Hello all,
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In this weeks edition of Aviation Human Factors Industry News you will read the following stories:

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An appeals court has overturned a recent Federal Aviation Administration rule requiring hobbyists drone operators to register their tiny unmanned, non-commercial aircraft. Recreational drone operator John Taylor filed a complaint in 2015 arguing that Section 336 of the FAA Modernization and Reform Act of 2012 (FMRA) forbids the FAA from issuing any new regulation, including a mandatory registration requirement, on model aircraft.

A three-judge panel for the Court of Appeals for the D.C. Circuit unanimously vacated that rule today, barring the FAA from forcing hobbyists to register, but leaving in place other FAA rules related to drone use.

Circuit Judge Kavanaugh wrote in the decision that the court found the FAA’s registration rule directly violated that “clear statutory prohibition” established in the FMRA.

“Taylor does not think that the FAA had the statutory authority to issue the registration rule and require him to register,” he wrote. “Taylor is right.”

The FAA had argued that nothing in the FMRA prevents the agency from changing course and requiring registrations to model aircraft. The agency contended that the Registration Rule isn’t actually new, but “merely a decision to cease its exercise of enforcement discretion.”

The court disagreed, noting that the word “new” is all over the registration rule, including a “new registration process” for online registration of model aircraft.
“The Registration Rule does not merely announce an intent to enforce a pre-existing statutory requirement,” the judge wrote, but is “a rule that creates a new regulatory regime for model aircraft.”

In short, the decision reads, despite the fact that FMRA bars any promulgation of new rules or regulations for model aircraft, the 2015 registration rule is, in the FAA’s own words, a “rule or regulation regarding a model aircraft.”

“Statutory interpretation does not get much simpler,” Judge Kavanaugh wrote. “The Registration Rule is unlawful as applied to model aircraft.”

The court also addressed the FAA’s argument that the rule is consistent with the agency’s general directives as laid out by FMRA: to “improve aviation safety.”

While acknowledging that aviation safety is “obviously an important goal” that could be furthered by registering drones, Kavanaugh cites Section 336 of the act once again, which says that “Policy considerations cannot override our interpretation of the text and structure of the Act.”

“Congress is of course always free to repeal or amend its 2012 prohibition on FAA rules regarding model aircraft,” Kavanugh noted. “Perhaps Congress should do so. Perhaps not. In any event, we must follow the statute as written.”

https://consumerist.com/2015/12/14/drone-owners-must-register-their-unmanned-aircraft-starting-dec-21/

https://consumermediallc.files.wordpress.com/2017/05/sec_331_336_uas.pdf

FAA Statement Regarding US Court of Appeals Decision

We are carefully reviewing the U.S. Court of Appeals decision as it relates to drone registrations. The FAA put registration and operational regulations in place to ensure drones are operated in a way that is safe and does not pose security and privacy threats. We are in the process of considering our options and response to the decision.

FAA defends response to Allegiant 2015 rudder jam

A Federal Aviation Administration investigator had recommended the "maximum" sanction against AAR following the 2015 jam of an elevator on an Allegiant Air McDonnell Douglas MD-83, according to a recently-publicized FAA report. The FAA, however, ultimately decided against that recommendation, choosing instead to issue AAR a "letter of correction".

The agency still insists it took the right course of action – a course agreed upon after thorough review by multiple staffers, and a course that ensured Allegiant "took appropriate steps to correct the root cause of the incident", says the FAA in a statement.
Likewise, MRO provider AAR says it made several changes following the letter of correction.

But the newly-released FAA report, made public by the Tampa Bay Times, shows the significant degree to which the inspector deemed sanctions to be warranted against AAR, a company the inspector describes as having a "culture of disregard".

"I recommend maximum sanction be imposed for each FAR violation identified, in addition I recommend that a sanction be added for each of the 216 flights that were flown in violation," says a report written by FAA inspector Carlos Flores.

"It is simply fortuitous to the airline passengers and crew aboard the 216 subsequent Allegiant Air revenue flights that the nut did not fall off the rod end in flight," he adds.

Flores was the investigator into the 17 August 2015 aborted takeoff from Las Vegas of an Allegiant MD-83 (registration N407NV).

