



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

421 Aviation Way • Frederick, MD 21701-4798  
Telephone (301) 695-2000 • FAX (301) 695-2375  
www.aopa.org

---

August 16, 2004

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW  
Washington, DC 20590-0001

**Re: Docket No. FAA-2002-11301; Supplemental Notice of Proposed Rulemaking (SNPRM); Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities**

The Aircraft Owners and Pilots Association (AOPA), representing over 400,000 members or two-thirds of the nation's general aviation pilots, is opposed to the Federal Aviation Administration's (FAA) Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities Supplemental Notice of Proposed Rulemaking (SNPRM) published in the Federal Register on May 17, 2004.

***FAA's proposal reduces access to specialized repair services***

The proposed rule reduces available services and increases costs for general aviation aircraft owners. Although targeted at maintenance providers for air carrier and commuter/on demand operators, the proposal imposes costly new requirements on small businesses that also serve the general aviation community. Many of the small specialty-type businesses that provide services to certificated repair stations would be forced to either raise their prices to cover the cost of administering a drug and alcohol testing program or, far more likely, simply stop accepting the work, thus limiting choices and driving up prices for aircraft owners. For many of these businesses aviation-related work is not their primary line of business and usually represents a small portion of their revenue.

The FAA states that the proposal is in the interest of safety and that the safety considerations that support the proposal are clearly implied from the history of the drug and alcohol testing regulations. Despite this assertion, the Agency fails to provide any accident data that can be attributed to drug and alcohol abuse by maintenance personnel.

Non-aviation contractors that perform non-safety maintenance functions for certificated repair stations should not be required to comply with expensive drug and alcohol testing programs. The FAA must consider the fact that the responsibility for ultimately determining the airworthiness of a component or aircraft rests solely with the certificated repair station. Safety is ensured because someone that is subject to the drug and alcohol testing requirements determines the airworthiness of an aircraft or component before it is returned to service. Extending this requirement to contractors that repair non-safety equipment or provide specialized non-safety services is duplicative and unnecessarily burdens those maintenance providers and the customers they serve with additional costs, but without any demonstrated safety benefit.

After a careful review of the aviation accident statistics, we were unable to locate any data where drug and/or alcohol impairment of maintenance personnel was attributed as the cause or factor to an accident. AOPA contends that there is absolutely no safety justification for this SNPRM.

***FAA's Economic Analysis is Questionable***

The FAA estimates that this rulemaking will cost the private sector \$3.57 million in testing, training and education, program development and maintenance, and annual documentation associated with a drug and alcohol testing program. The FAA in its Regulatory Evaluation Summary estimates that the potential benefits of this rulemaking are \$7.53 million by preventing potential injuries and fatalities and property losses resulting from accidents attributed to neglect or error on the part of individuals whose judgment or motor skills may be impaired by the presence of drugs and/or alcohol. AOPA questions this figure and rationale considering the fact that the FAA admits in the SNPRM that there have been no documented aviation accidents directly attributed to the misuse or abuse of drugs or alcohol.

Non-certificated maintenance contractor companies should not be burdened with an estimated cost of \$3.57 million to develop and implement unnecessary drug and alcohol programs.

AOPA argues that it is unreasonable for the FAA to require maintenance contractors performing non-safety critical maintenance functions to incur the added expense of developing and implementing a drug and alcohol testing program when there is no data to show that these programs contribute to the prevention of aviation-related accidents.

***Summary***

AOPA requests that the FAA withdraw this SNPRM and revert to its original policy of only requiring that maintenance contractors meet the testing standard if they have airworthiness responsibility for the work that they are performing. AOPA believes that this policy is consistent with and in the interest of maintaining aviation safety and keeping aircraft ownership affordable.

Sincerely,



Luis M. Gutierrez  
Director, Regulatory and Certification Policy