**Compliance Philosophy**

**Introduction**

2015 - 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 National Airspace System (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.

## 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, 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 FAA consider an individual ineligible for a Compliance Action.

## Compliance and Enforcement

The FAA expects compliance to be the standard.

Our evolved approach to oversight does not suggest that we are going easy on compliance.

The FAA will continue to use enforcement when needed, which remains an option for those stakeholders who will not or cannot comply.

Additionally, FAA will maintain strict accountability for inappropriate risk-taking behaviors and will have zero tolerance for intentional or reckless behavior.

However, FAA will not use enforcement as the first tool in the toolbox.

In all cases, the goal of the FAA Compliance Philosophy is to achieve rapid compliance, to eliminate a safety risk or deviation, and to ensure positive and permanent changes.

## Information Sharing

The overarching goal of the compliance philosophy is universal across the spectrum of scenarios and situations – to foster an open, problem-solving approach to allow safety problems to be understood through proactive exchange of information and effective compliance.

The FAA recognizes that in many situations, enforcement can inhibit the open exchange of information with industry.

However, through increased sharing of safety data among FAA organizations, industry, and international peers, we can better identify emerging hazards and predict associated aviation safety risks.

Note that compliance and the interface between FAA and certificate holders may take the form of managing sophisticated programs and formal sharing of structured data or it may be as simple as a conservation between individual airmen and FAA representatives.

Established non-punitive information-sharing programs continue to 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)](https://www.faa.gov/exit/?pageName=Commercial%20Aviation%20Safety%20Team%20%28CAST%29&pgLnk=http%3A%2F%2Fwww%2Ecast%2Dsafety%2Eorg%2Findex%2Ecfm), [General Aviation Joint Steering Committee (GAJSC)](https://www.faa.gov/exit/?pageName=General%20Aviation%20Joint%20Steering%20%20Committee%20%28GAJSC%29&pgLnk=http%3A%2F%2Fwww%2Egajsc%2Eorg%2F), [Aviation Safety Information and Sharing (ASIAS)](http://www.asias.faa.gov/), [Aviation Safety Reporting System (ASRS)](http://asrs.arc.nasa.gov/), [Aviation Safety Action Program (ASAP)](https://www.faa.gov/about/initiatives/asap/) and [Air Traffic Safety Action Program (ATSAP)](https://www.faa.gov/exit/?pageName=Air%20Traffic%20Safety%20Action%20Program%20%20%28ATSAP%29&pgLnk=https%3A%2F%2Fwww%2Eatsapsafety%2Ecom%2Fatsap%2Dhome%2F), we've seen the benefits of a non-blaming, problem-solving, collaborative approach to solving safety problems.

Note that anyone can report a safety related concern to ASRS through the [Electronic Report Submission page](http://asrs.arc.nasa.gov/report/electronic.html), or by [Downloading, Printing, and submitting via US Mail](http://asrs.arc.nasa.gov/report/mail.html).

## Risk Based Decision Making

The Compliance Philosophy is part of the FAA's Risk-Based Decision Making (RBDM) strategic initiative and uses consistent, data-informed approaches to enable the agency to make smarter, system-level, risk-based decisions.

It is the overarching guidance for implementing an engaged, solution-oriented, outcome-based approach to reduce risk in a rapidly-changing NAS.

The FAA Compliance Philosophy is the first step in the agency's culture shift to use safety management principles to proactively address emerging safety risks. We don't want to wait for risks to emerge in commercial and general aviation. Risk-based decision making is about looking at data to learn where there might be risks and potential for problems and how to address them before an accident can happen.

We are shifting our culture because the aviation environment has reached a level of complexity where we cannot achieve further safety improvements by following a purely rule-based approach.

Therefore, FAA will encourage a more proactive approach by airports, airmen, and organizations to disclose and develop measures that identify safety risk, prevent deviations, and ensure corrective actions are taken when deviations exist.

At the same time, FAA is evolving its business processes to a risk-based model to better target our energy and resources.

## Working Together

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.

