



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

Air Traffic Organization Policy

**ORDER
JO 7200.20**

Effective Date:
January 30, 2012

SUBJ: Voluntary Safety Reporting Programs (VSRP)

The Air Traffic Organization (ATO) is responsible for ensuring the safe, expeditious flow of air traffic throughout the National Airspace System (NAS). Safety is the basis of the service that the ATO provides, and VSRPs are a key component to the ATO Safety Management System (SMS), providing a method to identify and correct potential safety hazards. These important programs encourage voluntarily submitted safety reports from employees involved in the delivery of air traffic services and are foundational to a healthy safety culture.

The mission to improve safety is never complete. Each of us must familiarize ourselves with the contents of this order and understand our own important role in the process. As ATO employees participate in our voluntary safety program, they should know they help improve our safety awareness and understanding in the NAS.

A handwritten signature in black ink, appearing to read "ELR", written over a horizontal line.

Elizabeth L. Ray
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Air Traffic Organization

NOV. 10, 2011

Date Signed

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Chapter 1. General Information

1-1. Purpose of This Order. This order defines the policy and procedures for ATO VSRPs. It identifies the responsibilities of individuals and organizations including the requirements, expectations, and policy under which the identified programs operate. Identifying potential safety hazards and taking appropriate corrective action is imperative to maintaining an acceptable level of safety in the NAS.

1-2. Audience. This order applies to all ATO personnel directly engaged in and/or supporting air traffic services and only to events that occur while acting in that capacity. An employee becomes eligible once they have received VSRP training, and have been assigned an account in the VSRP database.

1-3. Where Can I find This Order? This order is available on the MyFAA Employees Web site at https://employees.faa.gov/tools_resources/orders_notices/ and the FAA Web site at http://www.faa.gov/regulations_policies/orders_notices/.

1-4. Cancellation. This order cancels N JO 7210.788, Air Traffic Safety Action Program (ATSAP), effective September 15, 2011.

1-5. Distribution. This order is distributed to the following ATO service units: Terminal, En Route and Oceanic, Mission Support, and System Operations; ATO Safety; the Air Traffic Safety Oversight Service (AOV); the Mike Monroney Aeronautical Center; and the National Air Traffic Controllers Association (NATCA).

1-6. Definitions.

a. Acceptance – The process whereby the event review committee (ERC) determines that a report meets VSRP requirements, receives it into the program for the relevant safety data contained therein, and provides the protective provisions of the program.

b. ASAP – Aviation Safety Action Program. A defined partnership program where safety issues are resolved through corrective action rather than through punishment or discipline; the program includes collection, analysis, and retention of safety data reviewed and acted upon by an operating organization, their regulator, and the affected employee labor organization.

c. ATSAP – Air Traffic Safety Action Program. The VSRP for air traffic control personnel based on the ASAP model as defined in this order and in the “FAA Air Traffic Organization (ATO) Air Traffic Safety Action Program (ATSAP) for Air Traffic Personnel Memorandum of Understanding” signed by NATCA and the FAA.

d. ATSAP report – A confidential written account of an event that involves an air traffic safety event or problem reported through ATSAP.

e. Consensus – Unanimous or general agreement and the process to reach that status. Conceptually, consensus is related to cooperation—the process of working or acting together. For VSRPs, consensus refers to the voluntary agreement of all representatives of the ERC for a particular outcome.

f. Corrective action request (CAR) – A CAR is a formal document identifying a nonconformance that is systemic in nature and requires a root cause analysis and modification.

g. Credential action – Any action, including amendment and removal, taken by AOV toward an employees' AOV Credential (FAA Form 8060-66) as described in FAA Order 8000.90 and associated union negotiated agreements.

h. Event review committee (ERC) – The group comprised of a representative from each party to a non-punitive safety-reporting program, which reviews and analyzes submitted confidential reports to identify actual or potential safety problems and ensure appropriate action is taken.

i. Intentional falsification – As related to the exclusionary criteria, intentional falsification refers to knowingly misrepresenting facts with respect to required safety data.

j. Mandatory occurrence report (MOR) – A report of certain types of safety events as defined by FAA Order JO 7210.632, Air Traffic Organization Occurrence Reporting.

k. National Airspace System (NAS) systemic problem – Safety problem relating to the air traffic system as a whole. This would normally refer to a potential deficiency involving procedures, processes, training, culture, etc. that may be pervasive throughout the NAS.

l. Non-sole source – Those reports that do not meet sole source criteria as defined below.

m. Protective provision – The reporting incentives in this order and the applicable MOU that ensure a non-punitive environment for filing reports.

n. Skill enhancement – Individually focused education and training designed to address an identified qualification issue of an employee in a skill or task.

o. Safety check – An undocumented observation period requested by an employee, or required by an employee's manager. The objective of the observation is to confirm the employee's self-confidence in their ability to provide air traffic services after a serious safety event.

p. Sole source – When all evidence of an event is discovered by, or otherwise based on a VSRP report or as otherwise designated by MOU or applicable chapters of this order.

q. System corrective action – Those actions taken to correct identified deficiencies occurring beyond the individual. These could include issues pervasive throughout the system, or specific to the system itself.

