

Compliance Action

Compliance action is a non-enforcement approach the FAA uses to ensure correction of regulatory noncompliance arising from flawed systems and procedures, simple mistakes, lack of understanding, or diminished skills. A compliance action does not involve adjudication and is not a finding of violation.

A compliance action is intended to resolve noncompliance using an open and transparent exchange of information between FAA personnel and you. The purpose is to restore compliance and to identify and correct the underlying causes that led to the deviation. Examples of corrective actions taken as part of a compliance action include revising procedures, on-the-spot corrections, counseling, and additional training (including remedial training).

A compliance action may be used if you are both willing and able to regain compliance with regulatory standards. However, a compliance action will not be used if the deviation was intentional, reckless, resulted from a failure to complete corrective action, posed an unacceptable risk to safety, or required legal enforcement action as a matter of law.

Compliance action also includes the FAA's sharing of safety concerns or recommendations when no regulatory deviation occurred.



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Working Together

Non-punitive information-sharing programs 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 safety efforts such as the Commercial Aviation Safety Team (CAST), General Aviation Joint Steering Committee (GAJSC), Aviation Safety Information and Sharing (ASIAS), Aviation Safety Reporting System (ASRS), Aviation Safety Action Program (ASAP), and Safety Management System (SMS) concepts, we've seen the benefits of a non-blaming, collaborative approach to solving safety problems.

The FAA hopes to work with you to resolve any noncompliance without the need for administrative or legal enforcement action. We prefer to work with you to correctly identify and fix the root causes of a deviation. In all cases, the FAA investigates 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 will continue to improve safety with this data-informed approach that is shaping global standards. 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.



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THE FAA'S COMPLIANCE PROGRAM

Safety Analysis & Promotion Division
Revision July 7, 2022



**Federal Aviation
Administration**

For more information at:
www.faa.gov/go/cp



Your Rights

The philosophical evolution towards a just culture is not intended to mislead or deny you your rights. You are free to exercise your rights without repercussions. Generally, refusal to speak or correspond with FAA personnel immediately after an event does not preclude compliance action. Also, obtaining legal counsel does not rule out compliance action.

When this brochure is issued as a result of apparent noncompliance, FAA guidance requires that you receive the following information.

The nature of this investigation is to identify safety issues that underlie the apparent regulatory noncompliance in this specific activity:

If your noncompliance with regulations is confirmed, and the FAA determines that a compliance action is appropriate, we will use the information gathered in this investigation to work with you to determine the most efficient and effective means to return to full compliance and to prevent reoccurrence.

Your Rights (continued)

Your responses to any inquiry by a representative of the FAA Administrator in connection with this investigation may be used as evidence if the FAA deems legal enforcement action necessary. If this investigation results in a legal enforcement action against you, the releasable portions of the Administrator's investigation report will be made available to you upon written request to FAA counsel assigned to the matter.

If you are an airman, under the Pilot's Bill of Rights:

- You are entitled to access or otherwise obtain air traffic data in the possession of the FAA that would facilitate your ability to productively participate in a proceeding relating to this investigation.

- You are entitled to obtain air traffic data in the possession of a government contractor providing operational services for the FAA (e.g., contract control tower and flight service station), provided that you submit a request to the FAA that describes the facility where such information is located and identify the date such information was generated.

- You may, at any time during this investigation, submit your request to access or obtain air traffic data by contacting the FAA personnel assigned to the investigation. Because air traffic data is routinely destroyed or disposed in the ordinary course of business, it is important that you submit your request for such data as soon as possible.

A Just Culture for Safety

Since 2015, the FAA's Compliance Program has embraced a "just culture." 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 environment like the National Airspace System (NAS). But even unintentional errors can have a serious adverse impact on safety, so we must ensure that the underlying safety concerns are fixed every time.

Program Objectives

The Compliance Program's objective is to identify safety issues that underlie deviations from standards and ensure correction is as effective, quick, and efficient as possible. Our risk-based approach to compliance stresses a collaborative 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.