NOTICE **U.S. DEPARTMENT OF TRANSPORTATION**
FEDERAL AVIATION ADMINISTRATION

N 8900.584

National Policy

Effective Date:
3/17/21

Cancellation Date:
3/17/22

SUBJ: How to Document Regulatory Compliance Actions and Enforcement Actions in SAS, including Specific Instructions for Passenger Interference Cases in the EIS

1. Purpose of This Notice. This notice provides a consistent process to document Regulatory Compliance Actions (CA) and Enforcement Actions in the Safety Assurance System (SAS) and provides an update on available tools and reports to track these actions. This notice also provides specific instructions for documenting passenger interference cases in SAS and the Enforcement Information System (EIS). This notice focuses on the locations within the automation where information is entered to create quality records.

2. Audience. The primary audience for this notice is aviation safety inspectors (ASI), Front Line Managers (FLM), Office Managers (OM), aviation safety technicians (AST), and Aviation Safety Assistants (ASA) in Air Carrier and General Aviation Safety Assurance offices. The secondary audience includes the Safety Standards and Foundational Business offices.

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 Federal Aviation Administration's (FAA) website at https://fsims.faa.gov. This notice is available to the public at https://www.faa.gov/regulations_policies/orders_notices.

4. Guidance Updates. This notice supplements the policies in FAA Order 8900.1, Volume 10, Safety Assurance System Policy and Procedures, and Volume 14, Compliance and Enforcement, superseding parts of those policies limited to where they conflict with this notice on documentation for Regulatory CAs and Enforcement Actions documentation in SAS.

> **Note:** Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, and the Compliance Action Decision Process (CADP) are used to determine whether CA or Enforcement Action is appropriate for each case of apparent or actual noncompliance. This notice only addresses documentation of the investigation and FAA actions.

5. Background. On October 1, 2020, SAS Phase 3 functionality was implemented, including Tasks, Activity Recording (AR), and the Office Workload List (OWL). Logbook software was deactivated on December 31, 2020. As a result of these changes, some personnel documented Regulatory CAs and Enforcement Actions using only the "CA – Compliance Action" or "ENF – Enforcement Action" Tasks. For noncertificated persons or a certificate holder *without* a Comprehensive Assessment Plan (CAP), Volume 14 requires a SAS AR for Regulatory CA or Enforcement Action. Regulatory CA or Enforcement Action for certificate holders *with* a CAP must be documented in Module 5 and tracked in the Action Item Tracking Tool (AITT). Use of only the OWL Task without the ARs or AITT entries required by policy caused discrepancies with data review, reporting, and documentation of Regulatory CAs and Enforcement Actions. To mitigate this problem, "CA – Compliance Action" and "ENF – Enforcement Action" selections were removed from the Investigation Tracking Tasks Code/Title dropdown list on January 25, 2021. Subsequent feedback received from SAS users indicated the need for short-term automation enhancements and messaging regarding the assignment, tracking, and documentation of Regulatory CAs and Enforcement Actions. The ability to track critical AITT due dates and completion in the OWL was specifically requested by managers in the Safety Assurance offices.

6. Automation Enhancements Effective With SAS Release 3.3.1.

  a. Tasks with "CA – Compliance Action" and "ENF – Enforcement Action" Codes/Titles that became locked on January 25, 2021 are now able to be completed. Any Regulatory CA AR or Enforcement Action AR associated with these Tasks must be created or linked in accordance with this notice. These Tasks must now have at least one investigative SAS AR associated in order to be closed. The intent of this new software feature is to encourage formal recording of Regulatory CAs and Enforcement Actions as required in Volume 14. For new Tasks created after this update, the automation will prevent closure of the Task without the AR.

  b. New Task Code/Titles "AITT CA – AITT Regulatory Compliance Action" and "AITT ENF – AITT Initiate 2150.3" have been added. These *optional* Tasks are not a substitute for the *required* formal record in the AITT and are closed without an associated AR.

