

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

N 8900.567

National Policy

Effective Date:
11/3/20

Cancellation Date:
11/3/21

SUBJ: Portal for International Pilot Deviations (PIPD) Beta Test on PDs Involving Foreign Air Carriers Operating Under 14 CFR Part 129 or Part 375

1. Purpose of This Notice. This notice replaces Notice N 8900.547, Portal for International Pilot Deviations (PIPD) Beta Test, dated May 13, 2020. This notice announces additional revisions to Federal Aviation Administration (FAA) Order 8900.1, Volume 7, Investigation; and Volume 12, International Aviation, for processing pilot deviations (PD) associated with airmen who, when involved in the PD, were operating for a foreign operator under Title 14 of the Code of Federal Regulations (14 CFR) part 129 or 375, and whose State of the Operator is a PIPD beta test participant. This change in guidance affects offices with responsibility for investigating part 129 or 375 PDs.

2. Audience. The primary audience for this notice is International Field Offices (IFO), Principal Operations Inspectors (POI), Principal Maintenance Inspectors (PMI), and Principal Avionics Inspectors (PAI). The secondary audience includes the Safety Standards and Foundational Business offices and other applicable agency and department personnel.

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 <https://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <https://fsims.faa.gov>. This notice is available to the public at https://www.faa.gov/regulations_policies/orders_notices.

4. Cancellation. This notice cancels N 8900.547, Portal for International Pilot Deviations (PIPD) Beta Test, dated May 13, 2020.

5. Background. The Flight Standards (FS) International Program Division is responsible for ensuring foreign operators are operating safely within the United States, and are in compliance with applicable laws and regulations. This responsibility includes investigating preliminary PD reports from air traffic, as well as notification and coordination with the operator's civil aviation authority (CAA) (State of the Operator responsible for the issuance of the Air Operator Certificate (AOC)), and followup as appropriate to assess whether corrective actions were effective.

a. In an effort to expedite notifications of PDs to foreign authorities, the FAA created a secured portal called the PIPD. Currently, the FAA is sharing enforcement data via the PIPD with the following countries: Canada, France, Panama, and Mexico. The FAA is looking to expand this to other international partners.

b. Neither the FAA nor its partner CAAs can effectively bring an operator into compliance and recognize trends when not aware of a PD. As such, the International Program Division has modified the PIPD to accommodate the sharing of preliminary PD report data. We expect this to improve our respective oversight and to enhance aviation safety.

c. Program Tracking and Reporting Subsystem (PTRS) data entry via the Enhanced Flight Standards Automation System (eFSAS) will be replaced by Safety Assurance System (SAS) Activity Recording (AR) for all FS offices. We expect the rollout to begin October 1, 2020.

d. The FAA will evaluate data from the PIPD beta test to address the efficacy of a potential long-term policy for non-enforcement investigative report (EIR) foreign referrals.

6. PIPD Beta Test. PIPD beta test participation in accordance with this notice is mandatory for IFOs when the part 129 or 375 operator committing a PD is from a PIPD-participating country. The PIPD beta test changes the processing of part 129 or 375 PDs for the division. The International Program Division will continue processing PDs as prescribed in inspector guidance for PDs not covered by this policy. The changes in processing PDs are as follows:

a. **Front Line Managers (FLM) or Designees.** Participating IFO FLMs or their designees, once they determine a PD has occurred, will:

(1) Create an encrypted copy of the Mandatory Occurrence Report (MOR) for the PD. Directions on how to encrypt the MOR are located in the PIPD under the Document Library tab. To access the document library, request access to the PIPD at <https://avssp.faa.gov/avs/afsteams/NationalTeams/EIR/PIPD/SitePages/Home.aspx>.

Note: FAA information security and privacy policy includes restrictions on the provision of information by FAA personnel outside the FAA. When appropriate for purposes of compliance and enforcement, the FAA can provide information about a PD to CAAs and part 129 or 375 operators. However, information security requirements preclude the unencrypted electronic transmission of Personally Identifiable Information (PII) to CAAs and part 129 or 375 operators. Accordingly, before electronically transmitting documents containing a pilot's PII (e.g., name, telephone number, personal address, or certificate number), FLMs must ensure that the PII is encrypted. FLMs do not need to encrypt an air traffic radar replay, an arrival, a departure, or an instrument approach plate.

