

July 30, 2002

Docket Management System
Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Re: Docket Number FAA-2002-11301

The Aircraft Owners and Pilots Association (AOPA), representing the interests of over 380,000 pilots and aircraft owners, submits the following comments for the Federal Aviation Administration (FAA) rulemaking contained in Docket No. FAA-2002-11301.

AOPA is opposed to the provisions of this proposed rule, which changes the definition of “contractor” to include a company (subcontractor) which provides services to another company (contractor) which has airworthiness responsibility for the work they perform for or on behalf of an air carrier.

AOPA believes that the FAA has not demonstrated any enhanced safety effect by applying the drug and alcohol testing requirements to those subcontractor companies that do not have a primary contractual relationship with a Part 121 or 135 air carrier. Safety is already assured by the current rules because subcontractors’ work must pass through the contractor responsible for assuring that the work performed meets FAA airworthiness standards. This process assures the aircraft is in airworthy condition prior to being returned to service.

AOPA is concerned that the adverse economic effect of this rule will go beyond affecting only air carrier maintenance, especially where an enhancement of safety has not been demonstrated. AOPA also believes that the FAA’s comparison of costs and benefits is flawed in that any intended efficiencies will be more than offset by the cost incurred by including subcontractor companies. (Nowhere could AOPA find any discussion of the cost impact of requiring subcontractors to be tested.) In fact, general aviation operators will be adversely impacted since many certified aviation maintenance facilities perform maintenance on both air carrier and non-air carrier aircraft. For economic reasons, many certified repair stations out-source work to small specialty-type businesses in which aviation-related work usually represents a small portion of their revenue, and these subcontractors perform the out-sourced work at a much lower cost to the primary contractor. If these smaller subcontractor businesses are required to have an approved drug and alcohol testing program, many will simply stop providing aviation services due to the overall increase in cost to implement and maintain a drug/alcohol testing program. Thus, the work performed by these subcontractors will have to be done elsewhere, which most certainly will result in a higher cost to the aviation industry and no enhancement to safety, with smaller general aviation operators most impacted.

AOPA requests that the FAA specifically exclude subcontractor companies from the drug and alcohol testing requirements of this proposed rule per the aforementioned reasons. Thank you for considering our request.

Sincerely,

Lance Nuckolls
Director – Air Traffic, Regulatory and Certification Policy