Chapter 2. Voluntary Safety Reporting Programs (VSRP)

2-1. Voluntary Safety Reporting Program Data. The data collected by VSRPs is subjective in nature and is not inclusive of all events or problems that occur within the NAS. Normally, the perspective of the submitter provides the only report categorization. This qualitative data provides leading indicators of potential hazards and areas of risk in the NAS.

2-2. Who Reviews the Reports That Are Submitted to a VSRP? An event review committee (ERC), comprised of representatives from each of the parties to a VSRP memorandum of understanding (MOU)/memorandum of agreement (MOA), reviews and analyzes each report to identify actual or potential safety problems and to ensure an appropriate response.

2-3. What May Be Reported to a VSRP? VSRPs are for reporting noncompliance with FAA directives and aviation safety concerns. Regardless of position worked or whether any additional investigation takes place, an eligible employee may always file a VSRP report when they observe a safety problem or experience a safety-related event.

a. Noncompliance reports. Noncompliance reports identify specific instances of a failure to follow FAA directives.

b. Aviation safety concern reports. Aviation safety concerns that do not involve specific noncompliance with FAA directives are also reportable via a VSRP. These may include, but are not limited to, potential safety events or perceived problems with policies, procedures, equipment, automation, and publications used to provide air traffic control services.

c. Reports not directly related to aviation safety. Reports of events or issues not directly related to aviation safety may fall outside the purview of the program. Submitting a report to a VSRP does not preclude employees from seeking assistance through other processes such as filing Unsatisfactory Condition Reports (UCR), reporting violations to the Occupational Safety and Health Administration (OSHA), or requesting clarification of air traffic requirements. If the ERC does not accept a nonsafety report, they may, by consensus, forward a deidentified copy to the appropriate ATO department head for his/her information and, if possible, internal resolution.

2-4. Protective Provisions. The information provided is confidential. The ATO will not use either the written report or the content of a written report to initiate or support any disciplinary action, unless the reported event meets the exclusionary criteria identified in [paragraph 2-9b\(3\)](#), or respective VSRP MOU/MOA.

2-5. Confidentiality. A VSRP's success is based on its ability to maintain submitters' confidentiality. VSRPs are confidential reporting systems, not anonymous programs. Confidentiality means that individually-identifiable information is disclosed only on a need-to-know basis and only to those with ERC authorization. It does not mean that there is complete submitter anonymity. Only those individuals authorized by the ERC to prepare initial reports for ERC review and/or those having a direct need to know for resolving the reported event will have access to submitter identifying information.

2-6. MOU/MOA Application. The MOU/MOAs are broadly written; therefore, discretion is necessary for an efficient and productive ERC process. Application of the MOU/MOA will be the responsibility of the respective program steering committees.

2-7. Investigations. Filing a VSRP report does not preclude the FAA from performing its responsibilities pertaining to event reporting, quality assurance, quality control, and oversight; or employees from fulfilling their obligations to any investigative process. The FAA may conduct an independent investigation of any event disclosed in a report. VSRPs will not share the content of a report with any investigation unless the report is excluded in accordance with the appropriate VSRP agreement, that is, an MOU/MOA, or for employees not covered by a MOU/MOA, following the criteria identified in [paragraph 2-9b\(3\)](#).

2-8. VSRPs and FAA Order JO 7210.632, Air Traffic Organization Occurrence Reporting. Each employee must file a VSRP report in order to receive the protective provisions of the program.

a. Management employees. Management employees must report events in accordance with FAA Order JO 7210.632. In addition, they may also file a voluntary report according to this order.

b. Non-management employees acting in a management role. The responsibilities of employees performing this function (for example, controller-in-charge) vary based on the situation. When reporting according to FAA Order JO 7210.632 is required, a VSRP report may also be filed.

(1) If the employee observes a developing event, he/she must take action to correct the situation and must report according to FAA Order JO 7210.632.

(2) If an event is reported to an employee performing this function, he/she must report according to FAA Order JO 7210.632.

(3) If the employee is directly involved in or observes an event, other than as described in [paragraph 2-8b\(1\)](#), he/she must report following either FAA Order JO 7210.632 or the VSRP, or he/she may report through both.

c. Non-management employees.

