



A bold voice for transportation workers

April 26, 2018

Laura L. Booth
Federal Aviation Administration
600 Maryland Ave SW
Suite 610E
Washington, DC 20024

RE: Draft Advisory Circular AC 120-66C, Aviation Safety Action Program (ASAP)

Dear Ms. Booth,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the FAA's Draft Advisory Circular AC 120-66C, Aviation Safety Action Program (ASAP). By way of background, TTD consists of 32 affiliate unions representing workers in all modes of transportation, including several unions in the aviation sector who have members that participate in ASAPs at their place of employment. We therefore have a vested interest in the circular.¹

Through this notice, FAA has proposed a new advisory circular on ASAPs, which allow aviation workers to report safety issues and violations without fear of discipline or reprisal. For years, TTD aviation unions have supported and helped develop these programs, and have found that when employees are able to share information in such an environment, significant safety improvements can be made from the data collected. TTD and its unions firmly believe that the use of ASAPs is integral to safety in the aviation sector.

As FAA proposes and considers the draft circular, it is important that the ASAP program continues to be a pillar of safety culture, and a resource for aviation workers. In its draft, FAA makes several changes that could have a positive impact on safety and the ASAP reporting process. However, we also caution FAA against changes which harm the trust that aviation workers place in the program and dis-incentivize reporting, resulting in the loss of a critical safety tool. Our comments in full may be found in the attached comment bundle.² We also strongly endorse the comments filed by several TTD-affiliated unions: the Air Line Pilots Association (ALPA), the Association of Flight Attendants-CWA (AFA-CWA), and the Transport Workers Union of America (TWU).

¹ Attached is a complete list of TTD's 32 affiliate unions

² Comment Bundle Attachment



We thank the FAA for the opportunity to comment on the draft Advisory Curricular, and we look forward to working with the agency in the future.

Sincerely,

Larry I. Willis

Larry I. Willis
President

**Clearance Record
DOCUMENT COMMENT LOG**

Originating Office: AFS-200/AFS-280	Document Description: Draft AC/Notice: ASAP Bundle, Aviation Safety Action Program (AC 120-66C and N 8900.ASAPERC)	Project Lead: Randy McDonald, 650-619-7595, randy.mcdonald@faa.gov	Reviewing Office: Public Comment Site	Review Deadline Date: April 26, 2018
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Company & Group	Page & Para	Reviewer's Comment	Reviewer's Rationale for Comment	Reviewer's Recommendation	OPR Accept (A) Reject (R)	OPR Disposition
Transportation Trades Department, AFL-CIO	13.1, pg 4	The paragraph as drafted threatens to undermine the purpose of an ASAP by limiting the effectiveness of the Event Review Committee (ERC).	The value of the ASAP program is in large part derived from bringing all parties to the table as part of the ERC; a management representative, a labor representative and the FAA. The program must be viewed collaborative partnership, which seeks to improve safety. Having the FAA attend all meetings of the ERC is helpful in a number of ways. The FAA provides a regulatory knowledge and perspective that other members of the ERC may not have. This knowledge ensures that the ERC comes to the proper resolutions and recommendations.	Delete all language in 13.1 following "At no time should the FAA representative not be engaged in and promoting the program		
TTD	pp. 9- 10, para 18.7 (Note)	Contradictory language	Language in sections 14.2.1 and 18.7 state that regardless of whether the ASAP report is accepted, information gathered from the report may not be used to conduct an investigation or enforcement action. However, the note in 18.7 is contradictory to these	Delete, or provide clarification for the note in paragraph 18.7		

TTD	pp 7-8, para 16	The draft language regarding independent investigations hampers the goal of the ASAP program.	sections. Section 16 of the AC allows for independent investigations by both the FAA and the carrier in the event that the either entity is basing their information on information not obtained through the ASAP report. Allowing the company to take disciplinary action following an employee's good faith report to the ASAP can only serve to discourage reporting in the future. Independent investigations would also prove to be uniquely damaging for flight attendants, who rarely face FAA enforcement action for violations, and therefore the allowance for independent investigations substantially disincentivizes flight attendant reporting.	Replace "Additionally, although highly discouraged, the company retains its discretionary authority to take disciplinary action..." with "Additionally, the company may not take disciplinary action..."				Reckless conduct is a preexisting term associated with violations of §91.13 careless or reckless operation. FAA should instead rely on the standard terms accepted in the industry.	Reckless Conduct should be changed to Intentional Misconduct or Intentional Disregard for Safety.
TTD	18.2 Pg. 9	All mention of reckless conduct should be removed from the document.							

TTD	23.2 pg 12	If FAA wishes to move towards a standardized Partnership Agreement (PA), it should also require a Policy and Procedures Manual, signed by all three parties to the PA.	A standard PA runs the risk of not incorporating new developments or enhancements to the PA and ASAP process. It may also cause issues with the integration of existing ASAP MOUs.	FAA should require a Policy and Procedures Manual, signed by all three parties to the PA.		
TTD	15.1 pg 7	Delete Re-examination as a possible corrective action.	Re-examination will be seen as punitive and discourage reporting.	Re-examination should be changed to "retrain until proficiency".		
TTD	13.3 pg 4	ASAP Program Managers should not be permitted to serve on the ERC as a company representative.	ASAP managers must never serve on ERC as they are likely to know the identity and history of the reporter, which violates Section 14.2 requirements on deidentified information.	Remove "In some cases, while not ideal, the ASAP manager is also the company management representative to the ERC and may perform both functions".		
TTD	Appendix A pg. A-1	FAA should develop a standard for the definition of deidentified information.	The lack of standards for deidentifying information can result in the availability of information which can be traced back to the employee.	Add the following definitions for <i>de-identified data</i> , "Any data that can be traced back to an individual employee".		
TTD	18.10 pg 9	The circular unnecessarily limits who can file an ASAP report.	The circular currently reads that the ERC will decide on a case-by-case basis if a non-reporting employee can submit a report. Given the value of multiple perspectives on an incident, the ERC should always allow for this.	Any non-reporting employee identified in an ASAP report should be given the opportunity to submit an ASAP report.		
TTD	14.1.1 pg. 6	The circular contains conflicting language	We support the automatic acceptance of safety reports,	The section should replace "reject" with "accept".		

		with regard to automatic acceptance into ASAP.	but the circular language should be clear.		
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Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremens' Association (**ILA**)
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (**USW**)

These 32 labor organizations are members of and represented by the TTD