7. How to Document Regulatory CAs and Enforcement Actions in SAS. The following information provides two step-by-step processes based on policy in Volumes 10 and 14 and the new automation enhancements. Choose the process based on the person/certificate holder type involved.

  a. Process A – Documenting Regulatory CAs and Enforcement Actions for Certificate Holders With a CAP. If the source of the potential noncompliance is a result of a Data Collection Tool (DCT) finding on the Title 14 of the Code of Federal Regulations (14 CFR) parts 121, 135, 141, 142, 145 and 147 certificate holder, then document the investigation and resulting Regulatory CAs and/or Enforcement Actions as follows:

    (1) Any action taken by the ASI must be documented in the "Inspector Action Taken" field in the DCT. ASI actions may include intervening to prevent a safety issue or regulatory noncompliance, communicating a safety hazard, risk, concern, or recommendation to a certificate holder or applicant personnel, counseling personnel, and/or notifying the principal

inspector (PI)[1]. For unfavorable responses, document compliance actions in accordance with Volume 14, Chapter 1.

(2) During Analysis, Assessment, and Action (AAA)/AITT, if the PI determines that certificate holder (i.e., the part 121, 135, 141, 142, 145, or 147 certificate holder) noncompliance occurred, the PI will select "Regulatory" and an action choice of either "Regulatory Compliance Action" or "Initiate 2150.3()".

(a) For Regulatory CA, the PI will select "Regulatory Compliance Action" as an action choice. This includes instances where the actions taken at the point of discovery are sufficient and require no further actions.

(b) For Enforcement Action, the PI will select the "Initiate 2150.3()" action choice.

(3) The PI must use the AITT to initiate, track, and document corrective actions and follow-up associated with Regulatory CAs or Enforcement Actions. The PI must validate that corrective actions taken by the certificate holder are effective and related action items in the AITT must remain open until validation of effectiveness occurs.

(4) The FLM or designee may create an optional "AITT CA – AITT Regulatory Compliance Action" or "AITT ENF – Initiate 2150.3" Investigation Tracking Task for visibility in the OWL. CA and Enforcement Action ARs are not used.

(5) Once the PI has validated the Regulatory CA was effective, or the Enforcement Investigative Report (EIR) has been submitted and associated certificate holder risk mitigated to an acceptable level, the action item can be closed. Any open "AITT CA – AITT Regulatory Compliance Action" and "AITT ENF – AITT Initiate 2150.3" Tasks should also be closed by office management at this time.

b. **Process B - Documenting Regulatory Compliance Actions and Enforcement Actions in SAS for Persons Without a CAP (Airmen, Noncertificated Persons, and Certificate Holders Under 14 CFR Parts Not Covered in Process A)**. If the potential noncompliance was committed by a person without a CAP, then document the investigation and resulting Regulatory CAs and/or Enforcement Actions as follows:

(1) The Regulatory CA AR or Enforcement Action AR "child" records must be triggered from the original investigation or surveillance "parent" AR that led to discovery of the noncompliance.

(2) If the "parent" AR is associated with a Task, the "child" AR must be linked to the Task for the "parent" AR. Use the automation (under "Enter Common Data Fields" of the Task) to link the newly triggered "child" AR to the Task.

---

[1] The PI instructions in the notice also apply to a Training Center Program Manager (TCPM) or certificate program manager (CPM), unless the job task is otherwise restricted to PIs by Volume 10 policy.

(3) Investigation ARs, including Regulatory CA and Enforcement Action records, should be created as Planned Activities for resourcing and visibility in the OWL.

8.   Specific Instructions for Documenting Passenger Interference Cases.

   a.   Flight Standards (FS) policy is that all cases subject to Compliance and Enforcement (C&E) Bulletin No. 2021-1[2] will be tracked in SAS through the "Division Use" field in the related SAS ARs. Resources shall enter "121580" without spaces, punctuation, or quotation marks in "Division Use" field for both the Investigation and subsequent Enforcement ARs. *This policy remains in effect until further notice, regardless of the disposition of C&E Bulletin No. 2021-1 or subsequent bulletin on this topic.*

   b.   The investigating office must, upon creation of the EIS record, select the apparent regulation(s) and/or statute that has been violated in Block 18, Regulations(s) Violated. The applicable citations are entered as "091.11", "121.580", "125.328", "135.120", "USC.46318", and/or "USC.46318(A)" (without quotation marks) as appropriate.

   c.   The Executive Director (AFX-1) memorandum dated February 9, 2021, Subject: "Passenger Interference with Crewmembers; Special Emphasis Enforcement Program" has additional relevant information[3].

   d.   See the supporting process document in subparagraph 9a(1) below.