(1) Submission of a VSRP report satisfies non-management employees' requirement to report following FAA Order 7210.632 except when the employee providing air traffic services determines that pilot actions affected the safety of operations. When such a determination is made, pilot actions must also be reported as a mandatory occurrence report (MOR) in accordance with FAA Order JO 7210.632, paragraphs A2-A8.

(2) Submission of a VSRP does not exempt employees from making appropriate notifications when the employee providing air traffic services determines an occurrence involved national security or the immediate safety of flight (for example, in-flight emergencies, overdue aircraft, no radio [NORDO]/no radio acknowledgement [NORAC] aircraft, aircraft accidents).

2-9. Possible Outcomes. For reports that involve repeated similar instances of noncompliance with the same air traffic control or FAA requirement, the ERC will consider the outcome and action that is appropriate on a case-by-case basis. Reports will have one of the following outcomes:

a. Accepted. A consensus decision made by an ERC identifying that a report meets program criteria.

b. Excluded. A consensus decision made by an ERC identifying that a report meets the exclusionary criteria below or in the respective MOU/MOA.

(1) The ERC may exclude reports based on the timeliness criteria in the respective MOU/MOA or applicable chapters of this order for those not covered by MOU/MOA.

(2) The ERC will exclude reports involving possible noncompliance with applicable FAA directives if they determine that an individual knowingly introduced an unacceptable level of risk into the NAS. The ERC will use the ATO SMS standard severity table to determine event severity.

(3) The ERC will exclude any reported events involving criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification. The FAA may use the content of such reports for enforcement purposes and will refer such reports to law enforcement agencies, if appropriate.

(4) The ERC may also exclude reports that are initially accepted if the submitter fails to successfully complete any action recommended by the ERC.

(5) If an investigation determines that a report should not have been excluded, then it will be referred back to the ERC for a determination of acceptability.

(6) An accepted or closed report may be reconsidered and appropriate action taken if evidence later establishes that the noncompliance should have been excluded from the program.

c. Failure to reach consensus. The success of any VSRP is based on the ability to reach consensus. Failure to reach consensus brings into question the capability of all parties to collaborate successfully and may ultimately result in the program's failure. If an ERC fails to reach consensus on an outcome, the report will be deleted from the VSRP database without further ERC action unless:

(1) It meets the exclusionary criteria identified in [paragraph 2-9b\(3\)](#), or the respective MOU/MOA. In only those cases will the oversight representative refer the report for additional investigation and re-examination and/or enforcement action, as appropriate.

(2) If at least two ERC members provide an initial severity rating of 1 or 2 and the report is carried over for lack of consensus, the ERC must immediately elevate the issue to the program's steering committee. The confidentiality of the submission must be maintained. The steering committee will immediately convene to determine if Agency action is required.

2-10. Program Reporting and Data Exchange Requirements. Without violating confidentiality, each VSRP will produce reports detailing information gathered and the areas of potential highest risk in the NAS.

a. Regular communications. Each VSRP will publish communications at least monthly that include portions of available redacted reports.

b. Quarterly reports. Each VSRP will produce quarterly reports providing an update on the status of the program, including notable safety issues identified and/or resolved, statistical data, and other information as deemed appropriate by the program.

c. Annual reports. Each VSRP will produce an annual report providing a comprehensive review of the year's statistical data, significant activities and accomplishments, and other information as deemed appropriate by the program.

d. Data sharing processes. Each VSRP must establish a data sharing process that provides access to safety information gathered by the program. The process must be documented in each VSRP's administration manual. The information received through voluntary safety reporting programs is sensitive in nature, and data sharing must not compromise the integrity of the program. Data sharing processes must include provisions to prevent sharing information that may violate the submitter's confidentiality without his/her consent. Requests for VSRP data must be coordinated through the VSRP manager. As appropriate, the process should address the sharing of safety data with potential recipients such as:

- (1) Aviation Safety Information Analysis and Sharing (ASIAS).
- (2) Other ATO service units or offices as part of the SMS .
- (3) Any approved organization requesting data.

2-11. VSRP Report Processing.

a. Submission of reports. Submitters file reports via the VSRP website describing the event in sufficient detail to give the ERC an understanding of the event or problem reported. The Web site for ATSAP is found in [paragraph 3-2](#); other Web sites will be identified as VSRPs are added.

b. Administrative processes. Each VSRP must establish a documented process for appropriate report handling and analysis. This process must address:

- (1) Report review and deidentification.
- (2) Gathering data for sole source and nonsole-source reports.
- (3) Contacting submitters.
- (4) ERC responsibilities.
- (5) Corrective actions.