The pilots aborted takeoff after the aircraft's nose rotated prematurely. The nose remained high even though the pilots' pushed the yoke forward, the report notes. The aircraft safely came to a stop.

The FAA said in 2015 that a missing nut on a component that moves the elevator had come off, causing the elevator to jam.

"Had the nut fallen off while the aircraft was actually flying, or had the crew not aborted the takeoff, the maintenance and inspection complacent actions performed by AAR... would have resulted in an aircraft flying without the ability to control its pitch attitude," says Flores' report.
Prior to the incident, MRO shop AAR had serviced the elevator, transferring the bolt to a new boost cylinder, and installing that cylinder on the aircraft on 23 May 2015, according to Flores' report.

Evidence indicates the nut was not properly torqued and that technicians failed to install a cotter pin designed to keep the nut from coming loose, Flores writes.

Flores' report alleges that AAR employees failed to make required entries on maintenance forms, indicating "required inspection items… were also not inspected".

"The action of AAR… personnel borders on careless (and possibly reckless) conduct," writes Flores.

"I believe there is a culture of disregard based on the inadequate managerial oversight," Flores says of AAR.

Allegiant operated the aircraft on several hundred flights before the bolt came off, causing the aborted takeoff on 17 August 2015, says the report.

The company did not respond to a request for comment.

The FAA's Flores also alleges shortcomings by Allegiant, writing that the company "should also have been able to identify the maintenance error by providing more oversight".

The FAA, having reviewed Flores' report, determined not to fine the carrier but to issue a "letter of correction" – a reflection of the agency's "new compliance philosophy".
In 2015 the agency introduced its "compliance philosophy" as a means to encourage airline-government collaboration and "self-disclosure" by airlines of errors, says the FAA's website. Core to the change has been emphasis on using "non-enforcement" measures to ensure companies address problems.

The FAA's 15 May statement says safety oversight is its "most-important mission", adding that inspectors who discover a regulatory violations aim to correct the violation and "put in place the best strategy to ensure lasting compliance".

The agency also says the letter of correct was the right response.

Following the rejected takeoff in 2015, AAR took several corrective actions, the FAA notes.

The company conducted immediate safety meetings to ensure all staff were aware of what occurred, required a third inspector to review all work performed on flight controls, landing gear and engines, and ensuring work orders receive a third inspection, says the FAA.

In addition, AAR, revised "software to allow personnel to work on flight-critical tasks only after they have completed required training", says the FAA.

"Inspectors and managers from several offices in the FAA safety oversight division carefully reviewed all of these actions and agreed that AAR... took appropriate steps to correct the root cause of the incident," says the FAA.

It adds that Allegiant has increased the number of company inspectors at AAR's facility from two to at least eight, and as many as 12.
"Furthermore, as part of the FAA’s wide-ranging review of Allegiant’s operations in the spring of 2016, FAA inspectors thoroughly scrutinized AAR’s policies and procedures to ensure that the repair station was continuing to comply with the regulations," says the FAA.

AAR says it worked closely with the FAA to address issues, citing many of the changes highlighted by the FAA.

"We work tirelessly to improve" safety, says AAR.

Why Airline Pilots Can't Chit Chat Below 10,000 Feet

In the cockpit silence is golden.

It started with an amusement park. On a Wednesday morning in September 1974, Eastern Air Lines Flight 212 en route from Charleston plummeted into a forested hillside near Charlotte Douglas International Airport (at the time, called Douglas Municipal Airport). Of the 82 individuals on board, 69 perished on impact and three more later passed from related injuries. The fatalities included CBS Evening News editor John Merriman and 6th Naval District Rear Admiral Charles W. Cummings, as well as Dr. James Colbert and his sons Peter and Paul—the respective father and siblings of comedian Stephen Colbert, who was only 10 years old at the time. Though some officials initially suspected heavy fog to be the culprit, a subsequent investigation by the National Transportation Safety Board revealed the true cause to be "poor cockpit
discipline” on behalf of the crew. Specifically: small talk. During the process of landing, the captain and first officer had become distracted while trying to identify nearby Carowinds amusement park on the ground below.

Following the wreck of Flight 212 and other similar incidents, in 1981 the Federal Aviation Administration enacted the Sterile Cockpit Rule, intended to prohibit “crew member performance of non-essential duties or activities while the aircraft is involved in taxi, takeoff, landing, and all other flight operations conducted below 10,000 feet.”

