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TAMC Comments Regarding Required Drug Testing at Foreign Repair Stations ANPRM 2120-AK09

FAA Docket No. FAA-2012-1058

On behalf of the Teamsters Aviation Mechanics Coalition (T.A.M.C.), we submit the following comments regarding the Federal Aviation Administration's (FAA) Advanced Notice of Proposed Rulemaking (ANPRM) 2120-AK09, FAA Docket No. FAA-2012-1058 Notice No. 14-02

1. We agree that "Authorized persons performing safety sensitive maintenance on part 121 carriers at certified Repair Stations located outside the United States are substantially similar to those employees of part 145 repair stations located within the United States." Therefore, we believe that the FAA should require each part 121 carrier to ensure that authorized persons performing safety-sensitive maintenance functions on aircraft operated by that 121 carrier and is a certified part 145 repair station, are subject to drug and alcohol testing programs that meet the same or similar requirements as programs for persons performing safety-sensitive maintenance functions on aircraft operated by that 121 carrier within the United States.
2. We agree that while Congress did not address maintenance providers that are not certificated by the FAA in 49 U.S.C 44733 (d) (2), authorized persons performing safety-sensitive maintenance functions on aircraft operated by part 121 air carriers, are substantially similar to the employees of part 145 repair stations in other countries for whom the FAA must propose drug and alcohol testing. Therefore, we believe that the FAA should require each part

121 carrier to ensure that authorized persons performing safety-sensitive maintenance functions on aircraft operated by that carrier at a non-certified part 145 repair station, are subject to drug and alcohol testing programs that meet the same or substantially similar requirements as programs of Part 121 carriers within the United States.

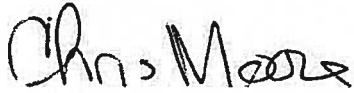
3. ICAO Standards, while somewhat addressing the issues, have not promulgated a standard drug and alcohol abatement program that meets the stringent no notice testing programs required of part 121 carriers within the United States. Therefore we believe that ICAO should establish international standards for drug and alcohol testing of persons that perform safety-sensitive maintenance functions on commercial aircraft operating under Part 121 that meet the same or similar requirements as programs for their counterparts at part 121 carriers within the United States.
4. The FAA statement that “to allow the testing process to take place outside the United States the process would have to be Acceptable to the Administrator as well as permitted under the applicable laws of that country” is not acceptable. To provide a consistent minimum level of safety, all safety-sensitive work performed on part 121 aircraft must adhere to the same stringent standard as required of part 121 carriers and Repair Stations within the United States. Therefore we propose that if the applicable laws of a country prohibit a testing program that meets the same or similar criteria as that required of part 121 carriers within the United States, a US carrier will be prohibited from having safety-sensitive maintenance functions performed within that country.
5. ANPRM 2120-AK09, Paragraph III A 4. The question of whether regulated parties would be allowed to apply for a waiver has been raised. Please see TAMC comments paragraph 4 above. Safety-Sensitive work is the same on part 121 aircraft worldwide and therefore the same prohibition of controlled substances and alcohol must apply to persons performing that work. We believe that there should be no waiver of a testing program that has the same or similar criteria as required of part 121 carriers operating within the United States.

6. ANPRM 2120-AK09 Paragraph III B2a. Should an acceptable program require testing for, at a minimum, the drugs for which the FAA requires testing in the United States? We agree that this should be the case as well as testing for additional drugs that may be pervasive within the specific foreign country at issue.
7. ANPRM 2120-AK09 Paragraph III B2b: At what concentrations should a test for alcohol, drugs, or their metabolites be considered positive? We believe that a positive result should be the same or similar to programs required at Part 121 carriers within the United States per 49CFR 40.
8. ANPRM 2120-AK09 Paragraph III B3a: Does the country allow or require random drug and/ or alcohol testing? We believe that any testing program for drugs or alcohol must require the same random testing as 14 CFR 120.
9. ANPRM 2120-AK09 Paragraph III B4: Ensuring safety requires procedures to ensure the integrity, and proper analysis of the collected specimen to ensure accuracy of the test result. We believe that the chain of custody guidelines used in 49 CFR 40 should be followed.
10. ANPRM 2120-AK09 Paragraph III B 5: Ensuring safety requires a means of ensuring that an employee that returns to work after violating the law is no longer misusing drugs or alcohol. We believe the criteria in 49 CFR 40 should be used.
11. ANPRM 2120-AK09 Paragraph III D. The FAA should include within the scope of a proposed rule a list of all authorized titles or classifications performing safety-sensitive maintenance functions on aircraft operated by Part 121 carriers.

The TAMC has taken the position that in order to maintain consistent safety standards in a global economy and regardless of where safety-sensitive maintenance functions are performed, a single standard of aviation maintenance safety must be achieved. If we in the United States believe that

certain drugs and the use of alcohol are a threat to Aviation Safety, we must ensure that any person performing safety-sensitive maintenance on aircraft operated by a Part 121 carrier, regardless of location, are held to the same standards. If we fail to apply drug and alcohol testing consistently throughout the industry we will have set in place a double standard in which we permit the compromise of aviation safety, as long as it occurs somewhere other than the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Moore". The signature is written in a cursive, somewhat stylized font.

Chairman, Teamsters Aviation Mechanic Coalition
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