(2) Upload a copy of the MOR to the foreign authority via the PIPD. See and follow the instructions in the PIPD. In addition, include:

- The investigating IFO,
- The names of investigating personnel, and
- Their telephone numbers and email addresses.

(3) If the encryption copy requires a password, send the password to the foreign authority via email from the PIPD. See the instructions in the PIPD.

Note: The PIPD will generate an automatic request for feedback from the foreign State of the Operator.

(4) Determine whether an MP4 file created from the Falcon replay is attached to the MOR. The MP4 file is accessed by clicking on the link identified in the notice of a preliminary PD report from noreply@cedar.faa.gov to the FS mailbox. If the replay is not attached to the MOR, IFOs contact the air traffic quality assurance (ATQA) specialist who created the MOR, request a Falcon replay in the MP4 format, and add a copy of the replay once they have it (assuming its availability).

(5) Monitor the foreign authority's response and communicate the response with the responsible IFO PI assigned to investigate the preliminary PD if the responsible PI does not have access to PIPD. In the event the authority responds via email, the FLM or designee will upload the response to the PIPD.

Note: The FLM performs the actions detailed in subparagraphs 6a(1)–(5), regardless of whether a PD will require an EIR referral under subparagraph 6e(2).

b. PIs. Responsible IFO PIs will:

(1) Advise their FLM or designee(s) if the MOR is a PD.

(2) Email an Information Letter to the operator. See Appendix A, Sample Portal for International Pilot Deviations Information Letter, for a sample PIPD Information Letter. An Information Letter:

(a) Provides a summary of the event.

(b) Provides an encrypted or redacted copy of the MOR (see subparagraph 6a(1)), with the MP4 file (Falcon replay) if this is available.

(c) Requests that the operator review and provide any information regarding investigation and/or corrective action within 15 calendar-days of the date of the email. The Information Letter requests information on what happened, why it happened, and what action the operator has taken to mitigate recurrence.

(d) Informs the operator of the opportunity to request that the FAA provide more information, including information that was redacted from the MOR.

(3) Monitor the operator's response to the Information Letter. If the operator does not respond within 15 calendar-days, send a followup letter to the operator. If the operator does not respond to the followup letter, request assistance from the International Field Office Management Branch in determining whether further followup is appropriate or if the matter should proceed without a response.

(4) Monitor the foreign CAA's response. If the foreign CAA does not respond to the information provided via PIPD, send a followup email to the responsible foreign government official, asking if they need any additional information from the FAA or have any feedback for the FAA. Follow this up with the responsible foreign government official as appropriate.

(5) Perform designee functions as requested by the IFO FLM and delegated by the International Operations Branch or the International Field Office Management Branch.

(6) Assess whether any proposed corrective action or corrective action taken, by the part 129 or 375 operator or CAA, is adequate to prevent recurrence. PIs determine whether any proposed corrective action was completed. For repeated violations, IFOs may jointly work with the part 129 or 375 operator and a representative from the CAA to resolve the matter. If adequate corrective action has been verified, the IFO PI may be able to close out the case without preparing an EIR.

(7) Document activities in the PTRS or SAS AR as follows:

(a) For foreign referrals not requiring an EIR (i.e., non-EIR foreign referrals, see subparagraph 6e(1)), document all FAA actions (e.g., counseling) in the PD investigation record comments. Do not create any compliance action activity records.

(b) For foreign referrals requiring an EIR (i.e., EIR foreign referrals, see subparagraph 6e(2)), trigger the enforcement activity record from the PD investigation record.

c. The International Field Office Management Branch. This office will provide:

(1) Backup support to the International Operations Branch PIPD Lead; and

(2) Data analysis.

d. The International Operations Branch. This office will:

(1) Track progress.

(2) Provide familiarization briefings, concurrence, and assistance to PIPD participants (FS offices and foreign authorities).

(3) Work with FS to continue to fine-tune the PIPD process.

