

United States Senate

WASHINGTON, DC 20510

October 24, 2018

Daniel K. Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Acting Administrator Elwell,

We applaud you for initiating a process to update the Advisory Circular for Aviation Safety Action Program (ASAP), which is a critical tool for identifying and addressing aviation safety issues. As you proceed with finalizing the Circular, we encourage you to include a number of crucial features that can further bolster ASAP voluntary reporting programs and help ensure we continue to protect our loved ones in the air and on the ground.

ASAP voluntary reporting programs are safety partnerships allowing flight crewmembers, mechanics, flight attendants, and other aviation employees to voluntarily report safety issues to the Federal Aviation Administration (FAA) and company management without the threat of legal action or discipline. The purpose of ASAP voluntary reporting programs is to provide employees with a safe space to provide invaluable safety information that otherwise may not be reported to the FAA or the company. ASAP voluntary reporting programs allow the FAA, air carriers, and repair stations to identify safety concerns, address these safety concerns through corrective action, and educate appropriate parties to ensure such safety concerns no longer arise. Importantly, the FAA must review and approve ASAP voluntary reporting programs, which air carriers and repair stations may voluntarily develop in consultation with the authorized labor union or employee representative.

We support the goal of these programs, and urge you to include several features to further enhance ASAP voluntary reporting guidance, including:

- **Efficiency** – The FAA Reauthorization Act of 2018, P.L. 115-254, included a provision requiring that an individual’s voluntary disclosure of safety concerns under an ASAP be automatically accepted. This important provision will ensure that the aviation industry and the FAA can utilize critical safety information more quickly. We encourage you to incorporate this new legislative mandate into the updated circular.
- **Corrective Action** – Corrective action is the bedrock of ASAP voluntary reporting programs, for alleviating the fear of punishment or discipline for legitimate safety accidents or concerns encourages employees to voluntarily provide this information. Without this safe zone, invaluable safety information may not be reported, inhibiting the FAA and the aviation industry from proactively identifying and addressing safety issues. Thus, labor unions, employee representatives, and the FAA should participate in the development and execution of voluntary reporting programs, such as ASAP. Further, ASAP voluntary reporting programs should explicitly prohibit FAA enforcement as well as company disciplinary actions against all employees who report legitimate safety


accidents or concerns in ASAP, and require airlines to protect the identity of participating employees.

- **Comprehensiveness** – The objective of ASAP voluntary reporting programs is to proactively gather safety information to identify and close safety gaps before a tragedy occurs. As part of a proactive safety culture, airlines utilize ASAP voluntary reporting programs as a means to comprehensively gather safety-critical information. We encourage you to ensure that the FAA participates in all Event Review Committee (ERC) meetings and the review of ERC reports. We also encourage you to permit certain employees not included in an ASAP voluntary reporting program to submit a report, without fear of penalty, when they are witness to an event.

We thank you for your attention to this important matter. If you have any questions about this request, please have your staff contact Daniel Greene of Senator Markey's staff at 202-224-2742 and Thomas Story of Senator Blumenthal's staff at 202-224-8029.

Sincerely,


Edward J. Markey
United States Senator


Richard Blumenthal
United States Senator