“If you look at accident history, most incidents happen during takeoff or landing,” says Candace Kolander, Air Safety, Health and Security Coordinator for the Association of Flight Attendants. “The flight crew is supposed to concentrate on everything that can and can’t happen during those phases because that’s when you could have the biggest issues that could cause the aircraft to crash.”

But the regulation’s implementation hasn’t stopped all accidents caused by crew chit-chat. According to a June 1993 article in the Aviation Safety and Reporting System journal Directline that looked at 63 reports documenting Sterile Cockpit violations of varying severity, the most common cause was extraneous conversation. One submission detailed: “This very senior captain was about to leave on a scuba diving trip and talked nonstop to the female jump seat rider upon discovering she was also a diver … This [altitude deviation] could have been prevented entirely if this particular captain … [had paid] attention to his job and observe[d] some approximation of the Sterile Cockpit below 10,000 feet.”

Other episodes were the result of “sightseeing,” “non-pertinent radio calls and PA announcements” and “distractions from flight attendants.” As Kolander emphasizes, though they are not physically in the cockpit, it’s important for flight attendants to obey the Sterile Cockpit Rule as well: “You cannot call the flight deck during Sterile Cockpit if, for instance, it’s too hot in the cabin, because that communication can wait. It’s about recognizing that crew up there is monitoring equipment and surroundings, and responding to takeoff or landing. That’s their primary focus.”
No surprise, pilots and crew are prohibited from using cell phones on the job. And napping? Unless they're on a scheduled break, that's a hard no. Looks like at least one pilot didn't get that memo. He was caught sleeping on the job while a trainee flew the plane. We'll take awkward silence over reckless piloting any day.


http://libraryonline.erau.edu/online-full-text/ntsb/aircraft-accident-reports/AAR75-09.pdf

https://asrs.arc.nasa.gov/publications/directline/dl4_sterile.htm

8 Times You Need To Be Prepared For High Workload When You're Flying

When things get busy, remember to "Aviation, Navigate, Communicate", in that order.
1) Takeoff
During takeoff, you’re faced with a lot of tasks. Radio calls, changing frequencies, adjusting aircraft configuration, looking for other traffic, and flying the plane can all pile up. Staying on top of the most important tasks is the key to a safe takeoff and climb out.

2) Flying an instrument approach
Flying an instrument approach in IMC is one of the highest workload situations a GA pilot can experience. Making sure you've briefed and fully prepared for the approach, as well as a possible missed approach, is essential to flying it safely.

3) Emergencies
Whether it's an engine failure or a loss of communications, emergencies create high workload and stressful situations.

4) Busy airspace
If most of your flying is done at non-towered airports, the transition into tower-controlled airspace can be intimidating. As a VFR pilot, you still have "see and avoid" responsibilities, in addition to responding to radio calls and flying the aircraft in accordance with ATC instructions.

5) Landing
There's a reason the majority of GA accidents are during landing. Making sure you're on glide path, on speed, adjusting for wind, and configuring the aircraft all contribute to the workload you need to manage.

6) Diversions
Not every cross country goes as planned, no matter how much planning you do. When the unexpected happens, a diversion might be necessary. And when that happens, your workload obviously goes up.

7) Checkrides
We've all been there. On top of the fear having an examiner watch your every move, you're still required to fly the plane within PTS/ACS standards.

8) Lost procedures
If you're lost, or not exactly sure when you are, you need to fly the aircraft, conserve your fuel, and locate your position while looking for traffic and flying the airplane.
Edward L. Hasch Jr. (left) Receives FAA Charles Taylor Master Mechanics Award with his sponsor, John Ferrante (American Airlines Manager of Maint/Ops Center – Retired), Being a member of American Bonanza Society (ABS) and having gone through the Maintenance Academy, flight instructor courses and owner of a Bonanza, I would like to share with you the following. On March 8, 2017, I was presented with the FAA Charles Taylor Master Mechanics Award. I was fortunate to have been hired by American Airlines right out of school in 1967 to enjoy a very long career (46 years) in line maintenance starting out in Radio-Electrical & Instrument and progressing through the management ranks to Regional Manager, U.S. and Canada. It was my first and only adult job. In February of 2018 I will be eligible for the Wright Brothers Master Pilot Award as well. I feel very blessed and honored. My life’s dream was to someday be able to manage owning a Bonanza. A few years ago, I was able to make that dream come true.