(4) After FS uploads the MOR, the PIPD Lead or designee will be responsible for processing all future status changes, up to and including referral to the Office of the Chief Counsel (AGC), if appropriate. All status changes generate an extra block for the entry of the

ATQA number associated with the closure of the MOR. The date closed by FAA will correspond to when the ATQA report is distributed in the ATQA, and the status of the ATQA report shows final complete. It is expected that in most cases this action will be delegated to the investigating personnel.

e. Foreign Referral. Pursuant to FAA Order 2150.3, FAA Compliance and Enforcement Program, chapter 6, subparagraph 7d, PIs prepare EIRs for foreign referrals. However, in coordination of this beta test with the Office of the Chief Counsel, Enforcement Division (AGC-300), foreign referrals under the PIPD beta test may be accomplished without an EIR, except as detailed in subparagraph 6e(2) below.

(1) Non-EIR Foreign Referrals. When conducting a non-EIR foreign referral, PIs do not obtain an EIR number. A non-EIR foreign referral is accomplished with the provision of information to the foreign CAA through PIPD. In addition to the provision of information to the foreign CAA through PIPD, PIs ensure the completion of one of the following:

- (a) Counseling by FS;
- (b) Corrective action by the foreign authority responsible for the airman's certificate (or, if no pilot information is available, responsible for the aircraft registration owner); or
- (c) Corrective action by the foreign air carrier.

(2) EIR Foreign Referrals. PIs prepare EIRs for referral when:

- (a) The foreign CAA requests the completion of an EIR; or
- (b) Legal enforcement action would be appropriate or required under the guidance in Order 2150.3, chapter 5, including the following circumstances:
 - 1. The PD was intentional or reckless;
 - 2. The PD is a repeated noncompliance that, in the judgment of the PI, cannot be sufficiently addressed without further action by the foreign CAA;
 - 3. The part 129 or 375 operator provides insufficient information to allow for a root cause determination for the PD (see Appendix B, Root Cause Analysis Taxonomy for Pilot Deviations (With Examples));
 - 4. The operator is unlikely to or will not take appropriate corrective action to address the PD;
 - 5. The PI determines that the operator has failed to respond to the Information Letter or has not adequately responded to the Information Letter; or
 - 6. Other circumstances show an unwillingness or inability to comply.

7. Action. All IFOs will review the guidance in this notice and take appropriate action to ensure compliance. See additional information in related forthcoming notices, titled “Pilot Deviations by 14 CFR Part 129 Foreign Air Carriers: Gathering and Processing Information” and “Pilot Deviations by 14 CFR Part 375 Foreign Operators: Gathering and Processing Information for Investigation.” IFOs closing matters referred to participating authorities via the PIPD as specified above on FAA Form 8020-18, Investigation of Pilot Deviation Report, will need to do one of the following:

a. For Non-EIR Foreign Referrals:

- (1) Check either B or C in Block 20, Related Reports; and
- (2) In Block 18, Description of Deviation and Comments with Recommendations, if any, add the details of the corrective action, to include that the MOR and MP4 were sent via the PIPD to the appropriate foreign authority. Enter the foreign authority’s name in Block 18.

b. For EIR Foreign Referrals. Check A in Block 20.

Note: Identifying data, such as airmen names, may not be available. FAA Form 8020-18, Block 9, Aircraft Information, should be as complete as possible, with attention to Block 9B, Flight No. or Call Sign (if applicable). The aviation safety inspector (ASI) must complete FAA Form 8020-18 and state in the narrative block, “Due to the lack of information, unable to complete the investigation.”

8. Disposition. The information in this notice will be incorporated into FAA Order 8900.1, Volume 7, Chapter 1, Section 2 and Volume 12, Chapter 4, Section 15 before this notice expires. The information in this notice has been coordinated with the General Aviation and Commercial Division and AGC-300. Direct questions or comments concerning the information in this notice to the International Program Division, International Operations Branch at 202-267-0962.



Robert C. Carty
Executive Director, Flight Standards Service

Appendix A. Sample Portal for International Pilot Deviations Information Letter

[Name of operator's operations representative]
[Operator address]

Subject: Request for Information, Potential Pilot Deviation (PD) [MOR number]

Dear [name of operator's operations representative]:

The [name] International Field Office has received a preliminary PD report relating to a PD occurring at [location of PD] on [date of PD]. Below is a summary of the event:

[PD summary from preliminary PD report.]