2-12. ERC Actions. The ERC determines the appropriate actions based on the content of reports and the feedback provided. They use both informal and formal methods to resolve reports and may choose to address reported issues by recommending individual training or systemic corrective action.

a. Training. ERC recommended training is to address an employee's performance that demonstrates a lack of qualifications. Facilities are normally responsible for conducting recommended training. The facility must ensure, to the extent practical, that the details of and reasons for the training remain confidential.

(1) The ERC will base training recommendations on management, union, and submitter feedback and all other available information. The ERC will only consider recommendations directed at specific identified qualification issues, and they have discretion to consider recommendations received beyond required time limits.

(2) The ERC may elect to use some, none or all of the facility proposed skill enhancement training (SET) in its recommendation.

(3) The appropriate ERC member will coordinate recommended SET with the submitter for acceptance prior to providing the recommendation to the facility. If the submitter agrees to the recommended training, the ERC will provide the specific SET details to the responsible manager, or his/her designee.

(4) If a reported event is also reported following FAA Order JO 7210.632, or if requested by the submitter, the ERC will provide the SET details to the local union representative.

(5) The ERC may refer SET recommendations to a union professional standards program. The referral must comply with the professional standards program's requirements.

(6) VSRP recommended training cannot be referenced in any performance management actions.

b. Information requests. ERCs may request information from a facility, service unit, or office to supplement VSRP report content. Information requests are for gathering additional data and do not require corrective action. Recipients may choose to initiate corrective action as a result of receiving a request.

(1) An informal information request may be any form of communications that the ERC initiates via e-mail, phone, or other means to better understand a potential issue.

(2) A formal information request is a standardized document directed at the level most closely related to a reported issue that is tracked by the responsible VSRP office.

(a) Recipients must provide a response within the identified timeline.

(b) If recipients do not provide a timely response, the issue may be elevated to a higher level in the appropriate organization for a response.

(3) If a response confirms the identified safety issue, the ERC will work with the respondent for resolution. If further action is required, the ERC may issue a Corrective Action Request (CAR).

c. Corrective Action Request (CAR). A CAR is a formal request initiating action to resolve an identified safety concern. A CAR informs the ATO of an identified safety issue providing specific information to the line of business and may provide specific recommendations to address them. For example, recommendations may include changes to directives, adjustment of timelines, formation of a workgroup, changes to the national/local training curriculum, etc.

(1) CARs typically identify systemic safety issues and are not normally based on a single data point.

(a) All available information must accompany the request.

(b) Recipients must provide a response within the identified timeline. Although some issues are very complex and require additional time to develop a comprehensive corrective action plan, at a minimum, a response indicating ATO proposed actions is required within the identified timeline.

(c) If recipients do not provide a timely response, or if the recipient requests an extension, ATO Safety will notify the ERC and the Vice President(s) of the affected ATO service unit(s) or office(s).

(2) If the ERC determines that the corrective action plan adequately addresses the identified safety issue, it may be closed and/or monitored to completion/compliance.

(3) If the ERC does not initially concur with the response, they will work with the respondents in order to achieve resolution.

(4) If the ERC determines that the final response does not appropriately address the issue, the ERC may, via consensus, request that the member providing oversight pursue appropriate action.

2-13. Aviation Safety Reporting System (ASRS).

a. ASRS is a program funded by the FAA and administered by the National Aeronautics and Space Administration (NASA). Although ASRS is a type of VSRP, it does not follow the same model as the other programs identified herein and is not regulated by this order except for the protections identified [paragraph 2-13b\(1\)-\(3\)](#). Under the program, ATO employees can submit information that NASA deidentifies, except where it involves criminal activities or accidents, before submitting to the agencies participating in this program. Reports and information are available at <http://asrs.arc.nasa.gov>.

b. Protections. When an employee submits an ASRS report, disciplinary action may not be taken for a reported event if all of the following conditions are met:

- (1) The employee's action or lack of action was inadvertent.
- (2) The employee's action or lack of action did not involve a criminal offense, accident, or action under 49 U.S.C. § 44709, which discloses a lack of qualification or competency.
- (3) The employee shows proof that within 10 days after the occurrence, he/she completed and submitted, electronically or by mail, a report to NASA's ASRS. When completing a VSRP report, employees may choose to electronically submit a copy of their VSRP report to ASRS via the VSRP database.

