it determines that the operator failed to comply with all of the elements of the comprehensive fix agreed upon by the FAA and the operator.
13. **DISPUTE RESOLUTION.** When disputes occur regarding the acceptance of a proposed comprehensive fix, or a modification thereto, before the fix is considered satisfactory, the FAA and the operator may request that the issue be resolved at the next level of management within the FAA. This procedure will provide for an independent assessment of the areas in disagreement.
14. **INTERACTION OF VDRP AND MANDATORY REPORTING REQUIREMENTS.** The purpose of the VDRP is to encourage the voluntary reporting of information and data related to violations covered by paragraph 4 of this AC. This AC does not alter operators' requirements to comply with mandatory reporting

requirements contained in 49 CFR §§ 171.15, 171.16 and 175.31; rather, it provides the following relief:

- 14.1. Under the mandatory incident reporting provisions of the HMR (49 CFR §§ 171.15 and 171.16), operators are required to provide immediate notice, i.e., as soon as practicable, but no later than 12 hours, to the National Response Center (NRC) of an incident reportable under 49 CFR § 171.15(b)(6), for incidents involving transportation by aircraft, and/or file a written report to the FAA within 30 days, for an incident meeting the reporting requirements of 49 CFR § 171.16(a). To the extent that an operator fails to comply with its reporting obligations, it may submit a voluntary disclosure to inform the FAA of the failure to comply with the reporting requirement. The FAA would address the submission as it would for any other voluntary disclosure, i.e., in accordance with paragraph 7.2. The operator still must file the original report of the incident associated with the voluntary disclosure.
- 14.2. Under 175.31, operators must notify the FAA upon discovery of a discrepancy, as defined in 49 CFR § 175.31(b), as soon as practicable. This requirement is triggered when a discrepancy is discovered following an acceptance of hazardous material for transportation aboard an aircraft, but only to the extent that the subject hazardous material is improperly described, certified, labelled, marked, or packaged in a manner not ascertainable when accepted, under § 175.30. To the extent that an operator fails to comply with its reporting obligations, it may submit a voluntary disclosure to inform the FAA of the failure to comply with the reporting requirement. The FAA would address the submission as it would for any other voluntary disclosure, i.e., in accordance with paragraph 7.2. The operator still must file the original report to which the voluntary disclosure pertains.
- 14.2.1. Although not subject to reporting as a discrepancy under § 175.31, the FAA will also accept voluntary disclosures in accordance with this AC involving discrepancies that are otherwise not subject to the reporting requirements of 175.31, i.e., those ascertainable when the operator accepted the hazardous material for transportation by air.

15. **APPLICABILITY OF THE FREEDOM OF INFORMATION ACT (FOIA) TO SELF-DISCLOSURE RECORDS.** Records accepted by the FAA in accordance with this AC, including information submitted using the Web-based VDRP tool (Appendix A), are protected from release to the public in accordance with the provisions of 14 CFR part 193 and FAA Order 8000.89, titled “Designation of Voluntary Disclosure Reporting Program (VDRP) Information as Protected from Public Disclosure under 14 CFR part 193”.

ATILLA
AKGUN

Digitally signed by ATILLA
AKGUN
Date: 2023.10.25 16:22:39
-04'00'

Atilla Akgün
Acting Executive Director
Office of Hazardous Materials Safety

Guide To FAA Hazardous Materials Safety Program (HMSP) Voluntary Disclosure Reporting Program (VDRP) For Operators

This guide is for holders of certificates under Title 14 of the Code of Federal Regulations (14 CFR) parts 119 and 125 for operations under 14 CFR part 121 and/or part 135, foreign air carriers issued operations specifications under 14 CFR part 129, and repair stations under part 145.

A.1 Access to the VDRP Web-based Application. Access to the web-based system requires assignment of a log-in identification and a password, which are obtained via the following means:

A.1.1 Operator Representatives. Users named by an operator to represent the company on voluntary disclosure issues will be added to the VDRP Web-based system by an FAA Principal Hazardous Materials Inspector (PHI) assigned hazardous materials oversight responsibilities for that operator. Each authorized representative will be issued a unique log-in identification and password for access to the system. Refer to VDRP User Guide at: <https://vdrp.faa.gov/UserGuide.pdf>, or contact VDRP Help Desk at (844) 322-6948 or email at helpdesk@faa.gov for additional information.