As aviation is a discipline of constant safety, awareness, and learning, my membership in ABS has been a most valuable asset. From maintenance to operations, ABS is a five-star experience through their programs with dedicated and professional personnel. I cannot imagine driving a Beech around without taking advantage of the ABS programs. I hope you find my story interesting. Thank you and the ABS Staff for helping us fly safer while flying well-maintained aircraft. — Edward L. Hasch Jr.
Southern Illinois University Carbondale this fall will offer an online bachelor’s degree specialization in aviation maintenance management.

The online program is for graduates of two-year aviation maintenance technician schools, avionics, and other aviation-related programs who already are working in the field, and gives students an opportunity to earn a bachelor’s degree in aviation technologies, Karen Johnson, associate professor in the Department of Aviation Technologies, said. Students will be able to use prior coursework from accredited institutions in addition to work experience as required credit hours.

Classes will begin with the fall 2017 semester in August. It is possible, based on a student’s own pace, applicable credit hours, and work experience, to earn the bachelor’s degree in one year, Johnson said.

The online offering is the first for aviation technologies and SIU’s aviation program, Michael Burgener, aviation technologies department chair, said. Aviation program faculty will teach the courses.

“This new program in aviation technologies will allow aircraft technicians working in industry to complete their Bachelor’s degree online while continuing in their careers,” Burgener said. “They don’t have to disrupt their lives by leaving work and enrolling in a traditional university program.”

Information on the program and courses is available online or by contacting Rachel Lee, academic adviser. For additional information on the Department of Aviation Technologies program, visit their website.
Nurses Love What They Do But Fatigue Is Pervasive

A new Kronos Incorporated survey titled “Employee Engagement in Nursing” finds that 93% of US-based registered nurses (RNs) are satisfied in their career choice. Despite this, nurse fatigue is a substantial issue with 98% of nurses stating that the work of a nurse is both physically and mentally demanding. Of note, 44% say that their managers don’t know how tired they are and 43% hide how tired they are from their managers. More than four out of five (83%) also say that hospitals today are losing good nurses because corporations and other employers offer a better work/life balance. The survey also finds that gaining more control over their schedules is the top factor that can help nurses alleviate a significant amount of fatigue, with more than half (55%) of nurses agreeing to it. This national survey of 257 RNs who work in a hospital setting was designed to look at the issue of fatigue in nursing, and also what nurses and their hospitals are doing about it. The data shows that nurses, while satisfied with their career choice, are definitely fatigued.

Key Findings

Nurses are exhausted and fatigue has consequences

- 98% of nurses say that the work of a nurse is both physically and mentally demanding, and 93% state that at the end of a typical day they are mentally and/or physically tired. Four out of five nurses say they find it hard to balance mind, body, and spirit.
• More than four out of five (85%) note that their work causes them to be fatigued overall, and this has consequences:
  ◦ 56% of nurses overall and 70% of night-shift nurses say they have driven home from work drowsy, and 12% overall and nearly a quarter (23%) of night-shift nurses have pulled their vehicle off the road to rest;
  ◦ 44% of nurses worry their patient care will suffer because they are so tired;
  ◦ 37% of nurses say they worry about making a mistake, and 11% state they have made a mistake at work because they were so tired; and
  ◦ 28% of nurses have called in sick just to get some rest.

• Among the top causes of fatigue, nurses identify the following—excessive workloads (60%); being unable to take lunch and dinner breaks during a shift (42%); not being able to take any breaks during a shift (41%); and not being able to get enough sleep between shifts (25%). Additionally, 24% of nurses say that 12-hour shifts (as opposed to 8-hour shifts) are key for causing fatigue.

**Nurse fatigue can lead to job burnout**

• Though nurses love their work, more than three out of five (63%) say their work has caused job burnout and two out of five (41%) state they have considered changing hospitals in the past year because they have felt burned out.

• Hospitals and health systems should be concerned as 90% of nurses say they have thought of leaving the hospital they work at to find a different job with better work/life balance and 83% state that hospitals are losing good nurses because corporations and other employers offer a better work/life balance.