Chapter 3. Air Traffic Safety Action Program (ATSAP)

3-1. Eligible Participants. ATSAP is the VSRP for Terminal Services, En Route and Oceanic Services, and Systems Operations Services employees engaged in and/or supporting air traffic services. They are eligible, as described below, to complete an ATSAP report for events that occur while acting in that capacity.

a. Bargaining unit. Bargaining unit employees are eligible to participate once an appropriate agreement has been signed, and for the duration of the agreement.

b. Non-bargaining unit. All non-bargaining unit employees directly involved in, and supporting air traffic services are eligible to participate.

c. Employees receiving on-the-job-training (OJT). The protective provisions in the applicable MOU apply to all employees. Employees receiving OJT for initial qualification training are required to reach the standards necessary to achieve a position or facility certification, and ATSAP will not interfere in that process.

d. Non-filing employees. If an ATSAP report identifies another employee in an event and the original report otherwise qualifies for inclusion, the ERC may offer the identified employee the opportunity to submit a report. The ERC will consider acceptance by the same criteria as the original report.

3-2. How to Report. File ATSAP reports online via www.atsapsafety.com.

3-3. What to Report. When a covered individual observes an air traffic safety problem or safety related event, he or she should note the problem or event in enough detail so that it can be evaluated by a third party.

a. Air traffic safety events. An air traffic safety event is the result of an actual or potential loss of required separation, or other situations that degrade air traffic safety within the NAS occurring during the provision of air traffic control services.

b. Air traffic safety problems. Air traffic safety problems are issues at a local, regional, or national level dealing with policies, procedures, equipment, automation or publications used to provide air traffic control services. They are not normally related to individuals and may be determined to be systemic in nature.

3-4. Protective Provisions. For an accepted report, neither the report, nor its content will be used to initiate or support any disciplinary action, or as evidence for any purpose in an AOV credential action, unless it meets the exclusionary criteria identified in [paragraph 2-9b\(3\)](#) or the ATSAP MOU (see Appendix H of the Agreement between the National Air Traffic Controllers Association AFL-CIO and the FAA, dated October 2009).

3-5. Participant Responsibilities.

a. Submitter. When an individual is involved in, observes, or identifies an operational safety hazard/problem, or experiences a safety-related event, he or she should:

(1) Note the hazard/problem or event and any specifics that will help reduce the likelihood for recurrence.

(2) Submit an ATSAP report for each safety problem or event at an appropriate time during the duty day, if possible.

(3) Submit reports within 24 hours of the end of the employee's duty day on the date of occurrence or within 24 hours of becoming aware of a possible noncompliance.

(4) Provide additional clarifying information to the ERC as requested. It is very important for submitters to give additional information when requested so that the ERC can make an informed decision concerning all aspects of the report. This information has the same protective provisions as the original report.

b. Facility Manager.

(1) The air traffic manager, or his/her designee should remind employees that they may file an ATSAP report if they are involved in any of the following: MOR, risk analysis event (RAE), system service review (SSR), traffic management review (TMR), or covered event review (CER); and must:

(a) Consider a submitted ATSAP report as accepted unless the ERC confirms otherwise.

(b) When operationally feasible, provide employees choosing to file an ATSAP report time and a location to file a report.

(c) Provide the ERC all relevant information or SET recommendations within 3 administrative days of notifying the employee of the event. A review of an employee's performance during an occurrence is not disciplinary in nature. Such a review is necessary to consider whether additional action is appropriate. Supporting information must accompany any recommended corrective action.

NOTE-

The ERC is interested in any additional information that the facility management, union representative, and submitter can provide that would help the ERC understand not only what happened during a safety event, but also why the event happened. If the facility intends to propose SET, they must supply the information relied upon to make that recommendation; for example, such as relevant portions of the employee's performance history, involvement in similar types of events, any ongoing training, and other performance directly related to this type of event. A joint proposal from facility management and the union representative provides the most useable feedback for the ERC.

(d) Take no decertification or disciplinary action for events covered by an accepted ATSAP report.

(e) Conduct performance skills checks or Operational Skills Assessments (OSA) associated with an event/problem covered by an accepted ATSAP report only when performing a CER or when approved or directed by the ERC.

(f) As appropriate, return the employee to operational duty on some, none, or all positions while awaiting the ERC decision.

(g) As appropriate, or at any time at the request of the employee, perform a "safety check." A "safety check" is an undocumented observation period to confirm the employee's self-confidence to provide air traffic services after a safety event. Management must coordinate with the ATSAP ERC any issues arising during a safety check that would preclude the employee from resuming normal duties.

(h) Assign administrative duties to employees not immediately returned to operational duty.

(i) Employees must not be forced into a leave or non-pay status while awaiting the ERC decision.

(ii) Employee's regular schedules and days off must not be changed without employee concurrence.