A.2 The Six Stages of the VDRP. The web-based VDRP application employs a six-stage process. Responsibility for each such stage is assigned to either the operator or the FAA, as described below. Except as specified in this AC, the voluntary disclosure policy applies only when the operator has notified the FAA of the apparent violation within 72 hours after detecting it, and before the FAA has learned about it by other means. However, the FAA may accept disclosures that exceed the 72-hour policy if the FAA determines that a later submission is justified, based on the specific circumstances. The following is an overview of the six stages of the VDRP:

- STAGE 1: Notification by the Operator of an Apparent Violation. (See paragraph A-3)
- STAGE 2: FAA Response to Operator. (See paragraph A-4)
- STAGE 3: Written Report of the Operator's Apparent Violation. (See paragraph A-5)
- STAGE 4: Written Report Review by the FAA. (See paragraph A-6)
- STAGE 5: Implementation of a Comprehensive Fix and FAA Surveillance. (See paragraph A-7)
- STAGE 6: FAA Review of Completed Actions of the Corrective Action Plan. (See paragraph A-8)

- A.2.1 **Operator Requirements.** All operators are required to utilize the Web-based VDRP system when submitting voluntary disclosures to the FAA.
- A.2.2 **Disclosure Notification.** Initial notification of a disclosure to the FAA will normally be made to the PHI via the web-based VDRP application, or if previous arrangements have been made with the appropriate PHI, through an alternate means.
- A.2.3 **Web-based VDRP System Provisions.** The web-based VDRP application contains provisions for indicating that the notification process was initiated via another medium. When acceptable to the PHI, initial notice of a voluntary disclosure may be submitted orally, via a written hardcopy, or by electronic copy, provided the operator enters the initial notification data via the web-based VDRP application (normally within 72 hours of the original notification). Compliance with the 10 business-day or 30 calendar-day limit for submission of the written report, as described in Stage 3 below, will be based on the date of the original notification, regardless of the submission means or media.
- A.3 **STAGE 1: Notification by the Operator of an Apparent Violation.** When the operator notifies the FAA of an apparent violation, contact must be made with, or directed to, the appropriate PHI. The notification requirement is automatically met when the disclosure is submitted via the web-based VDRP application. However, if the CH submits the initial notification via alternative media, the disclosure must be submitted to the appropriate PHI as soon as practical. It is FAA policy that initial notification in a timely fashion, ordinarily within 72 hours of the discovery of the apparent violation. However, a PHI may accept disclosures at a later than practical date if the submission is justified based on the specific circumstances. For example, a voluntary disclosure based on a company violation revealed in an aviation safety action program (ASAP) report may require more time from the submission of that ASAP report in order for the responsible company to become aware of the information in the report and to initiate a voluntary disclosure. The FAA retains sole discretion in determining whether a voluntary disclosure received later than normal after discovery of the violation is timely. The operator should therefore not delay notification for any reason, and address the following items:
- A.3.1 **Brief Description of Apparent Violation.** A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered, and the hazardous materials involved (which should include a description of relevant information such as identifying the hazmat involved by UN number).
- A.3.2 **Verification that the Noncompliance has Ceased.** Verification that noncompliance ceased immediately after it was identified.
- A.3.3 **Brief Description of Immediate Action.** A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the action that resulted in the apparent violation, and the individual responsible for taking the immediate action.

A.3.4 Verification of Evaluation. Verification that an evaluation is underway to determine:

- A.3.4.1 If there are any systemic problems;
- A.3.4.2 The corrective steps necessary to prevent the apparent violation from recurring; and
- A.3.4.3 A thorough root cause analysis is being conducted.

A.3.5 Identification of Responsible Individual. Identification of the individual responsible for preparing the comprehensive fix.**A.3.6 Written Report Submission.** Acknowledgment that, at a minimum, a preliminary written report will be provided to the PHI within 10 business-days from the date of FAA acceptance in the Initial Notification Response. If a proposed comprehensive fix is not fully developed within 10 business days, the operator should provide at least an overview of its comprehensive fix plans in a preliminary written report submitted within 10 business days. In any event, a complete written report should be submitted within 30 calendar-days from the date of FAA acceptance in the Initial Notification Response.**A.3.7 Initial Notification Submission by Management Officials.** The initial notification of a voluntary disclosure must be submitted by one of the management officials specified in 14 CFR § 119.65 or § 119.69, as appropriate, or in accordance with paragraph A.3.8. For part 145 repair stations, this would be the accountable manager as defined in § 145.3. For part 129, this would be the Director of Safety or equivalent, Director of Operations or equivalent, Director of Maintenance or equivalent, Chief Pilot or equivalent, or the Chief Inspector or equivalent.**A.3.8 Initial Notification Submission by Authorized Employees.** The initial notification may be submitted by an employee authorized by the operator to accomplish initial notification, provided that the employee includes a letter signed by one of the management officials specified in 14 CFR § 119.65 or § 119.69, as appropriate, or for part 129 and part 145 operators the positions listed above in paragraph A.3.7. That letter must stipulate that;

