



Interagency Aviation SAFETY ALERT



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Page 1 of 2

Subject: How to Properly Refuse Risk in Aviation

Area of Concern: Aviation Safety

Distribution: All Aviation Operations and Dispatch Centers

Discussion: Some aircraft vendors have raised concerns regarding flight crews being threatened with adverse contract action or being released when they turn down a mission request because of weather, visibility or other valid reasons. Aircrews have experienced perceived pressure into accepting a mission regardless of their risk assessment and professional judgement.

Every individual (government and contracted employees) has the right and obligation to report safety problems affecting his/her safety and has the right to contribute ideas to correct the hazard. In return, supervisors, requesting units, fire and aviation managers are expected to give these concerns and ideas serious consideration. When an individual feels an assignment is unsafe, he/she also has the obligation to identify, to the degree possible, safe alternatives for completing that assignment. Turning down an assignment is one possible outcome of managing risk. In aviation, **the Pilot In Command (PIC) of the aircraft has the final authority to fly or not fly the mission.**

Any threat, implied or otherwise regarding release from assignment, adverse contract action or reassignment based on refusing risk shall be reported to Regional/State and National Aviation Safety Managers whom will coordinate with the specific aircraft program manager and contracting officer.

Procedures for refusing risk are outlined in the Interagency Standards for Fire and Fire Aviation Operations 2016, chapter 16, page 290 at:

<https://www.nifc.gov/PUBLICATIONS/redbook/2016/Chapter16.pdf>

The Incident Response Pocket Guide (IRPG) also outlines procedures for refusing risk on page 19 of the January 2014 version at: <http://www.nwcg.gov/sites/default/files/products/pms461.pdf>

A “turn down” is a situation where an individual has determined he/she cannot undertake an assignment as given and is unable to negotiate an alternative solution. The turn down of an assignment must be based on assessment of risks and the ability of the individual or organization to control or mitigate those risks.

Individuals may turn down an assignment because of safety reasons when:

- There is a violation of regulations, aviation policy or safe aviation practices;
- Communication issues;
- Airspace congestion or inadequate management;
- Environmental conditions that make the work unsafe;
- Aircraft capabilities, performance and/or limitations; or
- Pilot/crew lack the necessary qualifications or experience.

Individuals will directly inform the requestor that they are turning down the assignment as given. The most common means of documented turn down criteria is using the Twelve Standard Aviation Questions That Shout “Watch Out” shown on page 2.

Twelve Standard Aviation Questions That Shout "Watch Out!"	
1. Is this flight necessary?	7. Can you justify your actions?
2. Who is in charge?	8. Are there other aircraft in the area?
3. Are all hazards identified and have you made them known?	9. Do you have an escape route?
4. Should you stop the operation on the flight due to change in conditions? <input type="checkbox"/> Communications <input type="checkbox"/> Weather <input type="checkbox"/> Confusion <input type="checkbox"/> Turbulence <input type="checkbox"/> Personnel <input type="checkbox"/> Conflicting Priorities	10. Are any rules being broken?
5. Is there a better way to do it?	11. Are communications getting tense?
6. Are you driven by an overwhelming sense of urgency?	12. Are you deviating from the assigned operations of flight?
NFES 1129 (1998)	<p>Anyone can refuse or curtail a flight when an unsafe condition may exist. Never let undue pressure (expressed or implied) influence your judgement or decisions. Avoid mistakes, don't hurry!</p> <p>NFES 1129 (1998)</p>

If the assignment has been turned down previously and the requestor asks another resource to perform the assignment, he/she is responsible to inform the new resource that the assignment had been turned down and the reasons why. Furthermore, personnel need to realize that a "turn down" does not stop the completion of the assigned operation. The "turn down" protocol is an integral element that improves the effective management of risk, for it provides timely identification of hazards within the chain of command, raises risk awareness for both leaders and subordinates, and promotes accountability.

If an unresolved safety hazard exists, the individual needs to communicate the issue/event/concern immediately to his/her supervisor and document as appropriate and report it in the SAFECOM system.

Below is an excerpt from USFS Chief Tidwell's Fire Management Letter of Intent:

The fundamental principles we continue to embrace for success:

- Everyone, every day, returns home safely.
- Safety is not just a consideration in how we do our work; it is the essence of how we make decisions.
- We assess, analyze, communicate, and share risk before, during, and after incidents.
- We do not accept unnecessary risk or transfer it to our partners or future generations.
- Every fire is managed with strategy and tactical decisions driven by the probability of success to meet reasonable objectives, and receives a safe, effective, and efficient response.
- Before, during, and after every fire, we enhance relationships.
- We create a respectful work environment for everyone involved in fire.
- We learn from every experience and use that knowledge to improve.

Risk refusal protocols must be used professionally to meet the intent of the Chief of the Forest Service.

Aviation Safety Managers also recommend that any instances regarding retaliation for turning down assignments based on risk assessment be documented in the SAFECOM system.

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