9.   Supporting Process Documents. There are three process documents available to aid in the creation and management of Tasks and ARs. The documents provide screenshots to aid the user with the policy described in this notice.

   a.   These documents are available through the SAS Resource Guide (SRG) in the "Compliance Program" quick link:

      (1) The "OWL Assignment of Occurrence Investigation and 14 C.F.R. Section 121.580 Enforcement" process document provides specific instruction on documenting Enforcement Actions for behavior subject to C&E Bulletin No. 2021-1 (or a subsequent bulletin on this topic).

      (2) The "Understanding the OWL" process document summarizes SAS AR and SAS user automation functions.

      (3) The "OWL Tasks and Activity Recording" process document provides standardized approach to managing Task and Activity Recording.

---

[2] FAA Order 2150.3C, Change 4, Compliance and Enforcement Program, Appendix B, Compliance and Enforcement (C&E) Bulletin No. 2021-1 provides for a special emphasis enforcement program applicable to passengers who assault, threaten, intimidate, or interfere with a crewmember in the performance of a crewmember's duties in violation of 14 CFR part 91, § 91.11, part 121, § 121.580, part 125, § 125.328, or part 135, § 135.120, or who engage in conduct proscribed under Title 49 of the United States Code (49 U.S.C.) § 46318.
[3] Refer to Rick Domingo's email dated Tuesday, February 9, 2021, Subject: Memo: Passenger Interference with Crewmembers; Special Emphasis Enforcement Program.

b. The process documents do not contain references to the new optional Tasks discussed in this notice at subparagraph 6b above for tracking AITT items in the OWL, but may be used as a guide for documenting those optional Tasks.

10. Additional Resources.

a. Reports.

(1) Consolidated Analytics Reports: Find these through the "Useful Links" on the SAS homepage, then select "Reports by Organization", then select an organization.

(a) Compliance Program Quarterly Report: Used to associate unfavorable DCTs, AAA, and AITT items for regulatory noncompliance.

(b) SAS Consolidated Work Item Listing: Used to view Ad Hoc and Planned ARs, Tasks, and AITT items. It provides a combined Activity and Task Listing filterable by multiple variables. This report is in development and will be released soon.

(2) ODN Work Summary Report: Available from the SAS Menu, in "Reports" (move scroll bar down to find it), under Resource Management [Module 3].

b. Staff Support. Direct notice questions or comments about:

(1) Policy to the Safety and Compliance Team (SACT) at 9-avs-afs-cpft@faa.gov; and

(2) SAS automation or supporting process documents to your local Field Support Office Coordinator. Contact information is available under "quick links" in the SRG.

11. Action.

a. For certificate holders with a CAP, document Regulatory CAs and Enforcement Actions in SAS Module 4 (Data Collection) and Module 5 (AAA and the AITT) in accordance with policy in Volumes 10 and 14 and the guidance in this notice.

(1) If desired, use optional Task Code/Titles "AITT CA – AITT Regulatory Compliance Action" and "AITT ENF – AITT Initiate 2150.3" to track these AITT items in the OWL.

(2) Do not create Regulatory CA or Enforcement Action ARs for "AITT CA – AITT Regulatory Compliance Action" or "AITT ENF – AITT Initiate 2150.3" Tasks. All documentation required by policy must be in the AITT.

b. For persons without a CAP, document Regulatory CAs and Enforcement Actions in SAS AR using Regulatory CA ARs and Enforcement Action ARs, respectively, in accordance with policy in Volumes 10 and 14 and the guidance in this notice.

(1) Trigger Regulatory CA and Enforcement Action ARs from the primary Activity that led to discovery of the noncompliance.

(2) Investigation ARs, including Regulatory CA and Enforcement Action records, should be created as Planned Activities for resourcing and visibility in the OWL.

12. Disposition. This notice or a replacement will remain in effect until incorporated into SAS automation and related policy in Order 8900.1. Direct questions or comments concerning the information in this notice to the SACT at 9-avs-afs-cpft@faa.gov.

Robert C. Carty
Deputy Executive Director, Flight Standards Service