

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.494

National Policy

Effective Date:
12/7/18

Cancellation Date:
12/7/19

SUBJ: Aviation Safety Action Program Event Review Committee FAA Attendance

1. Purpose of This Notice. This notice supplements current policy relating to the Aviation Safety Action Program (ASAP). The changes are applicable to policy contained within Federal Aviation Administration (FAA) Order 8900.1, Volume 11, Chapter 2, Section 1, Safety Assurance System: Aviation Safety Action Program. This notice introduces a provision for optional attendance of the FAA on an ASAP event review committee (ERC) and provides some of the conditions that may warrant this option.

2. Audience. The primary audience for this notice includes office managers and Safety Assurance offices' aviation safety inspectors (ASI) with oversight responsibility of certificate holders and other entities operating under Title 14 of the Code of Federal Regulations (14 CFR) with established ASAP Partnership Agreement (PA). The secondary audience includes all other Flight Standards personnel with ASAP responsibilities.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <http://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <http://fsims.faa.gov>. This notice is available to the public at http://www.faa.gov/regulations_policies/orders_notices.

4. Background. ASAP was established as a national program in 1997 and stands today as the most widely utilized voluntary safety program in the country, with more than 600 active PAs and over 100,000 report submissions annually. Its primary purpose is to help participants identify safety issues, risks, and areas of noncompliance in their respective operations so accidents and incidents can be prevented. As ASAP reports are filed, an ERC convenes and has responsibility to review, analyze, investigate (if necessary), accept or exclude, recommend corrective actions, and determine disposition of the reports. The ERC is usually comprised of a management representative from the certificated or noncertificated entity, a representative from the employee group or employee labor association (if applicable), and a specifically qualified FAA inspector from the appropriate Flight Standards office. Additionally, an ASAP manager is appointed to assist the ERC. They manage the ASAP database, control the receipt and distribution of reports, track corrective actions, develop quarterly reports, serve as an interface between the company and the FAA, and may serve as a voting member for management for smaller participating entities.

5. Discussion. The success of ASAP has been exceptional and continues to gain momentum with various applications. ASAP is not implemented identically when comparing operators' programs, nor should it be. Today, program participants range from legacy carriers with two decades of experience and robust levels of participation to new ASAP entrants with little experience developing safety culture. Furthermore, as participants have seen the benefits of well-established programs, they submit subsequent PAs to include additional employee groups within their companies. These results are significant, speak to the success of ASAP, and highlight the benefit it is to those involved and the National Airspace System (NAS). As program growth continues, however, we need to address the challenges associated with that increase. While the total number of PAs escalates frequently, FAA resources do not, and there are challenges placed on Flight Standards offices trying to manage the variety of programs for which they have signatory authority. Consequently, we are in a position to evolve the way we manage ASAP and offer the following points of discussion.

a. Additional Growth Forecasted. While participants witness the benefits of ASAP and elect to enroll additional employee groups in it, established programs increase reporting over time once program advantages are observed and trust in reporting is fostered. Likewise, with the implementation of Compliance Philosophy that removed administrative action associated with accepted reports, it is expected that employee reporting will further increase. Finally, third-party ASAP facilitators, such as the Medallion Foundation, the Web-Based Analytical Technology for Aviation Safety, Inc. (WBAT-FAS), and the Air Charter Safety Foundation (ACSF), are engaged in the recruitment of smaller operators. They operate as independent fee-for-service companies that establish, train, and manage ASAPs for operators that elect to utilize their services. All of these contributing factors directly affect FAA resources at the office level.

b. Types of ASAP Reports. The majority of ASAP reports fall into one of two categories. Whether the report is sole-source or non-sole-source is irrelevant with respect to the category. The report categories are regulatory and nonregulatory.

c. Optional FAA Attendance in ERC Meetings. While the FAA will continue as an integral member of the ERC, ASAP has reached a level of maturity to allow, under certain conditions, for optional FAA attendance for some ERC meetings. ASAP strengths and weaknesses are unique to each PA, so several factors should be considered when designing the particulars of FAA ERC attendance. Some of those factors include office resources, level of ERC participant training and experience (both internal and external), maturity of the program, quality of the operator's Safety Management System (SMS) (if applicable), safety culture of the participating entity, history of the operator's posture regarding regulatory compliance, and open sharing of data. Furthermore, since ASAP serves as a conduit to obtain safety-related data that would otherwise be unobtainable, the specific interests and methods for data sharing must be addressed. The level of FAA attendance in ASAP ERC meetings will be decided by the FAA signatory to the PA. Please note the distinction between participation and attendance. The FAA will continue to participate in ASAP. The FAA ERC member will continue to review all reports prior to an ERC meeting and if necessary, attend ERC meetings. The FAA ERC member will continue to review the outcomes of the ERC meeting. However, this guidance permits, under controlled and known circumstances, optional FAA attendance of an ERC meeting.

d. Mandatory FAA Attendance in ERC Meetings. Reports associated with regulatory noncompliance, intentional disregard for safety, events considered not inadvertent, the “Big Five” (i.e., criminal activity, substance abuse, controlled substances, alcohol, and intentional falsification), medical certification or qualification, nonconsensus, or violations identified during ERC meetings require FAA attendance at the ERC.

e. Expectations for Optional ERC Attendance.

(1) The certificate holder must have strong safety culture. The respective Flight Standards District Office (FSDO) or certificate management office (CMO) makes this determination.

(2) ASAP reports must be made available to the FAA ERC member prior to all proposed ERC meetings.

(3) Disposition of reports must be made available to the FAA ERC member after ERC meetings.

(4) The ASAP manager must annotate which report outcomes were made without FAA ERC attendance.

(5) The reports must be nonregulatory.

(6) All ERC participants are trained and the program has been established for a minimum of 6 months.

(7) The FAA ERC representative must review all reports. Optional attendance does not relinquish their duty to keep apprised of the participating entity’s safety climate, safety issues and concerns, and corrective action measures developed.

6. Action. As of the effective date of this notice, FAA PA signatories and FAA ERC representatives will be responsible to coordinate and determine the level of attendance required to successfully oversee the programs in ASAP under their stewardship.

7. Disposition. We will incorporate the information in this notice into FAA Order 8900.1, Volume 11, Chapter 2, Section 1, before this notice expires. Direct questions concerning the information in this notice to the Air Transportation Division (AFS-200) at 202-267-8166.



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