(i) Provide employees adequate time and resources to accomplish SET in a timely manner as recommended by ERC for any accepted ATSAP report.

(j) Keep confidential, to the extent feasible, information requested by, and all skill enhancement training recommended by the ERC.

(k) Record ATSAP SET as Type 4 training on FAA Form 3120-1 under "Major Subject Areas." The form will simply state "ATSAP."

(l) Give feedback to the ERC on training completion and/or qualification issues.

(m) Respond to all information requests from the ERC/analysts and accomplish corrective actions.

(n) Maintain a sufficient cadre of local instructors to provide ATSAP training to new employees.

(2) Local documentation may be retained regarding events/problems about which reports were accepted into ATSAP. Events/problems with an accepted ATSAP report may not be referenced or used to support any disciplinary or decertification action and may be used as part of the rationale for SET only if that training is approved by the ERC.

(3) Personal records, notes, or diaries maintained by a supervisor with regard to his/her employees' involvement in events/problems with an accepted ATSAP report are restricted from use as a basis to support the following:

(a) A performance evaluation of less than fully successful, including initiation of an Opportunity to Demonstrate Performance.

(b) Denial of a promotion.

(c) Denial of a pay increase.

(d) Disciplinary or adverse actions.

(e) Decertification.

c. Event Review Committee (ERC). The ERC determines the appropriate response for each ATSAP report by reviewing and analyzing the information provided, conducting interviews of reporting personnel when required, gathering additional information as available, and to the extent appropriate, investigating all safety related reports.

(1) Each ERC is comprised of representatives from each party to the program. Each party, NATCA, ATO, and AOV, provides or designates a primary and alternate representative. The ERCs may share and exchange information on accepted reports, and may identify actual or potential safety problems from the information contained in the reports. The ERC authorizes fact-finding research as needed to support timely decisions.

(2) Because of the highly sensitive nature of the information reviewed in ATSAP reports, each ERC member is required to sign the ATSAP Confidentiality and Non-Disclosure Agreement, located in [appendix A](#).

(3) Each ERC reviews and analyzes reports listed on the meeting agenda. They will meet at least twice a month, but will determine the meeting frequency based on the number of reports received or the need to acquire time-critical information. The ERC may also meet as needed to address reports or issues that require immediate attention.

(4) ERC members review each report to identify actual or potential safety problems and causal factors. They also assess severity using the ATO Safety Risk Management Matrix and determine the appropriate response. They may request an analyst contact the submitter or the facility for more information and clarification.

(5) An ERC may request an investigation based on safety issues identified in ATSAP reports. ATO Safety will investigate the issue, and NATCA, at the national level, may designate a participant.

(6) Not all reports warrant additional action or investigation. In fact, most self-reports of noncompliance will not warrant additional action beyond the filing of the ATSAP report. The ERC will ensure that a response is given for every submitted report.

(7) ERCs should be able to make an acceptance decision for most reports based on the information provided by the submitter. In those cases where the report itself does not provide enough information to the ERC, the ERC should review all factual data available in order to reach a consensus. The use of other information such as replays and facility feedback has most value after acceptance and during the consideration of ERC actions, including SET and systemic correction.

(8) The ERC should not delay an acceptance decision in order to wait for the results of an outside investigation. An accepted report, with or without previous actions taken, may be re-opened in order for the ERC to take appropriate action. This includes instances where evidence establishes that it should have been excluded from the program.

d. ATSAP Manager. The ATSAP Manager is responsible for ensuring program compliance with the ATSAP MOU. The ATSAP Manager:

(1) Manages the ATO ATSAP Office.

(2) Ensures compliance with the ATSAP MOU.

(3) Develops and maintains ATSAP processes, personnel, and training.

(4) Provides guidance standardizing ERC processes to ensure consistency in decision-making across multiple ERCs.

(5) Coordinates with other Aviation Safety Action Programs (ASAP) to promote resolution of identified safety problems and to assist data sharing.

(6) Provides personnel resource assistance to the service area ERCs.

(7) Approves releases of program information in accordance with the ATSAP Data Request Process.

(8) Ensures a database is available to track each submitted report, the analysis of the events, and any resultant corrective action(s).

(9) Ensures a database is available to track recommended SET and to report progress as part of regular ERC meetings. Analysts should record recommended SET that is not completed, along with the reason it was not completed.

(10) Is the focal point for information about and inquiries concerning the status of ATSAP reports, and for the coordination and tracking of ERC recommendations. The ATSAP Manager will report on progress of the recommended CARs and publish required reports.

(11) Ensures that each submitter is given the status of his/her report when requested.

(12) Directs an annual review on behalf of the ERC with an emphasis on determining whether system corrective action has been effective in preventing or reducing the recurrence of identified safety related events of a similar nature.

