Getting a Fix on Safety

You might have heard that FAA Administrator Michael Huerta recently gave a speech introducing the FAA's "Compliance Philosophy Order." You can read key parts of the speech elsewhere in this issue of *FAA Safety Briefing*, so let me share here the summary I'm giving to Flight Standards Service employees.

Compliance is expected and required of everyone who operates in the National Airspace System, or NAS. Compliance means following the rules, but it also means going beyond the rules by taking proactive measures to find problems and fix them to manage or mitigate the risk they create in the system.

Foundational Concepts

The Compliance Philosophy Order is based on two core premises.

The first assumption is that most people want to operate in compliance with the rules. We know that pilots don't walk out to the airplane trying to think of ways to break the rules; they intend to comply and they make efforts to do just that. We are all human, though, and mistakes happen to the best of us. In most cases, failure to comply with the rules happens as the result of things like lack of training, lack of knowledge, diminished skills, or procedures that are not working as they should.

It's not okay to do nothing when these errors occur, because they can have serious safety consequence in our highly complex airspace. But the correct response to inadvertent errors is not blame, which looks backward and focuses on punishment for what's already happened. Rather, we seek accountability, which takes responsibility and looks forward. Accountability is about finding the problem, using the most effective tools to fix it, and monitoring to be sure it stays fixed into the future.

The second assumption is that the greatest safety risk in the NAS does not arise from a specific event or its outcome. Instead, we have to evaluate risk based on the operator's willingness and ability to comply with safety standards. The greatest risk comes from an operator who is unwilling or unable to comply with rules and best practices for safety.

Let me talk a little about what those terms mean. A pilot who is *unwilling* is someone who knowingly violates regulations, or one who takes inappropriate risks. We also use the term "unwilling" to describe a pilot who does not cooperate or collaborate in the effort to find the problem and fix it in a sustainable way. A pilot who is *unable* is one who fundamentally lacks the skills or qualifications needed to comply with the rules. That's different from someone who has the skills or qualifications, but makes an error for some of the reasons I listed earlier.

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So what does that mean for you? Given these foundational concepts, Compliance Philosophy means that in the case of pilots who are willing and able to comply, and who are cooperative in taking the steps necessary to get back to compliance, the best way to meet our safety goal is to use tools like training, education, or better procedures.

The enforcement tool is for cases involving someone who is unwilling or unable to comply as described above. Enforcement is a means to rehabilitate and bring those individuals or operators back into compliance — back into the category of those who are both willing and able to meet standards. If a pilot continues to be unwilling or unable, though, we use stronger enforcement to move that person out of the NAS. I think you'd agree that you don't want to be sharing the skies with someone who is either not willing or not capable of operating according to the rules and procedures intended to keep everyone safe.

You may wonder how Compliance Philosophy is different. In many ways, it's not; It simply clarifies and reinforces the discretion that the FAA already has to use the most appropriate action to resolve safety issues in the NAS. But that clarification is important, because it firmly puts the focus where it should be: to achieve rapid compliance, to eliminate the safety risk, and to ensure positive and permanent changes.

The Compliance Philosophy approach does require new mindsets and new behaviors in both the FAA and the community. These include the expectation and appreciation for self-disclosure of errors, and recognition that compliance means operating according to both the letter and the spirit of the law. It will take effort from all of us, and it won't be perfect. But the kind of change we are promoting is essential to achieving our safety mission, and the results will more than justify the effort.