- A.3.8.1 The corporate official is aware of the disclosure,
- A.3.8.2 The company took immediate action to cease the violation, and
- A.3.8.3 The company has conducted, or is conducting, a thorough root cause analysis and has developed, or is developing, a proposed comprehensive fix for FAA consideration to prevent future reoccurrences of the violation.

Note: The web-based VDRP application allows upload of documents (photos, text documents, letters, etc.) by the operator in Stages 1 and 3 and upload by the FAA in Stages 2, 4, 5 and 6, to enable the attachment of whatever documents may be required to support their submissions. Document size must not exceed 10MB.

- A.4 STAGE 2: FAA Response to Operator.** The PHI will review the web-based submission from the operator and respond in a timely manner, normally within 72 hours. If the original submission from the operator was made via an alternative medium (e.g., telephone, etc.), the PHI may respond via an alternative means, but must also respond to the subsequent web-based submission by the operator.
- A.4.1 PHI Review.** The PHI's review of the disclosure will confirm the submission meets the following requirements set forth in paragraph 7.2 of this AC, and paragraph A.3.7 or A.3.8.
- A.4.2 PHI Completion of the Review.** Once the PHI completes the review of the voluntary disclosure submission, he/she makes a determination to accept the disclosure, return it for editing, or find it invalid.
- A.4.2.1 Acceptance:** If the PHI elects to accept the disclosure, the PHI completes the required Stage 2 entries in the web-based VDRP application and submits their input. Upon submission by the PHI, the VDRP system will alert AXH, via email, that the file is awaiting review.
- A.4.2.2 Return for Edit:** If the PHI finds the disclosure does not contain sufficient information to accept the disclosure, the PHI has the option of returning the disclosure to the operator for editing. Upon selection of the "send back" button and submission by the PHI, the VDRP system notifies the operator of the determination via email and returns the case to Stage 1, pending resubmission by the operator.
- A.4.2.3 Rejection/Invalid:** If the PHI finds the disclosure does not meet the requirements set forth in this AC for acceptance, or it has been determined that no violation occurred, the PHI selects "No" in response to the question, "Is this a valid self-disclosure?" Upon submission by the PHI, the operator is notified of that determination by email.
- A.4.3 FAA Office of Hazardous Materials Safety (AXH) Review of PHI Determination.** An AXH supervisor will review the PHI's determination to accept the voluntary disclosure.
- A.4.3.1** If AXH indicates concurrence with the PHI's acceptance determination, and selects "Submit," Stage 2 is concluded and the record will advance into Stage 3, which triggers an automated email notification to the operator of the acceptance.
- A.4.3.2** If AXH indicates non-concurrence with the PHI's acceptance determination, the case will be referred back to the PHI for reconsideration, with whatever comments have been entered by AXH. The case will not advance to Stage 3 until AXH submits concurrence with the PHI's determination.

Note: If, at any time subsequent to acceptance of the disclosure, the FAA becomes aware that the disclosure did not meet the requirements for acceptance under the VDRP, the acceptance may be withdrawn. In such cases, as well in those cases where it

is subsequently determined that a violation did not occur, the web-based VDRP application provides the option of rescinding a case, which closes the file without action within the VDRP system.

A.5 STAGE 3: Written Report of the Operator's Apparent Violation.