(13) Conducts periodic reviews on behalf of the ERC of SET assignments and success and may at any time seek to improve the quality and quantity of training opportunities they deem critical to improving safety.

e. Air Traffic Safety Oversight Service (AOV). AOV's responsibilities are detailed in the ATSAP MOU and FAA Order 1100.161, Air Traffic Safety Oversight.

3-6. Collaboration. The ATO must work collaboratively with NATCA at the appropriate level when responding to ATSAP Information Requests (AIR) and CARs. If the issue is a NAS-systemic problem, the NATCA ATSAP Coordinator, or designee, will work with the delegated ATO management representative.

3-7. Requests for Data. Submit requests for ATSAP data to the program office following the data request process found on the Web site.

3-8. Confidential Information Share Program (CISP). The CISP will establish processes and procedures enabling the review and integration of ATSAP information with other voluntary disclosure programs. The processes and procedures must ensure submitter confidentiality and uphold the tenets of the participating programs.

3-9. ATSAP Analysis Team (AAT). The ATSAP Analysis Team (AAT) consists of representatives from ATO and NATCA. It provides technical advice to ATO Safety and performs detailed analysis on specific safety issues as directed by the ATSAP Program Office, or as requested by the ERCs.

a. The AAT provides the ATSAP Program Office and other approved entities with reports of their analysis filtered in such a manner as to remove the identity of individuals or entities. It provides the ATSAP Program Office with information on safety issues identified in its analysis that may require corrective action or follow up.

b. The roles and responsibilities of the AAT are as follows, but not limited to:

- (1) Developing the data analysis plan.
- (2) Developing the data de-identification methodology appropriate for the analysis performed.
- (3) Coordinating information and data standards for third party and AAT activities.
- (4) Producing an analysis report for the ATSAP Program office or ERCs and issuing CARs as necessary.
- (5) Developing and implementing corrective action effectiveness tracking.

- (6) Conducting the effectiveness tracking analysis as directed by the program office or ERCs.
- (7) Supporting industry safety information sharing forums.
- (8) Acting as the point of contact for and administering the CISPs.

c. The ATO and NATCA will provide subject matter experts and analysts as required to conduct approved analysis. AAT decisions and activities regarding report referral are made by consensus. If the AAT members are unable to come to consensus, the issue will be elevated to the Director of Safety Programs and the NATCA ATSAP Coordinator for resolution.

3-10. ATSAP Consensus Process. ERC decisions involving ATSAP issues will be based on consensus. Consensus refers to the voluntary agreement of all representatives of the ERC for a particular outcome.

a. As a decision-making process, consensus is inclusive, participatory, cooperative, democratic, and solution-oriented. Debate improves the consensus outcome. Everyone's opinion is equally valued. The consensus decision-making process places importance on concurrence among members rather than on reaching a particular outcome. The success of ATSAP hinges on the ability of the ERCs to reach consensus agreement on every element of the program.

(1) Inclusive. The three ERC representatives act for the three parties to the MOU and are empowered by their organizations to be the ATSAP decision-making body. They represent their organizations in service to the best interests of safety.

(2) Participatory. The consensus process should actively solicit input and participation from all members of the individual ERC involved in the decision. Achieving consensus in the ERC requires that the considered opinion of every member of the ERC is treated seriously. Discussing the issue can also lead to identifying opinions and information relating to the topic at hand. The general direction of the group and potential proposals for action are often identified during these discussions.

(3) Cooperative. Cooperation must be voluntary and free from coercion. Cooperation can be frustrated in consensus decision-making by the ability of individual, inflexible, or unpopular opinions to hinder agreement. Participants in an effective consensus process should strive to reach the best possible decision for all the group's members, rather than opt to pursue a majority opinion at the detriment of the minority opinion. The same is true for the minority opinion at the detriment of the majority opinion.

(4) Democratic. All members of the ERC making the decision should be afforded, as much as possible, equal input into the process.