# FAA Compliance Philosophy Orders

* [FAA Order 8000.373, Federal Aviation Administration Compliance Philosophy](https://www.faa.gov/documentlibrary/media/order/faa_order_8000.373.pdf)(PDF) Establishes the framework for the Compliance Philosophy and reinforces the discretion that public law and agency policy already provide for FAA program offices to take the most appropriate action to resolve safety issues in the National Airspace System (NAS).
* [FAA Order 8900.1, Volume 14, Chapter 1, Section 1: Flight Standards Service Compliance Philosophy](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.14,Ch1,Sec1) Provides the basis for and outlines the Flight Standards Service (AFS) Compliance Philosophy. This section introduces the use of AFS Compliance Action to address, when appropriate, safety concerns and actual or apparent deviations from regulations or standards discovered during inspections or surveillance.
* [FAA Order 8900.1, Volume 14, Chapter 1, Section 2: Flight Standards Service Compliance Action Decision Procedure](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.14,Ch1,Sec2) This section provides the structure to guide AFS personnel through AFS compliance policy implementation. It outlines the process to identify the root cause(s) that led to deviations from rules, standards, or procedures, resolve them, and return the individual or entity to full compliance.
* [FAA Order 8900.1, Volume 14, Chapter 1, Section 3: Providing Written Compliance Philosophy Explanation and Pilot's Bill of Rights Notification](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.14,Ch1,Sec3) This section aligns Pilot's Bill of Rights (PBR) policy within AFS to the Compliance Philosophy, adds information on the Compliance Philosophy and PBR Brochure, and clarifies AFS policy on proactive information sharing (safety promotion).
* [FAA Notice 8900.343, Flight Standards Service Compliance Policy](https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1028886) This notice clarifies the current AFS Compliance Policy contained in FAA Order 8900.1, Volume 14.
* [FAA Order 8900.1, Volume 15, Chapter 6, Section 1: FAASTeam Program Manager/Regional FAASTeam Point of Contact Duties and Roles to Facilitate Remedial Training](http://fsims.faa.gov/PICDetail.aspx?docId=8900.1,Vol.15,Ch6,Sec1) This section describes the training options to be considered by the FPM/Regional FAASTeam Point of Contact (RFPOC) by providing an appropriate Remedial Training (RT) course syllabus, training agreement, and to oversee the training until it has been completed once an RT referral has been made by the investigating ASI through the Flight Standards District Office (FSDO) Manager.
* [FAA Notice 8900.352, Aviation Safety Action Program (ASAP), Voluntary Disclosure Reporting Program (VDRP) and the New Compliance Philosophy](https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/1029093)This notice contains information that supplements current Aviation Safety Action Program (ASAP) and Voluntary Disclosure Reporting Program (VDRP) policy. The supplementary information addresses the change in Compliance Philosophy calling for the removal of Administrative Action as a required outcome for accepted voluntary disclosures under the VDRP, and eliminates Administrative Action and the Enforcement Decision Process (EDP) tool from application to accepted reports within ASAP and from the current edition of FAA Order 2150.3, FAA Compliance and Enforcement Program.
* [FAA Order 2150.3 (with emphasis on Chapter 5): FAA Compliance and Enforcement Program](https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentid/17213) Provides general guidance and information on compliance actions, administrative actions, and legal enforcement actions.

**Speech – "Another First in Our Safety Evolution"**

"Another First in Our Safety Evolution"
Michael Huerta, Washington, D.C.
October 6, 2015

“So the FAA and industry began implementing Safety Management Systems, which are designed to identify hazards, assess the risks from those hazards, and put measures in place to mitigate those risks. This is the core of what we call our Risk-Based Decision Making Initiative.

Now we’re taking our Risk-Based Decision Making initiative to the next level through what we are calling the Compliance Philosophy.

The Compliance Philosophy is the latest step in the evolution of how we work with those we regulate. It focuses on the most fundamental goal: find problems in the National Airspace System before they result in an incident or accident, use the most appropriate tools to fix those problems, and monitor the situation to ensure that they stay fixed.

The Compliance Philosophy recognizes that what we all want is that everyone complies with aviation’s high safety standards.  It recognizes that most operators voluntarily comply with both the rules and the core principles of a Safety Management System. It also recognizes that in today’s complex aviation environment, even the best operators make honest mistakes. But even unintentional errors can have a serious adverse impact on aviation safety, so we have to fix the problem.

So, in cases where a deviation results from factors such as flawed procedures, simple mistakes, lack of understanding, or diminished skills, we use tools like training or documented improvements to procedures to ensure compliance.

That doesn’t mean we’re going to go easy on compliance, or that we’re ignoring minor issues, or making anyone feel they have a free pass. We still have zero tolerance for intentional reckless behavior or inappropriate risk taking. Enforcement is, and always will be, one of our tools that we will use to ensure compliance. We use the enforcement tool in the case of willful or flagrant violations, or for refusal to cooperate in corrective action.

So, the success of our Risk-Based Decision Making initiative, which includes Safety Management Systems and now the Compliance Philosophy, requires both the FAA and the aviation community to evolve in how we do business and how we interact with one another.

To find and fix safety problems, there has to be an open and transparent exchange of information and data between the FAA and industry. We don’t want operators who might inadvertently make a mistake to hide it because they have a fear of being punished. If there is a failing, whether human or mechanical, we need to know about it, to learn from it and make the changes necessary to prevent it from happening again. Again, it’s about finding the problem, fixing the problem, and making sure it stays fixed.

That open and transparent exchange of information requires mutual cooperation and trust, which can be challenging to achieve in the traditional, enforcement-focused regulatory model.

The Compliance Philosophy recognizes that the greatest systemic safety risk arises not from a specific operational event or its outcome, but rather from the operator’s willingness and ability to comply with safety standards and to operate in accordance with the core principles of a Safety Management System.” – Administrator Huerta