- A.5.1 Written Report.** The written report should be submitted by the operator, to the PHI, via the web-based VDRP system, within 30 calendar-days from the date the disclosure was submitted to the FAA. This report must contain a detailed description of the analysis (including a root-cause analysis if the violation was repeated), the proposed comprehensive fix outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a schedule for completion of the fix. If a proposed comprehensive fix is not fully developed within 30 calendar days from the date the disclosure was submitted to the FAA, the operator may request a one-time 15 calendar-day extension. In this case, a detailed description of the comprehensive fix should be submitted to the FAA within 45 calendar days after initial notification.
- A.5.2 Required Input.** The web-based VDRP application requires the input of the following information in the Written Report Stage:
- A.5.2.1** A list of the specific regulations that may have been violated, including section and subsection of the regulation;
 - A.5.2.2** A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected, and the hazardous materials involved;
 - A.5.2.3** Identification of the individual who discovered the violation;
 - A.5.2.4.** A description of the immediate action taken to terminate any conduct that resulted in the apparent violation, including when it was taken, and the individual who was responsible for taking the action;
 - A.5.2.5** An explanation that demonstrates the apparent violation was neither intentional nor reckless;
 - A.5.2.6** Completion of a Risk Assessment Matrix to aid in evaluating the significance of the event;
 - A.5.2.7** A detailed description of the proposed comprehensive fix, outlining the planned corrective actions, the individual responsible for implementing those corrective actions, and a reasonable time schedule for completion of the fix; this must also include the proposed plan for the self-audit of the completion of the implementation of the corrective action; and
 - A.5.2.8** Identification of the company official(s) responsible for monitoring the implementation and completion of the comprehensive fix and the self-audit.

A.6 STAGE 4: Written Report Review by the FAA. The FAA will review the information submitted in Stage 3 and work with the operator to ensure that they have identified any root causes and systemic issues which led to the apparent violation. In this stage, the PHI is also tasked with completing a:

A.6.1 Risk Assessment Matrix to aid in evaluating the significance of the event, and the proposed comprehensive fix. This collaboration helps to ensure that the corrective actions contained in the comprehensive fix are acceptable to the FAA.

Note: If investigation of the apparent violation results in the determination that no violation has occurred, the voluntary disclosure may be closed by rescinding the file and providing an explanation in the provided comment box. When the user selects rescind, a warning is provided that rescinding the file will close the case and terminate the investigation. If the PHI confirms the rescission, the case is closed in VDRP on that date.

A.7 STAGE 5: Implementation of a Comprehensive Fix and FAA Surveillance.

A.7.1 **Implementation Period.** The implementation period begins when the FAA concurs with the operator's comprehensive fix. The operator will make changes to the proposed comprehensive fix when the operator or the FAA identifies a need for change. During the implementation period, the FAA and the operator will continue to collaborate, communicate, and cooperate in order to ensure the completion of each of the corrective actions as well as the self-audit. The FAA may advise and assist the operator in correcting any identified systemic problems. Changes will be made to the proposed comprehensive fix when the need is identified. Upon determining that the initial implementation of the proposed comprehensive fix is satisfactory, the PHI may advance the voluntary disclosure to Stage 6.

A.7.2 **Corrective Actions.** The FAA monitors the implementation of the corrective actions. The FAA assesses the operator's corrective efforts through the implementation period. If, during this period, the FAA determines that the actions taken by the operator are not those documented in the comprehensive fix, or that the operator failed to take corrective action satisfactory to the FAA, the voluntary disclosure report may be rejected, and appropriate FAA action initiated.

A.7.3 **Self-Audit Completed by the Operator.** The operator must complete at least one satisfactory self-audit after implementation of the corrective action in accordance with their corrective action plan submitted in their written report. This report must be uploaded into the web-based VDRP system.

A.8 STAGE 6: FAA Review of Completed Actions of the Corrective Action Plan. At the conclusion of the implementation period, the PHI will make the final assessment. Consultation with regional specialists, enforcement counsel, or other FAA personnel may be deemed appropriate by the PHI or AXH.

- A.8.1 **Stage 6 Completion.** If all elements of the comprehensive fix have been satisfactorily accomplished, including the operator's self-audit and FAA verification that all requirements have been completed, then the PHI will submit the required entries in the web-based application for Stage 6 completion.
- A.8.2 **Stage 6 Submission.** Upon Stage 6 submission by the PHI, the VDRP system will notify AXH via email that the file is awaiting management review. AXH will review the VDRP file, and assess the adequacy of the comprehensive fix and its implementation. AXH must decide whether to concur with the PHI's determination that the comprehensive fix was satisfactorily accomplished.
- A.8.3 **AXH Concurrence.** AXH concurrence with the PHI's determination is recorded when the "Submit" button is selected. This closes the submission and concludes Stage 6. Upon closure, an email is sent to the appropriate parties advising them that the submission is closed.
- A.8.4 **AXH Non-Concurrence.** If AXH does not concur with the PHI's determination, AXH will select the "Return" button to refer the case back to the PHI, along with comments, for reconsideration. The case will not advance out of Stage 6 until it is re-submitted by the PHI, and AXH submits their concurrence.