(5) Solution-oriented. An effective ERC decision-making process should emphasize common agreement over differences and reach effective decisions by compromise to avoid or resolve disagreements within the group.

b. ATSAP relies on the ability of the ERC to employ the above concepts to reach agreement. Reaching consensus involves collaboration and compromise. None of the ERC members may feel that the group decision is the right decision, but it is a decision that all can accept.

c. Reaching consensus is difficult at times and it takes work, active listening, and the ability to keep the vision of what ATSAP is seeking to attain. Occasionally there may be an issue which is of primary concern to one of the representatives; identifying and addressing such concerns is a critical piece in ERC consensus building.

d. Consensus may be reached with little or no discussion if each ERC member supports the other members the first time a report is raised for discussion. Other reports may challenge individual ERC members to compromise and suggest alternatives (either within the scope of the MOU or, if the MOU does not provide criteria, other alternatives) which might lead to acceptable positions. These proposals may start several rounds of discussion to address or clarify concerns. Each member must show commitment to the program by articulating his/her position as it relates to provisions in the MOU and look for solutions to impasses that are acceptable, albeit not ones they would necessarily choose. Willingness to continue to look for compromise whenever possible is crucial to the proper functioning of an ERC and to mutual respect for the views of other members. Care should be taken that a few dominant individuals or issues do not drive all decisions.

e. It is worth stressing that consensus does not imply an outcome that is favorable to the submitter who filed the report. The focus is on reaching an agreed upon solution, not a favorable outcome. At a point when an ERC member is no longer able or willing to continue to look for a compromise solution to an impasse, that member needs to consider whether to postpone discussion to another day, seek additional data, or request concurrence from other ERC members to forward the report to another ERC for an independent review (alternate review).

f. Alternate review. Use of an alternate ERC should be viewed as a measure of last resort, as the first priority of all ERC members is to strive to reach a consensus on each issue. In the rare case when the ERC cannot reach consensus, after having exhausted all of its resources and ability to reach compromise, it may choose to refer the issue for a complete review by another ERC. In an attempt to bring a fresh look and perspective to the event, the ERC members involved in an alternate review will not solicit inputs from the original ERC, and the report(s) they receive will be treated as new reports. Although data that makes up the case-file for each report may be forwarded from the analysts, the alternate review ERC should conduct its own independent review and investigation and collect whatever information it needs to process the report. The alternate review ERC then retains responsibility for this report, there is no further referral.

g. The consensus decision-making process relies on the ability of each ERC member to represent their organization to the best of their ability without any outside interference. According to AOV Safety Oversight Circular, SOC 07-04, Aviation Safety Action Program (ASAP) for Credentialed ATO Personnel, paragraph 8b.(1), dated September 28, 2007, “management and supervisors should not preempt their respective ERC’s representative discretion for an event reported under [ATSAP]. If the parties to [the] MOU do not permit their respective ERC representative to exercise this discretion, the capacity of the ERC to achieve consensus will be undermined, and the program will ultimately fail”.

Appendix A. ATSAP Confidentiality and Non-Disclosure Agreement



ATSAP CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

As a member of the Air Traffic Safety Action Program (ATSAP) given access to voluntarily submitted confidential information, including but not limited to documents relating to safety related events or occurrences and individual safety reports, I agree to keep such information confidential. Because of the highly sensitive nature of this information, my signature below indicates my agreement to keep confidential any information contained in ATSAP reports, meetings, or otherwise gathered through ATSAP, in accordance with the paragraphs below. I acknowledge that any failure to abide by the agreement below violates the spirit of the ATSAP Memorandum of Understanding (MOU) and may result in my removal from the program.

1. I understand that I will have access to and may electronically and orally receive information in writing relating to ERC meetings and ATSAP reports that is not otherwise provided to the public or to those not authorized. By authorizing conditional access to the information indicated above, the FAA has placed special confidence and trust in me, and I am obligated to protect this information from unauthorized disclosure.
2. I agree to keep confidential any and all information provided to me by the Agency or any person or entity working on behalf of or for the Agency (including any contractor providing the Agency with assistance in connection with the ERC meeting). I agree that I will discuss confidential information *only* with authorized persons on a "need to know" basis. I acknowledge that authorized persons include only members of the Event Review Committee and personnel assigned to, or responsible for, ATSAP.
3. I agree that I will not, directly or indirectly, disclose confidential information gained through ATSAP to anyone outside of ATSAP, including those involved in any ongoing investigation, unless specifically authorized by the Event Review Committee members or the ATSAP Manager. I agree that I will not disclose confidential information to members of the news media, the public and/or any other unauthorized persons.
4. I agree that I will not, directly or indirectly, allow or provide opportunity for anyone to participate in any ERC meeting, including teleconferences and video teleconferences, without clear identification to all other meeting participants and receipt of a signed confidentiality agreement for each meeting instance. I will ensure that my participation in teleconferences and video teleconferences will be in a secure and private location, and I will protect the confidentiality of all ATSAP report and ERC meeting content to prevent any unauthorized access.
5. I hereby agree that I shall promptly report to the ATSAP Manager any loss, theft, misuse, misplacement, or unauthorized disclosure of confidential information that I have knowledge of, whether or not I am personally involved.

Printed Name: _____

Signed: _____

Date: _____