**Nurses want more control over their schedules**

• When asked who in their organization handles nurse scheduling, 47% of nurses say that it is a nurse manager, 35% note that they handle it themselves through self-scheduling, and 11% say that a central staffing office handles scheduling.

• Conversely, when asked who they think should handle scheduling in their organization, 43% say they think nurses should self schedule, while only 9% think that a nurse manager should own scheduling. Two percent of nurses say that a central staffing office should be in charge, and 46% note that ownership of scheduling should be some combination of the three (self scheduling/nurse manager/central staffing office).
• While 86% of nurses say their scheduling preferences are taken into account when creating their schedules and 55% agree they can ask their manager to alter their schedules to reduce fatigue, 49% say that it would help reduce fatigue if they could easily swap shifts with another nurse.

• Sixty percent of nurses say that if they had more say in their shift scheduling they would have a better work/life balance, and 55% agree that having more control over their scheduling would help alleviate fatigue.

Some hospitals are trying to help combat fatigue but not always in the most effective ways

• While 60% of nurses say their hospital offers a wellness program for employees, only 31% agree that their employers make sure they take a meal break, and only 14% say their employers ensure they leave on time. A full 20% say that their employers don’t offer any program to help with fatigue.

• When asked what their hospitals can do to combat fatigue, the top answer (55%) is to offer better schedules. Providing more breaks (47%), offering health and wellness programs (41%), and managing overtime more effectively (35%) are also top-of-mind solutions.

Despite fatigue, nurses love their work and colleagues

• Ninety-three percent of nurses say that, when they consider all aspects of their work, they are satisfied with being a nurse and 77% note they are energized by their work.

• Eighty-three percent of nurses have helped another nurse when that person was so tired that they needed a break, and 75% of nurses say that if it wasn’t for their team at work they don’t know how they would survive.

Soaring 'Flight' goes into the cockpit with Lindbergh

In the 22nd hour of his solo New York-to-Paris flight, 1,000 feet above the foggy Atlantic, desperately fighting off fatigue, Charles Lindbergh hallucinates that other people are with him aboard the Spirit of St. Louis. They speak to him above the roar of the engine, offer advice about navigation, and are a comfort to the lonely pilot.
When he flies out of the mist, Lindbergh realizes no one else is there.

Preparing for the non-stop, single-engine flight, Lindbergh is so obsessed with excess weight he rejects a traditional leather pilot's seat in favor of a lighter wicker chair. In essence, he breaks a world record and becomes America's hero while seated on the equivalent of patio furniture. Details like this and more are offered by aviation historian Dan Hampton, who takes us back 90 years, into the cramped cockpit of Lindbergh's plane and across the cold Atlantic in *The Flight: Charles Lindbergh's Daring and Immortal 1927 Transatlantic Crossing*, an engrossing account of the flight itself.

Hampton, a decorated former U.S. Air Force pilot who's flown the Atlantic in modern F-16 aircraft, is a voice of expertise in the air, making observations and noting details that might elude others. He's very good at explaining Lindbergh's actions during the flight, and how the pilot suffered during his 33 ½-hour odyssey, which began on May 20, 1927.

Lindbergh, a former Army aviator, mail pilot, barnstormer and wing-walker, was out to win the Orteig Prize, a $25,000 award (about $365,000 today) for the first person to fly non-stop from New York to Paris (or Paris to New York). Others had flown across the Atlantic — two Britons flew from Newfoundland to Ireland in 1919 — but not as far as Orteig's daring challenge demanded.

The prize was offered by a French hotel magnate who wanted to promote transatlantic air travel. Lindbergh himself believed commercial aviation would play a significant role in America's future.

Other pilots tried and failed, including two French aviators who took off from Paris 12 days before Lindbergh. They were presumed lost at sea.

Lindbergh suffered greatly during his own flight — from the cold, the isolation, but most frighteningly from lack of sleep.
Extreme fatigue haunted Lindbergh for much of the flight over the open Atlantic, to the point where he reached through an open window to direct cold air across his face and used his fingers to pry open his eyes. It's a feat of endurance that is remarkable even today.

Lindbergh was greeted at the Paris airfield by thousands of exuberant Frenchmen who lifted him out of his plane and carried him around the field. His life was never the same after that. Lindbergh returned to adulation in the United States, an excruciating ordeal for a private man.

