

Safety Box – ASRS July 17, 2014

I encourage all of you to look at the new Safety Page link on the left side of our USA Home Page. This page has been set up for all future safety related information, including current and past issues of the "Safety Box". There are also many useful other links on the page.

Mario Jimenez has given a great overview of the ASRS program below which, if you use it, means any unintentional violation of FAR's will not result in fines or certificate penalties such as suspension, etc.

The NASA ASRS system was created approximately 34 years ago, with the main purpose of identifying hazards to the overall approach to safety. In doing so, there had to be some caveats which insured it's success. Perhaps the greatest one being that whatever information was disseminated through this process could not (BY LAW) be used in any type of enforcement against the reporting source (pilot in our case). Furthermore, in the interest of safety any and all identification in the NASA ASRS would be removed which would correlate the incident with a particular individual before being passed on to any agency that searched for cogent details of the event.

In the history of the ASRS reporting system (literally hundredths of thousands of reports) there has not been a single breach of that confidentiality.

The NASA site is: <http://asrs.arc.nasa.gov>

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By Mario Jimenez

NASA Aviation Safety Reporting System

So it all started with such good intentions, it was that perfect sunny summer afternoon, and after a few weeks of not soaring, all you wanted to do was chase a few thermals. After all, what could go wrong? It seemed all so natural, that column of hot air propelling your eagle craft to where "lark nor eagle flew". Before you realized it the altimeter had wound itself well past the initial ceiling you had mentally calculated in your pre-flight planning, and now you found yourself squarely inside Class B airspace – OUCH!

As you looked for an exit strategy, the corner of your eye caught an airliner executing a turn away from you at a steep angle of bank and at a co-altitude. Now the knot in your stomach tightened.... You knew what was coming; you knew what had happened.... It was only a matter of time before you found yourself sitting "at the wrong end of the long green table without a glass of water".

While this short introductory paragraph is certainly fiction, it could have well happened to anyone of us. From a glider perspective, the two main reasons/causes (based on research done/found within the ASRS data base) for reporting to the system are:

1. Unintentional encroachment into controlled airspace.
2. Unintentional near mid air collision.

So now that it has happened, what can our intrepid aviator do to protect himself?

How many of us have heard of, or are familiar with, the NASA ASRS (Aviation Safety Reporting System). What can this unique approach to safety do for us in a situation such as this?

The NASA ASRS system was created approximately 34 years ago, with the main purpose of identifying hazards to aviation safety. In doing so, there had to be some caveats which insured its success. Perhaps the greatest one being that whatever information was disseminated through this process could not, by law be used in any type of enforcement against the reporting source (pilot in our case).

Furthermore, and in the interest of safety, the NASA ASRS administration would remove any and all identification which would correlate the incident with a particular individual before being passed on to any agency that searched for cogent details of the event.

In the history of the ASRS reporting system (literally hundreds of thousands of reports) there has not been a single breach of that confidentiality.

WEB LINK:

<http://asrs.arc.nasa.gov>

SUMMARY: Folks, this is a great program; it has proved a total success for many years. It does work, and it works each and every time. As the 5-year director of the human factors program at my airline, I saw this first hand many times. This program has not only fostered and enhanced safety, it has kept many pilots flying – that otherwise would have been grounded for extended periods of time. I have personally used this more than I wish to admit; I encourage each and every one of you to do so as well. Fly safe and soar high.

The following will answer most questions you might have concerning the ASARS data base and its use for us at Utah Soaring Association.

Here are some of the more important aspects of the program:

"Accordingly, although a finding of violation may be made; neither a civil penalty nor certificate suspension will be imposed if":

The violation was inadvertent and not deliberate:

- *The violation did not involve a criminal offense, accident, or action under 49 U.S.C. § 44709, which discloses a lack of qualification or competency, which is wholly excluded from this policy;*
- *The person has not been found in any prior FAA enforcement action to have committed a violation of 49 U.S.C. subtitle VII, or any regulation promulgated there for a period of 5 years prior to the date of occurrence; and*
- *The person proves that, within 10 days after the violation, or date when the person became aware or should have been aware of the violation, he or she completed and delivered or mailed a written report of the incident or occurrence to NASA.*

BOTTOM LINE: Unless you were really being a "knuckle head" you will be protected. This "free out of jail card" is only good once every five years. You have 10 days from the date of the actual incident to file this report".

CLEARLY UNDERSTAND: If a violation is found against you, the violation will stay as a permanent part of your airman certificated record, however you will not have to surrender your certificate and you will not have to pay any monetary fines, if so warranted.

Prohibition Against the Use of Reports for Enforcement Purposes

- Background. Designed and operated by NASA, the NASA ASRS security system ensures the confidentiality and anonymity of the reporter, and other parties as appropriate, involved in a reported occurrence or incident. The FAA will not seek, and

NASA will not release or make available to the FAA, any report filed with NASA under the ASRS or any other information that might reveal the identity of any party involved in an occurrence or incident reported under the ASRS. There has been no breach of confidentiality in more than 34 years of the ASRS under NASA management.

- Regulatory Restrictions. Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.25 prohibits the use of any reports submitted to NASA under the ASRS (or information derived therefrom) in any disciplinary action, except information concerning criminal offenses or accidents that are covered under paragraphs 7a(1) and 7a(2).
- Non-ASRS Report. When violation of the 14 CFR comes to the attention of the FAA from a source other than a report filed with NASA under the ASRS, the Administrator of the FAA will take appropriate action.

