

Date: December 3, 2008

Subject: Advance distribution of name-redacted ASAP reports to ERC members

The ERC is responsible for reviewing and investigating events reported under ASAP. This task may place a significant workload on the respective members of the ERC, especially at those carriers with a large or mature ASAP program in place. In order to facilitate that process, ASAP reports should be distributed in a confidential manner to each member of the ERC in advance of ERC meetings. The name of the reporting employee(s) should be removed from a report distributed to ERC members in advance of an ERC meeting. The policy of name-redaction is intended to prevent ERC member personnel knowledge of the individual from potentially biasing initial evaluation of an event. Other identifying information concerning the event should remain on the report distributed to ERC members in advance of an ERC meeting.

*Note: The FAA is aware that employees in newly established programs may be concerned that if a complete report (i.e a report containing information which could be used to derive the unnamed employee's identity) is distributed to the FAA member in advance of an ERC meeting, the information might be used in an FAA enforcement action against the employee if the report is excluded from the program. However, ASAP policy stipulates that except for the "big five" (reports that involve criminal activity, substance abuse, controlled substances, alcohol, or intentional falsification), the FAA will not use the report, or the content of the report, in any legal enforcement action against a reporting employee, regardless of whether the report is accepted or excluded from ASAP. In addition, for reports accepted under ASAP, sufficient evidence means evidence gathered by an investigation not caused by, or otherwise predicated on, the individual's safety related report. In such cases, except for the "big five", the FAA does not use the information on the report to generate evidence that would not have been obtained in the absence of the employee's ASAP report. Further, the FAA recognizes that were the agency to violate this policy, voluntary participation in the program would cease. The history of ASAP over the past seven years indicates that the FAA has not done so. If an employee believes that a violation of this FAA ASAP policy has occurred, the matter should be brought to the attention of the FAA ASAP program office, AFS-230.*