Subsequent events — the kidnapping and murder of his toddler son, his controversial admiration for Germany and anti-war stance before World War II, his support for American space program — kept him in the public eye for decades.

Lindbergh wrote two books about his flight: We in 1927, and The Spirit of St. Louis, which won the Pulitzer Prize for literature in 1954. Hampton draws on both of these, but provides detail from extra sources for a richer, far more complete picture. The author skillfully weaves Lindbergh’s personal history, the preparation of the plane and historical events that help explain Lindbergh’s popularity.

*The Flight* will appeal to flight enthusiasts, history buffs and those who appreciate well-crafted tales of adventure.

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**All Extremely Confident People Give Up These 13 Habits**

Although the two often get confused, people with narcissistic tendencies need everyone to think that they're special. They have a need for admiration and a sense of entitlement that's rooted in deep-seated insecurities. Authentic confidence has nothing to do with selfishness or needing approval from others.
People who are confident don't need anyone else to see their poise, because they don't care. They know which direction is north and they trust in their ability to navigate. No matter what obstacles are thrown their way, they have faith in the process, and believe they will make it to their destination. That conviction, paradoxically, attracts others, because it makes everyone feel more confident in themselves.

Unfortunately, real confidence--something we all want--takes effort to attain. You can't just buy new clothes and expect that to sustain your self-assurance through the ups and downs of life. You need to practice the self-development exercises that help you build the unwavering self-trust you desire.

The list below are 13 habits you need to immediately give up if you want astonishing confidence.

1. Engaging in negative self-talk.
   Sure, at one point in your life that mean inner coach motivated you. But now, it's holding you back and lowering your self-esteem.

2. Caring too much about what other people think.
   Seeking approval from other people reinforces the idea that you need external validation. The fact is that you have insufficient internal love. To build yourself up, stop trying to meet other people's expectations, and start appreciating yourself.

3. Wasting time on activities, like Netflix, that don't bring value.
   To build confidence, you need to develop a sense of pride in your competence. Invest in yourself rather than indulging in temporary escapes.

4. Seeing only shortcomings rather than opportunities for growth.
   Focusing on limitations only builds their strength. Reframe all shortcomings as areas for growth, and then start taking action to create meaningful progress.

5. Filling your life with screens and stimulation rather than quiet introspection.
   Stop overstimulating your brain by staring at screens all day. All brilliant minds read and reflect--it's time for you to build a foundation for success and confidence instead of binging on superficial entertainment.
6. Constantly reliving the past.
No matter how good or how bad things in the past were, they've already happened. Bring your attention to the present moment and start building a better future.

7. Anxiously anticipating the future.
The only way to create the future you want is to be effective in the now. Fantasies about the future don't matter unless you're active in this moment.

8. Asking others for their opinion before formulating your own.
Become the expert of your experience. Take your own stance and then seek out alternative perspectives with openness to new information instead of always putting yourself in a passive role.

9. Focusing too much on the details and not reflecting enough on the big picture.
Find a balanced perspective so you can be involved in your current work, know where it's going, and see how far you've come.

10. Looking to external objects--people or things--to alleviate internal wounds.
People with real confidence are aware of their emotional pain, and they actively address it in therapy or coaching so they don't get caught in defense mechanisms and temporary pleasures that don't address the underlying problem.

11. Stressing over small problems that don't really matter.
Stop creating problems and building unnecessary stress. It only drains you of valuable energy that you could be investing in your personal and professional growth.

12. Thinking about faults, regrets, and failures instead of practicing gratitude.
Most people aren't exactly who they want to be. The people who are happy and confident are the ones who appreciate what they have right now, which allows them to continue growing and building a satisfying life.

13. Wasting time comparing yourself with others.
Get off Instagram--there's no point in envying other people when you could be discovering your own value. The world has plenty of opportunity to go around, and the more effort that you put into refining your skills, the more confident you'll become, and the better life you'll live.
Confidence is not narcissism, because it's not built from compensation. It's produced from hard work and excellent habits.

TED: Ideas Worth Sharing

Eduardo Briceño: How to get better at the things you care about

https://www.ted.com/talks/eduardo_briceno_how_to_get_better_at_the_things_you_care_about