Along with this letter, please find a copy of the Mandatory Occurrence Report (MOR) and an MP4 file (Falcon replay) of the referenced PD. Personally Identifiable Information (PII) has been redacted from the MOR. Upon request, the redacted PII is available via mail or telephone.

Please review and provide any information regarding investigation and/or corrective action by [date within 15 calendar-days of date of email]. Specifically, what happened, why it happened, and what action [the operator's name] has taken to mitigate reoccurrence.

Please note we have also sent a copy of the preliminary event information to the [State of the Operator] via the Portal for International Pilot Deviations (PIPD).

Sincerely,

[Principal inspector's signature, name, title, and telephone number]

[IFO address]

Attachments:

MP4 file (Falcon replay)
MOR with PII redacted

cc: [Responsible State Government Official]
[Additional names as appropriate]

Appendix B. Root Cause Analysis Taxonomy for Pilot Deviations (With Examples)

Category	Subcategory	Definition
A. Information Processing	1. Attention 2. Perception	1. Attention Selective = Greater attention being given to one or more sources (cocktail party effect) Divided = Multitasking (timesharing effect) Focused = Focusing upon one single source not paying attention to other important information Sustained = Ability to maintain attention and remain alert (e.g., distracted and failed to hear ATC communications instructions) 2. Perception Read Back Hear Back (e.g., thought he said climb to 3000', not 2000'; ATC told to turn to a heading of 090 and turned to 130 because that is what they normally receive during departure)
B. Human Error	1. Slips 2. Lapses 3. Mistakes 4. Knowledge Base	1. Slips An action not carried out as intended—finger trouble (e.g., not putting in correct frequency) 2. Lapses Forgetting (e.g., forgot to switch over) Monitoring (e.g., did not pay attention and flew past descent point) 3. Mistakes Faulty plan (e.g., flight plan/decision for course took him through Class B airspace) 4. Knowledge Base Capabilities Errors at the knowledge-based performance level are related to incomplete or incorrect knowledge or interpreting the situation incorrectly (e.g., ATC instructed ADF approach and the airman did not know how to program for the approach; takes an incorrect diagnosis of a situation without having a full understanding of how the aircraft systems work = confirmation bias)
C. Workload	1. Ability to Cope 2. Fatigued 3. Stressed	1. Ability to Cope Readiness to cope with events in which the airman was overwhelmed by events through the increased workload demands, thus the airman loses the ability to cope or manage the event (e.g., complex ATC instructions and placing information into the

Category	Subcategory	Definition
		<p>FMS and inability to manage other systems and or cannot complete the input in a timely manner leading to the event)</p> <p>2. Fatigued Tired and became overworked (e.g., not at best for flight and became overworked and descended when told to maintain 2000')</p> <p>3. Stressed Stressors: Physical—such as heat, cold, noise, vibration, presence of something damaging to health (e.g., carbon monoxide) Psychological—such as emotional upset (e.g., due to bereavements, domestic problems) Reactive—such as events occurring in everyday life (e.g., working under time pressure, encountering unexpected situations)</p>
D. Situational Awareness	1. Distractions 2. Orientation	<p>1. Distractions (e.g., passenger came into cockpit and pilot deviated from course)</p> <p>2. Orientation Lost (e.g., disorientated as to position during taxi) Confused (e.g., disorganized as to complete taxi instructions)</p>
E. Communication Equipment	1. Failures 2. Difficulties	<p>1. Failures Failed equipment (e.g., equipment caused the deviation from power loss)</p> <p>2. Difficulties Degraded equipment (e.g., equipment not functioning properly) Background noise (e.g., buzzing noise in headset and could not hear ATC full instructions; stepped on)</p>
F. Automation Equipment	1. Failures 2. Difficulties	<p>1. Failures Failed equipment (e.g., equipment caused the deviation from power loss)</p> <p>2. Difficulties Degraded equipment (e.g., equipment not functioning properly)</p>