BOTTOM LINE: The information you provide will be de-identified 100% (by NASA ASRS). Having said that – if the FAA finds out about the incident from another source (I.E. ATC) then you will have a letter of inquiry (LOI) sent to you from your local FAA office to which you will have to respond.

Reporting Procedures:

Forms in the NASA ARC 277 series have been prepared specifically for intended users (including ARC 277A for air traffic use, 277B for general use including pilots, 277C for flight attendants and 277D for maintenance personnel) and are preaddressed and postage free, or are available online for access and filing electronically. Additionally, organizations may elect to securely transfer copies of reports from their internal reporting system to NASA ASRS directly. Forms with a narrative report should be completed and mailed to ASRS at NASA, Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035-0189, or filed electronically with ASRS through the NASA ASRS Web site at <http://asrs.arc.nasa.gov>.

BOTTOM LINE: The easiest way to accomplish this is online. Remember you have a maximum of 10 days from the date of incident to accomplish this.

CLEARLY UNDERSTAND: This form can be submitted AS MANY times as you need to, in other words – if you think you “gooned up”... you send one in, if only for CYA purposes, NOTHING comes of it. “No harm-no foul” applies. The once in five years is for action taking against you by the FAA. So when in doubt- FILE!!!

Processing of Reports

- Processing Procedures. NASA procedures for processing Aviation Safety Reports initially screen the reports for:
 - Information concerning criminal offenses, which will be referred promptly to the Department of Justice and the FAA;
 - Information concerning accidents, which will be referred promptly to the NTSB and the FAA; andNOTE: Reports discussing criminal activities or accidents are not de-identified prior to their referral to the agencies outlined above.
- Time-critical information that, after de-identification, will be promptly referred to the FAA and other interested parties.
- Reporter Identification (ID) Strip: Each Aviation Safety Report, in paper or electronic format, contains an ID strip that contains the information that identifies the person submitting the report. NASA will time stamp and return the ID strip to the reporter as a receipt by NASA. This will provide the reporter with proof that he or she filed a report on a specific incident or occurrence. The ID strip section of the ASRS report form provides NASA program personnel with the means to contact the reporter if

there is a need for additional information to understand more completely the report's content. Except in the case of reports describing accidents or criminal activities, NASA does not create or retain a copy of an ASRS form's ID strip for ASRS files. Prompt return of ID strips is a primary element of the ASRS program's report de-identification process and ensures the reporter's anonymity.

- De-Identification: All information that might assist in or establish the ID of persons filing ASRS reports and parties named in those reports will be deleted, except for reports covered under paragraphs 7a(1) and 7a(2). This de-identification will be accomplished within a timely manner after NASA's receipt of the reports.

Enforcement Policy

- Administrator's Responsibilities. The Administrator of the FAA will perform his or her responsibility under Title 49 of the United States Code (49 U.S.C.) subtitle VII, and enforce the statute and the 14 CFR in a manner that will reduce or eliminate the possibility of, or recurrence of, aircraft accidents. The FAA enforcement procedures are set forth in 14 CFR part 13 and FAA enforcement handbooks.
- Enforcement Action. When determining the type and extent of the enforcement action to take in a particular case, the FAA will consider the following factors:
 - Nature of the violation;
 - Whether the violation was inadvertent or deliberate;
 - The certificate holder's level of experience and responsibility;
 - Attitude of the violator;
 - The hazard to safety of others which should have been foreseen;
 - Action taken by employer or other government authority;
 - Length of time which has elapsed since violation;
 - The certificate holder's use of the certificate;
 - The need for special deterrent action in a particular regulatory area or segment of the aviation community; and
 - Presence of any factors involving national interest, such as the use of aircraft for criminal purposes.

Availability of Forms

Electronic reporting forms (NASA ARC Form 277-series, Aviation Safety Reporting System) are available for access and secure electronic filing from the NASA ASRS Web site at <http://asrs.arc.nasa.gov>. Alternatively, forms from this site may be accessed, printed, and completed by hand, or accessed and completed by computer and then printed. These may then be mailed to NASA Aviation Safety Reporting System, P.O. Box 189, Moffett Field, California 94035-0189.

BOTTOM LINE: This ONLY works for a suspected FAR/FAA violation. If you are involved in an actual aircraft accident: DO NOT USE THE ASRS FORM. Read the following and the best of luck to you.

Reporting An Aircraft Accident Or Incident

Federal regulations require operators to notify the NTSB immediately of aviation accidents and certain incidents.

An accident is defined as an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

An incident is an occurrence other than an accident that affects or could affect the safety of operations. (See [49 CFR 830](#).)

To report an accident or one of the specifically described incidents described in Part 830, contact the NTSB's 24-hour Response Operations Center at 844-373-9922.

A phone call is sufficient initially, but under some circumstances a written follow-up will be required. Should you be directed to complete Form 6120.1 - "Pilot/Operator Aircraft Accident/Incident Report":

- Obtain, complete and send in the form. It can be obtained from the requesting NTSB office, or you can download a form-fillable .pdf version [here](#).
- The form-fillable version can be edited and saved repeatedly, or simply printed and filled out manually using the free Adobe Acrobat Reader (or equivalent software).
- Sign the form and submit by FAX or mail. To submit by mail, print your choice of regional Business Reply Mail (BRM) cover page from the list below.
- Should you have a question regarding which form you must use, please contact NTSB Headquarters or the [NTSB regional office](#) nearest to you.

Ray Fredell - USA CSO