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## Aviation Group Client Update

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### FAA Publishes Notice on the Role of the Aviation Safety Action Program and the Voluntary Disclosure Reporting Program in its New Compliance Philosophy

On March 9, 2016, the Federal Aviation Administration (“FAA”) published a [notice](#) regarding changes to its Aviation Safety Action Program (“ASAP”) and Voluntary Disclosure Reporting Program (“VDPR”) in order to line them up with the Agency’s new Compliance Philosophy. Recognizing that regulated entities may be reluctant to report information which might result in the FAA taking legal action against them or having such information released for media distribution, both the ASAP and the VDPR contain certain safeguards and procedures to ensure that qualifying disclosures and corrective action are protected from release to the public.

The FAA’s new Compliance Philosophy shifts the FAA’s approach from enforcement after unintentional violations to providing training and other remediation to ensure compliance. In order to do this, the policy relies on regulated entities to provide data to the FAA to help it identify and fix potential safety incidents. The purpose of the new notice regarding the ASAP and VDPR is to further encourage compliance and reassure regulated entities that it can report instances of noncompliance without fear of legal or public repercussions.

The notice highlights several key components of the ASAP and VDRP that help promote these goals:

**FOIA exemption.** The ASAP and VDPR processes protect qualifying disclosures and associated corrective action through exemptions from the Freedom of Information Act (“FOIA”), provided in the current edition of the FAA Orders on ASAP and VDPR.

**New ASAP procedure.** The new ASAP policy removes the additional documentation of accepted reports into the Enforcement Investigative System (“EIS”). In addition, Administrative Action will no longer be taken for accepted disclosures under ASAP.

**New VDPR procedure.** Accepted reports under VDPR will no longer be additionally and automatically documented in the EIS. Instead, the reports will normally be handled utilizing either the web-based VDPR system (for air carriers and certificated repair stations), or utilizing the legacy EIS-based VDPR process. However, unique notification identity numbers will still be assigned, and the option will remain for the FAA to take Administrative Action.

**Program Tracking and Reporting Subsystem (PTRS) for VDPR and ASAP.** No Compliance Action PTRS records will be completed for an accepted VDPR disclosure. No Compliance Action PTRS records will be completed for an accepted ASAP event. In addition, when completing a PTRS record for an accepted voluntary disclosure, no identifying information is to be included in any portion of the PTRS record.

**Elimination of the processing of certain administrative actions.** Effective October 1, 2015, Administrative Actions must not be processed for accepted ASAP reports and are no longer required for VDRP disclosures.

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If you have any questions or would like further information, please contact our office.

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